

## THE SENATE

Thursday, November 27, 1952

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### PRIVATE BILL

#### FIRST READING

**Hon. Mr. Farris** presented Bill Q, an Act to incorporate Peace River Transmission Company Limited.

The bill was read the first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

**Hon. Mr. Farris:** Monday next.

### PRIVATE BILL

#### FIRST READING

**Hon. Mr. Beaubien** (for Hon. Mr. Taylor) presented Bill R, an Act respecting Beaver Fire Insurance Company.

The bill was read the first time.

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the second time?

**Hon. Mr. Beaubien:** Tuesday next.

### CANADA EVIDENCE BILL

#### SECOND READING

**Hon. J. W. de B. Farris** moved the second reading of Bill F, an Act to amend the Canada Evidence Act.

He said: Honourable senators, this is a simple bill which provides for an amendment to an amendment which was made to the Canada Evidence Act ten years ago. The amendment passed at that time provided that photographic films of documents could be used in evidence. This provision enabled departments of the government to destroy voluminous documents or to return documents to their rightful owners; at the same time, the taking of photographic films, which can be stored in a small space, was a safeguard against possible loss.

Under the amendment of ten years ago the films were required to be taken under specific conditions and in a prescribed manner. If the requirements were met, the films could then be produced in court as evidence in the same way as the original documents could have been. One of the requirements was that an affidavit be taken

before a notary public declaring that the films were taken in proper circumstances and for a proper purpose. I may say that the general provision for the taking of photographic film was limited to government institutions, certain corporations such as the banks, railways, telegraph and express companies.

During the past ten years many such affidavits were taken before commissioners instead of before notaries, and in some instances, relying on these improperly-taken affidavits, the original documents were destroyed. Further, in many cases the persons making the affidavits are now dead, and proper affidavits cannot be secured. I understand that there is quite a large accumulation of photographic films that cannot be used in court for the technical reason that the affidavits supporting them were taken before a commissioner instead of a notary.

The bill before us proposes to do two things: first, it would make the affidavits already taken valid, by making this amendment retroactive to 1942; and second, it would enlarge the provisions for the taking of affidavits, so as to permit them to be taken before commissioners for oaths as well as before notaries public.

The motion was agreed to, and the bill was read the second time.

#### REFERRED TO COMMITTEE

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Mr. Lambert:** I move that it be referred to the Committee on Banking and Commerce.

**Hon. Mr. Haig:** It is not necessary.

**Hon. Mr. Lambert:** If the house has no objection, we are quite agreeable to having the bill read the third time now.

**Hon. Mr. Roebuck:** I think it ought to go to the Banking and Commerce Committee. I do not know why the officials should not explain how it is that these affidavits were taken before a commissioner instead of before a notary public. The Act makes it perfectly clear that such affidavits must be taken before a notary public. I do not suggest that because of the error we should get on our high horse and refuse to pass the validating amendment; but as I have said, I do not know why the officials should not come and tell us how it comes to be necessary. It looks like a very sloppy proceeding, and I should like to see the bill referred to a committee.