

**Hon. Mr. Gershaw:** Honourable senators, seconded by Hon. Mr. Haig, I move with leave that they be placed on the Orders of the Day for concurrence at the next sitting.

**Hon. Mr. Pouliot:** Honourable senators, out of personal consideration for the mover and the seconder, I shall not object tonight, but I will the next time.

Motion agreed to.

### PETITION

#### PROPOSED BILL—REMISSION OF FEES

**Hon. Hartland de M. Molson,** with leave of the Senate, moved:

That the Parliamentary fee paid upon a bill with respect to the proposed incorporation of Brada Pipe Lines Limited be refunded to counsel for the petitioners.

He said: Honourable senators, on August 18 last a petition to incorporate Brada Pipe Lines Limited, which I agreed to sponsor, was filed in the Senate. I am now advised by counsel for the petitioners that due to legal complications they do not wish to proceed with this matter.

Motion agreed to.

### MARRIAGE AND DIVORCE ACT

#### BILL TO AMEND—ORDER FOR SECOND READING STANDS

On the Order:

Second Reading of Bill S-16, intituled: "An Act to amend the Marriage and Divorce Act".—(Honourable Senator Pouliot).

**Hon. Jean-François Pouliot:** Honourable senators, I ask leave for this bill to stand until December 21 next.

**The Hon. the Speaker:** The order stands until December 21.

### QUESTION OF PRIVILEGE

**Hon. Mr. Pouliot:** Honourable senators, if I may be permitted, without touching the merits of the bill itself, I now rise on a question of privilege and a point of order, based on a vote passed by the Senate on July 21, three and a half months ago, to ask the Government to refer this Bill S-16 to the Supreme Court of Canada for a decision.

It has been said there is no jurisprudence on the matter. That is not true, but if it were true, it would be a better reason to have a decision made by the Supreme Court of Canada to decide whether the Parliament of Canada or the provincial legislatures have jurisdiction with regard to the rights of married women. It is clear. No man or woman in this country can substitute himself or her-

self for the courts to establish a jurisprudence and to decide what legislative body has any authority.

My contention is not at all that I am infallible, but I appeal to your intelligence, and refer you to the majority vote of two to one insisting upon the submission or the reference of this matter to the Supreme Court. It is enough to understand that there is negligence somewhere.

I do not want to use harsh language tonight, but I find there is something lacking in the Department of Justice. I know very well, having looked at the record, that when Sir Allen Aylesworth was the Minister of Justice of Laurier, and when Mr. Justice Doherty was the Minister of Justice of Borden, when Mr. Lapointe was the Minister of Justice of Mackenzie King, and also when Mr. St. Laurent was the Minister of Justice of Mackenzie King, such a matter would not have been left in abeyance for so long.

One may say that the Minister of Justice is a new man. This is not an excuse at all. If he is not competent to run his department he must do as he has done with regard to the leadership of the house—he must resign.

**Hon. Mr. Choquette:** Hear, hear.

**Hon. Mr. Pouliot:** I have waited three months to say that. I have read an interesting book written by the late French academician Emile Faguet, entitled, in English, *The Cult of Incompetence*. I am sorry I have not two copies of it, because I know what I would do with the second one.

I leave it at that, and if I do not receive a satisfactory reply between now and the time the supply bill comes before the Senate I shall have something more to say about it.

Order stands.

### PRIVATE BILLS

#### CANADIAN-MONTANA PIPE LINE COMPANY SECOND READING

**Hon. Donald Cameron** moved the second reading of Bill S-43, respecting Canadian-Montana Pipe Line Company.

He said: Honourable senators, I am not sure whether proceeding with this bill at this time is an exercise in optimism or futility, judging by the rumours I hear that no Senate bills are going to go through the other place for some time. However, I am always an optimist and for that reason I shall proceed tonight.

The Canadian-Montana Pipe Line Company was incorporated by special act of Parliament, being chapter 87 of the Statutes of 1951. Except for the Canadian directors' qualifying shares, the company is a wholly-owned subsidiary of The Montana Power Company which has its head office at the City of