

Canada

Debates of the Senate

OFFICIAL REPORT
(HANSARD)

THE HONOURABLE WISHART McLEA ROBERTSON, P.C.
SPEAKER

1955

SECOND SESSION, TWENTY-SECOND PARLIAMENT
3-4 ELIZABETH II

The Session was opened on January 7, 1955
and was prorogued on July 28, 1955

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955

THE MINISTRY

According to Precedence

THE RIGHT HONOURABLE LOUIS STEPHEN ST. LAURENT ..... Prime Minister and President of the Privy Council.

THE RIGHT HONOURABLE CLARENCE DECATUR HOWE ..... Minister of Trade and Commerce and Minister of Defence Production.

THE RIGHT HONOURABLE JAMES GARFIELD GARDINER ..... Minister of Agriculture.

THE HONOURABLE PAUL JOSEPH JAMES MARTIN ..... Minister of National Health and Welfare.

THE HONOURABLE JAMES J. MCCANN ... Minister of National Revenue.

THE HONOURABLE MILTON FOWLER GREGG ..... Minister of Labour.

THE HONOURABLE LESTER BOWLES PEARSON ..... Secretary of State for External Affairs.

THE HONOURABLE STUART SINCLAIR GARSON ..... Minister of Justice and Attorney General.

THE HONOURABLE ROBERT HENRY WINTERS ..... Minister of Public Works.

THE HONOURABLE HUGUES LAPOINTE ... Minister of Veterans Affairs.

THE HONOURABLE WALTER EDWARD HARRIS ..... Minister of Finance and Receiver General.

THE HONOURABLE GEORGE PRUDHAM .... Minister of Mines and Technical Surveys.

THE HONOURABLE ALCIDE COTÉ ..... Postmaster General.

THE HONOURABLE JAMES SINCLAIR ..... Minister of Fisheries.

THE HONOURABLE RALPH OSBORNE CAMPNEY ..... Minister of National Defence.

50437—A½

THE HONOURABLE WILLIAM ROSS MACDONALD ..... Solicitor General and Leader of the Government in the Senate.

THE HONOURABLE JOHN WHITNEY PICKERSGILL ..... Minister of Citizenship and Immigration.

THE HONOURABLE JEAN LESAGE ..... Minister of Northern Affairs and National Resources.

THE HONOURABLE GEORGE CARLYLE MARLER ..... Minister of Transport.

THE HONOURABLE ROCH PINARD ..... Secretary of State.

PARLIAMENTARY ASSISTANTS

ROBERT MCCUBBIN, Esq., M.P. ..... to the Minister of Agriculture.

J. WATSON MACNAUGHT, Esq., M.P. ..... to the Minister of Fisheries.

J. A. BLANCHETTE, Esq., M.P. ..... to the Minister of National Defence.

W. M. BENIDICKSON, Esq., M.P. ..... to the Minister of Finance.

J. G. L. LANGLOIS, Esq., M.P. ..... to the Minister of Transport.

J. H. DICKEY, Esq., M.P. ..... to the Minister of Defence Production.

W. G. WEIR, Esq., M.P. ..... to the Prime Minister.

C. E. BENNETT, Esq., M.P. ..... to the Minister of Veterans Affairs.

F. G. ROBERTSON, Esq., M.P. ..... to the Minister of National Health and Welfare.

MAURICE BOURGET, Esq., M.P. ..... to the Minister of Public Works.

T. A. M. KIRK, Esq., M.P. ..... to the Postmaster General.

PRINCIPAL OFFICERS OF THE PRIVY COUNCIL

Clerk of the Privy Council and Secretary to the Cabinet ..... R. B. BRYCE, Esq.

Assistant Clerk of the Privy Council ... A. M. HILL, Esq.

SENATORS OF CANADA

ACCORDING TO SENIORITY

THE HONOURABLE WISHART McLEA ROBERTSON, P.C., SPEAKER

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
JAMES A. CALDER, P.C.	Saltcoats	Regina, Sask.
ARTHUR C. HARDY, P.C.	Leeds	Brockville, Ont.
WILLIAM H. McGUIRE	East York	Toronto, Ont.
DONAT RAYMOND	De la Vallière	Montreal, Que.
CAIRINE R. WILSON	Rockcliffe	Ottawa, Ont
(1)JAMES H. KING, P.C.	Kootenay East	Victoria, B.C.
ARTHUR MARCOTTE	Ponteix	Ponteix, Sask.
RALPH BYRON HORNER	Blaine Lake	Blaine Lake, Sask.
WALTER MORLEY ASELTINE	Rosetown	Rosetown, Sask.
FELIX P. QUINN	Bedford-Halifax	Bedford, N.S.
IVA CAMPBELL FALLIS	Peterborough	Peterborough, Ont.
JOHN T. HAIG	Winnipeg	Winnipeg, Man.
JOHN WALLACE DE B. FARRIS	Vancouver South	Vancouver, B.C.
ADRIAN K. HUGESSEN	Inkerman	Montreal, Que.
NORMAN P. LAMBERT	Ottawa	Ottawa, Ont.
(2)J. FERNAND FAFARD	De la Durantaye	L'Islet, Que.
ARTHUR LUCIEN BEAUBIEN	Provencher	St. Jean Baptiste, Man.
JOHN J. STEVENSON	Prince Albert	Waskesiu, Sask.
ARISTIDE BLAIS	St. Albert	Edmonton, Alta.
CHARLES BENJAMIN HOWARD	Wellington	Sherbrooke, Que.
SALTER ADRIAN HAYDEN	Toronto	Toronto, Ont.
NORMAN McLEOD PATERSON	Thunder Bay	Fort William, Ont.
JOSEPH JAMES DUFFUS	Peterborough West	Peterborough, Ont.
WILLIAM DAUM EULER, P.C.	Waterloo	Kitchener, Ont.
LÉON MERCIER GOUIN	De Salaberry	Montreal, Que.

(1) *Deceased, July 14, 1955.*
(2) *Deceased, May 14, 1955.*

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
THOMAS VIEN, P.C.	De Lorimier	Outremont, Que.
PAMPHILE RÉAL DUTREMBLAY	Repentigny	Montreal, Que.
WILLIAM RUPERT DAVIES	Kingston	Kingston, Ont.
JAMES PETER MCINTYRE	Mount Stewart	Mount Stewart, P.E.I.
GORDON PETER CAMPBELL	Toronto	Toronto. Ont.
WISHART MCLEA ROBERTSON, P.C. (Speaker)	Shelburne	Truro, N.S.
TÉLESPHORE DAMIEN BOUCHARD	The Laurentides	St. Hyacinthe, Que.
ARMAND DAIGLE	Mille Iles	Montreal, Que.
CYRILLE VAILLANCOURT	Kennebec	Lévis, Que.
JACOB NICOL	Bedford	Sherbrooke, Que.
THOMAS ALEXANDER CRERAR, P.C.	Churchill	Winnipeg, Man.
WILLIAM HORACE TAYLOR	Norfolk	R. R. 3 Brantford, Ont.
FRED WILLIAM GERSHAW	Medicine Hat	Medicine Hat, Alta.
JOHN POWER HOWDEN	St. Boniface	Norwood Grove, Man.
VINCENT DUPUIS	Rigaud	Montreal, Que.
CHARLES L. BISHOP	Ottawa	Ottawa, Ont.
JOHN JAMES KINLEY	Queen's-Lunenburg	Lunenburg, N.S.
CLARENCE JOSEPH VENIOT	Gloucester	Bathurst, N.B.
ARTHUR WENTWORTH ROEBUCK	Toronto-Trinity	Toronto, Ont.
JOHN ALEXANDER MCDONALD	King's	Halifax, N.S.
ALEXANDER NEIL MCLEAN	Southern New Brunswick	Saint John, N.B.
FREDERICK W. PIRIE	Victoria-Carleton	Grand Falls, N.B.
GEORGE PERCIVAL BURCHILL	Northumberland	South Nelson, N.B.
JEAN MARIE DESSUREAULT	Stadacona	Quebec, Que.
*JOSEPH RAOUL HURTUBISE	Nipissing	Sudbury, Ont.
PAUL HENRI BOUFFARD	Grandville	Quebec, Que.
JAMES GRAY TURGEON	Cariboo	Vancouver, B.C.
STANLEY STEWART MCKEEN	Vancouver	Vancouver, B.C.
THOMAS FARQUHAR	Algoma	Little Current, Ont.
JOSEPH WILLIE COMEAU	Clare	Comeauville, N.S.
GEORGE HENRY ROSS	Calgary	Calgary, Alta.
THOMAS H. WOOD	Regina	Regina, Sask.
JAMES ANGUS MACKINNON, P.C.	Edmonton	Edmonton, Alta.
THOMAS VINCENT GRANT	Montague	Montague, P.E.I.
JOSEPH ADÉLARD GODBOUT	Montarville	Frelighsburg, Que.
WILLIAM ALEXANDER FRASER	Trenton	Trenton, Ont.
WILLIAM HENRY GOLDING	Huron-Perth	Seaforth, Ont.

Deceased, January 31, 1955.

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
GEORGE H. BARBOUR	Prince	Charlottetown, P.E.I.
ALEXANDER BOYD BAIRD	St. John's	St. John's, Nfld.
RAY PETTEN	Bonavista	St. John's, Nfld.
THOMAS REID	New Westminster	New Westminster, B.C.
J. WESLEY STAMBAUGH	Bruce	Bruce, Alta.
GORDON B. ISNOR	Halifax-Dartmouth	Halifax, N.S.
CHARLES G. HAWKINS	Milford-Hants	Milford Station, N.S.
CALVERT C. PRATT	St. John's West	St. John's, Nfld.
MICHAEL G. BASHA	West Coast	Curling, Nfld.
MARIANA BEAUCHAMP JODOIN	Sorel	Montreal, Que.
MURIEL MCQUEEN FERGUSSON	Fredericton	Fredericton, N.B.
ALLAN L. WOODROW	Toronto-Centre	Toronto, Ont.
FREDERICK GORDON BRADLEY, P.C.	Bonavista-Twillingate	Bonavista, Nfld.
WILLIAM ROSS MACDONALD, P.C.	Brantford	Brantford, Ont.
JOSEPH ARTHUR BRADETTE	Cochrane	Cochrane, Ont.
LEONARD DAVID SWEEZEY TREMBLAY	Lauzon	St. Malachie, Que.
SARTO FOURNIER	De Lanaudière	Montreal, Que.
AUREL D. LÉGER	Kent	Grande Digue, N.B.
JOHN J. CONNOLLY	Ottawa West	Ottawa, Ont.
NANCY HODGES	Victoria	Victoria, B.C.

SENATORS OF CANADA

ALPHABETICAL LIST

THE HONOURABLE WISHART McLEA ROBERTSON, P.C., SPEAKER

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
ASELTINE, WALTER M.	Rosetown	Rosetown, Sask.
BAIRD, ALEXANDER BOYD	St. John's	St. John's, Nfld.
BARBOUR, GEORGE H.	Prince	Charlottetown, P.E.I.
BASHA, MICHAEL G.	West Coast	Curling, Nfld.
BEAUBIEN, ARTHUR L.	Provencher	St. Jean Baptiste, Man.
BISHOP, CHARLES L.	Ottawa	Ottawa, Ont.
BLAIS, ARISTIDE	St. Albert	Edmonton, Alta.
BOUCHARD, TÉLESPHORE DAMIEN	The Laurentides	St. Hyacinthe, Que.
BOUFFARD, PAUL HENRI	Grandville	Quebec, Que.
BRADETTE, JOSEPH ARTHUR	Cochrane	Cochrane, Ont.
BRADLEY, FREDERICK GORDON, P.C.	Bonavista-Twillingate	Bonavista, Nfld.
BURCHILL, GEORGE PERCIVAL	Northumberland	South Nelson, N.B.
CALDER, JAMES A., P.C.	Saltcoats	Regina, Sask.
CAMPBELL, G. PETER	Toronto	Toronto, Ont.
COMEAU, JOSEPH WILLIE	Clare	Comeauville, N.S.
CONNOLLY, JOHN J.	Ottawa West	Ottawa, Ont.
CRERAR, THOMAS ALEXANDER, P.C.	Churchill	Winnipeg, Man.
DAIGLE, ARMAND	Mille Iles	Montreal, Que.
DAVIES, WILLIAM RUPERT	Kingston	Kingston, Ont.
DESSUREAULT, JEAN MARIE	Stadacona	Quebec, P.Q.
DUFFUS, JOSEPH JAMES	Peterborough West	Peterborough, Ont.
DUPUIS, VINCENT	Rigaud	Montreal, P.Q.
DUTREMBLAY, PAMPHILE RÉAL	Repentigny	Montreal, Que.
EULER, WILLIAM D., P.C.	Waterloo	Kitchener, Ont.
*FAFARD, J. FERNAND	De la Durantaye	L'Islet, Que.
FALLIS, IVA CAMPBELL	Peterborough	Peterborough, Ont.

