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JANUARY 29th, 1909

No. 20



THE CIVILIAN

A fortnightly journal devoted to the interests
of the Civil Service of Canada.

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THE CIVILIAN

VOL. I.

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The Government to the Civil Service:

Re-organization and an Increase based on Cost of Living.

THE CIVILIAN, being of the higher and staid rank in journalism, could not reap the felicity of announcing to the service the good news of what has so recently befallen. But it can claim a higher satisfaction—to have fought the good fight throughout, never doubting of the issue, and to have helped, as we are assured is the case, on the best of authority, in the presentation of the facts, and so in the winning of the day. It can now give voice to the general satisfaction, and complete in its official records the history of the most notable achievement to date of organization and right methods within the service.

The word that should go forth is this: the solution reached is pre-eminently one based on reason. We have no hesitation in saying that we consider the amount of the increase, under all the circumstances, liberal. But better than that is the clear understanding of its nature—as apart entirely from any claim which the service has to reclassification and re-organization.

While most intimately bound up with the success of last year's Act, the conditions which the new Act will correct are essentially of an extraneous and accidental nature. Great would have been the ultimate loss had the

government sought to accomplish under the Act of 1908 what it proposes to do by the later legislation. Indeed, we would almost say, better no cost of living advance at all than the demoralization which would result from an attempt to bend the reorganization to a purpose for which it was never intended. As it stands, the service has in winning the one gained both: an advance that fits the service to enter upon the new order with every prospect of success; and the assurance that the reorganization will be carried out in the serious and careful way which is essential to the great part it is to play in the future of the service.

Another point: The result is a great triumph for the principle of organization in the civil service. Relations have been established with the government in the recent negotiations of a kind that are wholly new and of splendid augury for the future. Perhaps the leading achievement of the committee in the whole matter will in the end prove to be the demonstration it was able to offer of its *usefulness* to the government. It is the literal truth to say that without such organization the present solution could never have been arrived at. Even with the machinery at hand, few will ever know

the amount of labour that the settlement of so complicated and intricate a question has involved.

It is the plain duty of every one in appreciation of these facts, to give his thorough-going support to the action taken by the Association. The executive, which is in a position to exercise the best of judgment, has unanimously endorsed the sub-committee on salaries in whose hands the matter has been from the first. It must be realized throughout that no action that would meet every situation alike was possible. The whole problem literally bristles with difficulties. When the process of adjustment, however, is completed, we believe there will be few cases or none which have not been dealt with, and that the general satisfaction of to-day will be if anything intensified. The spirit of the government's action must be taken into account, especially at the present moment when final arrangements are still pending and when there has been no attempt to apply the principles announced. That spirit, if the committee's experience is of value, is one of strict justice tempered with generosity and the inclination to allow no obstacle to remain that is inimical to the success of civil service reform. On that ground, and on that alone, its action in the present matter has been based, and it would seem unnecessary for even the very few whose positions may up to the present lack clear definition, to doubt that they will receive the fullest recognition of their claims.

The Memorial to the Prime Minister.

The following is a copy in full of the memorial presented by the committee on salaries and reorganization to the Rt. Hon. the Prime Minister on Saturday, Jan. 16th, and which formed the basis throughout of the negotiations conducted by the committee with the government:

To the Right Honourable Sir Wilfrid Laurier, P.C., G.C.M.G., &c.,
Prime Minister of Canada:

Sir,—

The undersigned, on behalf of the Civil Service Association, representing the inside service of Canada, beg leave to submit as follows:

Since the Civil Service Act of 1908 became law a period of four months has elapsed. As yet, however, no enforcement has been made of many of its most important provisions. This has caused hardship to many civil servants, as, more particularly, in the following cases:

1. Clerks previously at the maximum and minimum of their classes became automatically entitled on the going into force of the Act to increases ranging from \$50 to \$200, through the increased scale of salaries attached to the new classification. These increases have not taken effect, though it was plainly the intention of the Act that they should date from September 1.

2. Pending the rearrangement of the classes a number of statutory increases becoming due on October 1 have been withheld. An additional number became due on January 1. The clerks affected are \$50 worse off than if the new Act had not been passed, a result which we feel sure was never contemplated.

3. A number of employees of the non-permanent service, on their transfer to the inside as required by the Act, became liable thereby to the 5% deduction levied on retirement fund account—a deduction which is primarily designed for the protection of the government and is at the best, from the standpoint of the service, a disadvantageous savings arrangement. It is true that certain of these clerks had their salaries advanced prior to their transfer, but this was by no means general nor was it in accord-

ance with a definite plan. In the case of the temporary employees not yet transferred, the fact that arrears of the retirement fund assesment will be imposed in a lump is to a peculiar extent a hardship under present conditions.

In connection with the broad question of the re-organization of the service, as called for under Clause 8 of the Act, and as distinct from the reclassification under Clauses 6 and 7, we have already been favoured by the Honourable the Minister of Agriculture with a detailed explanation of the procedure involved, and you have yourself given an assurance to a previous deputation of our body that uniformity of method would prevail as between the several departments. Notwithstanding these facts, however, we are of the opinion that in many of the departments there is still no clear understanding of what the Act permits nor has any successful attempt been made to bring the proposed changes into conformity with a general plan. In the past ten years the nature of many offices has largely changed, and it is essential, in the interests not only of justice but of the efficiency of the service, that a comprehensive and systematic re-grading of the various clerkships in the spirit of the new law should be carried out forthwith. The whole question is so exceedingly important that we feel the government would do well to submit it to the judgment of an independent and impartial tribunal such as the Civil Service-Commissioners aided by such special machinery as the occasion might require.

While the reorganization as thus carried out would doubtless benefit some from a salary standpoint, we beg leave again to remind you that it could afford comparatively little relief in the way of offsetting the changed economic conditions of the

past few years as reflected in the greatly enhanced cost of living, in the light of which nearly every present complaint of the service is put forward. As to the need of such relief we feel that we cannot add to the comprehensive statements which we made to the Royal Commission, and later on to yourself, though we should be most happy if you so wish to bring our representations on this subject up to date. In this connection, however, the service has learned with unmixed satisfaction your own view that the recommendations of the late Royal Commission as to the need of an increase based on cost of living, and wholly distinct from any advances that may accrue from the reclassification and reorganization should in this respect be carried out. It now prays that you will lend all the weight of your position toward having this view prevail in the cabinet. The evil has been cumulative, and your suggestion that the relief should date from September 1 is therefore most fitting. As additional legislation would be necessary to carry this into effect, we would respectfully request that the government bring down a bill to that effect at the earliest possible date in the coming session in accordance with its policy of civil service reform of which under the circumstances the re-adjustment of salaries in accordance with the enhanced cost of living is an integral part.

In recapitulation, we beg leave to suggest that the following steps be taken by the government forthwith:

1. That it carry out the automatic transfer and reclassification of the service as required by Clauses 6 and 7 of the Act.

11. That it carry out the reorganization called for by Clause 8, and make any promotions that may be involved in the redefinition of duties, in accordance with the interpretation

placed on this section by the Honourable the Minister of Agriculture.

111. That it introduce legislation at the approaching session of Parliament to grant an increase on cost of living grounds to civil servants unaffected under I. and II. above.

