Hon. Mr. Roebuck: Never in the wide world, but still I think we should regularize it.

The proposed new Rule 147(2) will read:

Declarations allowed under or required in proof may be made under the Canada Evidence Act or in a form valid in the jurisdiction in which they are made.

That in no wise changes the present practice, but it does change the existing Rule, which reads:

Declarations allowed or required in proof, may be made under the Canada Evidence Act.

Now, it is perfectly obvious that an affidavit made, say, in Czechoslovakia—and we have had such affidavits—can hardly be made under the Canada Evidence Act. It must be made under the laws of Czechoslovakia. When we are satisfied that an affidavit is properly authenticated, we of course receive it, so the proposed change only confirms and regularizes a practice that we have been following.

Hon. Mr. Farris: Would you have to get proof of the practice in Czechoslovakia?

Hon. Mr. Roebuck: To a considerable extent we do, for applications sent us from abroad are usually, but not always, authenticated by the court. We do that when we send processes abroad. We have the court place its seal on them, and most of the affidavits, like the one I referred to from Czechoslovakia, come with that kind of certification.

The proposed new Rule 148 will read:

Every witness summoned shall, at the time of service of the summons upon him, be tendered a sum of money sufficient to defray his reasonable expenses for travelling to and from Ottawa and his reasonable living expenses while in attendance upon the Committee; and no witness shall be obliged to attend in obedience to a summons unless such a tender has been made to him.

Hon. Mr. Aseltine: Who is going to decide whether the amount is sufficient or not?

Hon. Mr. Roebuck: If the amount is questioned, then it will be up to the Committee.

Hon. Mr. Reid: What is the reason for the Rule?

Hon. Mr. Roebuck: We have had a number of complaints from witnesses who have been subpoenaed to attend before the Committee and who have been given no expense money. They have been placed in a difficult position, wondering what to do. So we have added this clause:

and no witness shall be obliged to attend in obedience to a summons unless such a tender has been made to him.

That should clear up the situation and we should have no more complaints of that kind.

Hon. Mr. Aseltine: In the courts the amount is fixed at so much *per diem* plus return railway fare. I think the proposed Rule is a little indefinite and may lead to some difficulty.

Hon. Mr. Farris: I was going to mention the same thing. Supposing a witness did not deem the money tendered to him was adequate and refused to appear, then if the Committee held that the amount was adequate what would the Committee do?

Hon. Mr. Roebuck: Rule 148, which has been in existence for a long time now, provides:

The reasonable expenses of making such service and the reasonable expenses of every witness for attending in obedience to such summons shall be taxed by the Chairman of the Committee.

I suppose the Chairman of the Committee can go on taxing the expenses. If it was thought necessary we could adopt the rules of the court in this regard, but we are not changing the situation. The Rule has always required that reasonable expenses be paid to the witnesses, and we are not changing that.

Hon. Mr. Connolly (Ottawa West): Perhaps I should not ask this question, but in the event a witness fails to attend has the Committee power to enforce his attendance, and is there contempt if he does not appear?

Hon. Mr. Roebuck: By way of reply I will read from Rule 148, which says that:

summonses may be served by any literate person, or, if so ordered by the Senate or by the Committee on Divorce, shall be served by the Gentleman Usher of the Black Rod or by anyone authorized by him to make such service.

Rule 149 provides:

In case any witness upon whom such summons has been served refuses to obey the same, such witness may by order of the Senate be taken into custody of the Gentleman Usher of the Black Rod, and shall not be liberated from such custody except by order of the Senate and after payment of the expenses incurred.

I need scarcely say that in my experience so far no witness has been taken into custody by the Gentleman Usher of the Black Rod.

Hon. Mr. Connolly (Ottawa West): I suppose there has been no suggestion as to the place of custody?

Hon. Mr. Roebuck: Probably the Tower.

Hon. Mr. Aseltine: I think an R.C.M.P. constable would be called in for the purpose, would he not?

Hon. Mr. Roebuck: I suppose so. We have had no trouble in this way so far. We just want to make it a little clearer that these legal expenses should be paid before any other obligation is met.

The change in the forms, as I have already mentioned, is a purely mechanical act, and if