

people on limited salaries, with an opportunity to get rid of those salaries in keeping up their positions. My arguments on this particular Bill and in favour of this particular provision do not imply a slur upon the character of the civil servant as a man willing to pay when he has the money. But I say it is a slur upon the character of the civil servant, to exempt him in the special manner in which the law now exempts him from the ordinary liabilities of a citizen. I think that this Bill will take the civil servant out of a position of an Indian who cannot be sued at law, and put him in the position of a citizen who is liable to be sued and have his salary garnished the same as anybody else.

It has been urged that civil servants abuse the credit given them by merchants and others. Perhaps they do, perhaps many other people who are not civil servants may do the same thing. But there is another view of the case. The mere fact that the civil servant's salary is exempted as it now is limits his credit. Not only is the civil servant who is inclined to be dishonest, tempted to abuse what credit he may have with the merchants, but another civil servant who wishes to be honest has his credit limited—both by the operations of the present law. A very cautious merchant will not give credit to a man whose salary is not liable in the ordinary way for his debts. That involves an unfairness to an economical manager of his salary. No doubt this new proposition would involve some little trouble to the Government, but I say that the Government should not object, or hesitate for a moment, to accept and to undergo that trouble. As the hon. member for Lincoln (Mr. Gibson) has pointed out, it can be no more trouble to them than to the large railway companies, and even if they were troubled, they should accept it in the public interests. There is no surrender of the prerogative that I can see in this matter of salaries, though there might be in the wider case which this Bill appears, in its present terms, to cover. I think, therefore, from the point of view of the civil servant, from the point of view of the Government, and from the point of view of the man with whom the civil servant deals, there is an advantage in adopting this Bill. I am heartily glad the hon. gentleman has brought it in, and I hope it will pass the second reading and be amended in committee so as to mean exactly what we wish it to mean.

The SOLICITOR GENERAL (Mr. Fitzpatrick). There are many serious questions involved in this Bill which I think should lead us to postpone it. I think it will be found that much benefit will be derived by postponing the consideration of this Bill until we have had greater opportunities to look into it. This Bill seems to me very much more far-reaching in its consequences than at first sight appears. You have got,

for instance, to take it for granted that the Crown cannot be sued except by way of petition of right, that is to say, the Crown cannot be brought before the courts of the country except with the consent of the Crown. Now, if you pass this law, under the first clause you will be in this position, that a contractor who has a claim against the Crown, and who has applied for a petition of right, which petition of right has been refused, may exercise his claim against the Crown by virtue of this provision. Let me point out in what way. A contractor goes to a friendly creditor, and by collusion with the creditor, induces him to attach moneys in the hands of the Crown that he pretends are due to him. The Crown is obliged to appear before the court and declare whether or not it is indebted to the contractor. Thereupon the issue is engaged, the whole contest is fought out, and the petition of right, the whole principle of the protection of the Crown, is set at defiance. That is one of the consequences which would result from this Bill if allowed to pass in its present form. Now, I think that my hon. friend from Laval (Mr. Fortin) has not had sufficient confidence in his own judgment. He says that personally he is doubtful whether it is within the scope of this Parliament to pass legislation of this sort. I am quite aware that there have been cases in the province of Quebec, the few cases to which he referred, which went that far, and they declared that the local government or the local provincial Parliament have not the right to attach the salary of an official of the Federal Parliament. That is the case so far as our province is concerned. There have been two judgments which settle that principle, but they were judgments of the Superior Court alone and those judgments were never carried into appeal. But in Ontario you have the case of Leprohon and the city of Ottawa, which case went so far as the Ontario Court of Appeal; and there, by a divided judgment confirming the judgment of the lower court, it was settled that the provincial legislature had not the right to give power to a municipality to tax the salaries of a public officer in the service of the Dominion Government. Now, if that was good law, of course the necessary logical conclusion would be that the local authorities would have no right to deal with this matter at all. But I say it is impossible to conciliate the judgment of the Court of Appeal in Toronto, in the case of Leprohon and the city of Ottawa, with the judgment of the Privy Council in the case of the Bank of Toronto and Lambe. I have not got the case before me, but no doubt it is well known to all the legal gentlemen here. In that case it was held that the local authorities had power to tax the banks, within the limits of the province, upon their whole capital. Now, banks and banking are exclusively under the authority and control of the fed-