We believe that if the above were carried out forthwith, the interests both of the service and of the country would immediately profit. We do not need to repeat that with the Act of the past session we are in hearty accord, and that our desire in the foregoing is chiefly that it be placed at once in operation, supplemented by the measure suggested.

Thanking you for your courtesy in affording us this opportunity of placing our views before you,

We have the honour to be,

Sir,

Your obedient servants,

J. A. DOYON, R. H. COATS,
Pres. *Secy.*

G. S. HUTCHINSON, W. N. OSTROM,
Vice-Pres. *Treas.*

Sir Wilfrid's Reply.

The substantial portion of Sir Wilfrid's reply to the above is already well known. What may be less widely known is that the Premier took the opportunity of prefacing his statement with a tribute to the efficiency and worth of the service in general with a cordiality which was greatly appreciated by the deputation and which contributed in no small degree to the satisfactoriness of the conclusion reached.

THE NEGOTIATIONS WITH THE GOVERNMENT.

It was found difficult for the committee on salaries and reorganization to give any detailed written account of its proceedings from the beginning of its negotiations. The report which it presented to the executive was accordingly in the form of an oral explanation by the secretary, given at a special meeting of the executive, in which the ground was covered from the standpoint of the several steps taken in the way of obtaining interviews, etc., together with a concurrent analysis of the various proposals advanced and the arguments used in support or against.

At an early stage of the proceedings a draft memorial setting forth the views of the committee was prepared, and after endorsement by the executive was made the basis of the discussion wherever possible with the

government. The full text of this memorial will be found under a separate heading elsewhere in the present issue.

In the opening stages of the negotiations the services of Mr. H. B. McGiverin, M.P. for Ottawa, were solicited, and were throughout placed entirely at the disposal of the committee, a favour of the utmost value to the committee, and which was greatly appreciated and duly acknowledged by the executive. Later, the Hon. Charles Murphy, Secretary of State, in whose charge is the administration of the Civil Service Act, granted an lengthy interview to the committee, at which substantial progress was made in securing a complete understanding on the part of the government of the claims put forward by the Association. Further interviews were

held by individual members of the committee with Mr. Murphy during the ensuing week. On the return of the Hon. Mr. Fisher, by whom the reform measure of the last session was introduced, an interview of the same nature was sought and obtained. Later on, the full committee held a second interview with Mr. Fisher in connection with the definite proposal to introduce additional legislation. Sir Richard Cartwright, as Acting Minister of Finance, was also approached, and the position of the Association placed before him. The committee was also granted an interview with the Civil Service Commissioners in order that the latter might be fully apprised of the position of the service in the matter of the increase. Finally, Sir Wilfrid Laurier, with Mr. Fisher and Mr. Murphy, was kind enough to receive the committee, accompanied by Mr. McGiverin, when the final decision of the government in the matter was made known. These more formal proceedings were supplemented from time to time by briefer representations between members of the committee and different ministers in which ample opportunity was afforded to discuss the various questions of detail involved.

It will easily be understood that in so complicated and many-sided a problem as the one in question, a wide range of suggestions came in at one time or another for discussion. In the first instance the committee confined its efforts to securing the immediate enforcement of the Act of 1908, in the way of having the automatic transfer carried out at once, and the importance recognized of the reorganization enjoined under Clause 8. Closely allied with this was the request for recognition of the need of relief from the greatly enhanced cost of living resulting from the economic

changes of the past ten years. Such a request, it was pointed out, could only be acceded to by new legislation, and the first point gained in the negotiations was when the government engaged to take the matter into consideration on that basis alone. When, later, the government expressed itself favourably as to the possibility of enacting separate legislation, there remained the complex question of method to be solved. In this the committee was very fortunate in being able to consult with the government in detail as to the various ways of dealing with the matter which presented themselves.

At the outset, the new measure was declared to be primarily of an equalizing character, designed merely to supplement the changes involved by the Act of 1908, and, while separate in form, to be interpreted in the closest connection with the earlier measure. In other words, the government regarded an increase granted as a matter of reorganization to be *pari passu* a satisfaction of the claim based on cost of living. In point of time, therefore, the new Act is to be regarded as post-dating the reform act, and as presupposing the completion, at least temporarily, of the reclassification and reorganization. It was accordingly laid down at the first by the government, that no measure intended simply to correct an economic and accidental situation should be allowed to upset the classification — especially as the latter was but freshly determined, (a promise being given that the status of each officer would be made either at once or at the nearest practicable future date the subject of careful enquiry) and especially as the limits of the new classes permit by the advance in the maximums an increase in salary to be made in the case of nearly every civil servant.

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Communications on any subject of interest to the Civil Service are invited and will receive careful consideration.

Ottawa, Jan. 29th, 1909

GRINDING THE TOOTH OF USURY.

The Province of Ontario is to be congratulated upon its determination to enforce the laws against usury. The case recently tried before the local magistrate—the *Crown vs. C. W. Mitchell*—was by no means a fair sample of the extortionate rates that are frequently exacted. The lender in this instance had the law in mind, and the resulting contract presented the appearance, superficially, of charging only the maximum legal rate of 12 per cent. In reality, as was shown by evidence adduced during the trial, the rate of interest was 24 7/10 per cent. The lender had al-

lowed to the borrower the right of repaying the principal in monthly instalments, but in computing the interest no credit was given to the borrower for such decrease of principal; as interest upon the whole sum for 18 months had been computed in advance and added to the original principal for purposes of fixing the monthly repayment. The lender evidently deluded himself into thinking that when the law said that 12 per cent. per annum should be the maximum rate, no attention was to be paid to the exact amount of principal upon which interest should be paid by the borrower. The evidence also showed that two members of the Ontario Bar had given advice with reference to the contract, which advice, however, proved to be as futile as it was flagitious. The decision of the magistrate was that the case was clearly against the statute.

It is understood that, this case having been successful, other prosecutions will follow. There is a round dozen of money lenders doing a flourishing business here, and against each and every one of them it ought not to be difficult to procure the evidence necessary for a conviction. They hold the law in more or less open contempt, simply because they have carried on their trade unmolested. But this decision, we fancy, has fluttered the dove-cotes—the dove signifying innocence, you know—and, still keeping to the metaphor, we may expect soon to see the feathers fly.

KEEP THEM OUT.

Embalmed somewhere in the archives of one of the departments there is an official regulation—possibly it is an order-in-council—to the effect that loan sharks, and others, shall not be permitted to ply their

trade within the precincts of the public buildings. The executive of the Civil Service Association appointed a special committee at its last meeting for the purpose of unearthing this regulation and, presumably, to report in favor of the government being requested to direct that it be enforced. This action on the part of the executive is to be commended, and it is fervently to be hoped that speedy action on the part of the government will follow. Never a day passes but at least two of these human vampires may be seen pacing the corridors of the departmental buildings waiting to pounce upon their hapless victims as they emerge from their offices. There is not a business institution in this city, or elsewhere, which would permit a similar condition of affairs for a single day, and there is not the slightest excuse for permitting it in the public buildings. The burden of the man who has unfortunately fallen into the clutches of the loan shark is heavy enough, in all conscience, without his having the fact advertised in the face of his fellow clerks. Incidentally, too, there is the opprobrium which attaches itself to the clerk who has no business relations with the money lender. For example: One of these chaps is taking his daily turn up and down the corridor when Brown, with whom he has a speaking acquaintance, comes out on his way to lunch and is accosted and asked for information. While this is taking place, others come into the corridor, note the interview, and say to one another: "See that. Catch has got poor Brown in his clutches." This incident is not an imaginary one. Something like it occurs almost every day. Even the possibility of such an occurrence is deplorable and should not be permitted.