**Deceased, May 14, 1955.*

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
FARQUHAR, THOMAS	Algoma	Little Current, Ont.
FARRIS, JOHN WALLACE DE B	Vancouver South	Vancouver, B.C.
FERGUSSON, MURIEL McQUEEN	Fredericton	Fredericton, N.B.
FOURNIER, SARTO	De Lanaudière	Montreal, Que.
FRASER, WILLIAM ALEXANDER	Trenton	Trenton, Ont.
GERSHAW, FRED WILLIAM	Medicine Hat	Medicine Hat, Alta.
GODBOUT, JOSEPH ADÉLARD	Montarville	Frelighsburg, Que.
GOLDING, WILLIAM HENRY	Huron-Perth	Seaforth, Ont.
GOUIN, LÉON MERCIER	De Salaberry	Montreal, Que.
GRANT, THOMAS VINCENT	Montague	Montague, P.E.I.
HAIG, JOHN T	Winnipeg	Winnipeg, Man.
HARDY, ARTHUR C., P.C	Leeds	Brockville, Ont.
HAWKINS, CHARLES G	Milford-Hants	Milford Station, N.S.
HAYDEN, SALTER A	Toronto	Toronto, Ont.
HODGES, NANCY	Victoria	Victoria, B.C.
HORNER, RALPH BYRON	Blaine Lake	Blaine Lake, Sask.
HOWARD, CHARLES B	Wellington	Sherbrooke, Que.
HOWDEN, JOHN POWER	St. Boniface	Norwood Grove, Man.
HUGESSEN, ADRIAN K	Inkerman	Montreal, Que.
(1) HURTUBISE, JOSEPH RAOUL	Nipissing	Sudbury, Ont.
ISNOR, GORDON B	Halifax-Dartmouth	Halifax, N.S.
JODOIN, MARIANA BEAUCHAMP	Sorel	Montreal, Que.
(2) KING, JAMES H., P.C	Kootenay East	Victoria, B.C.
KINLEY, JOHN JAMES	Queen's-Lunenburg	Lunenburg, N.S.
LAMBERT, NORMAN P	Ottawa	Ottawa, Ont.
LÉGER, AUREL D	Kent	Grande Digue, N.B.
MACDONALD, WILLIAM ROSS, P.C	Brantford	Brantford, Ont.
MacKINNON, JAMES ANGUS, P.C	Edmonton	Edmonton, Alta.
MARCOTTE, ARTHUR	Ponteix	Ponteix, Sask.
McDONALD, JOHN ALEXANDER	King's	Halifax, N.S.
McGUIRE, WILLIAM H	East York	Toronto, Ont.
McINTYRE, JAMES P	Mount Stewart	Mount Stewart, P.E.I.
McKEEN, STANLEY STEWART	Vancouver	Vancouver, B.C.
McLEAN, ALEXANDER NEIL	Southern New Brunswick	Saint John, N.B.
NICOL, JACOB	Bedford	Sherbrooke, Que.

(1) *Deceased, Janauary 31, 1955.*
(2) *Deceased, July 14, 1955.*

SENATORS	DESIGNATION	POST OFFICE ADDRESS
THE HONOURABLE		
PATERSON, NORMAN McL.	Thunder Bay	Fort William, Ont.
PETTEN, RAY	Bonavista	St. John's, Nfld.
PIRIE, FREDERICK W.	Victoria-Carleton	Grand Falls, N.B.
PRATT, CALVERT C.	St. John's West	St. John's, Nfld.
QUINN, FELIX P.	Bedford-Halifax	Bedford, N.S.
RAYMOND, DONAT	De la Vallière	Montreal, Que.
REID, THOMAS	New Westminster	New Westminster, B.C.
ROBERTSON, WISHART McLEA, P.C. (Speaker)	Shelburne	Truro, N.S.
ROEBUCK, ARTHUR WENTWORTH	Toronto-Trinity	Toronto, Ont.
ROSS, GEORGE HENRY	Calgary	Calgary, Alta.
STAMBAUGH, J. WESLEY	Bruce	Bruce, Alta.
STEVENSON, JOHN J.	Prince Albert	Waskesiu, Sask.
TAYLOR, WILLIAM HORACE	Norfolk	R. R. 3, Brantford, Ont.
TREMBLAY, LEONARD DAVID SWEEZEY	Lauzon	St. Malachie, Que.
TURGEON, JAMES GRAY	Cariboo	Vancouver, B.C.
VAILLANCOURT, CYRILLE	Kennebec	Lévis, Que.
VENIOT, CLARENCE JOSEPH	Gloucester	Bathurst, N.B.
VIEN, THOMAS, P.C.	De Lorimier	Outremont, Que.
WILSON, CAIRINE R.	Rockcliffe	Ottawa, Ont.
WOOD, THOMAS H.	Regina	Regina, Sask.
WOODROW, ALLAN L.	Toronto-Centre	Toronto, Ont

SENATORS OF CANADA

BY PROVINCES

ONTARIO—24

	SENATORS	POST OFFICE ADDRESS
	THE HONOURABLE	
1	ARTHUR C. HARDY, P.C.	Brockville.
2	WILLIAM H. McGUIRE	Toronto.
3	CAIRINE R. WILSON	Ottawa.
4	IVA CAMPBELL FALLIS	Peterborough.
5	NORMAN P. LAMBERT	Ottawa.
6	SALTER ADRIAN HAYDEN	Toronto.
7	NORMAN McLEOD PATERSON	Fort William.
8	JOSEPH JAMES DUFFUS	Peterborough.
9	WILLIAM DAUM EULER, P.C.	Kitchener.
10	WILLIAM RUPERT DAVIES	Kingston.
11	GORDON PETER CAMPBELL	Toronto.
12	WILLIAM HORACE TAYLOR	R. R. 3, Brantford.
13	CHARLES L. BISHOP	Ottawa.
14	ARTHUR WENTWORTH ROEBUCK	Toronto.
15	*JOSEPH RAOUL HURTUBISE	Sudbury.
16	THOMAS FARQUHAR	Little Current.
17	WILLIAM ALEXANDER FRASER	Trenton.
18	WILLIAM HENRY GOLDING	Seaforth.
19	ALLAN L. WOODROW	Toronto.
20	WILLIAM ROSS MACDONALD, P.C.	Brantford.
21	JOSEPH ARTHUR BRADETTE	Cochrane.
22	JOHN J. CONNOLLY	Ottawa.
23		
24		

**Deceased, January 31, 1955.*

QUEBEC—24

	SENATORS	ELECTORAL DIVISION	POST OFFICE ADDRESS
	THE HONOURABLE		
1	DONAT RAYMOND	De la Vallière	Montreal.
2	ADRIAN K. HUGESSEN	Inkerman	Montreal.
3	*J. FERNAND FAFARD	De la Durantaye	L'Islet.
4	CHARLES BENJAMIN HOWARD	Wellington	Sherbrooke.
5	LÉON MERCIER GOUIN	De Salaberry	Montreal.
6	THOMAS VIEN, P.C	De Lorimier	Outremont.
7	PAMPHILE RÉAL DUTREMBLAY	Repentigny	Montreal.
8	TÉLESPHORE DAMIEN BOUCHARD	The Laurentides	St. Hyacinthe.
9	ARMAND DAIGLE	Mille Iles	Montreal.
10	CYRILLE VAILLANCOURT	Kennebec	Lévis.
11	JACOB NICOL	Bedford	Sherbrooke.
12	VINCENT DUPUIS	Rigaud	Montreal.
13	JEAN MARIE DESSUREAULT	Stadacona	Quebec.
14	PAUL HENRI BOUFFARD	Grandville	Quebec.
15	JOSEPH ADÉLARD GODBOUT	Montarville	Frelighsburg.
16	MARIANA BEAUCHAMP JODOIN	Sorel	Montreal.
17	LEONARD DAVID SWEEZEY TREMBLAY	Lauzon	St. Malachie.
18	SARTO FOURNIER	De Lanaudière	Montreal.
19			
20			
21			
22			
23			
24			

Deceased, May 14, 1955.

NOVA SCOTIA—10

SENATORS	POST OFFICE ADDRESS
THE HONOURABLE	
1 FELIX P. QUINN	Bedford.
2 WISHART MCLEA ROBERTSON, P.C. (Speaker)	Truro.
3 JOHN JAMES KINLEY	Lunenburg.
4 JOHN ALEXANDER MCDONALD	Halifax.
5 JOSEPH WILLIE COMEAU	Comeauville.
6 GORDON B. ISNOR	Halifax.
7 CHARLES G. HAWKINS	Milford Station.
8	
9	
10	

NEW BRUNSWICK—10

THE HONOURABLE	
1 CLARENCE JOSEPH VENIOT	Bathurst.
2 ALEXANDER NEIL MCLEAN	Saint John.
3 FREDERICK W. PIRIE	Grand Falls.
4 GEORGE PERCIVAL BURCHILL	South Nelson.
5 MURIEL MCQUEEN FERGUSSON	Fredericton.
6 AUREL D. LÉGER	Grande Digue.
7	
8	
9	
10	

PRINCE EDWARD ISLAND—4

THE HONOURABLE	
1 JAMES PETER MCINTYRE	Mount Stewart.
2 THOMAS VINCENT GRANT	Montague.
3 GEORGE H. BARBOUR	Charlottetown.
4	

BRITISH COLUMBIA—6

	SENATORS	POST OFFICE ADDRESS
	THE HONOURABLE	
1	*JAMES H. KING, P.C.	Victoria.
2	JOHN WALLACE DE B. FARRIS	Vancouver.
3	JAMES GRAY TURGEON	Vancouver.
4	STANLEY STEWART MCKEEN	Vancouver.
5	THOMAS REID	New Westminster.
6	NANCY HODGES	Victoria.

Deceased, July 14, 1955.

MANITOBA—6

	THE HONOURABLE	
1	JOHN T. HAIG	Winnipeg.
2	ARTHUR L. BEAUBIEN	St. Jean Baptiste.
3	THOMAS ALEXANDER CRERAR, P.C.	Winnipeg.
4	JOHN POWER HOWDEN	Norwood Grove.
5		
6		

SASKATCHEWAN—6

	THE HONOURABLE	
1	JAMES A. CALDER, P.C.	Regina.
2	ARTHUR MARCOTTE	Ponteix.
3	RALPH BYRON HORNER	Blaine Lake.
4	WALTER M. ASELTINE	Rosetown.
5	JOHN J. STEVENSON	Waskesiu.
6	THOMAS H. WOOD	Regina.

ALBERTA—6

	THE HONOURABLE	
1	ARISTIDE BLAIS	Edmonton.
2	FRED WILLIAM GERSHAW	Medicine Hat.
3	GEORGE HENRY ROSS	Calgary.
4	JAMES ANGUS MACKINNON, P.C.	Edmonton.
5	J. WESLEY STAMBAUGH	Bruce.
6		

NEWFOUNDLAND—6

SENATORS	POST OFFICE ADDRESS
THE HONOURABLE	
1 ALEXANDER BOYD BAIRD	St. John's.
2 RAY PETTEN	St. John's.
3 CALVERT C. PRATT	St. John's.
4 MICHAEL G.BASHA	Curling.
5 FREDERICK GORDON BRADLEY, P.C.	Bonavista.
6	

PRINCIPAL OFFICERS OF THE SENATE

L. Clare Moyer, D.S.O., Q.C., B.A., Clerk of the Senate, Clerk of the Parliaments, and Master in Chancery.

John F. MacNeil, Q.C., LL.B., B.A., Law Clerk and Parliamentary Counsel.

Rodolphe Larose, E.D., First Clerk Assistant.

*Louvigny de Montigny, Litt.D., Second Clerk Assistant and Chief Translator.

Major C. R. Lamoureux, D.S.O., Gentleman Usher of the Black Rod.

Harvey Armstrong, Chief Clerk of Committees.

H. D. Gilman, Chief Treasury Officer and Assistant to the Clerk of the Parliaments.

B. P. Lake, Editor of Debates and Chief of Reporting Branch.

**Deceased, May 20, 1955.*

STANDING COMMITTEE ON DEBATES AND REPORTING

The Honourable Senators

Aseltine	DuTremblay	*Haig
Bishop	Fallis	*Macdonald
Davies (Chairman)	Grant	Tremblay

**Ex officio* member.

Reporters: (English) Graydon Hagen, P. H. Shelton, T. S. Hubbard, Jr., F. C. K. Crockett, F. S. Lawrence.

(French) Victor Lemire, M.B.E.

Translators: The Bureau for Translations.
Henriot Mayer, Chief of Debates Division.

CANADA

Debates of the Senate

OFFICIAL REPORT

THE SENATE

Friday, January 7, 1955

The Parliament of Canada having been summoned by Proclamation of the Governor General to meet this day for the dispatch of business:

The Senate met at 11 a.m., the Speaker in the Chair.

Prayers.

OPENING OF SECOND SESSION TWENTY-SECOND PARLIAMENT

Hon. W. Ross Macdonald: Mr. Speaker and honourable senators, I trust you all have had an enjoyable Christmas season, and I wish you happiness and good health throughout 1955.

As honourable senators know, His Excellency the Governor General will arrive at the Parliament Buildings at 2 o'clock this afternoon to open the Second Session of the Twenty-Second Parliament of Canada. His Excellency will read the Speech from the Throne, which will be referred to the Senate and to the House of Commons for consideration. Until the Speech has been read and placed before us, there is no business for this house to consider.

I would therefore move that the Senate now adjourn, to reassemble, at 1.30 this afternoon.

