

Hon. Mr. BALLANTYNE: Would the honourable senator be satisfied if the Senate referred the Bill back to the committee?

Hon. Mr. ROBINSON: Yes.

Hon. Mr. HAIG: No.

Hon. Mr. ROBINSON: The Acting Chairman of the Committee (Hon. Mr. Aseeltine) is present. I think he should reply.

Hon. Mr. ASELTINE: I can tell the honourable leader on this side (Hon. Mr. Ballantyne) that it would not make the least bit of difference if that were done. The members of the committee who voted in favour of the petition were absolutely convinced in the matter, and I am firmly of the opinion that the honourable senator from Parkdale (Hon. Mr. Murdock) is entirely wrong in the view he has taken with regard to the whole case. It is regrettable that this kind of thing should arise, and I hope that next session or some time in the near future Parliament will pass an Act transferring all divorce matters coming from the provinces whose courts have not divorce jurisdiction to the Exchequer Court of Canada or some other body.

Hon. Mr. MURDOCK: Hear, hear.

Hon. Mr. ASELTINE: The Exchequer Court is a travelling court. That is, it goes from place to place and hears cases of different kinds. It could hold sittings in the two provinces which now have no divorce jurisdiction, namely Quebec and Prince Edward Island. That would relieve Parliament entirely of discussions on divorce cases and would be a more satisfactory way of dealing with the question as a whole. Moreover, the expense to litigants would be much less. It costs a considerable sum of money to take one of these cases before Parliament, to pay the fees for a private bill and to pay counsel and witness fees, to say nothing of bringing witnesses from various parts of Quebec or Prince Edward Island.

Furthermore, Parliament has no jurisdiction over alimony or custody of children or the awarding of costs, or anything of that kind. All such matters could be dealt with by the Exchequer Court or whatever body is authorized to deal with the cases. Therefore I hope a bill to remove divorce cases from Parliament will be introduced next session. I am desirous that this should be done in the near future, because on account of the large number of hasty war-time marriages we shall be swamped with applications if we are still dealing with divorce when the war is over. Therefore I should be glad if during the coming long adjournment honourable mem-

Hon. Mr. ROBINSON.

bers would kindly consider my suggestion and inform the House early next year what they think should be done.

Hon. Mr. MURDOCK: May I ask the honourable gentleman a question? This case, as we all know, was heard on the 17th of March. Personally I thought it was in the discard until the 20th of July, when we got notice of a meeting on the 21st, under the Acting Chairman—

Hon. Mr. ASELTINE: I will not accept any reflections at all from the honourable member from Parkdale.

Hon. Mr. MURDOCK: Just a minute. I am asking a question. Did a lawyer in this town, who was interested in this case, approach you in order to get a decision on the case?

Hon. Mr. ASELTINE: That is absolutely false. I do not know any lawyer in town who has anything to do with this case. The only person who approached me as Acting Chairman, in the absence of the Chairman (Hon. Mr. Robinson), was Mr. Hinds, the clerk of all the Senate committees, who said there were two cases which had not been decided, and he wanted a date fixed for the committee to deal with them.

Hon. Mr. MURDOCK: I am glad to hear that.

Hon. Mr. ASELTINE: That is absolutely all I know about it.

Hon. Mr. MURDOCK: I am glad to hear it.

Hon. Mr. ASELTINE: I could not do anything but fix a date for consideration of the cases.

Hon. Mr. DAVID: Honourable senators, I certainly do not intend to discuss any aspects of this case. As is well known, those of us who come from the province of Quebec abstain from discussing divorce cases. I rise to inquire about a matter of procedure which I cannot very well understand, and I do it solely to seek enlightenment and not to criticize. The ruling made by His Honour the Speaker may affect questions arising here in the future. As I understood His Honour's decision, it was to the effect that the Committee on Divorce is a court, that the evidence taken before it is in some way secret and that reports from the committee should, generally speaking, be either accepted or rejected by the Senate. With all respect, may I say that I remain under the impression that any committee appointed by the Senate possesses only the powers delegated to it, and that any evidence produced before a committee and any report made by it is subject