By all means keep the loan sharks out of the government buildings.

THE TUBERCULOSIS HOSPITAL.

Beyond question the darkest blot which attaches itself to the record of last year's city council is the manner in which it dealt with the question of a site for the tuberculosis hospital. Absolutely disgraceful was the manner in which opposing factions of the city council played the game of battledore and shuttlecock with this important project.

A body of public-spirited and philanthropic citizens, composing the Anti-Tuberculosis Society, arranged for the erection of a hospital where the victims of the dread plague might be segregated, given the benefits of the fresh air treatment and nursed back to health. The first step of the council in the matter was to object to the site. Another site was selected, and this was objected to. Thus the game proceeded. The Society seeking; the council objecting. Nothing else, mark you. Not one genuine effort to reach a satisfactory solution.

What possible excuse can there be for this lack of conscience, let us call it, for the want of a better term, in the face of the deplorable inroads which this disease is making in our city? Not a street in Ottawa but has its victim of tuberculosis denied admittance to our regular hospitals and prevented from obtaining treatment essential to even a chance of recovery. Here we have a disease which, as a contemporary truthfully puts it, is a menace to every home, attacks every age and condition, is the especial enemy of poverty and weakness; and to combat it, our city council was willing to do—nothing.

What is to be the record of this year's council?

Possibly it is a little early to judge, but we confess to a feeling of disappointment that vigorous and deter-

mined steps have not already been taken to deal with the matter. Certainly we are far astray in our judgment of the public temper if a repetition of last year's trifling is to be permitted.

Possibly, however, public opinion has not been sufficiently aroused in this matter. Or, if it has been aroused, it was probably not sufficiently in evidence at the recent elections to make its influence felt. If such should prove to be the case—and there should be but little delay in finding out—we would suggest a spirited campaign of publicity.

Let the daily newspapers inaugurate a continuous agitation; let the churches set aside a Sunday for the purpose of stirring up their congregations, and, finally, let us have a public meeting in the largest theatre or hall in the city, where a number of our best speakers can direct attention to the shortcomings of those in authority in relation to this matter.

Let the civil service demonstrate its interest and its influence in the community by taking a hand in the fray. The avenues of usefulness in this direction are innumerable. Let none of them be neglected.

The building of the tuberculosis hospital is the one great step which can be readily taken to offset the ravages of the greatest menace to the lives of men, women and children in Ottawa. Let there be peace neither day nor night until it is an accomplished fact.

CIVIL SERVICE REFORM.

A propos of the bill mentioned in the speech from the throne, to amend the Civil Service Act of 1908, concerning which no word has as yet gone forth to the outer world, the

Toronto Globe of Jan. 23rd had the following to say:

"Already a substantial advance has been made in the substitution of appointment by an independent commission for the nominative system, so far as the whole inside service and of the outside service in the vicinity of Ottawa are concerned. It was explained to the House and the public last year that this was as far as it would be safe to go at the outset, and probably some information will be given this session as to how the new system has been working so far.

"As the change has been made in harmony with the trend of public opinion, the government will be just as anxious as the most solicitous member of the opposition to ascertain what sort of a start has been made, and what further steps are to be taken by the commission in the immediate future. All parties in Parliament may rest assured that the evolution in regard to this matter must be forward, not backward. Just because of the consensus of public opinion on this point it is not worth anybody's while to try to use the question as a means of securing a party advantage."

THE GOVERNMENT TO THE CIVIL SERVICE.

Continued from page 529.

The first suggestion advanced by the committee was that the new increases should be at the rate recommended by the Royal Commission—12½ to those receiving over \$1,500, and 15% to those receiving less than that salary. The objections urged to this were, the odd figures which it would involve in the pay sheets, the considerable overlapping that would occur at the maximums, and the comparatively large sums that the

higher paid officers would receive as compared with the low. Various alternatives were thereupon proposed and discussed. A sliding scale of percentages was mooted and dismissed. Following this a sliding scale of fixed advances was proposed, and this in turn gave way before the proposal to grant a flat increase all round. As to the amount of that increase there was considerable discussion, the sum of \$150 being finally accepted as the best solution which the circumstances permitted.

It is true that a number who are less than \$150 from the maximum of their class must receive proportionately less than that amount, but those in that position constituting perhaps 8 or 10 per cent. of the service, must remember that the only alternative offered was, not that they should receive more, but that the rest of the service should receive less. In no way whatever would the government entertain the idea of disturbing classification under the new legislation, and on the pre-supposition that the classification is based on justice and enables at the least \$100 relief to be given, it must be admitted that the position taken is based on reason.

A feature which will be very acceptable under the circumstances is the dating back of the increase to Sept. 1st, 1908. This was regarded both as just, in consideration of the cumulative nature of the evil, and logical, in view of the close relation of the new measure to that of 1908.

It was further undertaken by the government that in cases where temporary or outside employees find on their transfer to the inside that without increase in salary they have been placed at the maximum of a class and are thus ineligible for any increase under the new bill, they will be granted especially liberal consideration in connection with the reorganization,

which though settled for the moment is to be always a continuous process and flexible enough to permit of the action suggested.

What Will Be Done.

To recapitulate the process which, in the terms of the above, will now be set in motion by the government:

I. Every civil servant will be transferred from his present to the new classification as laid down in classes 6 and 7. This will involve no change in salary except among those affected by the increase in the new minimums. For example, a chief clerk at \$1,900 will go automatically to \$2,100, and a first class clerk at \$1,500, to \$1,600. Every civil servant should be able with the act in hand to know exactly where this process will place him.

II. As soon as the reorganization orders in council (see clause 8) are announced, which will be at an early date, the most of them being already through council, every civil servant will see whether any change, in the terms of his classification, will be involved by the new definition of his office. If his office has been given a higher rank than that in which it is classified at present, he may count on his promotion to that rank as soon as the matter is passed on by the commission. This process of reorganization, however, is not to be regarded as having been finally decided by the government at this time. Its importance has been fully realized and the assurance given that it will be dealt with further as required. To some extent a continuous process of adjustment will be set in motion. For the present, a number of cases have been dealt with, but it is not to be supposed that the list is exhausted, or that the government holds that it is.

III. To every one who has benefited to a like extent under I. and II. above, an increase of \$150 will be granted from Sept. 1, 1908.

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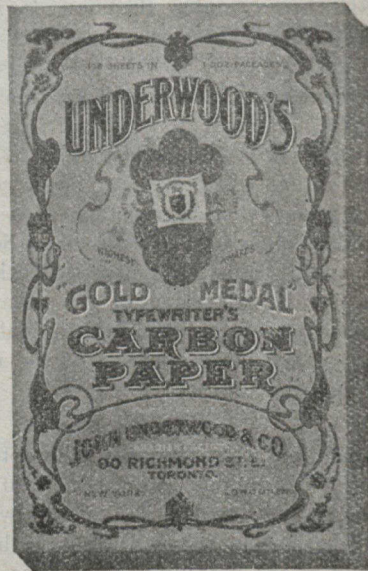
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Notes.