The Hon. the Speaker: Honourable senators, before putting the motion of the honourable Leader of the Government, may I read a message from the Secretary of His Excellency the Governor General, as follows:

Sir,

I have the honour to inform you that His Excellency the Governor General will arrive at the main entrance of the Houses of Parliament at 2 p.m., on Friday, January 7, and, when it has been signified that all is in readiness, will proceed to the Senate chamber to open formally the Second Session of the Twenty-Second Parliament of Canada.

I have the honour to be,

Sir

Your obedient servant,

Lionel Massey,

Secretary to the Governor General.

The motion was agreed to, and the Senate adjourned until 1.30 p.m.

The Senate met at 1.30 p.m., the Speaker in the Chair.

The Senate adjourned during pleasure.

SPEECH FROM THE THRONE

At two o'clock His Excellency the Governor General proceeded to the Senate chamber and took his seat upon the Throne. His Excellency was pleased to command the attendance of the House of Commons, and, that House being come, with their Speaker, His Excellency was pleased to open the Second Session of the Twenty-second Parliament of Canada with the following speech:

Honourable Members of the Senate:

Members of the House of Commons:

It affords me great pleasure to greet you as you resume your parliamentary duties at the beginning of this New Year.

Since you last met, the people of Canada have been given an opportunity of extending once more an affectionate welcome to Her Majesty, Queen Elizabeth, the Queen Mother. They have also had the pleasure of greeting again the consort of our Sovereign, the Duke of Edinburgh, who came to attend the British Empire and Commonwealth Games held in Vancouver during the summer and to visit northern parts of Canada.

While there is hopeful evidence that the increasing strength of the free world has lessened the likelihood of aggression, the terrible destruction that war would bring to North America and indeed to all mankind has been magnified by the increase in the number and effectiveness of atomic and thermonuclear weapons and the means of delivering them.

My ministers are convinced that, while the resources of diplomacy must never be neglected in the search for peace, the efforts of the free nations in building their deterrent forces must be maintained. To this end, Canada was represented at the London and Paris Conferences which formulated an alternative to the European Defence Community

and provided for the entry of the Federal Republic of Germany into the North Atlantic Treaty Organization. You will be asked to approve the agreements reached at those meetings.

Our country continues to give full support to the United Nations. The Canadian delegation took an important part in the deliberations of the recent meeting of the General Assembly in New York. It is earnestly hoped that the adoption of the resolution on disarmament introduced in the political committee by the Canadian delegation may lead to agreement on an effective system of international safeguards.

While no final settlement has been reached in Korea, the lessening of the threat of renewed aggression in that area has made possible the withdrawal of a substantial portion of the Canadian forces.

At the invitation of the Geneva Conference Canada has accepted the heavy responsibility of serving on the Armistice Commissions which have been formed to supervise the restoration of peace in the Associated States of Indo-China.

Last autumn our nation was the host at the annual meeting of the Consultative Committee of the Colombo Plan. You will be asked to approve Canada's continued participation in the Plan as well as in the United Nations' Technical Assistance Program.

A meeting of Commonwealth Prime Ministers will be held in London at the end of this month to consider a number of problems affecting the peoples of this great association of nations. My Prime Minister plans to attend this conference.

During the summer arrangements were completed to permit the navigational facilities of the St. Lawrence River to be enlarged and a hydro electric project to be undertaken in the International Rapids section.

Work on these two projects has already begun and my ministers are convinced the stimulus to the national economy resulting from their construction will be shared in all parts of the country.

Since you last met, Cape Breton Island has been linked with the mainland by the new causeway, which will be ready for service as soon as the ship canal has been bridged.

It is expected that, in the course of the coming season, the new ferry between North Sydney and Port aux Basques will be in operation and the ferry service between Yarmouth and Bar Harbour started. Construction of a new ferry to operate between Nova Scotia and Prince Edward Island will be undertaken early in the present year.

To improve navigation on the Pacific Coast, you will be asked to make provision at this session for the removal of Ripple Rock.

Canadians learned with deep regret of the loss of life and damage to property caused by two severe storms felt heavily in the province of Ontario and the province of Nova Scotia. An agreement has been reached with the province of Ontario to assist those persons whose homes were damaged or destroyed, and assistance has been given under the Agricultural Prices Support Act to the producers of apples in Nova Scotia. You will be asked to make the necessary financial provision for these arrangements.

The Disabled Persons Act which you passed at the last session was proclaimed to come into force at the beginning of the present year. The governments of all the provinces have announced their intention to participate in implementing the program to assist those who are totally unable to care for themselves; and my ministers are now in a position to conclude the necessary federal-provincial agreements to bring this humanitarian measure into operation.

Although the national economy is in a generally healthy condition, the relatively poor wheat crop is being reflected by a small decline in the total national income. Some unemployment of a regional and seasonal nature is being experienced. To help meet this situation work on public construction projects already approved is being accelerated and you will be asked to make financial provision for construction in the programs of various departments and agencies on a scale that will make possible a substantial increase in the total expenditures for this purpose.

The Government proposes to introduce legislation immediately for the amendment of the Unemployment Insurance Act to provide for an increase in the duration and scale of supplementary winter benefits. It is also proposing to introduce, during the session, broader amendments designed to make unemployment insurance a more effective instrument in providing financial support to unemployed workers.

The National Housing Act, 1954, enacted early in the last session, which authorized lower down-payments and larger loans, and which enabled the chartered banks for the first time to make loans on the security of residential mortgages, has been an important factor in stimulating the construction of a record number of houses in the past year. The prospects are favourable for a high level of house building in 1955.

It is proposed to bring into general operation on the first of February the provision of the act under which loans may be made for

home improvements. In accordance with an undertaking given at the last session, this section was proclaimed for small holders under the Veterans' Land Act with effect from the first of this year.

You will be asked to consider amendments to the Railway Act relating to the elimination of level crossings. The Government also hopes to lay before you during the present session a measure to consolidate the legislation affecting the Canadian National Railways.

Amendments to the Electricity and Fluid Exportation Act and a measure to control works which affect the normal flow of rivers which cross the international boundary will be proposed for the purpose of ensuring that natural resources are developed in the best interests of the Canadian public.

You will be asked to consider a measure to implement a convention between Canada and the United States relating to fisheries research on the Great Lakes.

You will also be asked to consider legislation to provide facilities for loans to fishermen similar to those provided to farmers by the Farm Improvement Loans Act.

The Government will submit amendments to the War Veterans Allowance Act to raise the basic rates as well as the ceiling on permissible incomes of recipients of allowances.

You will also be asked to consider amendments to the Blind Persons Act to lower the age of eligibility and raise the income ceilings.

A measure which will provide for amendments to the National Defence Act and the Defence Services Pension Act will be placed before you.

Legislation will be proposed to replace the Meat and Canned Foods Act by measures to provide for the inspection of meat and for the establishment of standards for all agricultural products.

You will be asked to approve a convention signed by the members of the International Civil Aviation Organization which fixes the responsibility for damage caused to third parties by foreign aircraft.

A joint committee of both houses will be proposed to examine, in the light of the Municipal Grants Act and possible amendments thereto, the financial and other relationships of the Government and the Federal District Commission with the City of Ottawa and neighbouring municipalities.

Among other measures you will be asked to consider amendments to the Defence Production Act, the Government Employees Compensation Act, the Financial Administration Act, the Public Service Superannuation Act, the Historic Sites and Monuments Act, the Radio Act, the Territorial Lands Act, the Library of Parliament Act, the Canada Grain Act, the Northwest Territories Act, the Yukon Act, the Canada Shipping Act, the Emergency Gold Mining Assistance Act and to the Municipal Grants Act.

Members of the House of Commons:

You will be asked to make provision for the public service for the next fiscal year.

Honourable Members of the Senate:

Members of the House of Commons:

I pray that Divine Providence may guide you in the discharge of your responsibilities.

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

RAILWAYS BILL

FIRST READING

Hon. Mr. Godbout (for Hon. Mr. Macdonald) presented Bill A, an Act relating to railways.

The bill was read the first time.

SPEECH FROM THE THRONE

CONSIDERATION ON WEDNESDAY NEXT

On motion of Hon. Mr. Godbout (for Hon. Mr. Macdonald), it was ordered that the Speech of His Excellency the Governor General be taken into consideration on Wednesday next.

COMMITTEE ON ORDERS AND PRIVILEGES

APPOINTMENT

Hon. Mr. Godbout (for Hon. Mr. Macdonald), with leave of the Senate, moved:

That all the senators present during this session be appointed a Committee to consider the Orders and Customs of the Senate and Privileges of Parliament, and that the said committee have leave to meet in the Senate chamber when and as often as they please.

The motion was agreed to.

COMMITTEE OF SELECTION

APPOINTMENT

Hon. Mr. Godbout (for Hon. Mr. Macdonald), with leave of the Senate, moved:

That pursuant to Rule 77, the following senators, to wit: the Honourable Senators Aseltine, Beaubien, Gouin, Haig, Hugessen, Macdonald, McDonald, Quinn and Taylor be appointed a Committee of Selection to nominate senators to serve on the several Standing Committees during the present session; and to report with all convenient speed the names of the senators so nominated.

The motion was agreed to.

The Senate adjourned until Tuesday, January 11, at 8 p.m.

THE SENATE

Tuesday, January 11, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine Proceedings.

LIBRARY OF PARLIAMENT BILL

FIRST READING

Hon. Mr. Macdonald presented Bill B, an Act to amend the Library of Parliament Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRECIOUS METALS MARKING BILL

FIRST READING

Hon. Mr. Macdonald presented Bill C, an Act to amend the Precious Metals Marking Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

WINNIPEG AND ST. BONIFACE HARBOUR COMMISSIONERS BILL

FIRST READING

Hon. Mr. Macdonald presented Bill D, an Act to amend The Winnipeg and St. Boniface Harbour Commissioners Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, at the next sitting.

TERRITORIAL LANDS BILL

FIRST READING

Hon. Mr. Macdonald presented Bill E, an Act to amend the Territorial Lands Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

FOREIGN AIRCRAFT THIRD PARTY DAMAGE BILL

FIRST READING

Hon. Mr. Macdonald presented Bill F, an Act to implement the Convention on damage caused by foreign aircraft to third parties on the surface.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, at the next sitting.

THE LATE SENATORS BUCHANAN AND BEAUREGARD

TRIBUTES TO THEIR MEMORY

Hon. W. Ross Macdonald: Honourable senators, since we last met, the Grim Reaper has taken from our midst two of our highly respected and dearly beloved senators. The Honourable Senator W. A. Buchanan of Lethbridge passed away on July 11 of last year. It was my great privilege to have known the late Senator Buchanan as a close friend from the time I first entered the House of Commons, in 1935. As a member of the House of Commons he always took a keen interest in young newcomers to that chamber, and throughout the years I valued his friendship and advice most highly.

It is difficult to refer to the late Senator Buchanan without calling to mind the rugged individualism which characterized his whole life and public career. His willingness to accept new challenges at every point of life, and a devotion to substance rather than form, marked his rise to pre-eminence in his chosen field of news publication as well as in public service.

The late W. A. Buchanan was a son of the manse. He was born at South Monaghan, Ontario, on July 2, 1876, to the Reverend William and Mary Pendrie Buchanan. His father, being a clergyman, was required to move from place to place, with the result that the senator received his early education at a number of public schools throughout the country. I will mention some of them: Norwood, Warkworth, Brighton and Trenton. He left school at the age of 16 years and immediately took a job as a printer's devil with the Peterborough *Examiner*. Afterwards he was employed as a reporter with the Peterborough *Review*, and later in 1899, he went to Toronto, to work on the *Evening Telegram*, of which he became city editor, and subsequently news editor. With this experience

behind him he went on to St. Thomas, and in 1902 became managing editor of the St. Thomas *Journal*.

As with thousands of others, the lure of the West at the turn of the century beckoned the late senator, where he found new challenges in both private and public life. In 1905 he arrived at Lethbridge. The town had only 2,000 inhabitants, and by comparison with busy Calgary, 126 miles to the north, did not indicate great promise. However, neither in Calgary, nor in Edmonton, to which he went later, was he successful in setting up a newspaper. He returned, therefore, to Lethbridge, where he shortly became sole owner of the *Weekly Herald*.

Having established himself in private business, he soon turned his attention to public affairs, and in 1909, only four years after his arrival in the West, he was elected as Liberal member to the legislature of Alberta. His ability was soon recognized, and Mr. Rutherford, the Premier of that province, made him a minister without portfolio in his cabinet. Certain difficulties arose in connection with a railway scandal, and his sense of loyalty and fairness to those he represented overcame political ambitions in the provincial government of that day, so three months after his appointment he retired.

Honourable members will recall what was known as the "Reciprocity Election". Turning from the provincial to the federal field, in 1911 he ran as a liberal candidate in support of Sir Wilfrid Laurier, and was elected for the constituency of Medicine Hat, and in 1917 he became the first federal member in the new constituency of Lethbridge, which he represented in the House of Commons until 1921. He then retired from federal politics, and was appointed to the Senate in 1925.

During his many years in parliament, Senator Buchanan performed yeomen service, not only in both chambers but on committees. Although champion of the West, he disapproved of sectionalism, and never allowed sentiment to becloud his conviction that legislation should be in the interests of Canada as a whole and not of one section of the country only. His outlook was always "Canada first." Truly, he was a great Canadian. As a member of virtually all the important committees of this house, and latterly as chairman of the Tourist Traffic Committee, he earned the respect of everyone in this chamber.

