

THE SENATE.

Ottawa, Monday, Feb. 19, 1883.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRIVATE BILL LEGISLATION.

REPORTS OF THE COMMITTEE ON STANDING ORDERS AND PRIVATE BILLS.

HON. MR. BELLEROSE—presented the third and fourth reports of the Committee on Standing Orders and Private Bills. He said that the fourth report recommended that the time for receiving petitions for Private Bills be extended, since an extension had been granted in the other branch of Parliament. He moved the adoption of the report.

The motion was agreed to.

NICHOLSON DIVORCE BILL.

FIRST READING.

HON. MR. KAULBACH.—In pursuance of the report of the Committee on Standing Orders and Private Bills introduced Bill (D) "An Act for the relief of Peter Nicholson."

The Bill was read the first time.

HON. MR. KAULBACH.—Moved that the Bill be read the second time on the 7th March next.

HON. MR. MILLER—I do not intend to oppose the motion, but it seems to me that in a matter of this kind there ought to be some one in the House whose duty it would be to see that all the requisite preliminaries are strictly attended to in the promotion of Bills of this character. I do not mean to say that the hon. gentleman, who has charge of this Bill has not proceeded in a strictly regular way thus far in this case, but I think there should be an understanding that some one should see that all the formalities are complied with. The hon. gentleman opposite would be the most suitable member to discharge that duty both as leader of the Senate and in his character as Minister of Justice, and

I think the duty should devolve upon him to see that these steps are regularly taken because if it is left to the House it will be found that what is everybody's business is nobody's business. This House not only legislates but is looked upon by the other branch of Parliament as having to exercise judicial functions: therefore it is all the more necessary that the rules should be strictly observed. There is another branch of this subject which deserves the consideration of the House, and I mention it now before that step is taken—it is the striking of a Committee to deal with a matter of this kind. Now, if there is a case in which a Committee should not be struck *ex parte*—I do not allude to this case in particular, but all these divorce cases—if there is any legislation in this House which requires that a Committee should be struck with strict regard to judicial fairness, it is a case of this kind; but as we all know the gentleman who is in charge of a Bill of this character is allowed to name his Committee without any dissent from the House, so far as my recollection extends. I think if these subjects are to come before Parliament for adjudication, it is time we should consider whether it is advisable to have Committees struck *ex parte* for the trial of them. I think there should be some arrangement—I do not suggest what it is, I do not take sufficient interest in this kind of legislation to make a suggestion, but I throw out the idea,—and I think the duty devolves chiefly on the Minister of Justice, who is the leader of the Senate—whether the ends of justice are subserved by allowing Committees to be struck as they are now. I think not, and I think the effect would be to inspire more confidence in the judgments of these tribunals if a different method were adopted of forming them—one that would fairly meet the approval of both parties interested, in striking these Committees.

HON. SIR ALEX. CAMPBELL.—I have felt so strongly in accord with the general views enunciated by the hon. member for Richmond, that for many years after Confederation I absolutely, as leader of the House, took charge of all these Bills, and no Divorce Bill for some years, was introduced here except by me. I thought that was the safe and prudent way of dealing with so important a sub-