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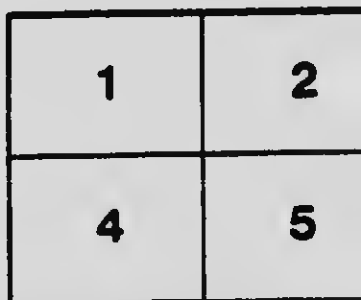
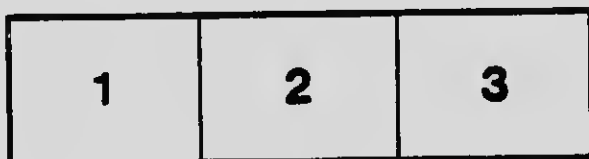
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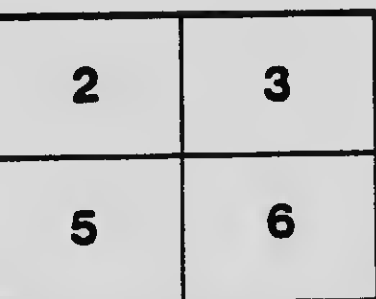
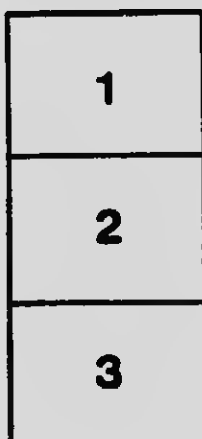
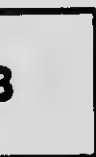
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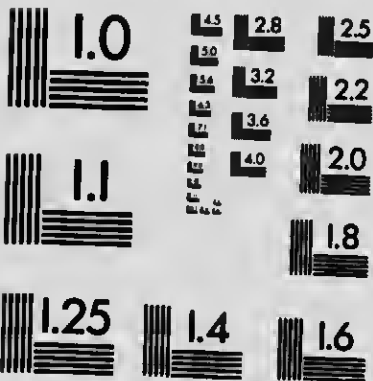
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Protest Against Amendment

TO

Ex-Ministers' Pension Bill



TEXT OF THE MEMORIAL ADDRESSED TO THE
GOVERNOR-IN-COUNCIL BY SIR ADOLPHE CARON.



OTTAWA, July 4 —The following is a memorial signed by the Honorable Sir Adolphe Caron to His Excellency the Governor-General-in-Council, on his own behalf and on behalf of other beneficiaries, with reference to the proposed amendment of the Act of Parliament granting annuities to certain Privy Councillors, being ex-Ministers of the Crown :

The Act of Parliament in question was not passed hastily or without due deliberation. For several years past the justice of making some provision for public men on retiring from office, who have given their best services to the country, and, in doing so, often sacrificing their business earnings and future prospects upon becoming Ministers of the Crown, has been the subject of frequent discussion with, as well as between, members of the Cabinet ; has also been debated by Members of Parliament in caucus belonging to both parties ; was the occasion of frequent interviews during the past session between committees representing both Government and Opposition, and when the proposal to grant such annuities, as the result of an agreement of all parties, was laid before Parliament, it was finally adopted, and without a dissentient voice.

Recent discussions of this and a kindred measure providing for an increased indemnity to Members of Parliament, which took place during the by-elections, and certain assurances given the electors by candidates and others in the Government interest, prompt the undersigned to submit his views on the subject to Your Excellency-in-Council, in order that considerations which, he ventures to think, have an important bearing upon the propriety of either repealing or materially modifying the Act in question, may be called to the attention of Your Excellency's advisers.

The undersigned anticipates criticism upon what he shall have to say, as coming from one who benefits by this Act, and he would have preferred that some one not open to the suspicion of self-interest had presented the views he entertains on this subject ; but, fearing that no one else may do so, he now takes the liberty of presenting them in a way, he believes, in which they have not yet been laid before your advisers.

There is considerable vagueness in the complaints which have been made against the annuity allowance to ex-Cabinet Ministers, and

IT IS FAR FROM CLEAR

just what persons in authority who have spoken thereon, propose to do in the way of amending this legislation. Governments are not usually keen to admit, under pressure of either press or platform agitation, that any measure they have duly considered and have had enacted by Parliament was unwise, and should be forthwith repealed, or to acknowledge that they were so remiss in the discharge of their duty and so indifferent as to the responsibility of their position as to present to Parliament and cause to be enacted an important measure without proper consideration ; nor, for the reasons I have indicated above, do I believe Your Excellency's Government is open to such an imputation.

But the question arises : What did that Minister have in his mind, or what changes would he wish to make in the Annuity Act when he spoke publicly on the subject in the recent election contest. He evidently is not satisfied with it as it stands, and must be, therefore, opposed either to its principle, or to some, if not all, of its provisions. On the occasion I refer to, which was the first attack made by a prominent public man, the Minister's standing at the Bar and in public opinion was so deservedly high that anything he said, naturally, attracted widespread attention. To some it did appear not a little unusual that, having so recently entered the Government, and thereby in a constitutional sense adopting and accepting full responsibility for the measures and policy of the Government, he should be found assailing one of its most recent legislative Acts. The undersigned believes an explanation of this apparently curious circumstance will be found in the fact that the Postmaster-General was not clearly understood, and that his words were not correctly reported. True, he is quite new to political life and without Government experience, so that he may, naturally, in the heat of an election contest, have intended only to suggest that amendments should be made to the present law, having relation simply to future annuitants, and which would not alter the status, or effect prejudicially any who are at present receiving grants under the existing enactment.