Statutory increases falling due since September 1st, and wholly independent of the legislation of the past year, are clearly not to be counted in in connection with the increase dating from September 1st.

Everyone who fears that his position is not met under the proposals as made public to date should communicate with the representative of his department. The Association will probably never take the position of making suggestions as to individual cases, but it is of the greatest value that typical cases should be known, in the event of further representations being made to the government.

Given favourable conditions, the new bill should be included among the first to receive the royal assent during the session. Probably a few weeks should see it safely through Parliament. Arrears due will accordingly amount to \$50-\$75, which will be added to the first pay cheque issued after the passage of the act.

At a special meeting of the executive of the Association, held on Jan. 21st, a resolution unanimously endorsing the action of the sub-committee was passed. Votes of thanks to the Prime Minister and to Mr. McGiverin were also adopted.

 PROOF SHEET

 Of an Unpublished Drama Entitled
 "The Future Discounted."

 BY MERCUTIO.

Mer.—So thoughtful, gentle Bonos! Lack-a-day!
 Dost thou not know this grateful Commonwealth
 Has loosed the strings of fifty money bags
 And spread the largess at their servants' feet?

Bon.—Well do I know it friend Mercutio,
 And others know it too. Ah, there's the cause,

The reason, and the circumstance withal,
 That I am pensive on this golden day.
 As I came hitherward this morn I paused,
 My custom daily, at the butcher's stall,
 And he who knows the cut I always take,—
 So near the ankle bone it tastes of muck,—
 Patted a juicy sirloin with his knife,
 "A slice of this, Sir Bonos, would he fine!"
 He knew about this increase ere I did.
 And that dark fellow with the struggling locks,
 Who sells the harps and cytharæ and such
 On monthly payments to the end of time,
 Ran towards me as I crossed the market square

To tell me that no home was quite complete
 Without an altar to Aeolus! Pshaw!
 I wonder if he thinks the excise dues
 Have been apportioned out as my sole share!
 Another, some few paces on, came up
 And told how ten sestertii a week
 In his usurious care would breed such gold
 That I should be a Croesus after death.
 I cursed him by the beard of Pluto black
 And wondered after if Pluto has a beard.
 So past this deadly picket-guard of knaves
 I came at length unto my turning point,
 Where Sparks Street intersects that other way
 O'Connor called, and met whom other than
 Titus Hilarius of the old brigade,
 His sinuous form, like to an ivy twined
 About some oak, inextricably espoused
 Unto a lamp-post. He with many breaks
 And liquid mush of sibilants, what time
 He part declined the pronoun *hic* (although
 He had done better *vinum* to decline)
 Observed the times had altered for the worse,
 And spoke with misty recollection of the days
 When Dufferin was consul and how the word
 Of such a largess as the State has made,
 Would have drawn dry the deepest vat in town.

Ah me, I sighed, Hilarius, thou art wise,
 Who pourest all thy increase down thy throat.
 Ere these fell sharks who lie in wait for it
 Can add their obol to the loaf of bread
 Or coax the sanguine into contracts dark
 With hidden mortgages between the lines.
 Therefore, oh friend, I find this glad time sad,
 And this our moon of harvest, as I gaze,
 Creep back into its shell of nothingness.
 Beware the Ides of March! And ere you go,
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 A civil servant—with a surplus.

Professional and Technical Officers in the Service.

The Present Practice Indefensible from Every Point of View.—The Country the Chief Loser. - An Outside Opinion.—Need of Rational Recognition of a Well-Established Modern Condition.

The long-wished-for settlement of certain current problems being now in sight, (such as the increase on account of cost of living, and enforcement of the provisions of the Act of last session), the decks have been partially cleared, and consideration may from time to time be given to questions which, although perhaps of less pressing nature, are not second in importance to those which of late have been occupying the attention of the service. Among these is the position which Professional and Technical Officers now occupy in the service.

As it was in the Beginning.

From the earliest date in the history of our service, the special officer has occupied much the same position as the clerical worker. His classification has been the same and his rate of remuneration practically the same. Such promotion as he obtained came to him, as it came to nearly all other civil servants, by virtue of seniority and length of service, in accordance with the general routine system heretofore in vogue. In point of fact, the special officer as such has always ranked below the secondary administrative officer: at all events, he could never hope to pass the barrier which hemmed in the latter also. Thus circumscribed, he reached the point of time, now by no means recent, when his duties as special officer became

more and more important; when, in the unfettered outside world, his fellow specialist began to occupy a commanding position; and when, by consequence, his own position in the service became less and less satisfactory.

Conditions Outside the Service.

From the time when the specialist began to come to his own in the general world of business, it was seen that his services were of too vitally important a nature to take any risks. Commercial houses saw that they must have the best men, and being logical and sensible, they saw further that they could only get the best men by granting fair salaries and by making the positions as honorable as possible. A steel manufacturer is not likely to think that \$5,000 or \$7,000 is too high a salary for an able chemist, who, if he were less able, might easily ruin \$10,000 worth of pig iron in a single day by a false analysis. One example will suffice to show how absolutely essential the specialist is in the world of commerce. The rewards in position and emolument are commensurate, so that to-day there is the keenest competition for the services of able specialists of all kinds, whether the specialist be railroad president, mining or electrical engineer, chemist, expert financial man, or corporation lawyer.

"Look Here, Upon This Picture and on This."

In the face of this severe competition in the outside world for the services of able specialists, what has been the attitude of our governments? The specialist in the service has been classified, as we saw, with the ordinary clerical worker, and bracketed with him for purposes of promotion and remuneration. And that is the situation to-day. The Civil Service Act of last session helps the matter not at all for the present, and as to the future it does not sufficiently recognize the practical conditions referred to above either in relation to classification or to emolument. Lesser technical officers are in express terms associated with lesser administrative officers, and chief technical officers with chief administrative officers; and the first-mentioned group is assigned to Division II., Sub-division A, or to Division I., Sub-division B, according to nature of duties; while the second group is assigned to Division I., Sub-division A. The range of salary, therefore, for specialists or technical officers is from \$1,600 to \$4,000. If it is hoped by this means to retain the services of really first-rate men, the hope is vain. These are second or third rate scales of pay. The public service has suffered severely during the past ten years by losing its high-class special officers, and the question is whether the country can afford to go on losing such men in times like these.

Opinion of The Canadian Mining Journal.

Outside opinion is practically unanimous upon the point. The following extract from the editorial page of The Canadian Mining Journal (of Jan. 15th, 1909), relates particularly to the Geological Survey, but might

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with equal reason be applied to every department which employs specialists:

"Salaries and the Survey."