Admirers of the late senator—and we all were admirers of him—often thought that had it not been for his physical disability he might have risen to higher prominence in our land. Certainly it prevented him from accepting the leadership of the Liberal party in Alberta, a position which was offered to him at one time. His disability, however, did not reduce in any way his magnificent contribution to fellow journalists and citizens of Canada. Truly both they and we are beneficiaries of a career dedicated to the betterment of his country and mankind.

To his wife and his two sons who survive I express deep gratitude for the unselfish service of a great man, and my sincere sympathy in their grievous loss.

On August 27 of last year we lost another dearly beloved and highly respected member of this house. I refer to the late Honourable Elie Beauregard.

Here again in one man was combined a variety of the most important elements that have brought many Canadians to eminence: a knowledge of the law, a keen interest in industry and vision in politics. These in themselves are enough for greatness, but in addition the late Senator Beauregard possessed the highest qualities of heart and mind, and a gentleness of manner which endeared him to everyone in this chamber.

I first became acquainted with Senator Beauregard when, in 1949, I was elected Speaker of the House of Commons. At that time Senator Beauregard had been appointed Speaker of this chamber. During my term of office it was frequently necessary for us to confer on matters of mutual interest. I found him to be a man of deep understanding and sympathy; and we had no problems which we could not solve amicably. When I came to this house he greeted me as a friend, and I frequently turned to him for advice. His passing is a great loss to me personally.

The late Elie Beauregard was born on July 8, 1884, at La Patrie, Compton County, Quebec, the son of Henri Beauregard and Helene Ducharme. His formal education was received at St. Hyacinthe Seminary, Montreal College and Laval University, where he pursued the study of law.

After having been admitted to the Bar of the province of Quebec in 1909, Senator Beauregard opened a law practice in Montreal. He soon gained eminence, and in 1919 was created a King's Counsel. In 1941 he was elected President of the Montreal Bar Association.

But the late senator's activities went far beyond the practice of law. He was a leader in the business life of the community as well. He held, among others, the offices of Chairman of the Provincial Bank of Canada, Vice-President of General Security Insurance Company and President of H. Corby Distillery, Limited.

His interest in the field of education as well was marked by continual contributions. He was appointed Vice-President of the Administrative Board of the University of Montreal, and in recognition of his services he received an honorary degree from that institution in November, 1953.

However, Senator Beauregard's great love was for the field of public service at every level—municipal, provincial and dominion. Of course, it was in the last named field where we came to know him and respect his ability when he was summoned to the Senate, in 1940, and especially when he was appointed Speaker of this house, in which office he gained recognition for his fairness in the consideration of all problems that came before him.

In the provincial field he was always at the forefront in the Liberal party, and for a time was Treasurer of the Liberal organization in the Province of Quebec. I think it is a tribute to his greatness as a politician and a leader at all levels, and emphasizes his belief in "grass roots" politics, that he continued to be active in the municipal council of the city of Outremont even after he became a member of this house.

Of course his service here needs no elaboration. He was Chairman of the Standing Committee on Banking and Commerce from 1945 to 1949; and before he became Speaker, and after he left the Speaker's chair, he was a member of all the important committees of this house. In recognition of his services to our country he was created a Privy Councillor in 1953.

Senator Beauregard has passed on, but he belonged to that class of great men whose works live after them. His memory will be for ever green in the hearts of all of us in this chamber tonight, and among the many thousands of Canadians whose lives touched his during his long and colourful career.

To his wife, to his son and to his three daughters, I extend my very deep sympathy.

Hon. John T. Haig: Honourable senators, I find it a little difficult to rise and speak about these colleagues who have departed this life. I had known Senator Buchanan personally for a very long time. He was a westerner, engaged in the newspaper business, as the honourable Leader of the Government (Hon. Mr. Macdonald) has said, and he performed very outstanding work in this field. He was one of the founders of the Canadian Press, an organization which was formed for the purpose of supplying newspapers with a news service which none of them would be able to obtain through their own resources. He always afterwards played a leading part in that organization, and at one time served as its president.

Like all members of this house I feel the passing of Senator Buchanan very keenly. He was so typical of the men and women who have come from other parts of Canada to our western country and left a lasting impression there. The respect of the people of western Canada for the eastern provinces has been enhanced by men of Buchanan's character and ability. When you ask "Where did Bill Buchanan come from?" or where did someone else of outstanding ability come from, the answer frequently is that he came from some place in eastern Canada. As a result, although we think the west is the best part of our country, we have a feeling that there must be something pretty good in those parts which produce men of such high character.

I will not repeat what my honourable friend (Hon. Mr. Macdonald) has said. I will only add what I think is in the hearts of most of us. By some measure men and women in the legislative bodies of this country assess the character and ability of their fellow members. I cannot tell you what the measuring rod is, I cannot tell you the method by which they arrive at the measurement, but it is usually reliable. And as to our late colleague, the conclusion is: "Bill Buchanan was quite a man, quite a gentleman." That phrase seems to stick in your mind when you think of the late Senator Buchanan. He was a man, and he was a gentleman; and I want to add another word: he was also a Christian gentleman. He took a very active and leading part in the church of his choice in southern Alberta. Indeed, he made a great contribution to the building of new churches in that part of our country.

We will miss him here, because we always felt that his opinion was the considered opinion of a man who loved his country and also wanted his country to be right on every question. For the life of me, sitting here as I have done for so many years and the late senator sitting just about opposite me, if I had not known through reading current history I must say I could never have been quite sure on what side of politics he was.

As a westerner, I want to pay my very great respects to Senator Buchanan for the contribution he has made to Alberta, to western Canada, to the Canadian newspaper field, and to our whole country. I would say in conclusion that his wife, who herself is very ill, and his two sons have been left a priceless heritage in the memory of this Christian gentleman, and great citizen.

Now I want to speak a word or two of Senator Beauregard, whom I knew quite

well. It seemed to me that it was a real pleasure to know him, and I was delighted when I found that he was a keen student of religion. Indeed, he was a very advanced student of the subject, and he spent many hours reading religious theses in order to understand the religious problems facing the world today. And whether I agree with his particular form of religion or not, whether you agree with it or not, the fact is that anybody who knew his religion as well as he did, and was willing to spend so much time studying it, must have found there something that the rest of us can copy. That was one of the factors that made him so influential in cementing the good feeling between the people of Quebec and those of the rest of Canada. We as Canadians need more men and women of that kind in our legislative bodies, in our House of Commons and in our Senate, because Canada can never be as great a country as it should be unless we achieve the kind of unity towards which Senator Beauregard made so valuable a contribution. In whatever part of Canada we live we feel proud of Quebec for producing so eminent a fellow citizen as Senator Beauregard.

During his term of office as Speaker, the late Senator Beauregard's judgments were invariably sound. He was fair and considerate and always remembered that our group was not very large. I hate to admit that I was sometimes wrong in my contentions, but I knew occasionally that I was a little out of line. He always tried to keep me on the right road, because he was aware that the government supporters could override me if they really wanted to do it. It was heartening to me and to others of our group that he was so keen to see fair play given to the minority in this chamber.

His wife has lost a great life partner, and his son and daughter, a noble father. I say the same to Senator Buchanan's family. I speak of what I know: I can sympathize with them to the very limit. I want them to know that we, who have been associated with him for so many years, loved him,—yes, not only respected and admired him, but loved him. When a member of this house has a pretty hard battle before him, the assurance of the support and love of his fellow members for those who may be bereaved is a great help and comfort to him. To the families of both our friends I say that we shall retain the happiest memories of them; that we believe they are yet living with us, that tonight they are listening to our statements, and saying, "We did not think they thought so much of us as they do."

(Translation):

Hon. Mr. Gouin: Honourable senators, I cannot let this occasion go by without saying a few words in memory of my friend, Senator Elie Beauregard.

The last time I chatted with him, last summer, I had no idea that I would never see him again and that I should have, this evening, the difficult and bounden duty to pay to him this posthumous tribute.

He was a deserving man, a most deserving man. A great lawyer, he became at one time president of our Bar Association; a shrewd businessman, he was a member of the Board of Directors of the Provincial Bank and of various insurance companies.

To his great intelligence and his capacity for work, he joined devotion to duty and kindness. Those who saw him at work know what pains he went to, as a member of the Board of Directors of the University of Montreal, during the great crisis of 1930.

As a man of great culture, he showed by his actions how much our culture meant to him. I have myself been in a position to witness the solicitude he showed those whom he could help. He enjoyed being of service to others and did it with admirable tact as well as with all his heart.

On many occasions I was an associate of his, so I had occasion to admire his clear and sure judgment, his deep knowledge of men and his extraordinary acumen. A man of good counsel, he played in the Liberal party a most important part. His was the ability of a great tactician. Even more, I would salute in him a strategist of exceptional value. In the record of our electoral battles, Senator Beauregard deserves a place of honour.

I have lost a very dear friend, while our country, in my estimation, has lost a great citizen. Those of my generation will never forget the name of the former Speaker of the Senate, of a Canadian who was as distinguished as he was modest, Senator Elie Beauregard.

To his widow and his children, I would express my deep sympathy.

Hon. Mrs. Jodoin: Honourable senators, may I join with the honourable members of this Chamber who have just spoken in praise of the honourable senator from Rougemont, who, for fifteen years, was the pride of the Province of Quebec.

As gracious as he was modest, his greatest quality was the absolute discretion which gained him the complete trust of his own as well as his political family.

He carried discretion to the point of silence, for among his intimate friends he often claimed that: "When we speak of our

neighbour we are always inclined to speak against him". But in his case we are not tempted to do so. Our attitude is rather one of sincere praise and gratitude for the great principles which inspired him with respect for the reputation of others and for the confidences which his legal profession obliged him to receive. "Live and let live", he would say to his children, "with due respect for the personal opinions and tastes of each one of you". In his private, political and public life, he was true to that principle.

(Text):

Honourable senators, it was for me a matter of much pride and confidence that I entered this chamber for the first time leaning on the arm of the late senator from Rougemont (Hon. Mr. Beauregard). He was my godfather in the Senate.

I wish to join with others in extending to his wife and daughters the deepest sympathy of his many friends, especially the women of the province of Quebec, and our admiration of the great man who has passed from our midst.

Hon. F. W. Gershaw: Honourable senators, we are paying tribute tonight to two senators who will be greatly missed from our midst. Senator Beauregard endeared himself to all of us when he was Speaker of this chamber.

I had the opportunity of attending the very impressive funeral service of Senator Buchanan. The large church was filled with people from the city and the surrounding country. The chancel was banked high with flowers: each blossom, each petal, representing someone's kind thought, or the memory of some kind deed. The minister expressed his feelings and the feelings of many of us when he recited Lord Tennyson's poem, *Crossing the Bar*:

> Sunset and evening star,
> And one clear call for me!
> And may there be no moaning of the bar,
> When I put out to sea.
>
> But such a tide as moving seems asleep,
> Too full for sound and foam,
> When that which drew from out the boundless deep
> Turns again home.
>
> Twilight and evening bell,
> And after that the dark,
> And may there be no sadness of farewell
> When I embark.
>
> For though from out our bourne of time and place
> The flood may bear me far,
> I hope to see my Pilot face to face,
> When I have crossed the bar.

There was a long funeral procession, and our late friend was buried in Mountain View Cemetery, on the crest of a hill that overlooks a vast stretch of prairie, and from which the distant foothills of the Rockies can be seen. Those were the lands he loved and its people were those he had served for nearly half a century.

I join with my colleagues extending to the relatives of the late Senators Buchanan and Beauregard the sympathy which has been so well expressed.

Hon. James A. MacKinnon: Honourable senators, I did not realize that there was going to be an opportunity this evening to speak of our late colleagues, Senators Buchanan and Beauregard. I cannot permit this occasion to pass without speaking about my former deskmate, Senator Buchanan, a man whom I had known for over fifty years from the day he first came to Edmonton from Eastern Canada. He came there because Edmonton and Alberta were being very much spoken of at that time in Eastern Canada, and because several people with whom he had gone to university were then in professional and public life in Edmonton. I refer particularly to the Attorney-General of Alberta at that time, the Honourable C. W. Cross, who was an intimate, personal friend of Senator Buchanan. I remember the conversations that Billy Buchanan had with his friends about getting established in the newspaper business in Alberta. It was decided that he would go to Lethbridge, which he did, and this proved a happy choice for him. He eventually spent a lifetime in Lethbridge, in the midst of thousands of people who dearly loved him and who have mourned his passing most deeply.

Senator Buchanan founded the Lethbridge *Herald* in a fairly modest way. To begin with, I think, the paper was published weekly, and subsequently it was published daily. He built the paper into a very substantial organ of public opinion, a newspaper that has been respected and quoted throughout Canada and in many parts of the world. Billy Buchanan did his own thinking and he spoke and wrote as he thought.