If, however, there be any who would advocate repeal as to present beneficiaries, or a modification which would, or might,

TAKE FROM ANY ONE

the benefit Parliament has granted, and which he now enjoys, the undersigned would urge such advocates to pause. In this category, it would be unfair to include the Postmaster-General, who is too able a jurist, and too just a man to give countenance to such legislation. But to all who may be included, and there may be some of the highest character, but who have not thought the subject out, the undersigned would say that such legislation, as he shall proceed to show, would do an incalculable and irremediable injury to the reputation of the Parliament which adopted it and the country in which it was enacted.

We, in Canada, have been intensely proud of our connection with the Motherland, and have ever sought to emulate the splendid examples she has set us in her past history ; the traditions which have surrounded her legislation ; the scrupulous regard for justice, and the sacred recognition of private rights growing out of her Parliamentary enactments, which have always distinguished that legislation, have been held by us in Canada, in the past, as guides and examples for us to follow. Neither the day nor the occasion has yet arrived in this country, the undersigned ventures to believe, when we can afford to disregard these examples, and unless we are prepared to depart now from the wise and just safeguards these examples afford us, the proposal to annul the annuities or modify them in any sense

which will prejudice individual grantees cannot properly be entertained.

This principle of holding the pledges of Parliament to the individual sacred admits of no exception, and can be qualified by no circumstances which would be likely to occur within reasonable probability. But if it were permissible for Parliament to tear up the instrument of grant, and thereby extinguish the grant itself, the most superficial thinker would admit that reasons for such an act must be momentous and compelling, and could only have it warrant in considerations of the highest state policy, or that the omission to act must involve the greatest consequences to the country. Can, or will, any one affirm that once such an act as this Annuities Act has become the law of the land, it is possible to put forward as reasons

FOR REPEALING SUCH

a law only those of the most pitiful and paltry character—unworthy of a country as great as Canada has become.

In what the undersigned has said thus far, he has not intended to cast doubt upon the constitutional power of Parliament to rescind the grants in question; that point may be taken to be beyond controversy, but what is affirmed is that, in a moral sense, Parliament is not competent to do so. There is hardly any limit to the powers, constitutionally speaking, of the Imperial Parliament, when legislating within its proper sphere; but legislatures are continually distinguishing between the power to do things and the wisdom, propriety or morality of doing them.

If the pensions laws of Great Britain and discussions in the Imperial Parliament on the subject be examined, it may be at once seen by what principles and within what rules the mother of Parliaments has uniformly acted in dealing with this subject: As early, at least, as the reign of the First Charles, and for a considerable period thereafter, annuities and pensions were granted by the Crown itself, without Parliamentary sanction. Later, of course, Parliament assumed entire control of these grants. It will be in the personal recollection of many that during the late Queen's reign a strong public agitation arose against the continuance, particularly of perpetual pensions, of which a number had been granted, and some of which had been running for upwards of two hundred years. The agitation led to the passing of a bill,—not for the immediate extinction of these grants, but for vesting in the Lords of the Treasury the power, in such cases as they should deem expedient, of commuting the annuity on the basis of a twenty-seven years' purchase. Official returns of the Lords of the Treasury recently laid before Parliament show that, notwithstanding the act of 1889, authorizing commutation on the basis mentioned, some of these annuities still remain uncommuted, although the present recipients acquired their rights by purchase, or inherited through purchasers, and and after passing by transfer through persons wholly unconnected

WITH THE ORIGINAL GRANTEES.

Frequent debates have taken place in Parliament on the pensions question, but a single reference will suffice to establish the principle which the undersigned maintains should govern us in Canada.

In 1889, during the Derby administration, Mr. Bradlaugh and others sought to modify the Pensions Commutation Act of 1869. It was contended that the twenty-seven years' purchase was too high a rate to pay for extinguishing these annuities, and that an enquiry should, in every case, take place to ascertain whether the original grants had been made for valuable public services actually rendered, or had been given by Kings to favorites or to their illegitimate offspring, or otherwise, wholly irrespective of any public service rendered, and it was also insisted that payment should, in every case, cease with the life of the then present beneficiary.

The Government opposed the motion, and in the House of Commons Mr. Gladstone, although himself in opposition to the Derby Government, made a declaration of the principles upon which, he said, Parliament had uniformly acted in respect to the subject of pensions. The undersigned has thought it well to quote his words at length, as the correctness of his statement was not then, nor has it since, been questioned.