"Within the memory of the present generation there has been no substantial increase in the salaries of the officers of the Geological Survey of Canada. Meanwhile, no one will dispute the statement that the cost of living is easily 30 per cent. greater than it was ten years ago. House rents have crept up amazingly. Provisions bring prices sometimes 100 per cent. higher than those obtaining in the early nineties. And so on through the whole gamut. We could dwell with deep conviction upon the iniquitous tailor, the destructive milliner, the reprehensible plumber, the callous coal man, and the aestival ice man.

"These things being so, it is not to be denied that the salaries of yesterday are altogether out of keeping with the conditions of to-day. To expect a competent geologist to exist contentedly upon the pittance offered him by the government is out of all reason. There may be some degree of justice (we grant it merely for argument's sake) in keeping the salaries of office men and clerks down to the minimum. But between these and the officials of the Survey there is nothing in common. The geologist is a specialist of the highest class. He is a pioneer, an explorer, a scientist, an author and a producer. There is nothing more remote from economy than attempting to retain his services for pay that will not permit of his living in comfort. Already our own survey has lost some of its best and brightest members. In every recent case those who have resigned their billets at Ottawa have been engaged by private corporations and are receiving salaries from three to five

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times larger than those offered by the government. Whilst we are still able to point with pride to the men who constitute the staff of the survey, there is no lack of evidence that the growing demand for field geologists will, sooner or later, rob that staff of its best and brainiest.

"The geologist is no money-grabber. Possibly his commercial sense is under-developed. But he has an inalienable right to secure as good a living as he can. His efforts are constantly revealing new sources of wealth to the public—wealth in which, if he be an official in government employ, he cannot participate. If, after some years of miserably underpaid work on our Survey, he accepts a flattering offer from persons who know his value, who can blame him! Yet we are confident that, since for many good reasons there is a certain professional glamour pertaining to the work of Survey officials, but very few members of the staff would hesitate to remain in the employ of the government for salaries much smaller than they can easily obtain outside. But these salaries must be considerably larger than the meagre allowances of to-day which are consonant neither with the dignity of the Canadian government nor with the requirements of modern life."

A Business Matter: Apply Business Principles.

We have thought it desirable in our discussion of this subject to keep the individual himself in the background. Manifestly, it is most unjust to him to keep him at the usual starvation margin. But from a national point of view, the thing to be kept sight of is the loss to the public. The services of the individual are "worth" precisely what his fellow-men agree to pay him, and whether the public or

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the government (which again is also the public) be the employer, they must pay the current rate of wages or suffer for it. Any private employer of labour will tell you which he thinks is the cheaper course in the long run: to attempt a saving by endeavoring to get a first-class man at a second-class price; or to pay a first-class man a first-class price throughout. It may be, however, that the government can get men to work for it at less than the market price, there being certain supposed advantages, such as security of position, dignity of office, and so forth, connected with government service. Security of position is doubtless an advantage which has a certain money-worth; the other alleged advantages, we have never, we fear, properly recognized. Be that as it may, there may be good grounds for supposing that, upon strictly rational principles, the government need not pay quite the general market price.

By all means let us have the question settled on rational principles. Other principles have been allowed to govern too long. As a general thing, the specialist in our service is wretchedly underpaid; and within the service itself there is usually little sympathy with him and his work. The reason of course is that the administrative and executive officers have usually the whip-hand, and are not going to recognize his special claims if they can help it. We have seen too many instances of technical officers being side-tracked, in so far as it lay in the power of their administrative superiors to side-track them, to have very much hope of improvement of present practices without an authoritative change of method that will be valid throughout the service.

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CIVIL SERVICE APPOINTMENTS —CLAUSE 21.

While the principles of the new order are still imperfectly understood, and while the new machinery of the civil service reform act is still inclined to creak here and there in its newness, the following extracts from Sidgwick's "Elements of Politics," in which a section is devoted to the philosophic discussion of the problems inherent in a civil service, may be of general interest. The first has reference to appointments to the lower offices:

"If wrong motives should be excluded, it would seem best that the appointment to any vacancy should be left to the unrestricted choice of the superior official responsible for the management of the branch of work in question; as being the person likely to know most precisely the kind of aptitudes required, and to feel most keenly the bad consequence of a mistaken appointment. And in many cases I do not doubt that this mode of selection would lead to the best attainable results. But in the present condition of average social morality and public spirit, there must be admitted to be a serious danger that the interest of the heads of departments in subordinate posts may not be sufficiently direct and strong to secure that their patronage will not be used to provide for relations and gratify friends. This is to some extent a cause of inefficient work in private businesses, and is likely to be much more operative in public departments, in which the personal claims of political partisans cannot fail to be super-added to those of kinship and private intimacy; while the selector's interest in the efficient working of the department cannot ordinarily be

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equal to that which private employers of capital have in the working of their businesses. . . . I observe that some writers—as, for instance, J. S. Mill—consider competitive examinations “absolutely necessary.” . . . Speaking generally, it seems safer, in the present state of average morality in European countries, to decide for a competitive—as against a merely qualifying—examination as the only generally trustworthy protection against the influence of political partisanship.”

In so far as the lower offices are concerned, the provisions of our new act would seem to be in strict accordance with the above statement of theory. With reference to the higher offices (and here clause 21 of the new Act must be borne chiefly in mind) Sidgwick lays down the following:

“In the case of the higher subordinate appointments to the different offices, the important qualifications are to a great extent such as cannot be adequately tested by external examination. Here, however, a customary limitation on the discretion of the selecting official is commonly imposed by the claims of existing employees. And since, generally speaking, the most important qualifications for the higher posts are such as tend to be both *acquired* and *manifested* in the performance of the duties of lower posts, it will be usually expedient that *the higher posts should be filled up by promotion*, from the occupants of the lower; not only because these latter will generally tend to have the fitness imparted by experience, but also because *the prospect of promotion will tend to make them both more efficient while occupying the lower posts, and better qualified for the higher*. Still it seems expedient that mere seniority should not give even a customary claim to pro-

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motion to posts where any important intellectual qualifications are required. In such cases it seems best that the head of the department—or other responsible superior official—should have a free choice among duly qualified persons; since, in the case of appointments of this class, the grave and manifest responsibility resting on the official selector, combined with his personal interest in getting able assistance, will be a fair security against misuse of his discretion, *provided that his duty of appointing for efficiency alone be clearly laid down.*"

The above is a most convincing statement, shorn entirely from particular considerations, of the danger of permitting anything but the most conservative interpretation of the powers

conferred on the political head of a department by Clause 21. Leave the higher offices to be filled as a matter of course from the outside, and you discourage the honest effort of the civil servant to deserve promotion, and demoralize the whole system on which alone efficiency is possible. Yet mere length of service must not decide where qualities of a special nature are demanded. That is plain common-sense. In the end, there will be nothing to fear from ministerial appointments in all such cases once the spirit as well as the letter of the law is imbibed. It will hasten that consummation if at the first the tendency is to narrow the whole range of such appointments and to interpret the powers of the commissions in the matter on a liberal basis.

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The annual meeting of the Association, held on 15th inst., was attended by a larger number of members than usual, some of them possibly awakened to a sense of duty by articles on co-operation published in THE CIVILIAN.

Mr. W. J. Glover, accountant, occupied the chair.

The report of the Board of Management, which we regret to have to omit from this issue, showed a balance in the P. O. Savings Bank of \$10,602.79. As more than the average

number of deaths of members had occurred during the year, this statement was considered very satisfactory.