I also knew Billy Buchanan when he went from Lethbridge to Edmonton as a member of the provincial Legislature, and I knew him again during the period to which my honourable Leader (Hon. Mr. Macdonald) has referred, the period of political unrest and uprising in the Liberal party in Alberta. I say the Liberal party, for there was only one party in the province at that time. There was, I believe, only one representative in the Legislature who was not in the ranks of the Liberal party. Senator Buchanan eventually came to Ottawa, where he had a most distinguished career. He had a great love for Canada, for Alberta, but particularly for southern Alberta. He possessed a great affection for his fellowmen. It has been

mentioned that he was not a partisan; he certainly was not a narrow partisan. An ardent Liberal, he thoroughly believed in Liberal principles but, as I have already said, he did his own thinking and followed his own conscience.

The late Senator Buchanan also had a tremendous love for Waterton Lakes National Park in southern Alberta, which he did so much to establish and build up.

Senator Buchanan was called at a time when he had so many reasons for wanting to remain. First of all, there was his family, and then he had just seen completed the construction of a splendid new building to house his beloved Lethbridge *Herald*.

Senator Buchanan, who had the love and affection of everyone who knew him, could always be called upon to give everything he had to public service or any cause that needed his help. He was always ready to go at a moment's notice to any part of Alberta where duty, political or otherwise, called.

I cannot say enough about my memory of the late Senator Buchanan. We had always been intimate friends. His friends were my friends and my friends were his friends. I have felt his passing most deeply, and I know that everyone in my province sincerely mourns the loss of such a wonderful adopted son of Alberta. There is nothing more I can add. There are many things I would like to have said in a much better way, but I am glad of the opportunity to pay tribute to my old friend of over fifty years' standing, a man for whom I always had the deepest affection and regard.

I did not know our late colleague, Senator Beauregard, nearly so well, but I knew him to be a man who impelled respect and affection. To the families of those two departed colleagues I wish to extend my very deepest sympathy at this time.

Hon. W. Rupert Davies: Honourable senators, occasions such as this are always sad and perhaps a little depressing. For that reason I shall be brief. I should like to endorse everything that has been said about the late Senator Beauregard, who was our highly respected Speaker for some four or five years, but I particularly want to pay tribute to my late senatorial friend and newspaper colleague, Bill Buchanan. I knew Senator Buchanan for about 30 to 35 years. I sat with him on the board of the Canadian Press for 20 years, during two years of which he was the presiding officer. The honourable senator from Winnipeg (Hon. Mr. Haig) spoke of Senator Buchanan's interest in the dominion newspaper organization. I have here a book on the history of the Canadian Press, the co-operative news gathering organization of this country, and I would like to tell the house that this non-partisan, non-profit-making organization, owned and operated by the newspapers of this country, was born in the Canadian west. The newspapermen of the west found that getting news from the east and far countries was a very difficult business indeed, when they started their newspapers out there in the early days of the century, and even before. I do not know what part Senator Buchanan played in stirring them up, but they became more and more agitated about the situation as time went on. They were getting very little news and paying a very big price for it. In this book entitled *The Story of the Canadian Press*, by M. E. Nichols, President of the Canadian Press in 1931-33, is a picture of a group which had met in Winnipeg in 1910 to see if they could do something about the poor news services which were being purveyed. In the very front row is Bill Buchanan. Some of the western senators will know the others, such as M. E. Nichols, of Vancouver, J. W. Dafoe, editor of the Winnipeg *Free Press*, and Tom Miller, publisher of the Moose Jaw *Times*, who was Lieutenant Governor of Saskatchewan for a short period before his death.

These men decided to do something about a better news service. As I have said, the late Senator Buchanan was always in the very forefront. Eventually, in 1917, they came to Ontario and met with Senator Jaffray, of the *Globe*, John Ross Robertson, of the *Telegram*, and two or three others, and that was when the Canadian Press was born. Perhaps it is true to say that the Canadian Press was born in the West, but it had achieved, shall I say, at least a youthful appearance by 1917.

I saw much of Senator Buchanan at our newspaper meetings. I sat with him once when he was president of a committee which was dealing with an application from the telegraphers for more money. We sat as a sort of labour committee, and I was very much impressed at that time with the kindliness and fairness with which he approached the whole matter. Too often there is a feeling that when employees ask for more money they do not need it and do not deserve it. Buchanan did not take that attitude, but he listened very patiently to everything the delegation had to say. We sat down around the table, and it was largely due to his kindly interest and fairness that a very amicable conclusion was reached. I only wish some other industrial disputes, which seem to hang like

a shadow over this country at the present time, could be settled in the same amicable way.

Senator Buchanan was one of the founders of the news gathering organization of this country. While a number of senators who knew him well for many years have paid tributes to his memory, perhaps I may be permitted to read a short extract from this book *The Story of the Canadian Press* to show what the newspapermen of Canada thought of him:

> When William Asbury Buchanan joined the staff of the Toronto *Evening Telegram* in the late 'nineties he quickly established his claims to recognition; all his associates believed that he would eventually be one of the chief executives of the *Telegram*. But Buchanan was not content to remain an employee; his thoughts were fixed on Canadian towns where small capital would buy a long-term option of ownership of a small daily or a weekly in a town that had possibilities of early growth. His survey led him finally to Lethbridge, then a town of 2,000; Lethbridge made good its possibilities of growth; the weekly blossomed in the Lethbridge *Daily Herald*, one of the most admired of Canada's smaller dailies.
>
> Buchanan's incursions in politics, which ended in his Senate appointment, were only faintly reflected in the conduct of his newspaper; his heart was in the *Herald* and fairness to the reader was his primary concern. He helped to plant that spirit in the principles and practices of the Canadian Press, an institution which his abilities and energies have enriched. The Western Associated Press had in Billy Buchanan a staunch supporter; in its darkest moments there was in Lethbridge an unfailing source of encouragement.
>
> In business and in politics Buchanan's progress was relatively free from the rude jolts commonly suffered by men who start with light kit on long and rugged roads. He won his objectives with apparent ease. For these mercies his debt is to Nature's equipment: he had ability; everyone liked him; everyone had confidence in him.

I think we can all endorse that tribute.

I will close by joining with other honourable senators in expressing to the families of both Senator Buchanan and Senator Beauregard sympathy in their great bereavement.

Hon. Cairine R. Wilson: Honourable senators, unfortunately, I left my native province while Senator Beauregard was still at school, but I should like to endorse everything that the honourable senator from Sorel (Hon. Mrs. Jodoin) has said about him. And I agree with the honourable senator from Edmonton (Hon. Mr. MacKinnon) that it would be impossible to say enough in tribute to Senator Buchanan. He was my earliest, and may I say my best, friend in this house. When I first entered the chamber, feeling very much lost amongst the many males, he took me under his wing. I asked if I might sit next to him, and I was privileged to do so for many years. I was always happiest when I could have his counsel and advice. Of his unselfishness and his devotion to duty, I can speak most highly, and I should like everyone here to know that he was a very fine man. To his wife, whom I have known for a very long time, and to his sons, I extend my own sympathy as well as that of everyone in the chamber.

Hon. G. Percival Burchill: Honourable senators, I wish to add a few words of tribute to the memory of these two great Canadians. I always admired and respected Senator Beauregard, and I am sure we all agree that he enriched the prestige and dignity of this chamber.

I was drawn to Senator Buchanan, when I first entered the Senate, by a friendship which, over the years, grew into a very deep affection. I can assure honourable senators that no one present here tonight could be more deeply conscious than I of that vacant chair, which the late senator once occupied.

At his passing sincere tributes, such as we have heard tonight, were paid to him from all over Canada. There were tributes to his memory as a man, as a publisher, as a distinguished Canadian citizen and an adornment to public life. I cannot and do not propose to attempt to add to what has already been said in these respects. But I do want to express my own appreciation of the privilege it has been for me to know and to love the late Senator Buchanan. His great heart and mind influenced me considerably.

Senator Buchanan will be missed perhaps not so much for what he did, as for those rare and precious qualities which he possessed. This chamber, honourable senators, will be very much the poorer for his passing.

(Translation):

Hon. Cyrille Vaillancourt: Honourable senators, may I say one last word, not to repeat what has already been said, but to underline a characteristic which was common to both our friends. Both Senator Buchanan and Senator Beauregard understood that noise is not the necessary accompaniment of good, but that good is often brought about without noise.

They both lived up to that principle and quietly worked in their own way toward the prosperity and development of Canada, making little noise but doing much good.

In closing, may I repeat the prayer I said in each case on learning of their passing: "O God give him eternal peace and protect his family".

(Text):

Hon. W. Ross Macdonald: Honourable senators, the honourable senator from Ottawa (Hon. Mr. Lambert) would have liked to be

in the chamber tonight and to pay tribute to his friend of many years' standing, the late Senator Buchanan. In his absence from the city, the senator from Ottawa has asked me, with your leave, to pay tribute on his behalf. It reads as follows:

In joining with all members of the Senate in paying tribute to the memory of our late colleague, Senator Buchanan, I should like to refer particularly to his outstanding place as an editor and newspaper man.

In recording these words I have at hand a souvenir of an historic group of editors and publishers who for several years were colleagues together in this chamber. In 1934 they met at dinner in Ottawa to celebrate the 75th birthday of the late Right Honourable George P. Graham. The names of the twelve different publications with which the attending guests at that dinner were individually associated were printed on the cover page of a specially prepared menu card. I think that it is fitting now to place these names on the pages of *Hansard*. They were: The Brockville *Recorder and Times*, owned by the Right Honourable Senator George P. Graham; *The Gazette* of Montreal, headed by the Honourable Senator Smeaton White; the Nelson *Daily News*, owned by the Honourable Senator R. F. Green; *Le Soleil*, associated with the Honourable Senator George Parent; the Lethbridge *Herald*, owned and edited by the Honourable Senator W. A. Buchanan; the Sydney *Post-Record*, owned and edited by the Honourable Senator J. S. McLennan of Sydney, Nova Scotia; *La Feuille d'Erable*, edited by the Honourable Senator Gustave Lacasse of Windsor, Ontario; *L'Avenir du Nord*, edited by the Honourable Senator J. E. Prevost of Quebec; the *Halifax Herald*, published by the Honourable Senator William H. Dennis; the London *Morning Advertiser*, edited by the Honourable Senator John Lewis; the *Sentinel*, edited by the Honourable Senator Horatio Hocken of Toronto, and the *British Columbian*, published by the Honourable Senator J. D. Taylor of New Westminster.

The passing of Senator Buchanan removed the last of this distinguished group from our midst. I may say that I am indebted to Mr. Reynolds, the custodian of the Senate Barber Shop, for placing this interesting souvenir in my hands. He was an old friend of Senator Buchanan, who gave this menu card to him as a keepsake with the words that never again in their lifetime would either of them likely see twelve members of the Senate identified actively at the same time with the press of Canada.

From this reference may be realized the sincere pride with which our late colleague regarded the profession of his choice. Indeed, a real appreciation of Senator Buchanan is inseparable from his identity as an editor and newspaperman. I knew him for over forty years, and he stands out clearly as a great example of responsibility for the written and printed word as reflected in the press of this country.

His own paper in Lethbridge became an institution of dependability throughout Southern Alberta. He always sought to supply his readers with accurate reports of the news of the day rather than to impose upon them his own editorial opinion. He could do that effectively when the occasion for it arose; but my memory of him identifies him as a man with an objective interest in daily events and in their collective importance over longer periods. The same characteristic applied to his utterances in this house. They were for the most part lucid and accurate reportorial statements about some subject which was of interest to him and the people he knew. He had no axe to grind other than that of service to his own community, and to Canada as a whole. In short, he had an abiding faith in the capacity of public opinion to judge affairs aright when enlightened by full information.

The soundness of his own judgment sprang from this ability to evaluate the opinions and views of others. Unbiased and uninfluenced by any personal ambition or desire for power, Senator Buchanan was a good friend and a wise counsellor. Personally, I shall always be in his debt for much good advice and wise counsel; and in company with so many others in this chamber I feel that the Parliament of Canada has lost one of its greatest members. Heartfelt sympathy is extended to Mrs. Buchanan and her two sons Donald and Hugh, who are left to carry on a great work.

LIBRARY OF PARLIAMENT

REPORT TABLED

The Hon. the Speaker: Honourable Senators, I have the honour to present to the Senate the report of the Librarians of Parliament for the year 1954.

The report was tabled.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, January 12, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

STANDING COMMITTEES

REPORT OF COMMITTEE OF SELECTION

Hon. Mr. Taylor, for Hon. Mr. Macdonald, presented the report of the Committee of Selection.

The report was read by the Clerk Assistant as follows:

The Committee of Selection appointed to nominate senators to serve on the several standing committees for the present session, have the honour to report herewith the following list of senators selected by them to serve on the Standing Committees on Divorce and Banking and Commerce, namely:

DIVORCE

The Honourable Senators Aseltine, Baird, Barbour, Bradley, Burchill, Euler, Farquhar, Farris, Fergusson, Gershaw, Golding, *Haig, Hawkins, Hodges, Horner, Howard, Howden, Kinley, *Macdonald, Roebuck, Ross and Stevenson. (20).