As to the power of Parliament, Mr. Gladstone said: "I am not prepared to accept the proposition without limitation that what Parliament has once enacted Parliament may repeal. Parliament, for any pecuniary purpose, is the fully authorized representative of the nation, and the nation must be committed by the deliberate act of its authorized representative, whether the act was wise and just or unwise and unjust."

(See debates 1889, May 16, page 291).

He also says: "Many things are done by Parliament which are unjust to the country, but I am not prepared to say that Parliament is morally entitled—constitutionally it may be—to go back on that declaration and repeal it."

(Ibid) "The idea I have of public faith is that when Parliament of its own deliberate act, aware of what it is about, has made an arrangement which is of the nature of a contract with private parties, whether that arrangement is good or bad for the country, it is the duty of Parliament to adhere to it."

(Ibid) "The principle involved is of the utmost importance, and the inviolability of the public faith is one of the most sacred of all questions."

(Ibid pp. 289-290.)

"The House of Commons cannot make too great sacrifices for the purpose of maintaining that inviolability, and, in my experience, has never hesitated to do so." (Ibid.)

"If the House of Commons has been extravagant and gone beyond the bounds of reason, it has undoubtedly done so in a sense adverse to the

public interest, but we have felt that the true, supreme and paramount interest of the public is the maintenance of the public faith." (Ibid. 290.)

The action of the Government of Lord Derby was in perfect harmony with Mr. Gladstone's views on the question, as above quoted; a Treasury minute was adopted, and laid before Parliament and after the required lapse of time went into effect. This minute sets forth that Her Majesty's Government could not consent to discontinue a grant which they were assured was legally and permanently binding, and they would not be justified in asking Parliament

TO DEPRIVE AN INDIVIDUAL.

of the grant to which he was legally entitled, upon the ground of the imperfect service upon which the grant was founded, and this conclusion as to the legally binding nature of the obligation is stated to have been based upon the opinion and advice of the law officers of the Crown. The Treasury minute went on further to declare that the commutation of pensions had always been so made as that the public faith was scrupulously maintained.

(See Vol. 81, Imperial papers, pp. 289-293.)

The last attempt to modify or repeal the law of 1869 as to pensions, made in Parliament, took place in 1895, when a bill was introduced—not proposing to interfere with existing pensions or with the then present annuities—but the bill made no progress; it never had a reading, nor was it even discussed.

There is one other consideration the undersigned would call to the attention of the advocates of repeal; in withdrawing the annuity which Parliament engaged should be paid the grantee while he lived, is it proposed to enter upon an inquiry to ascertain to what extent the beneficiary has altered his position, relying, as he was justified in doing, upon the inviolability of the public faith? Is it intended to find out what engagements have been made, and what liabilities assumed by the grantees, which would not have been made or assumed, but for the Act of Parliament? Who is to recoup the parties whom, through financial stress, the grantee has been compelled to transfer or encumber his annuity? Or is it proposed to penalize, or possibly ruin men, through no fault except having implicit faith and undoubted trust in the Legislature of their country?

The undersigned feels confident that the advocates of the policy of national repudiation have not thought out the question. The Parliament of Canada cannot, having regard to its own good name, afford to do the Indian act—having once reached out its all powerful arm, and snatch back its gift—a gift, let it be remembered, made in consideration of public services rendered.

It is said, but I know not by what authority, that the amendment in contemplation to the annuities act will not go beyond requiring the indi-

vidual grantees, present as well as future, to make a declaration that the annuity is necessary for the due maintenance of his station in life. If this rumor should prove to be well founded, much of what has been said above will not be applicable to such a proposal, and possibly the proposal itself would not from their standpoint, be objected to by the persons to whom the act now applies. But, however this may be, from one important point of view, the point of view of Parliament itself, the establishing of a dangerous precedent, when no precedent for such legislation can, up to this moment, be found, may be well and wisely objected to. The principle is wrong of clogging a grant now in actual enjoyment by its beneficiaries by a super-added condition which may nullify the grant altogether, and the amendment, therefore, would be open to the gravest criticism.

The undersigned recalls a circumstance which occurred some few years ago in the Imperial Parliament—very much in point in the present instance—which will be found in the

DEBATES AND OFFICIAL PAPERS

in the House of Commons. It was objected that several ex-ministers of the Crown continued to receive a pension, notwithstanding the fact was public and notorious that they had become wealthy since the annuity was allowed them, having come into very large estates.

It was contended that the act should be so amended as to require the declaration above mentioned to be annually made, but this proposal was not entertained by Parliament, and was regarded as being obnoxious to the principle the undersigned has just referred to.

No possible objection could be taken if Parliament should so decide to amend the act in the sense referred to, but excluding the present recipients from the operation of such amending act, but to that extent only, the undersigned respectfully submits to Your Excellency-in-Council should any amendment in the law be made.

In conclusion, your memorialist desires to assure Your Excellency that he has chosen this method of inviting the thoughtful attention of your ministers to the subject in question as being less likely to revive and renew the agitation of October and November last, and as being much less embarrassing to your Government than were he to open up a newspaper discussion by presenting these views in the public press.