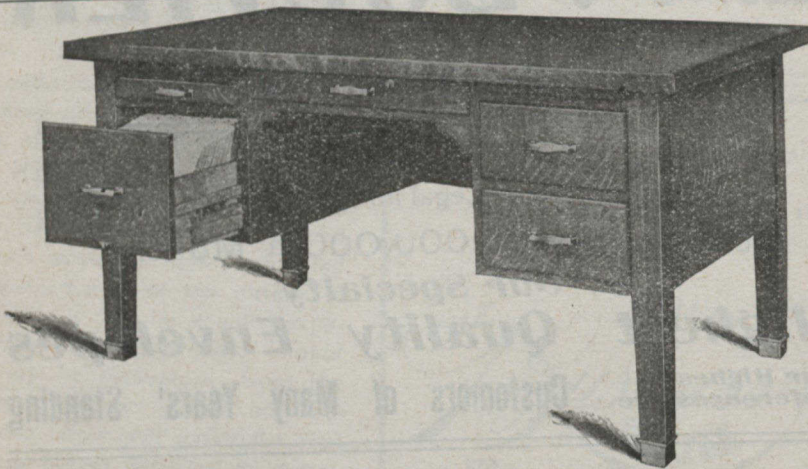
A discussion took place as to the best means of increasing the membership, but the matter was finally left over for the incoming Board to look carefully into and to take what steps they may deem necessary.

Messrs. Choquette and Wilson gave notices of amendments to the Constitution for the next annual meeting.

The Association, now entering its thirty-first year, has never halted since its formation. It has carried out its work of benevolence in an unobtrusive way, bearing with it the grateful sympathy of many a home bereft of the breadwinner.

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THE WALTERS DRAMATIC COMPANY.

This excellent company presented three one-act plays to an appreciative audience in the Russell Theatre on the evening of Tuesday, the 26th inst. His Excellency the Governor General and Countess Grey were patrons. The following account gives some idea of the plays presented, and of the characterization:

"THE CONVERSION OF NAT STURGE."

A Play in One Act — By Malcolm Watson.

Scene—The Study of the Bishop of Minterweir at Midnight.

Time—The Present.

Caste—The Bishop of Minterweir—Mr. Frank Murphy; Nat Sturge, a burglar—Mr. Clare Brunton; Raddles, the burglar's apprentice; Julia, the Bishop's adopted daughter, Mr. T. Arthur Tresidder.

'OP-'O-ME-THUMB.

A Play in One Act — By Frederick Fenn and Richard Pryce.

Scene — The Laundry of Madame Jeanne Marie Napoleon de Gillifet Didier—London, England.

Time—The Present.

Caste—Madame Jeanne Marie Napoleon de Gallifet Didier, Keeper of Laundry—Mrs. H. McD. Walters; Clem (Mrs.) Galloway—Miss Margaret Gough, Rose Jordan—Miss Pereira, Celeste—Miss Rita Knight, Amanda Afflick—Miss Clare Walters, Girls of the Laundry; Horace Greensmith, Mr. H. McD. Walters.

"THE EYES OF THE HEART."

A Play in One Act—By Minnie Madder Fiske, presented by The Walters Dramatic Company with the kind permission of the authoress.

Scene—A Cottage at Louvercy.

Time—About 1830.

Caste—M. D'Ancelet—Mr. H. McD. Walters; Paul, his son—Mr. Clare Brunton; M. Grasset—Mr. T. Arthur Tresidder; Remy, his son — Mr. Frank Murphy; Didier, an old servant—Mr. J. Osborne Galpin; Mignon—Miss Dorothy Walters; Annette—Mrs. H. McD. Walters; Boy.

THE CIVILIAN wishes The Walters Dramatic Company success in their efforts to capture the Trophy, which will be competed for in Montreal in the near future.

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THE INCOME TAX.

The Government Takes a Hand in the Matter.

The Hon. Wm. Pugsley, Minister of Public Works, has again written the city council protesting against the imposition of the tax upon the incomes of civil servants in violation of the terms of the agreement with the government.

The minister's letter was read at a meeting of the Board of Control on Tuesday afternoon last. Following the suggestion offered in the last issue of THE CIVILIAN, the Mayor has been requested to arrange for a conference with the government for the purpose of securing an adjustment of the matter.

The Hon. Mr. Pugsley's letter reads as follows:

"On the 2nd of June last I wrote you calling attention to the agreement between the government and the corporation of the city of Ottawa ratified by bylaw of the corporation on August

10th, 1885, by which it is among other things provided:

"That the city corporation further undertakes and agrees to make no claim for taxes on the income of officers and servants of the government of Canada, derived from the said government for services rendered to the said government, or that may hereafter accrue to the said corporation, so long as the previous obligations and conditions of the said agreement are kept observed and performed by the said government of Canada."

"In that letter I asked if it was the intention of the city council to adhere to the terms of the agreement in the above recited paragraph. I shall be pleased at as early a date as possible to ascertain what decision has been come to. Of course you can readily understand that if the agreement is repudiated by the city it would be my duty to lay the matter before my colleagues with a view to determining what action the government should take in regard to the obligations it assumed towards the city in consideration of the mutual agreement which was then made."

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Superannuation.

To the Editors of THE CIVILIAN:

I am told that every time an Englishman is seized of an idea which he believes to be of public interest, he immediately wants to write *The Times* about it. As a civil servant, I must confess to a similar desire towards THE CIVILIAN, which is one of the big things which the later and better days have given us.

I have read with entire approval your editorials with reference to Superannuation, and have studied with deep interest the draft bill submitted in the report of the Commission, and published in your issue of the 31st December. In the light of what has already been published, it would be nothing short of presumption for one to utilize your valuable space by advancing reasons as to why the government should re-affirm the principle of superannuation, but I do desire to state that the greatest possible satisfaction would be the outcome of the enactment of a measure in precisely the terms of this draft bill.

This is, beyond doubt, the most important matter which is at present engaging the attention of the executive

of the Civil Service Association, and while one naturally hesitates to offer advice to men who have been singularly successful in their efforts, and who possess the confidence of the entire service, I feel it a duty to express the hope that the executive will resist the pressure which is being brought to bear upon it to make representations to the government on behalf of the various classes which are at present beyond the reach of a superannuation measure.

To do so—and I am by no means talking at random—would be to court almost certain defeat of the main object.

It is pretty well understood at this moment that the government is not unfavorable to the idea of the re-introduction of superannuation. Let the executive, then, direct its entire energies to a clear-cut definite plan of campaign for the sole purpose of securing the reaffirmation of the principle of superannuation.

Having secured that, it will be the duty of the executive to make, as you have stated in a previous issue, special representations on behalf of those special interests which may be overlooked in the introduction of a measure covering common ground.

The folly of loading up a memorial to the government asking for superannuation with half a dozen alternate schemes on behalf of each of the various classes which are asking for spe-

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cial consideration, will, I think, appeal to the judgment of all.

Another point: It would be an absolute physical impossibility for the executive committee to prepare representations which would meet with the approval of these special classes and which would carry with them a semblance of the probability of their being acceptable to the government, in time to have a bill presented at the present session of parliament. As a result what appears to be a golden opportunity will have been missed, and perhaps by next year the government will not be as favorably disposed.

