

upon them by the Government of that province. I repeat, our intelligence is insulted when it is suggested that present remedies are sufficient. There are no present remedies for the creditor of a civil servant who fails to pay his bills. If I am incorrect, will somebody put me right? I think we could unearth hundreds of cases—yes, in this city of Ottawa—where present remedies have been of no avail. There were no remedies. All that a civil servant debtor had to do was to fail to pay his bill, and his creditor had no redress. I could mention two or three very serious concrete cases, but maybe I had better not.

We are given to understand that we are to have a three-month lay-off and must mark time until the close of the session. It seems to me that the interval should be sufficient for the Department of Justice and any other department of Government responsible for these matters to go thoroughly into the whole question and ascertain whether civil servants pay promptly, and, if not, whether they should not be required to pay their bills the same as any other citizens. Therefore I move:

That in this the greatest period of war stress the world has ever known, when Canada stands ready, with other portions of the British Empire, to sacrifice its all in blood and treasure, to conserve democracy, the Senate is firmly convinced that the civil servants of Canada should now, and for the future, be accorded the same full measure of rights, privileges and obligations devolving on and controlling other Canadian citizens. Thus we insist on Senate amendments.

Hon. A. MARCOTTE: Honourable senators, since we are not sure of sitting to-morrow, this may be my only opportunity of saying a few further words on this matter.

According to the honourable gentleman who has just spoken (Hon. Mr. Murdock), we should, in the terms of his motion, consider whether civil servants should not be accorded the same rights, privileges and obligations as devolve on and control other Canadian citizens. May I point out to him that what he proposes has absolutely nothing to do with what we are now discussing. This is a question, not of civil servants paying or not paying their debts, but of the Crown being forced to appear in certain proceedings, irrespective of whether or not civil servants are connected therewith.

When the Bill came before us our Parliamentary Counsel expressed the opinion that it was ultra vires because it sought to encroach on civil rights. With that opinion I agree absolutely. That is one of the reasons why I objected to the Bill in the first place. I objected to it also because it was in effect an attempt to authorize the garnishment of civil servants.

Hon. Mr. MURDOCK.

According to the newspaper which I have before me, the message from the House of Commons contends that no voluntary assignments of debts owing to the Crown should be considered. How can this stand be reconciled with the purpose of this Bill, that any debts owing to the Crown by civil servants in one of the provinces, for example, Manitoba—the province specially concerned in this proposed legislation—may be assigned? In any garnishee proceedings there is a summons directed to the garnishee, and he has to declare whether or not he owes the debt and will pay it at some future time. By this very amendment to the Act neither the Minister of Justice nor the Minister of Finance would in any way be obligated to ascertain whether the debt was due. The section reads that if “in the opinion of the Minister of Justice” there is indebtedness by a federal civil servant to a province, such indebtedness may be deducted from his salary. No garnishee proceedings are necessary. In my view, this is nothing less than confiscation. I say that under the procedure proposed you are precluding residents of Manitoba or of any other province from resorting to the courts, because you cannot get the Minister of Finance or the Minister of Justice to appear in court. Your only satisfaction is that you get the Minister of Justice to say, “In my opinion there is a debt, and I will take that money from the Minister of Finance.” If this is not confiscation pure and simple, and an encroachment on the civil rights of the citizens of a province, I do not know what other interpretation can be placed upon the Bill.

According to the newspaper report to which I have referred, damages are not included in the proposed amendment. There is a very good reason for this omission. It is against equity, and in no court is it permissible, to garnishee a debt in respect of damages until you have obtained judgment. It would be a crime to say you will tie up a contract with the Crown or with anybody else by and under the terms of any garnishment proceedings.

We made three amendments to the Bill. First is the amendment limiting the amount of deduction each month, proposed by the honourable senator from Ottawa East (Hon. Mr. Coté). This amendment was accepted by the Commons. The second amendment proposes that the measure shall come into force only upon proclamation. To this the Commons disagreed. The third is the important amendment, and in my opinion the reasons urged in disagreement by the Commons have no bearing on it if you consider the principles of the Bill. If I were practising in Manitoba, and a