**Ex officio* member.

BANKING AND COMMERCE

The Honourable Senators Aseltine, Baird, Beaubien, Bouffard, Burchill, Campbell, Crerar, Davies, Dessureault, Euler, Fallis, Farris, Gershaw, Gouin, *Haig, Hardy, Hawkins, Hayden, Horner, Howard, Howden, Hugessen, King, Kinley, Lambert, *Macdonald, MacKinnon, McDonald, McGuire, McIntyre, McKeen, McLean, Nicol, Paterson, Pirie, Pratt, Quinn, Reid, Roebuck, Taylor, Vaillancourt, Vien, Wilson, Wood and Woodrow. (43)

**Ex officio* member.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Taylor: With leave of the house, I move that the report be concurred in now.

The motion was agreed to.

APPOINTMENT

Hon. Mr. Taylor: Honourable senators, with leave of the Senate I move:

That the Senators mentioned in the report of the Committee of Selection as having been chosen to serve on the Standing Committees on Divorce and Banking and Commerce during the present session, be and they are hereby appointed to form part of and constitute the said committees to inquire into and report upon such matters as may be referred to them from time to time.

The motion was agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE ADJOURNED

The Senate proceeded to consideration of His Excellency the Governor General's Speech at the opening of the Second Session of the Twenty-second Parliament.

Hon. Nancy Hodges moved:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable Vincent Massey, Member of the Order of the Companions of Honour, Governor General and Commander-in-Chief of Canada. May it Please Your Excellency:

We, Her Majesty's most dutiful and loyal subjects, the Senate of Canada, in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious speech which Your Excellency has addressed to both houses of Parliament.

She said: Honourable senators, I am deeply conscious of the honour of being asked to move the Address in reply to the Speech from the Throne. Perhaps my sense of privilege is enhanced by the fact that I noticed in looking through the Speech from the Throne that those who prepared it must have had British Columbia very much in mind, for many of the things that are in it and much of the legislation which is formulated, is not only of general interest to Canada as a whole but is of peculiar and deep concern to the province of British Columbia. First of all in that category comes a suggestion that there are to be amendments to the Electricity and Fluid Exportation Act and a measure to control works which affect the normal flow of rivers which cross the international boundary, for the purpose of ensuring that natural resources are developed in the best interests of the Canadian public.

This, as most honourable senators know, has reference to the recent controversy which has been going on in British Columbia over the Kaiser Dam proposal which, of course, would affect the waters of the Columbia River and give considerable benefits to United States interests. The Government of British Columbia has not made a final statement on this proposition, so I have to depend on statements which have been made by the honourable Minister of Lands and Forests of British Columbia, Mr. Sommers. Although I have not personally seen any changes in the original statement, I understand the honourable minister has modified it. From statements that were originally made by the minister, it was clear that the project involved the construction, near Castlegar and about twenty miles north of the boundary, of a $25 million or $30 million dam designed to store and regulate some 3 million acre feet of water. The intention would be to release this water during periods of low flow

and thus to activate otherwise idle generating capacity in the States of Washington and Oregon. The Kaiser Aluminum and Chemical Corporation of the United States would finance the project and receive part of the downstream power, which would be used for aluminum production at Spokane.

According to the statements then made by the British Columbia minister, the water licence to the Kaiser interests would be issued for a period of 50 years. The 3 million acre feet of storage would produce about 2 billion k.w. hours of electricity a year. Of this, it is understood that British Columbia is to receive 20 per cent. Including $275,000 to be collected in taxes, the value of the overall return to British Columbia has been set at around $1 million a year.

As I said before, I want to make it quite clear that I believe this has been changed, although I have no figures or official statement before me to that effect. According to reliable sources the Kaiser Corporation and the Bonneville Power administration were each to receive 40 per cent; that is, they would receive 800 million kilowatt hours each. In addition, Kaiser agreed to pay $1 million annually to Bonneville Power for its share of power, and $275,000 in water rentals and taxes to the British Columbia Government. Finally, the capital carrying charges assumed by the Kaiser Corporation to finance this $30 million dam in British Columbia were estimated to be approximately $2·4 million annually.

There has been some indication that there is in the agreement a provision under which the British Columbia Government may be obligated to forgo its share of the power in certain circumstances and receive a cash payment annually. If this is correct—and I want to emphasize the words "if this is correct"—it would appear that there is an agreed price for power for 50 years, no matter what may happen to power values over that long period of time. So far, to my knowledge, there is no provision for British Columbia to get any share of, or payment for, power that may be produced in the United States or any works that may be constructed there in future to make use of the storage facilities on the Arrow Lakes.

Honourable senators, in a nutshell, that is the basis of the original agreement. As I said before, there has been some indication, I believe, of a change in the proposition, but no official statement to this effect, only pronouncements made by the minister, of which I have no record.

The point at issue to which the people of British Columbia as a whole object—and I say "as a whole" advisedly, for there has been great controversy and objection heard from all over that province because of the number of people who would be flooded out by the project—is that it would provide for the Kaiser Aluminum Company in the United States very much cheaper power than we in the province could get. It is not necessary for me to explain to honourable senators that this would militate against the establishment of industries in British Columbia. In addition, it would tie up potential sources of energy for many years in our province, when one has only to look into the foreseeable future to realize that before many years have passed we shall be in need of all possible sources of energy for our own use.

I think I can quite fairly state that were this project to go through—and I hope, as it now appears, that it will not go through—it would provide most unfair competition for Alcan, the Aluminum Company of Canada, which has vast undertakings in the central and northern parts of the province. I say it would result in unfair advantage over that company, because it would enable the Kaiser Aluminum Company to sell its products much cheaper than the Aluminum Company of Canada in British Columbia could. I also emphasize that the loss of potential power is inestimable.

I need not say more on this particular project, because I am sure the people of British Columbia, and I think of the rest of Canada, welcome the legislation forecast in the Speech from the Throne, aimed as it is at preventing the sort of exploitation of which I have spoken. Unfortunately, the Government of British Columbia is rather hoping for immediate returns rather than the long-term benefits that are so necessary for that province which has such great possibilities for future industrial development.

I happened to be present in the other place—I believe I am correct, Mr. Speaker, in referring to it as the other place—

Hon. Mr. Euler: Not necessarily.

Hon. Mrs. Hodges: —when this bill was introduced, and I was very glad indeed to notice the spontaneous and enthusiastic reception accorded it from all sides of the house, with the exception of one small quarter which I need not designate and which of course naturally would not approve of it. By the time the bill reaches this house I hope we shall have further facts on the subject and shall be able to go into it in greater detail. The measure is of great importance to British Columbia at this time because the province is just beginning to realize on the vast reservoir of natural wealth with which it has been so richly endowed. Indeed, the

eyes of the western world over the past five or six years have been focussed on British Columbia with its great expansion and development.

As a private member of the former Coalition Government of British Columbia I am proud to say that in 1951 that Government announced a billion dollar investment program in the province. It included important projects that I feel are worthy to be brought to the attention of this chamber, because I think, with all due respect to honourable members, that many of them do not realize the tremendous development which is taking place in British Columbia, that jewel in the crown of Canadian provinces.

Hon. Senators: Hear, hear.

Hon. Mrs. Hodges: Among the projects which were launched, started or initiated at that time was the Westcoast Transmission Company's $700 million natural gas pipeline, destined to be laid from the Peace River district to the United States border south of Vancouver. Unfortunately, for causes which have nothing to do with British Columbia but which originated on the other side of the international border—you will remember there was a great deal of opposition there—it was announced that the construction of that pipeline would not be started till 1955. The British Columbia section of that pipeline alone is estimated to cost $130 million.

Of course, the most spectacular development of all is one to which I have already alluded, the one undertaken by the Aluminum Company of Canada at Kitimat. I had the good fortune to be flown in to that development in the early stages of its construction and it was only then I realized what was being done, that this great industry, this immense undertaking, was being built in the middle of the wilderness, in virgin forest, five hundred miles from the nearest settlement.

Those of you who have not visited British Columbia's hinterland cannot envision the magnitude of the task involved in setting up what is to be a $600 million development by the time it is completed. The project comprises a power development, a smelter, and a townsite at Kitimat. The Aluminum Company has already spent $275 million on this development. The first unit of the smelter was completed at Kitimat in 1954 and the first ingot was poured in the presence of the Duke of Edinburgh. The first shipment was made to the United States in September of that year. The present plant is capable of producing 91,500 tons of aluminum a year, but already plans are under way for so extending the present facilities as to increase the yearly output by 60,000 tons and give employment to an additional 1,000 people. The operations at Kitimat at this stage have provided jobs for thousands of workers, skilled and unskilled. The new townsite is being built in the wilderness, and in order that it may be laid out along modern lines, town-planning experts from all over Canada have been retained. It is expected that within a few years the development will give employment to at least 10,000 people, and that the townsite at Kitimat will ultimately provide habitation for 50,000 to 60,000 people.

This vast undertaking, I must point out to honourable senators who do not know the district, will lead to a very great development of the lands along the Canadian National Railway line in that part of Canada from Alberta to the Kitimat area, and this also will be of tremendous advantage.

Another important ramification of the Alcan project is the proposed $65 million Kitimat Pulp and Paper mill, which will be jointly owned by the Aluminum Company of Canada and the Powell River Pulp and Paper Company.

I would like to mention a few other developments which have taken place in British Columbia in the last few years. The Pacific Great Eastern Railway has constructed a new line from Quesnel to Prince George, and an extension is being projected north from there, opening up that vast area. My colleagues from Alberta will realize what this will mean to that part of the country.

Other big developments include the Trans Mountain Oil Pipe Line, involving a crude oil pipe line from Alberta oil fields, refining plants at lower mainland and refineries at Ferndale and Anacortes in the State of Washington at a cost of $100 million. As a result of the construction of this pipe line new refineries will be constructed at Ioco (Imperial Oil Company), and Stanovan (Standard Oil Company of B.C.), and an addition at Shellburn (Shell Oil Company of Canada, Ltd.). The estimated cost of these is $30 million.

In the mining and metallurgical field, the Consolidated Mining and Smelting Company has spent $57 million in the last few years in extensions to its plants. Plans for the development of a power plant at Waneta were announced in 1951, and this undertaking was completed last year. Various other extensions of the operations of the Consolidated Mining and Smelting Company have also been put in hand.

I hope I shall not be accused of being too biased if I point out that most of these

projects were started long before the present Social Credit Government came into office. I mention that, though I do not want to be too partisan, because the present provincial administration has a habit of taking credit to itself for everything that has been done in British Columbia, whether before or after it acquired power, and it is only fair to point out that many of the things I have mentioned today were initiated and in fact completed, before its regime began.

The H. R. MacMillan Harmac plant was completed in 1950. An addition was begun in 1951 and finished in 1954. The total cost of these two developments was $35 million. Another and smaller enterprise which I should like to mention is a veneer plant operated by Western Plywoods Cariboo Limited at Quesnel: it employs five hundred people and represents an investment of $1,700,000. The Elk Falls Company Limited, of Duncan Bay, is building a newsprint mill at a cost of $40 million. Another great industrial development was started by Columbia Cellulose Company at Prince Rupert about five years ago. This pulp mill first came into production in 1951, and the initial investment was about $27 million. Since then the plant has been considerably enlarged, at a cost of some fifteen to twenty million dollars. Over five hundred persons are employed, and the investment represented today is of the order of $47 million.

The addition to the plant of the New Westminster Paper Company Limited, which was announced and proceeded with during the Coalition regime under the Liberal leadership of Premier Byron Johnson, involved an outlay of $2,500,000.

The Alaska Pine and Cellulose Company's addition to its plant at Port Alice, which was started in July 1951, represents a cost of $8 million. B.C. Forest Products has spent $2 million on a new veneer plant at Victoria, employing 375 persons. Powell River Pulp and Paper Company Limited has increased the capacity of its plant at Powell River with an outlay of some $50 million.

These are just a few of the developments which I thought should be specifically mentioned, because it is only right, in my view, that honourable senators and, in fact, all the people of Canada should know of the progress which is being made in the province of British Columbia. In fairness, I must add that under the present government many extensive operations are in progress. Millions of dollars are being spent on industrial developments. Very large outlays are being made by the B.C. Power Commission and the British Columbia Telephone Company. The Frobisher and Venture interests envisage a multimillion dollar project; and when these and many other plans have come to fruition the effects on the economy of British Columbia will be very marked indeed. Having touched briefly on matters raised in one portion of the Speech from the Throne, I wish to turn for a few moments to another item which, while of peculiar value to our province, is of interest to the rest of Canada, namely the intimation of an improved deal for municipalities affected by the tax-free federal policy under the Municipal Grants Act. It is reported that where the value of federal property in any municipality amounts to more than 2 per cent of the total assessment, that city will get grants equivalent to the full municipal tax. At present, I understand that those communities which contain federal property in excess of 4 per cent get grants equal to 75 per cent of the tax. I have not yet seen the bill, so I do not know what it contains; but if the provisions are generally in line with what is reported, they will be of great value, particularly to my own city of Victoria, which contains $3,250,000 worth of federal properties. As honourable senators know, there are in Greater Victoria a big naval base and various other federal properties which are not included in this total; but excluding these, the value of federally-owned property in Victoria amounts to roughly 2½ per cent of the 1955 gross assessment.

Everyone welcomes such establishments. One has only to look at the requests for post offices and other public buildings of all kinds throughout the country to realize what tremendous assets they are to the payrolls of the communities concerned. At the same time, the fact that they are usually located on what are, for assessment purposes, the most valuable local sites, means that the tax rolls suffer accordingly. Services of various kinds have to be supplied, and as a consequence the ordinary ratepayer is more heavily taxed because of the existence of these federal buildings. I believe that if the suggested legislation becomes law the harassed ratepayers of cities such as Victoria and Vancouver—to mention only two out of many—will be substantially helped; and I am very glad that this matter has been included in the Speech from the Throne.