Let the executive at once seek to enlist the sympathy of the government to the extent of having the Commission's Superannuation Bill introduced during the present session. By so doing they will accomplish that which is in the common interest and which will be injurious to none.

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January 25th, 1909.

L'augmentation.

Aux Rédacteurs du CIVILIAN:

Un aperçu des résultats qui doivent infailliblement découler de la mise en

opération du nouveau système que le gouvernement se propose d'inaugurer pour donner suite tant aux demandes du service civil qu'aux conclusions de la commission nommée à cette fin ne sera pas, je crois, un hors-d'œuvre dans les circonstances actuelles.

Prenons deux employés dans la même division, l'un que j'appellerai A a un salaire de \$950.00, l'autre B un salaire de \$1,100.00. D'après les arrangements en perspective A bénéficiera d'un montant de \$150 qui élèvera son salaire à \$1,100.00, tandis que B qui ne doit recevoir que \$100.00 parce qu'il est au maximum de sa classe verra son salaire porté à \$1,200.00. Cela veut-il dire que l'augmentation de B ne sera que de \$50.00 inférieure à celle de A?

Pas le moins du monde; il faudrait pour qu'il en fût ainsi que A restât à \$1,100 le maximum sous l'acte abrogé. Comme la Loi de 1908 en portant le maximum de \$1,100.00 à \$1,200.00 octroie de ce chef à A un montant additionnel de \$100.00, son augmentation de salaire s'élèvera en réalité à \$250.00. B qui ne doit bénéficier que de \$100.00 recevra donc \$150.00 de moins que A, c'est-à-dire qu'il ne participera en rien au bonus que le gouvernement se propose d'ajouter à l'augmentation

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prévue par la Loi de 1908, qui fait bénéficier A au même titre que B bien que ce dernier doive, par son ancienneté, en jouir quelque peu avant A, ce qui ne change d'ailleurs absolument rien à l'anomalie qui résulte du fait que dans l'organisation nouvelle A touchera exactement le double des bénéfices que recevra B, comme on pourra s'en convaincre par l'exposé des bénéfices retirés par chacun d'eux tel que dressé par le tableau suivant qui couvre les trois premières années de la mise en opération du nouveau système :

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1909 { 1 an à {	200 00.... 200 00	100 00.....100 00
1910 { 1 an à {	250 00.... 250 00	100 00.....100 00
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A ceux qui pourraient arguer des chances problématiques que B paraît avoir sur A pour sa promotion je répondrai qu'il s'agit ici d'espèces sonnantes et non de perspectives et que le bonus de \$100.00 donné à B n'est nullement un bonus, puisque, de par la teneur même de la Loi de 1908, B devrait déjà en avoir reçu la moitié si cette Loi avait été interprétée pour lui comme elle l'a été pour les Sous-Ministres. Ce soi-disant bonus se résume donc à un simple avancé de \$50.00 pour un an avec l'acquitté d'une dette de \$50.00 qui datait du 1er septembre dernier. Une bien piètre compensation pour batailler avec la cherté de l'existence. — Heureusement que la majorité du service ne se trouve pas dans le même cas!

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THE SALARY INCREASE.

The following is a copy of the resolution introduced in the House of Commons by the Hon. Mr. Fisher for the purpose of providing the money for the proposed salary increases:

“Resolved, That it is expedient to provide that the Governor in Council, upon the recommendation of the head of a department, based upon a report of the deputy head, may grant to any officer, clerk or employee under the deputy heads in the inside service as defined by the Civil Service Amendment Act, 1908, who was in the public service at the time of the coming into force of that Act, an increase of salary of \$150 a year, subject to the provisions hereinafter contained; that, in the case of any officer, clerk or employee who has received an increase of salary upon organization and classification under the said Act, such increase shall be offset against the increase which such person might otherwise receive under any Act to be founded on this resolution; that no increase under any Act to be founded on this resolution to any officer, clerk or employee shall exceed the difference between his present salary and the maximum salary of the subdivision in which he has been placed upon organization and classification under the said Act of 1908; that all increases provided for hereunder shall take effect from the first day of September, 1908; that all sums of money voted by

Parliament for the financial year ending on the 31st day of March, 1909, and applicable to the payment of salaries or increase of salaries of persons in the inside service shall be applicable to the payment of increases of salary granted under the Act to be founded in this resolution, so far as such sums are not required for the specific purposes for which they were granted; and during the said financial year there may be paid out of the Consolidated Revenue Fund of Canada such moneys required for the payment of increases of salary hereunder as have not been voted by Parliament.”

ATHLETICS.

Probably to none in the service will the news of the increase in salary be more welcome than to those who have soaring ambitions for the Athletic Association. Prior to the final announcement of an increase, the athletic ground boomers had to express their hearts' desires “with bated breath and whispered humbleness.” In a short time, however, the clerks in the Ottawa service will see strange and fantastic figures on their pay cheques representing six months' back pay. It is to be hoped that none of the recipients will suffer from heart failure, nor is there need of such a catastrophe for the surplus may be set aside to buy stock in one of the best civil service projects,—an athletic grounds.

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As noted in the last issue of THE CIVILIAN, a general meeting of the Athletic Association to pass certain amendments to the constitution relating to elections will be held shortly, and it is quite possible that there will be offered at that time some practical proposition bearing on this subject. There may be a large proposal that will appeal to those to whom the words "Civil Service" are becoming more or less of an inspiration, who foresee the service in this country elevated to its legitimate status, and who are willing to undertake some obligations in the furtherance of that cause. Perhaps a more humble scheme will be proposed that will necessitate no self-sacrifices, make no demand upon the stock of *esprit de corps* in the service, but that will fill the stomach for the nonce. The choice rests with the members themselves.

* * *

There is good reason to hope that the civil service may be represented in the hockey arena again. The last two attempts to carry on a service league were not fruitful of the desired result. Objectionable men and manners are not quite so in evidence to-day as formerly. The Interprovincial League, with its Cliffside, Victorias, etc., will help a great deal to cheer up lovers of fair, clean amateur sport. The present management of the athletic association has certainly sufficient strength of character about its personnel to run a hockey league, and keep it untainted by those who habitually frequent the penalty bench.

* * *

The idea of having a penalty bench at all has only to be analyzed to be understood in its true light. An athlete is sent to the penalty bench for two kinds of fouls, the intentional and the accidental. Now a player should not be subjected to the indignity, before thousands of his fellows, of being dismissed from a game as unfit for decent company, for committing an unavoidably discourteous act towards a friendly rival. Surely this assertion is incontrovertible. In no other walk of life is a man so penalized and disgraced.

On the other hand, in no other walk of life is a man permitted, as he is permitted in athletics, to beat another over the head or elsewhere with a stick, and then allowed to refresh himself with five minutes' rest, only to return and commit the offence again and again in a single game. The expulsion from a game of an innocent player simply blunts the sensibilities and detracts from the self-respect of a gentleman. The expulsion, for five minutes' only, from a game of an habitually offensive and brutal player only encourages the thing it is intended to check. The records prove this. The players who go to the bench to-day went there five and ten years ago. The penalty rule is a failure.

