

—Neither can a committee report the evidence taken before a similar committee in a previous session except as a paper in the appendix, unless it receives authority from the House to consider it.

May also gives a very clear statement on the matter. In the footnote to page 418 he says:

When for any reason the evidence taken before committee has not been laid before the House, the committee re-appointed in a subsequent session cannot report it except as a paper in the appendix.

My information is, and I believe it to be quite accurate, that the Divorce Committee did not have the evidence taken in this case in 1915 referred to this year by the Senate. In support of my belief that this was not done, I may state that a search has been made of the Minutes of Proceedings of the Senate, and it fails to reveal any reference to the evidence.

Mr. SPEAKER: Do I understand the hon. member desires to rise to a point of order?

Mr. STEELE: No, I did not rise to a point of order. I wished to draw attention to an irregularity in the procedure, and to conclude by moving that the Bill be referred back to the Private Bills Committee for further consideration.

Mr. SPEAKER: There is a question as to whether it is competent for this House to go into the matter of procedure in another Chamber. I do not wish to make a ruling upon the point, but I shall follow the hon. gentleman carefully.

Mr. STEELE: I have no desire to depart from the rules of the House. I was merely bringing the matter to the attention of the House in order to substantiate the motion I proposed moving, and was giving the reasons why I moved it. Perhaps it would be sufficient for me to conclude by moving:

That the order for the House in Committee of the Whole on Bill No. 126, (Letter T2 of the Senate) intituled "An Act for the relief of Albert Edwin Gordon" be discharged and that the Bill be referred back to the Committee on Miscellaneous Private Bills for further consideration.

Mr. SPEAKER: Is it the pleasure of the House to adopt the motion?

Mr. W. B. NORTHRUP (East Hastings): If I understood the argument of the hon. member, it was that the evidence taken in a prior year, 1915 I think, had not been laid before the Committee of the Senate. I presume this House, as the highest judicial body in the land, wishes to do what is right between the parties. I have under my hand

a copy of the evidence and proceedings in this case before the Senate, and I find it was expressly agreed between the parties, in the presence of the committee, that the evidence theretofore taken should be used with permission to either party to add anything thereto the party wished. It seems to me when the hon. gentleman rises to the point he does, he must be ignorant of the fact that there was a straight agreement made between the parties and the Senate. It is found on the first page of the Minutes of Evidence, and is as follows:

Hon. Sir James Lougheed: May we expect new evidence, or are we to be confined to the evidence produced on the hearing some two sessions ago?

Mr. Wilkie: There will be some evidence.

Hon. Sir James Lougheed: I think counsel might discuss this question between themselves, and perhaps they could agree to accept the evidence which has already been taken and printed.

(Counsel confer together.)

Mr. Wilkie: My learned friend and I have agreed, subject to the wishes of the committee, that the evidence taken on the former occasion and printed shall stand, with leave to either party to supplement or explain it.

Hon. Sir James Lougheed: Is there anything that you wish to add to Mr. Gordon's evidence? I think it would be well to indicate as you proceed what the new evidence is.

Mr. Wilkie: I desire that the evidence of Mr. Gordon should stand unchanged.

The chairman: What do you say, Mr. Mikel?

Mr. Mikel: I have a copy of the evidence. I may say that I am not as familiar with it as my learned friend whom I am representing.

Then witness after witness was named, and the parties agreed that his evidence should go in. It all follows out the agreement made at the beginning:

Mr. Wilkie: My learned friend and I have agreed, subject to the wishes of the Committee, that the evidence taken on the former occasion and printed shall stand, with leave to either party to supplement or explain it.

I submit, it is one of the rules of this House that when a matter is referred to a committee prima facie the finding of that committee governs the House. I do not say it is absolutely conclusive, but prima facie it governs. In this case, we find that a Committee of the Senate after hearing the evidence came to a certain decision, and a Committee of our House agreed with the Senate. This body to-night, composed of members who have not seen the evidence, is asked practically to override the opinions expressed by those two committees. I submit that it is our duty to sit here as judges in a matter of this kind, and whatever feelings of sympathy may exist towards the respondent, the petitioner has his rights, and if the evidence he has brought