

hoped and urged upon the Honourable Members of this House that they utilize every opportunity, whether by platform speaking or by broadcasting, to contribute their very best at all times to the objective set out in this report.

All which is respectfully submitted.

C. P. BEAUBIEN,
Chairman.

With leave of the Senate,
The said Report was adopted.

A Message was brought from the House of Commons by their Clerk to return the Bill (113), intituled: "An Act to amend The Prairie Farm Assistance Act, 1939,"

And to acquaint the Senate that they have agreed to the amendments made by the Senate to the said Bill, without any amendment.

A Message was brought from the House of Commons by their Clerk in the following words:—

SATURDAY, 3rd August, 1940.

Resolved,—That a Message be sent to the Senate to acquaint Their Honours that this House

- (a) agrees to amendment No. 1 to Bill No. 99, An Act to amend an Act respecting Debts due to the Crown;
- (b) disagrees with amendment No. 2 for the reason that it is desirable that Bill No. 99 should come into force on assent being given; and
- (c) disagrees with amendment No. 3 for the following reasons:—

1. Because the proposed amendment is of doubtful constitutional validity. The province has exclusive authority in relation to the jurisdiction and procedure in civil matters in provincial courts. By the provincial statutes the garnishee must be "within the jurisdiction of the court" or "within" the province, or "resident in" the county. It is doubtful if Parliament can in effect extend the jurisdiction of the provincial courts to include the Minister of Finance as a garnishee;

2. Because under the present state of the law the Crown cannot be impleaded in the courts without a fiat. This principle constitutes the main impediment in the way of garnishee proceedings. The proposed amendment would in effect amount to the abandonment of this prerogative of the Crown in a limited class of cases. It is most important that the position of the Crown in relation to the Courts should not be altered in this respect without full consideration being given to the whole problem of proceedings against the Crown;

3. Because the question of recognition by the Crown of voluntary assignments of debts due from the Crown is allied to the subject matter of the amendment and it is not clear why it should not also be dealt with;

4. Because the proposed amendment only permits garnishee proceedings to be taken in respect of any judgment for or on account of any tax or other debt not sounding in damages. The justification for excluding other judgments is not clear.

5. Because the grounds for making a distinction between officers, servants or employees of His Majesty in the right of Canada on the one hand and other persons to whom amounts may from time to time be due from the Crown on the other is not apparent from the proposed