

annually of their pay. An anomaly has arisen through the fact that a man who entered the public service was put in a worse position as the result of his being promoted in the field than he would have been had he remained in the ranks as a private. This measure, therefore, is to provide that if such a man goes into the public service he shall not lose the right to pension which he would otherwise receive. It is also provided that if the amount of the pension and of the salary in the public service is such as to exceed the amount he received on the date of his retirement, the payments to him may be reduced so as not to exceed the rate on which the pension was computed. It has been found also in certain cases that pensions to officers who have been retired have been paid as a matter of course and that there has been no record in the Defence department as to what occupations the recipients of the pensions were engaged in. They may have entered the Customs service or the service of, say, the British Columbia government, and there would be no information with regard to their activities in that respect, the cheques issuing automatically. It was not until the Auditor General discovered that payments had been made in certain cases contrary to the provisions of the law of 1919 that the necessity for the present provision became evident. It was 4 p.m. felt, particularly in view of the small amount involved, that it would hardly be fair that the men who had received this money during the last year or so should be compelled to repay it. That, in brief, is the purpose of the proposed legislation.

Mr. GUTHRIE: Can the acting minister inform the committee how many officers have been paid in excess of the amount to which they were entitled, as referred to in the last clause of the resolution? How many cases is this provision supposed to cover?

Mr. MACDONALD (Pictou): I am informed that the cases are very few, but I can get the information for my hon. friend if he wishes it.

Mr. GUTHRIE: Are there only three or four?

Mr. GRAHAM: More than that, but not very many.

Mr. MANION: The minister states, as I understand it, that this is virtually putting these officers on the same basis as are the private and non-commissioned officers?

Mr. MACDONALD (Pictou): Yes.

Resolution reported, read the second time and concurred in. Mr. Macdonald (Pictou) thereupon moved for leave to introduce Bill No. 118, to amend the Militia Pension Act.

Motion agreed to and bill read the first and second times, considered in committee and reported.

CRIMINAL CODE AMENDMENT

EVIDENCE IN MARRIAGE AND DIVORCE PROCEEDINGS

Sir LOMER GOUIN (Minister of Justice) moved the second reading of Bill No. 109, (from the Senate), to amend the Criminal Code with respect to publication of evidence in marriage or divorce proceedings.

Motion agreed to, bill read the second time, and the House went into committee thereon, Mr. Gordon in the chair.

On section 1—Reports of proceedings in parliament; exception as to evidence in matters of marriage or divorce.

Sir LOMER GOUIN: Section 322 of the Criminal Code explains the amendment which is proposed. It reads:

No one commits an offence by publishing in good faith for the information of the public, a fair report of the proceedings of the Senate or House of Commons, or any committee thereof, or of any council or assembly aforesaid, or any committee thereof, or of the public proceedings preliminary or final heard before any court exercising judicial authority, nor by publishing in good faith, any fair comment upon any such proceedings.

Mr. BOYS: While I approve of this legislation I ask the minister does he think very much is going to be gained by it in view of the fact that there are 450 copies of the evidence given before the divorce committee of the Senate which are printed and distributed for the information of members but which fall into the hands of many other people? If there is an earnest desire to stop the publication of this kind of evidence I think the minister should go further and find some way of restricting the method of distribution now in vogue in this House.

Sir LOMER GOUIN: What my hon. friend says is possibly true but I would point out that this bill originated in the Senate. It may be advisable, as the hon. member suggests that no publicity of any kind should be allowed. However, what is proposed here is a beginning and is something better than is in force to-day.

Mr. BOYS: I cannot say that I would go so far as to provide that there should be no publication of evidence at all in relation to these cases. It would be impossible for the