

close our eyes, open our mouths and swallow that. I thought that the manner in which that legislation was passed in the House of Commons—and I say this for all parties and groups in that house—was unreasonable. That kind of legislation should never come before Parliament.

The judges should be independent. I mean that they should not be the messenger boys of any man, of any committee, or any group. To be respected, a judge should have his complete independence; yet, with the kind of legislation that was brought before the House of Commons at the last moment last session, the one who would have been called a judge would have been just a messenger with all the privileges of a judge but without what is needed to fulfil his duty.

I am very sorry to have to say this at the beginning of the session. I have profound respect and loyalty for my present leader, as I had for his predecessor. If the commissioner is made an independent judge, it will be for the good of Parliament, for the good of the commissioner himself, and for the good of all those who will have to appear before him.

Before closing, I must remind you of the provisions of the Exchequer Court Act, which is chapter 98 of the Revised Statutes of Canada.

I hope I have made myself clear, and I shall not insist any more about it until the position of the Divorce Commissioner is rectified. However, there is another matter I should like to refer to before closing.

I have tried to be as fair as possible to the members of the committee and I have said I appreciate their work, but we must not forget that there are men who called themselves divorce investigators who are now in jail because they perjured themselves. A very useful thing that the Divorce Commissioner could have done would have been to take into consideration the cases in which these culprits who have perjured themselves gave evidence, and see what divorces have been granted upon that perjured evidence by

these men who are now in jail. It would have been an illustration of what could happen, and how the good faith of some gentlemen who are of the utmost integrity can be played upon and how they can be deceived by so-called investigators who have exploited the public to the limit.

Furthermore, if you look at the regulations concerning the Divorce Committee you will see nothing with regard to costs, as appears in the regulations of all other courts. You can examine the regulations concerning the Supreme Court of Canada or any other tribunal and see what is said with respect to costs; but here there is nothing, and the lawyers who appear before the Divorce Committee can charge anything to their clients. They can, in fact, exploit them.

Hon. Cyrille Vaillancourt: Honourable senators, I do not agree with Senator Pouliot. According to the British North America Act, divorce is the responsibility of the Divorce Committee of the Senate, a responsibility of Parliament. In both Quebec and Newfoundland a divorce court has been refused. If we nominate a judge we are constituting a divorce court. We agreed last session that the commissioner would examine the witnesses and so on, and make his recommendation to the Senate Committee on Divorce. That is my argument, because in Quebec and Newfoundland a divorce court has been refused under the provisions of the British North America Act.

Motion agreed to.

ADJOURNMENT

Hon. John J. Connolly: Honourable senators, with leave of the Senate, I move that when the Senate adjourns today it do stand adjourned until Tuesday, February 25, at 8 o'clock in the evening.

Motion agreed to.

The Senate adjourned until Tuesday, February 25, at 8 p.m.