

picture, without censure, the life or the conduct of concubines, or of those who habitually live in a state of forbidden love, concubinage, or prostitution.'

If I understand aright the debate that took place in committee the other day, the reason why the hon. member for Pictou (Sir C. H. Tupper) objected to the Bill, was mainly on the ground that the meaning of the word 'immoral' was not clearly defined. With the amendment I am now moving and the definition which it embodies I think the hon. Minister of Justice (Hon. C. Fitzpatrick), who has so willingly complied with the demand of the Quebec authorities, will not object to accepting this amendment as it contains the definition of the word 'immoral.'

The MINISTER OF JUSTICE. After having heard this definition read to the House, I need not say how very difficult it is to define such terms as immoral or impure. I think any attempt of that sort must fail, as this attempt fails. I would have preferred myself that the Bill had remained as it was introduced, with the words indecent or immoral continued. But I can quite appreciate the idea of those who suggested that the word obscene should take the place of those words, because in the Criminal Code, which the Bill seeks to amend, the word obscene occurs; and it is good legislation to use the same term as much as possible in the same paragraph or section of a code.

Amendment negatived, and Bill read the third time and passed.

CIVIL SERVICE SUPERANNUATION.

House went into Committee on the following resolutions:

1. That it is expedient to amend the Civil Service Superannuation Act, and to provide that if the period of service includes a fraction of a year less than one-half, the service shall be taken to be the number of years served, not including the fraction. And if the period of service includes a fraction equal to or greater than one-half, the fraction shall be deemed to be an entire year.

2. Resolved, That it is expedient to confirm all superannuation allowances heretofore granted, calculated in the foregoing manner.—(The Minister of Finance).

The MINISTER OF FINANCE (Hon. W. S. Fielding). The resolutions before the Committee, on which a Bill is to be founded, are designed to remove a small difficulty which has been created by a recent ruling of the Auditor General, a ruling which is strictly in accordance with the law, but which nevertheless is at variance with the practice of the government and parliament for the long period of 32 years. The Superannuation Act passed in 1870 made provision for the retirement of officials upon pensions, which should be in proportion to the amount of their salaries and the length of

their services. Immediately after the passing of that Act, an Order in Council was passed as a regulation, making provision respecting fractions of a year. By that Order in Council it was determined that where an official on his retirement had a few months service beyond the year to his credit, if it was less than six months, it should not count in his superannuation, but if it was more than six months, it should count as a full year. That continued to be the practice of the government from 1870 down to a very recent date. Two or three months ago the Auditor General objected to a superannuation which was based upon that rule, and although we have been following that practice for 32 years, he raised a question as to the validity of these proceedings. Upon an appeal to the Department of Justice, it was decided that as a strict matter of law the Order in Council passed 32 years ago was void, inasmuch as it was beyond the authority of the Act. Still, I think the House will agree with me that the practice established in 1870, of dealing with a fraction of a year in the way I have described, was fair and equitable, though perhaps a little liberal towards the official. The object of this Bill will be to confirm the superannuations of the past as respects those fractions of a year, and to provide that henceforth the same rule shall apply and be a legal proceeding—practically confirming the Order in Council of 1870.

Mr. BORDEN (Halifax). I would like to ask the hon. gentleman, who is of course very familiar with the terms of the Act, whether or not there is any provision in it with regard to the repayment of amounts paid in on superannuation account by officers who have been dismissed from the service?

The MINISTER OF FINANCE. There was no provision of that nature until the year 1897 or 1898, when I myself introduced a measure to amend the Superannuation Act by providing that where an officer was dismissed for political partisanship, he should not suffer the loss of the money he paid into the superannuation fund. As in such case, though he may have acted unwisely, there was no malfeasance or anything discreditable in a moral sense, I consider that he was punished enough by being deprived of his office and ought not to be further deprived of the money he had paid into the fund. Application has been made from time to time for a return of the superannuation money to parties dismissed for other causes, but although the Act is not restricted in its terms and we might be justified by the Act alone in returning the money, still as it was designed to apply only to cases of dismissal for political partisanship, we have not thought fit to interpret it as applying to other cases.

Hon. Mr. ROSS (Victoria, N.S.). I have a case in point in which the inspector hap-