Every allowance should be made in favor of the player when doubt exists as to a foul being intentional or accidental, indeed an occasional loss of temper might well be overlooked. But

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it will be found, as it has been found in the athletic British Isles, that it is better to put the gentleman on his honour and the slugger out of the game.

Bowling.

The bowlers finished the first half of the season's schedule on Friday last, and start immediately upon the second and most interesting half on Monday. It is a beautiful race for first place at this stage between the Militia and Mint and Public Works teams, with the odds slightly in favor of the former. Both teams possess men of senior calibre, and both seem endowed with the same characteristics, viz., coolness and determination. This was much in evidence when the teams met in the first half. Nervousness—there was in plenty—the players showed it—a half a hundred of each team's supporters expressed it—the atmosphere was full

of it—but there was no display of temper or indifference, two qualities which are fatal to any team's success. The Public Works team secured a slight lead at the start, and though the pins were breaking badly for them throughout the entire game, they religiously clung to their slight lead and nosed out winners by 47 pins.

One pleasant feature of the match was the presentation of a box of choice "Havanas" to the winning team by Mr. Hugh Doyle, an enthusiastic member of the P. O. team, as a delicate way of showing their appreciation. Messrs. Stewart and Thomas graciously dropped below the 400 mark in their following match against Mr. Doyle and his confreres. It is interesting to note that up to the present 66 matches have been played, engaging in the neighborhood of 130 bowlers, without a single default. The reason is not hard to find. Customs Statistics take just as much interest,

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are just as eager, and extract as much enjoyment from the game as their more fortunate opponents, the Militia and Mint. Individual effort is always appreciated. It matters not where your team is located in the standing, therein lies the secret of the fascination of the game—the game won't lie—true, no game is without it, but taking it all in all the good about balances the bad, and in the long run a bowler gets what he merits, and at this particular time this is a source of satisfaction to the majority of civil servants.

There are also many lessons to be learned from the game: it teaches accuracy and concentration, as a slovenly, careless bowler will never be a success, neither will the man that loses his temper or nerve or becomes overconfident. In fact, Dr. Drummond about hits the point in his "Johnnie's First Moose":

"Doesn't matter wat you're chasin',
Doesn't matter wat you're facin',
Only watch the ting you're doin';
If you don't, ba gosh! you're ruin!
An' steady, Johnnie, steady,—kip your
head down low."

CIVIL SERVANTS AND THE INCOME TAX.

Judgment of the Supreme Court of Canada in the St. John Case and the Reasons Therefor.

(Concluded.)

Section 116 requires every person liable to be rated, within thirty days after the foregoing notice, to furnish the assessors with a written statement, under oath, of her real and personal estate and income, in the form expressed in Schedule A.

Schedule A. (Income) defines the income to be taxed as follows: In-

come derived from office, profession, work, labour, trade, business, place, occupation, employment, skill or ability, during the twelve months next preceding the first day of April, and which has not before this date been invested in property subject to taxation. This amount has not been offset by household or personal expense.

From all this it is apparent that the tax to be levied in any year is not a part of the income, as such, of the inhabitant, but a sum of money to be measured by, or in proportion to the amount of his income during the preceding year. It is the inhabitant who is taxed for his fair and reasonable share of the expenses incurred by the municipality on his behalf, and on behalf of all the other inhabitants, and his income for the preceding year is referred to solely for the purpose of ascertaining what it is just and reasonable that he should be required to pay. No attempt is made to seize or appropriate the income itself, or to anticipate its payment. He receives it, and applies it as he thinks fit, in discharge of his obligations. Or if he invests it in real or personal property liable to taxation, then to the extent of such investment his income is exempt.

Such being the nature and purpose of what is called income tax, I see no ground whatever on which the appellant, merely because he is a civil servant of the Dominion Government, can claim exemption.

He is a citizen, an inhabitant of the municipality, enjoying his due share of all the advantages of municipal government, in common with all other inhabitants, and if he were exempt, his exemption would be a plain injustice to the other inhabitants. Qui sensit commodum sentire debet et onus.

The same thing may be said of the other taxes, the taxes upon real and personal property, or the poll tax or the dog tax. It is not the property or the poll or the dog which is taxed, but the individual inhabitant or property owner, and I think there is ab-

solutely nothing in the British North America Act which gives any ground for the exemption claimed on behalf of the appellant.

Mr. Justice Duff.

It is no longer open to dispute that by the combined operation of clauses numbered 2 and 8 of section 92 of the British North America Act, 1867, a province may confer upon a municipality the power to tax the incomes of persons resident within the territory subject to its control.

Any question which might have been raised concerning that point was finally put at rest by the decision of the Judicial Committee in *The Attorney-General of Canada v. The Attorney-General of Ontario* (1).

The question presented by this appeal, therefore, is the question whether any of the enactments of section 91 of that Act have the effect of creating an exception in favour of officers of the Dominion Government in respect of the allowance paid to them by that government.

The appellant argues that the authority to tax incomes vested in the province does not extend to such allowances and salaries because the whole of the authority to legislate in respect to them (as subjects of taxation or otherwise) is exclusively conferred upon the Dominion by sub-section 8 of section 91, which assigns to the Dominion as a subject of legislation the fixing and providing for the salaries and allowances of civil and other officers of the Government of Canada.

It is said that the attempt by a province to impose taxes in respect of such salaries and allowances is an intrusion of the field defined by this sub-section. I am quite unable to perceive any necessary conflict between the power thus conferred and the power of taxation committed to the province. The fixing and providing for salaries seems to be, as a subject of legislation, quite distinct from the power to levy taxes in respect of

income. I do not think I can make the matter plainer by multiplying words. The fixing of salaries and allowances for service is one thing; the assessment of the persons in receipt of them (along with the other inhabitants of the community in which they live), is a wholly different thing; and the principle upon which the fiscal contributions exacted by a municipality or a province from persons subject to its fiscal jurisdiction shall be distributed among those persons seems to be a subject as far removed as possible from that dealt with in sub-section 8 of section 91. If one were to speculate upon the intentions of the framers of the Act, I should suppose nothing further from their intentions than the exemption of federal office holders as a class from the common burdens of citizenship.

I do not think it would be profitable to examine in detail the decisions of the provincial courts to the opposite effect. Those decisions were largely founded upon reasoning of the Ontario Court of Appeal in *Leprohon v. The City of Ottawa* (1), which was decided in 1877. Judicial opinion upon the construction of the British North America Act has swept a wide curve since that date; and, to mention a single instance only, it would not be a light task to reconcile the views upon which *Leprohon v. The City of Ottawa* proceeded with the views expressed by the Judicial Committee in the later case of *The Bank of Toronto v. Lambe* (2). Indeed, although *Leprohon v. The City of Ottawa* has not been expressly overruled, the grounds of it have been too thoroughly undermined by subsequent decisions of the Judicial Committee for it to afford any support to the appellant.

I should add, with great respect to the court below, I cannot agree that a decision upon the construction of the Australian Constitution Act can afford a governing rule for the construction of the British North America Act.

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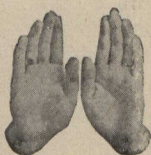
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