

Hon. Mr. MURDOCK: I wonder if the leader of the Government would give us a word of advice on the statement which emanated from another place as to the adequacy of present remedies. What are they?

Hon. Mr. DANDURAND: The situation, as I understand it from two or three members of the Bar practising in Ottawa, is this. If I am wrong I stand to be corrected. A civil servant who is in debt is brought before the court. I thought I had heard of such a case coming before the Recorder's Court, but I was corrected by one of the members of the Bar in the Senate, who says it is the Superior Court. The judge, after examining into the case and into the ability of the civil servant to pay, condemns him to pay by monthly instalments, and if he fails to do this he is cited before a judge for contempt of court and sent to gaol. This may apply to others as well, but we are speaking of civil servants. I know that during the forty years I have been in the Senate I have heard of more than one pressing demand for payment of debts.

Hon. C. P. BEAUBIEN: There was a penalty of imprisonment for debt.

Hon. Mr. DANDURAND: Yes. We had it in the province of Quebec.

Hon. C. P. BEAUBIEN: In the time of our forefathers.

Hon. Mr. DANDURAND: I had an action by a plaintiff against his wife for separation in bed and board. The court found that the suit should have been taken against the husband, and dismissed his claim, and there was a counter-action, in which the wife obtained separation. Although her husband had money in England, she had to earn her own living. Every Saturday between eleven and twelve she was obliged to go to the gaol and deposit a dollar. This she did for three years to keep him there.

Hon. Mr. MURDOCK: May I ask the honourable the leader what would be the objection to letting this particular question stand for the next three months in order to see if the Department of Justice and the Government cannot devise something which will do what I believe we all want done?

Hon. Mr. DANDURAND: The Minister of Finance, who is a lawyer, has suggested that if something has to be done, it could be done in an effective manner by a Bill along other lines, which would come up after a survey of the whole ground. I hope the honourable gentleman will not press his motion.

Hon. Mr. MURDOCK: I accept that as a promise, and will withdraw my amendment, feeling confident that something will be done at the next session.

Hon. Mr. ASELTINE: It has been suggested to me that the ninety-five per cent who pay their debts would like to see the amendment passed, because their credit is hurt by the action of the five per cent.

Hon. Mr. DANDURAND: We have no one before us to speak for them. But, I may say, surely they would like something effective to be done, and this would not be effective.

Hon. Mr. ASELTINE: I cannot see why it would not be. It is effective in the various provinces. For instance, if a civil servant in the province of Saskatchewan owes money and will not pay, I have no difficulty in securing a garnishee summons and serving it on the Provincial Secretary or the Provincial Treasurer and getting the money. The Government pays it into court, subject to the exemption.

Hon. Mr. MURDOCK: Would that apply to a federal civil servant?

Hon. Mr. ASELTINE: I do not see why it would not. The provincial Government acts in the name of the Crown, just as the Federal Government does.

Hon. Mr. DANDURAND: As the question of waiving the petition of right and the Crown saying who may issue a fiat is of such importance in the eyes of the men in the various departments who have the responsibility of advising the Minister, I would suggest that the amendment should come from the Crown, or the Government, which has the responsibility of the administration of the country. My right honourable friend has been a Minister for a number of years. It may be that this question never arose in his time, but since 1867 it has been the law—

Hon. Mr. ASELTINE: This is not a case of taking action against the Crown. I understand that you issue a writ, get a judgment, and then garnishee the Crown. It is not at all a case of issuing a writ against the Crown. The judgment summons business which the honourable Minister has been speaking of has been done away with in most of the provinces. We had it in Saskatchewan. We cannot bring up a federal employee on judgment summons and have him committed for contempt of court if he does not carry out the order made against him, and we are unable to collect anything at all from him.