I must say a word in connection with another item in the Throne Speech, which is, of course, of peculiar interest to British Columbia; and that is, the proposed provision for the removal of Ripple Rock. For many years Ripple Rock has been causing a "ripple" on the surface of British Columbia, because it is a very, very serious hazard to navigation, and the cost of removing it is considerable; otherwise, I am sure, the Government would have removed it long ago. I know the news

will be welcome that at last the Government are going to blast it out—or whatever it is they intend to do with it.

Having touched on some material matters mentioned in the Throne Speech, I want to refer to the more distinctly humanitarian projects which, of course, are of particular interest to me as a woman. I welcome the inclusion of the promise of legislation to make substantial increases for public construction projects with a view to helping to meet regional and seasonal unemployment crises. In view of what I have said about the development, growth and expansion of British Columbia, some may suppose that we in that province should be immune from crises of this kind, but even in our salubrious climate, because of too much rain, or from other causes, outdoor industry must occasionally stop. Then, of course, there are other factors over which we have no control—outside factors, which tend to upset the delicate balance of the economy. The fact that wages and standards of living are higher on the Pacific coast than anywhere else in Canada makes it very difficult for shipbuilding, forest, and some other industries to compete in world markets with industries whose wages are lower and, in consequence, every now and again we are faced with a burden of unemployment.

Also, there is the fact that the genial climate of British Columbia attracts to that province unemployed workers from the prairies and other parts of the country where nature is not quite so kind, who move to the West in the hope of finding work under rather more comfortable conditions. All these factors tend to enlarge our problem of unemployment, particularly in a city like Vancouver, which is not only a seaport but a border town. Vancouver has been having a worrisome time. Frankly, I think its troubles have been exaggerated a little, but, in any event, no one with any feeling at all in his heart can but sympathize with these unemployed people, whether they number 100 or 20,000. I am very glad to see that something is going to be done in that connection, both by way of public construction projects and by an increase in the benefits paid under the Unemployment Insurance Act as well as by general amendments to increase the effectiveness of the act itself.

I know there are a good many complaints that this is not enough. I have not seen any figures or any bills, so I cannot tell whether it is enough, but at least it is a step in the right direction. It is encouraging to those who are undergoing these hardships at the present time to know that the Government is at least trying to do something to help them.

I am, of course, glad indeed to see that there is to be an increase in the basic rates payable under the War Veterans' Allowance Act, and a higher ceiling on permissible incomes. I have always maintained that something is wrong with a policy which decrees that a man or woman should not be allowed to earn more than a certain sum. I think it is a very bad principle and I do not believe we should put any ceiling on permissible incomes of any kind. Any person who has the initiative and energy to go out and work should be allowed to do all he or she possibly can and not be subjected to an arbitrary restriction on income, for such a policy stultifies initiative and energy.

I am very glad to see that we are also going to consider lowering the age of eligibility of blind persons for pensions, and raising their income ceilings. I do not think we can do enough for the blind. Never having lost the use of my eyes, even temporarily, I find it difficult to imagine what it would be like to go through life without sight. I feel we should do everything we possibly can to make things easier for those who are afflicted in this way.

Now I want to come down to a particular problem which besets British Columbia perhaps more than any other province. Apart from factors I have mentioned—our salubrious climate and the climatic amenities—the leisurely tempo of living draws to our province a great number of elderly people from all parts of Canada. We welcome them. Many of them are retired and have means, but many others are working people and they come with their families. We are glad to have them all, but the fact remains that their presence has helped to create a problem.

In 1954 the population of British Columbia was 1,266,000. I should like to emphasize that as the provincial area is 366,000 square miles, there is an average of about three persons to every square mile, most of whom are concentrated on the coast. Of that population of 1,266,000, 13 per cent were in the 65-years-and-over age bracket, as compared with 8·5 per cent for Canada as a whole; and 20 per cent were between the ages of 45 and 64. Here I come to a point which is to me particularly interesting. In Victoria we have the highest ratio for all Canada of citizens in the over-65 age group. One in every six citizens in that city is over 65. As I suggested before, this speaks volumes for the climatic and other amenities of the province. We have no deep snow, no extremes of heat and cold, no mosquitoes, no tornadoes, none of the things you people in the rest of Canada have. The percentage of the 65-years-and-over age group in ratio to Victoria's overall population has quadrupled since 1941. Some of the people who have

come there to retire are comfortably off, but many others are barely eking out an existence on small pensions. Among this latter group are retired federal and provincial civil servants and burnt-out veterans with small superannuation benefits. All these people have a very difficult time, and I think you will find from statistics that many of them are included in our unemployed.

In Victoria at the end of October 1954 there were 2,375 unemployed men and women on the books of the Unemployment Insurance Commission. Of this number 331 were 65 years of age and over, which represented 13·93 or practically 14 per cent of the total. A similar pattern presents itself in the general unemployment picture of British Columbia. On October 28, of the 8,171 unplaced applicants for jobs from people of 45 years of age and over, 2,731 were in the 65-and-up age group. Roughly, 39 per cent of the unemployed men and 8·5 per cent of the unemployed women were in the 45-years-and-over category.

I want to point out to honourable senators that a psychological problem is involved here. We are gradually getting to the point of generally accepting, unintentially perhaps, the slogans: "Too old at 45" and "Get out at 65". I feel I am speaking to a sympathetic audience here when I bring this up, for if we had arbitrary retirement at 65 in the Senate this house would be robbed of some of its finest members—including, of course, myself. So I know whereof I speak. It is time we realized that the chronological yardstick for measuring the earning ability, capacity and powers of men and women should be changed. Some people are too old at 35, while others can go on doing a good job until 80. What would the world have done had Sir Winston Churchill been told to get out at the age of 65? I can mention many men and women in Canada who have made their greatest contribution to Canadian life after having reached the age of 65. And yet we say arbitrarily to civil servants and people in industry that they must get out at that age. Unfortunately, also, if any of them lose their jobs at 35 or 40—which may happen through no fault of their own—and try to obtain other employment, they are met with the objection: "You are too old". The consequence is that the length of time in which men and women can earn enough with which to take care of themselves in their old age is shortened. I have seen this happen many times.

It is a tragic thing to me that a man of 40 or 45, who is just at the peak of his earning power and faced with full family responsibilities, when his children are growing up and looking for higher education, should be summarily told by the labour market that he is too old. That is quite wrong. We shall have to change our thinking altogether, and I think the Government should start to give a lead in that direction. The science of geriatrics has seen to it that the life span is going to be longer than ever. At a national health assembly meeting in the United States a couple of years ago, a certain scientist envisioned a time, not too far in the future, when a life span of 146 years would be possible. He expressed the rather horrible thought of a man marrying at 111, remarrying at 130, and living to be 146. Happily, I shall not live to that age. The scientist did not say whether women would have a chance of remarriage at 130. The fact remains, however, that the science of geriatrics, as well as medical science, is lengthening the span of life, while the span of working years is being shortened. I think it is very bad psychologically to tell people of 60 or 65 years of age that they are of no further use on the labour market. I have known cases, as I am sure honourable senators have, of men being compelled to leave their jobs at 65, probably at the height of their experience and skill, and suddenly feeling so frustrated and lost that they have not lived very long afterwards. Also, such people tend to become a burden to themselves and the community. It seems to me ridiculous that we should insist on men retiring at 65, when we do not grant them the old age pension until 70. The two things do not jibe. We must reconstitute our whole thinking on this subject.

I spoke of the application of the science of geriatrics and of medical science increasing the span of life, but apparently other things are also conducive to longevity. I was amused to read in a newspaper the other day accounts of various people who had attained 100 years of age, and who gave some recipes for longevity that were quite interesting. The recipe of one old lady, in Missouri, was this:

> Drink a nightly glass of beer with an egg beaten in it. Also don't worry, and keep calm.

Another person, Charles Macklin, 107, of London, England, gave this advice:

> Every night before going to bed, wash yourself all over with good brandy. Then dress in an ordinary business suit and climb into bed.

From what I know of a great many men, they would think that a shocking waste of good brandy!

A Toronto man of 100 advised eating three steaks a day to live to a good old age. He did not say whether he was a millionaire,

but I think he must be if he can afford three steaks a day. One a day is the height of opulence for most of us.

Honourable senators, we have got to face the serious problem of our aging citizens. At the present time nothing is being done about it. True, we have marvellous social welfare programs. The other day I discovered that the total amount appropriated by the federal Government before the war for social welfare in all its varied branches and phases, amounted to $60 million. Today it is somewhere in the region of one billion dollars. So we are doing as much as we possibly can in the general direction of caring for our people, but we are not doing all that we might particularly for the aged, and those who are "too old at 45", and have to get out of their jobs at 65.

It was said in the United States the other day that by 1970 one-half of the working force of the United States would be over 60 years of age. So the problem is not confined to Canada. Indeed, I think all the civilized countries of the world will have to look into this problem of the older people. Unless we want to become nations of preponderantly old folks, so-called, at 40 years and over, we shall have to change our present day estimate of old age.

Honourable members, when I first came into public life I was told that one of the primary requisites of public speaking was to stand up, speak up and shut up. I have stood up, I have tried to speak up, and I hope that the interval between standing up and shutting up has not been too long.

(Translation):

Hon. Leonard Tremblay: Honourable senators, in rising last year to propose, with eloquence and elegance, the Address in reply to the Speech from the Throne, the honourable and most distinguished senator for the senatorial division of Sorel (Hon. Mrs. Jodoin) pointed out the fact that "for the first time in the history of this country, a woman is awarded the honour of moving the Address in reply to the Speech from the Throne" and concluded quite reasonably that such an historical event "strengthens the fine traditions of our Canada, which advocate the freedom of one and all to express their opinions".

(Text):

I recall also the interesting and witty speech made last year, in seconding the motion of the honourable senator from Sorel, by the honourable senator from Fredericton (Hon. Mrs. Fergusson), who, a bit later in the same session, revealed herself to be a remarkable and most persuasive debater by obtaining the amendment of a bill affecting certain categories of civil servants who claimed the liberty of deciding themselves whether the measure was in their interest or not.

Our colleagues who belong to the sex which our ancestors, ironically enough, qualified, with a somewhat protecting air, as "the weaker sex", showed, in the case to which I have alluded, first of all their strength; and, secondly, they demonstrated beyond any doubt that the freedom of speech which they enjoy may serve to safeguard in Canada other liberties which are dear to their fellow-citizens.

(Translation):

Things have changed a great deal since the days of the great Corneille, who could place on the lips of one of his characters, loudly applauded by his contemporaries:

Monsieur, quand une femme a le don de se taire
Elle a des qualités au-dessus du vulgaire!
(When a woman knows how to remain silent,
Sir, she is endowed with uncommon gifts.)

The above quotation alone shows most clearly the progress accomplished in this respect since the glorious seventeenth century. In recognizing the happy results of the accession of women to public affairs, it is fitting, I think, to rejoice sincerely and to acknowledge the moderating and humanizing influence of women in politics . . . as well as elsewhere, for that matter.

(Text):

This year again the task of proposing the Address in reply to the Speech from the Throne was entrusted to a representative of the gentler sex, the honourable senator from Victoria (Hon. Mrs. Hodges). The masterful speech which we have just heard is proof that the choice of the authorities was both a happy and a judicious one. May I offer to our colleague from Victoria my warmest congratulations and express to her my very deep admiration. In so doing, I am voicing, I am sure, the feelings of all honourable members of this house.

Hon. Senators: Hear, hear.

Hon. Mr. Tremblay: Mr. Speaker, in rising for the first time in this house, I would not like to be remiss in the most agreeable duty of congratulating you warmly upon your appointment to the high and honourable post which you occupy with so much dignity and ability. Because of your sense of justice, your tact and your experience in parliamentary procedure you are eminently qualified for the high duties entrusted to you, and I am particularly happy to add my tribute to the very just homage already paid to you by my honourable colleagues.

Honourable senators, there is in this chamber another most distinguished person whom I wish to welcome, and who must assume the responsibility for the perilous honour which I have had the temerity to accept, that of seconding the motion of the honourable senator from Victoria. I speak of the likeable and—I might as well say it—the irresistible Leader of the Government in this house (Hon. Mr. Macdonald). Elected for the first time in 1935, we sat together for eighteen years in what we are agreed to call "the other place".

Hon. Mr. Euler: No! Call it the House of Commons.

Hon. Mr. Tremblay: I was, therefore, in a position to follow his steady and well-deserved rise from the ranks of backbenchers to the Speaker's Chair in that house.

It is sufficient for me to say that in all the public positions which he has filled with such a rare perfection, his infectious good humour, his unruffled tactfulness, his proverbial good nature, the skill which he possesses in the highest degree of making friends and of keeping them, his deep sense of duty and his eagerness to serve his fellowmen, convince us that he will continue for a long time his march towards new summits.

Hon. Senators: Hear, hear.

