

and other personnel as may be necessary for the purpose of the inquiry;

That the committee have power to send for persons, papers and records, to sit during sittings and adjournments of the Senate;

That the evidence taken on the subject during the preceding session be referred to the committee; and

That the committee be instructed to report to the house from time to time its findings, together with such recommendations as it may see fit to make.

Motion agreed to.

DIVORCE

APPOINTMENT OF COMMITTEE

Hon. Mr. Connolly (Ottawa West): Honourable senators, may I also preface the motion I am about to make in respect of the Divorce Committee with a few remarks. There are some urgent matters that this committee must attend to at this time, and it is desirable to re-establish the Divorce Committee today. With leave, it is proposed that personnel of that committee for this session be the same personnel which served on the committee during the last session.

Therefore, with leave, seconded by the honourable Senator Roebuck, I move:

That the Honourable Senators Aseltine, Baird, Blois, Bradley, *Brooks, Burchill, Cameron, *Connolly (Ottawa West), Croll, Farris, Gershaw, Gladstone, Haig, Hnatyshyn, Hollett, Horner, Inman, Irvine, Isnor, Kinley, Lambert, Robertson (Kenora-Rainy River), Roebuck, Smith (Kamloops), Smith (Queens-Shelburne), and Taylor (Westmorland) be appointed to constitute the Standing Committee on Divorce, to inquire into and report upon such matters as may be referred to them from time to time.

**Ex officio* members.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Jean-François Pouliot: Honourable senators, I have not the least objection to the appointment of members to the Divorce Committee, and I have already praised their work, but last session, at the eleventh hour, a bill passed three readings, in three lines in the House of Commons *Hansard*, to be smuggled into the Senate. On that occasion the then Leader of the Senate (Hon. Mr. Macdonald, Brantford) objected to that kind of procedure and said that with only twenty-one senators in attendance, in the last hours of the last day of the session, we should not adopt that legislation at once.

At the present time the divorce commissioner is in a false position, and the bill that was brought before us was to give him the salary and the compensations of a judge of the Exchequer Court. I have no objection to the commissioner, whom I do not know but to whom I give the benefit of the doubt, being appointed a judge—a full judge, a judge who is independent from the Divorce Committee, and who has to report not to the committee, but to the Senate. One should not be called a judge when he is only the messenger boy of a committee. This is not at all a reflection on the members of the Divorce Committee, because it could act on appeal from the decisions of the commissioner if he has all the powers of a judge. But I do not agree that a judge of the Exchequer Court, or any other court, should have to report to any committee of the Senate, except in this case the judge should report to the Senate itself, and then the Senate might decide what it deems reasonable to do.

We had some complaint from three members of the House of Commons who said that the Senate was unfair in not passing that legislation. You will remember, honourable senators, that there was no number to the bill when it was presented to us, and that we only received the text of the bill two or three days after it was presented to us on the last day of the session. Is it reasonable? Then the leader of one of the groups in the House of Commons and two of the members of his group declared that the Senate was unfair because it had not swallowed that legislation.

Honourable senators, we are not children; we are not here to be tricked in that manner. We have the right to see the legislation that is presented to us, and to debate it before we adopt it.

Hon. Mr. Connolly (Halifax North): Hear, hear.

Hon. Mr. Pouliot: I remember when such an important piece of legislation as that was to be introduced in the House of Commons years ago concerning both railways. It was a long time ago. It was in the Bennett regime, and Mr. Manion was the Minister of Railways and Canals. Because there was not a French translation of the railway bill the debate was adjourned. The House of Commons waited until both the English and French texts of the legislation were before the chamber. Now, in this instance, the House of Commons passed this bill at the last minute of the last day, without any explanation and without any debate. If you look at the House of Commons *Hansard* for the last day of last session, December 21, you will see that the three readings are reported in three lines. And we were supposed to