

Bill as soon as it was distributed and it seems to me that there are at least two most important questions which lie at the very outset of legislation of this kind which we ought to discuss, to say the least of it, and unless the hon. gentleman or some hon. member supporting the Bill is prepared to meet the difficulties which I will suggest, then there can hardly be any object in the House going into committee to-day on the Bill. It will be observed that the Bill is in two parts. The first provides :

1. All moneys in the hands of the Government of Canada, or under its control or management, and payable out of the Consolidated Revenue Fund of Canada shall be liable to attachment at the suit of any judgment creditor of any person to whom any portion of the said moneys is payable in the same manner and by the same process as moneys in the hands of private persons.

The only way to get at moneys that are payable by the Dominion to a creditor or to a person who claims to be a creditor, is by petition of right. The courts are not open to the ordinary suitor to make a claim against the Crown, and if this Bill should be passed just as it reads, that is a difficulty which would confront the judgment creditor. A way is attempted to be provided in the Bill of getting at moneys in the hands of the Crown without the procedure that our statute already provides, and I can easily understand that a person having a claim against the Government and where the privilege of suing by petition of right was denied him, he might, in collusion with some one else, allow a judgment to go against him, in order that this money might be attached and a case against the Crown be fought out on a garnishee proceeding of that kind, instead of on a petition of right, which, perhaps, he was not able to obtain. There is a legal difficulty in that way which stares me in the face in reading the first clause of the Bill. That, of course, involves the question which was raised by the hon. gentleman (Mr. Fortin) as to the jurisdiction of the House to deal with a matter of this kind, and whether it does not come under the head of civil rights, and as to the enforcing of these rights as a matter of civil procedure which must be dealt with by the provinces themselves. If the provinces seek to deal with it, we have already a judgment of the higher court which says, that the provinces cannot deal with a question which is cognate to the one which we are now discussing. It has been decided that the provinces cannot tax the salaries of Dominion officials, and so the judges and the higher-paid officers of the civil service, living in any municipality, have their income entirely exempt from municipal taxation. If municipal bodies cannot deal with that question, then there might be a difficulty in their dealing with this question of attaching money in the hands of the Crown. The next part of this Bill seeks to provide for

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the attachment of the future salary of such person. It occurs to me that the wording of this section must be amended in committee. Of course, we cannot attach a future salary ; but if the clause means that after this Act is passed, the salaries of Dominion officials shall be liable to attachment, the same as the salary of an ordinary servant of a corporation or an individual, then that can be made clear in committee. Then comes the difficulty, apart from the question of jurisdiction, apart from the question of our power to deal with civil rights ; the difficulty comes up, that each province has a law for itself in reference to the attachment of the salaries of the individuals. In Ontario, you cannot attach wages unless there is at least \$25 owing to a person. That is intended, of course, to prevent those earning small salaries having the wages taken away from the support of the family, and a just enough law it is. In each of the provinces there may be different legislation with regard to that, and it cannot be worked out in any general legislation, such as is attempted here, unless it goes a great deal further ; and before it could go a great deal further, we would have to assure ourselves that we have the right to go a great deal further, the right to go far enough to provide the machinery for working out the attachment against money in the hands of this Dominion. That is the difficulty that lies at the very foundation of the Bill. It seems to me that every one in this House ought to seek to place the Dominion officials on no higher or better footing than the servants of ordinary corporations throughout the Dominion. We ought all to be in sympathy with that idea, and consequently we ought to be careful to see that our legislation is not entirely useless to effect the result that we aim at. It may be said : You admit there is an evil, and how do you propose to remedy that evil ? It seems to me that the only way we can remedy it without infringement on provincial jurisdiction, would be some such legislation as this : That this Parliament gives the consent of the Crown, as indicated by Parliament, to the attachment of moneys in the hands of the Dominion, if the provincial legislatures think proper to pass a law making these moneys attachable. It is the consent of the Crown that is necessary in order to get at these moneys, and if this Parliament can give the consent of the Crown, then, I submit to gentlemen learned in the law, that we must leave it to be worked out by provincial legislation, on the two grounds I have mentioned : first, in regard to all moneys in the hands of the Crown, and, second, particularly in regard to this class of wages. Now, then, if my hon. friend (Mr. Richardson) is prepared, when the House goes into committee, to suggest amendments along the lines indicated by the hon. member for Laval (Mr. Fortin) and myself, then let us go into committee and pass legislation that will be