(Translation):

Hon. Mr. Tremblay: May I be allowed, since we all know that he is bilingual, to express in French my deep appreciation of the honour which he has seen fit to bestow upon the people I represent in the Senate, in asking me to second the Address in reply to the Speech from the Throne.

To the honourable senator from Montarville (Hon. Mr. Godbout), I wish to offer my warmest congratulations upon the fine mark of trust placed in him when he was called to share the responsibilities of the Leader of the Senate. This son of Quebec is an honour to his province and we are proud of him; his appointment is a matter of satisfaction to his compatriots who have the greatest affection and the deepest admiration for him. To this man, also, who accomplished great things for province and country when Canada was at grips with the most terrible dangers of its whole history, we extend our wishes for success and the hope that the coming years may offer him many other and greater opportunities of devoting his talents and his patriotism to the service of his fellow citizens.

(Text):

In welcoming the newly appointed senators last year, my very good friend the honourable senator from Churchill (Hon. Mr. Crerar), with whom I had the honour to sit for ten years in the other place, recalled certain weaknesses of your servant for vocal music and his incorrigible habit of urging his colleagues to sing in a chorus when the bell called the "Commoners" for a division. He even invited me to introduce in this honourable chamber that old and somewhat noisy custom which rather belongs to another place. I thank him for his generous and cordial welcome, but I hesitate to accept his kind invitation to sing. Let him not worry, however. The reason for this attitude of mine does not stem from a feeling of having grown older since having been introduced into the new atmosphere, so calm, so congenial and so pleasant, of the Upper Chamber. On the contrary, in coming here one has the impression of getting younger, for the hearty and spontaneous welcome one receives from Your Honour and all honourable senators produces on newcomers the same effect as the Fountain of Youth. Having listened to the encouraging speech of our honourable lady colleague from Victoria, I may say that if ever my former habit gets the best of me, I will undoubtedly sing again *Let me call you Sweetheart,* and not *Darling I am growing old.*

Hon. Senators: Hear, hear.

(Translation):

Hon. Mr. Tremblay: Honourable senators, although the Speech from the Throne may not justify excessive optimism in regard to world problems, it none the less leaves a comforting impression and shows us that, through their laborious efforts, the Western nations are firmly and efficiently progressing toward their ideal of peace.

"...While the resources of diplomacy must never be neglected in the search for peace," the Speech from the Throne states, "the efforts of the free nations in building their deterrent forces must be maintained."

It is generally acknowledged that the first duty of democratic nations is to build and maintain the best defence system—I mean collective defence—they can possibly provide. Toward this end Canada must and does in fact contribute generously. We are happy to express our satisfaction to the Government of our country whose external policy, I am sure, has the unanimous approval of the Canadian people.

May I take this opportunity of telling the Right Honourable Louis St. Laurent, the Right Honourable C. D. Howe, the Honourable Lester Pearson, the Honourable Paul Martin and all the other ministers who so efficiently second the Prime Minister, how much we appreciate their efforts and their inestimable contribution to the building of a true and

durable peace in the world. Without security, there is no use dreaming of development and prosperity, since all that would be wiped out once and for all were another cataclysm to break out. Let us pray Divine Providence to spare us from such a calamity and let us be confident.

The sincerity, integrity and nobility of soul of the Prime Minister, acknowledged and appreciated by everyone at home and abroad, have made of him an authoritative and respected apostle of good will, of understanding, of unity and of peace, not only within the Canadian nation but among the free nations of the whole world. Canada owes him an irrevocable debt of gratitude for everything he has done for our country.

At home, notwithstanding the shadows cast by various fluctuations and difficulties in some sectors of the economy and by increased regional and seasonal unemployment, the general picture is good and prospects most encouraging.

Last September, there were 109,000 people without work drawing unemployment insurance benefits, a large number, it is true; but it should be noted that during the same month more than 5,100,000 persons were occupying remunerative employment in Canada.

But there is some feeling of unrest and there are those who really fear an economic recession and general unemployment. The Government is conscious of these problems, and is therefore seeking a solution to those coming under its jurisdiction. For instance, to avoid unemployment, the Government proposes that public construction projects already approved be accelerated, and asks Parliament "to make financial provision for construction in the programs of various departments and agencies on a scale that will make possible a substantial increase in the total expenditures for this purpose."

The Speech from the Throne indicates, moreover, that the Government intends to introduce "immediately" a legislative measure designed to amend the Unemployment Insurance Act in order to increase the duration and scale of supplementary winter benefits.

The Government "is also proposing to introduce, during the session, broader amendments designed to make unemployment insurance a more effective instrument in providing financial support to unemployed workers".

These measures, as well as others of no less importance mentioned in the Speech from the Throne, clearly demonstrate the care with which the Government is doing everything in its power to help all those householders, Canadian men and women who, through the force of local or temporary circumstances, might not find work.

Another measure, which has both an economic and a social effect and which is mentioned in the Speech from the Throne—and the advantages of which the province of Quebec has unfortunately not made as much use of as its sister provinces—is the act approved by the House of Commons on March 8 last, providing for the construction of new houses, repairs to and modernization of existing houses and also for the improvement of housing and living conditions.

With regard to this act, the Speech from the Throne declares that it "has been an important factor in stimulating the construction of a record number of houses in the past year" and that "the prospects are favourable for a high level of house building in 1955."

Judging from the marvellous results obtained the very first year, the hopes entertained for the year 1955 are certainly not too sanguine.

In a public statement made recently, the honourable Minister of Public Works, Mr. Winters, gave significant figures, which show beyond any doubt what a strong impetus the new act has given to house building. May I be allowed to quote a few.

In the course of 1954, the building or remodelling of 110,000 to 115,000 houses was started, while it was completed in the case of 104,000 to 108,000 houses, which represents a considerable increase over any other year in Canadian history.

The present number of houses which we are starting to build is even higher. Taking into account average seasonal changes, we start building 120,000 houses each year, that is about 380 on every working day of the year. The number of new houses started in October 1954 alone reached 12,600, which represents an increase of 22 per cent over the same month in 1953.

It might be interesting to glance over the volume of loans made under the Housing Acts in 1953 and 1954 in relation to the whole housing program for each of those years.

In 1953, exclusive of conversions, construction of 102,000 houses was started throughout Canada. The building of 40,000 houses was approved for loan purposes under the National Housing Act, that is somewhat less than 40 per cent of the total number of houses on which construction was started. In 1954, the number of houses started being about 110,000, exclusive of conversions, it is expected that about 52,000 housing units will be built under the National Housing Act. According to this figure, it would seem that from 1953 to 1954 and even before then, the total increase in the housing program has been carried out under the National Housing Act. The number of

houses on which construction has started has increased by 8,000, while the number of housing units with respect to which loans were extended under the National Housing Act has increased by 12,000.

Such figures testify to the real efficiency of the 1944 act. From the very first year, the results obtained were equal to the hopes it had inspired.

May I be permitted, honourable senators, as a citizen of the good old province of Quebec, to express regret at the costly indifference of the authorities of my province towards the advantages offered all provinces under the National Housing Act of 1944, and more particularly under section 35 thereof. As you know, the said section provides, and I quote:

35 (1) The Corporation may, pursuant to agreements made between the Government of Canada and the government of any province, undertake jointly with the government of the province or any agency thereof projects for the acquisition and development of land for housing purposes and for the construction of houses for sale or for rent.

(2) An agreement referred to in subsection (1) shall provide that the capital cost of the project and the profits or losses thereon shall be shared seventy-five per centum by the Corporation

(which means the federal Government)

and twenty-five per centum by the Government of the province or an agency thereof.

Seven provinces, Ontario especially, have derived great benefits from this Act and have taken advantage of its provisions to do away with slums. Toronto alone, as a result of agreements concluded with the federal Government, has received for that purpose from the Canadian Government an amount of $1,362,000.

In that city, whole wards have been cleared away of their filthy slums and good, sanitary and bright homes have been built to house human beings created "in the image and likeness of God", who used to live in abject conditions and who now live in conditions where their physical and moral health is not threatened any more. Unfortunately, certain of our large cities in the province of Quebec are faced with the problems arising from slums, which are perhaps the worst social evil of our times. We express the wish that all people of good will unite in an effort to remove them.

Canada is a young, vigorous and rich country. She is endowed with a healthy and enterprising population. She is blessed with natural resources of which we have found but a small proportion. The pace of our growth is such that for the first time in history it has exceeded that of the United States. To give only one example of this, our Prime Minister said recently that our annual production of steel increased from 2 and a quarter million tons in 1946 to 4 million tons, and other Canadian industries have expanded as rapidly.

Since 1946, our gross national product has doubled, passing from 12 billion to 24 billion dollars.

In northern Quebec and in Labrador, rich deposits of iron ore are being developed. Already a railroad has been built for that purpose from Knob Lake to Seven Islands on the St. Lawrence, which is a greater distance than that from Montreal to Toronto. More than one million tons of rich ore have already been transported to Seven Islands and put on board ships or piled up near the shore. The St. Lawrence Seaway will permit the 10 milion tons or so annually produced at Knob Lake to be transported quickly and cheaply as far as the plants located around the Great Lakes.

The marked increase in orders of wheat coming from foreign lands during these last weeks is another encouraging sign.

In the field of international trade, everybody knows and admires the unceasing efforts that our tireless and dynamic Minister of Trade and Commerce makes to bring Western nations and more particularly our great and sympathetic neighbour to lift the obstacles that hinder freer trade. Our trade being in the hands of a man of such stature and ability as Mr. Howe, we certainly can look upon the future with a good deal of optimism. The speech which President Eisenhower delivered recently before the American Congress on the subject of tariffs constitutes for us a ray of hope. We are deeply convinced that other friendly nations will undoubtedly follow such a commendable example in the best interests of all.

Many other questions, such as the coming into force of the Disabled Persons Act which was passed at the last session and from which all provinces, ours "like the others", whatever one may say about it, will benefiit through agreements concluded with the federal Government; the amendment to the Blind Persons Act in order to lower the age of eligibility and raise the maximum permissible incomes; many other beneficial measures that were mentioned in the Speech from the Throne deserve more than a passing reference, but we shall have other opportunities to deal with them. Therefore, as I have already abused your patience, I beg of you, honourable senators, to excuse me for omitting them.

I conclude by repeating my wholehearted approval of the program outlined in the Speech from the Throne, and I second with deep pleasure the honourable senator from Victoria who moved the Address in reply to the Speech.

(*Text*):

On motion of Hon. Mr. Haig, the debate was adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, January 13, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE

REPORT OF COMMITTEE CONCURRED IN

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the first report of the committee.

The report was read by the Clerk Assistant:

1. Your committee recommends that their quorum be reduced to three members for all purposes, including the taking of evidence upon oath by the committee or any subcommittee as to the matters set forth in petitions for bills of divorce.
2. Your committee also recommends that leave, be given them to sit during all adjournments of the Senate, and also during sittings of the Senate.
3. Your committee further recommends that authority be granted for the appointment of as many subcommittees as deemed necessary by the committee for the purpose of hearing and inquiring into such petitions for divorce as may be referred to them by the Committee on Divorce. The subcommittee in each case to report their findings to the main committee.

The Hon. the Speaker: Honourable senators, when shall this report be considered?

Hon. Mr. Roebuck: With leave, I move that the report be concurred in now.

Honourable senators, perhaps this is an appropriate time to make some comments. At its organization meeting this morning, the Committee on Divorce did me the honour of electing me as its chairman,—

Some Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: —for which I was duly grateful and appreciative.

May I say to the Leader of the Opposition (Hon. Mr. Haig) that the members of the Committee on Divorce will not be taking a holiday on Monday and Tuesday next, but will be sitting every day next week and also the week following, and perhaps for a number of other weeks as well; yes—and sometimes perhaps on Saturdays. Already 334 petitions have been filed. There are open files—by that I mean that notice has been given by publication in the *Canada Gazette*—of 409 petitions. So I think that we are assured of the largest docket that has ever come before the Divorce Committee for consideration. Last session we heard 145 cases before Christmas. This session we are starting later, with a larger number of cases to deal with.

Honourable senators may have noted that we ask for certain rights and privileges for the committees. We recommend a quorum of three senators to hear evidence on the general committee or on any subcommittee. I am sure that the house will be interested to know that we now have an arrangement for the sitting of four sub-committees—really four divorce courts operating simultaneously —every day next week, and for as many weeks as may be necessary to dispose of the docket. Some 72 cases are ready for hearing this coming week, 13 on Monday, 17 on Tuesday, 15 on Wednesday, and so forth. These cases will be heard by subcommittees who will report the facts to the general committee, and in turn the general committee will make its recommendation to the house.

At the close of last session I thanked the members of the Divorce Committee for their very good attendance during the session. I think it remarkable that with a total membership of about twenty, and frequently with four sub-committees sitting, there was not a single occasion when we had to adjourn for lack of a quorum. This indicated a strong sense of responsibility and devotion to duty by the entire membership of the Committee.

I look forward to the completion of a rather strenuous job. It is not one that we have asked for, but since it is our obligation we hope to do it with the utmost devotion, care and responsibility. Thank you.

Hon. John T. Haig: Honourable senators, before making a few remarks I should like to ask a question of the Chairman of the Divorce Committee (Hon. Mr. Roebuck). How many cases are set down for Monday next?

Hon. Mr. Roebuck: There will be thirteen cases heard on Monday.

Hon. