

On motion of Hon. Mr. Blois, debate adjourned.

DIVORCE

MEETING OF JOINT COMMITTEE

Hon. Arthur W. Roebuck: If honourable senators will permit me, might I point out that the Joint Committee on Divorce is sitting at 3.30 p.m. today, and it is now a few moments past that hour. Speaking yesterday on the subject of attendances, the Leader of the Government stated that it was no discourtesy to the house for committee members to leave in order to attend a committee meeting. The Senate members are: Senators Gershaw, Haig, Aseltine, Baird, Belisle, Bourget, Burchill, Connolly (Halifax North), Croll, Fergusson and Blois.

With your permission, honourable senators, as co-chairman of that committee, I must leave, and I hope that some others, and perhaps all other senators concerned, will attend that meeting too.

CANADA CORPORATIONS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. W. Ross Macdonald moved the second reading of Bill S-51, to amend the Canada Corporations Act to facilitate the incorporation by letters patent of corporations without objects of pecuniary gain.

He said: Honourable senators, this bill amends the Canada Corporations Act and relates to certain corporations under Part II and Part II(A) of the act, namely, corporations without objects of pecuniary gain.

The purpose of the bill is twofold: in the first instance, it enables certain organizations to be incorporated by letters patent rather than coming to Parliament with a bill; and, in the second place, it makes it possible for organizations which have already been incorporated by special act to have their charters amended by going directly to the Registrar General without coming to Parliament.

Perhaps the purpose of the bill can best be explained if I read section 144 as it presently stands. It is set forth in the explanatory notes in the bill.

Section 144(1) reads:

The Registrar General of Canada may by letters patent under his seal of office grant a charter to any number of persons, not being fewer than three, who

apply therefor, constituting the applicants and any other persons who thereafter become members of the corporation thereby created, a body corporate and politic, without share capital, for the purpose of carrying on in more than one province of Canada without pecuniary gain to its members, objects of a national, patriotic, religious, philanthropic, charitable, scientific, artistic, social, professional or sporting character, or like objects.

Honourable senators, this bill amends that clause in one respect. The following words are eliminated: "in more than one province of Canada", and the words "objects, to which the legislative authority of the Parliament of Canada extends" are substituted for them.

Prior to 1953 there was some doubt as to the power of the federal Parliament to legislate with respect to religious institutions which were not operating or carrying on their services in more than one province. There was no doubt that if they carried on their services in many provinces, then it would be a national matter and would come within the jurisdiction of the federal Parliament. But, if they carried on their religious observances in one province only there was some doubt as to whether the Parliament of Canada had jurisdiction to legislate in respect to them.

In 1953 the matter went to the Supreme Court of Canada in the form of a case, which all honourable senators will recall, affecting the Jehovah's Witnesses. That case held that the freedom of worship and of the press are not civil rights or matters of a local or private nature in the province. If they are not of a local or private nature in the province they are, therefore, within the jurisdiction of the federal Government.

This bill would give the Registrar General the power to incorporate religious denominations, whether they are provincial or operate over the whole dominion, and it provides, therefore, that such organizations—they are all mentioned in section 144—have the right to be incorporated by letters patent rather than by a bill, as has been the custom.

Clause 2 of the bill provides for allowing these organizations to have both an English and a French name.

Clause 3 contains a consequential amendment. It amends section 147A and adds a new section 147B which provides for the amend-