

Right Hon. Mr. MEIGHEN: Before the motion is put, I want to clear up one or two points and state my own position. As respects the views of the Law Clerk of the Senate, the practice has grown up of having these transmitted to the two leaders. But we have no more rights than other honourable members of the House, and I suggest that the reason why other senators do not receive a statement of the Law Clerk's opinion is the difficulty of reaching them all. If the honourable member from Ponteix (Hon. Mr. Marcotte) wants an adjournment of the debate, in order to give further study to the matter, he ought to have it.

Secondly, I do not think it is fair to say that the remedy in the proposed new section 3 would not be effective. In my opinion it would be thoroughly effective. Nothing has been adduced to convince me that if it became law it would not do just what is intended, that is, to render the civil servant's salary liable to the same garnishment proceedings as the salary of anybody else is. Naturally, with deference to the right of the Crown, nothing would be compulsorily assessed against the Crown. But that would not detract from the amendment's effectiveness. The right to sue the Crown exists now. That a fiat is necessary, in deference to the Crown's exalted and peculiar position, does not leave the subject without his remedies.

Nor is it right to say that there are other remedies, and that judgment summons is one. I agree with the statement of the honourable senator from Parkdale (Hon. Mr. Murdock) that the creditor of a civil servant has virtually no remedy. It was shown in the committee that in Manitoba, at least, although judgment summons still exists as a means of enforcement, it is without effect at all, because while default in the first of the monthly payments ordered at the hearing would render the debtor liable to some penalty, whatever it might be, as a matter of fact he never goes to gaol; he gets around the difficulty by making the first payment and defaulting on the second. That is not considered contempt of court. He has to be brought up again, with the result that the cost to the applicant is more than he gets out of it. Therefore the judgment summons is nullified and is merely a nominal, not an effective remedy. You can put the debtor to some trouble, but you cannot collect your debt.

As was pointed out by the honourable senator from West Central Saskatchewan (Hon. Mr. Aseltine), it is not correct to say that garnishment against a civil servant is equivalent to a suit against the Crown. You cannot sue the Crown in the right of Saskatchewan, but you can garnishee the Crown's

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while it is acting in the capacity of a holder of money due a citizen. It was stated, and, I do not doubt, correctly, that the same is true in British Columbia. Of what other provinces it may be true, I do not know. The Crown in the right of some of the provinces has seen the distinction and removed its civil servants from a protection to which they are not entitled. It only remains for the Crown in the right of the Dominion to do so.

While I am in agreement with the honourable senator from Parkdale (Hon. Mr. Murdock) and should have supported a motion, if the honourable leader of the Government (Hon. Mr. Dandurand) had moved it, that this House insist on its amendments, I cannot feel that this is a case where we should so insist against the honourable leader's will. I take that stand mainly because this big subject has just come before us for the first time, and only at the end of the session. But, like the honourable senator from Parkdale (Hon. Mr. Murdock), I feel we should regard the statement of the honourable leader (Hon. Mr. Dandurand) as a promise that next session there shall be some Government legislation dealing with the entire problem.

Hon. Mr. DANDURAND: I do not desire to be misunderstood as binding the Government. I may say the Minister of Finance told me, for the Department of Justice, that the matter was of sufficient importance to be examined separately and dealt with in a separate bill. I would only add that we ourselves have power to examine into the whole situation, and there is no reason why we should not do so in the event of delay in the bringing down of Government legislation.

I move that a message be sent to the House of Commons to acquaint that House that the Senate doth not insist upon its second and third amendments to Bill 99, an Act to amend an Act respecting Debts Due to the Crown, to which said amendments the House of Commons has disagreed.

The motion was agreed to.

#### SUSPENSION OF THE RULES MOTION DROPPED

On the notice of motion by Hon. Mr. Dandurand:

That from and inclusive of to-day until the end of the session Rules 23 (f), 24 (a), (b), (d), (e) and (h), 63, 119, 129, 130 and 131 be suspended.

Hon. Mr. DANDURAND: If my right honourable friend (Right Hon. Mr. Meighen) has no objection, I will ask that the motion be dropped.

The Hon. the SPEAKER: Dropped.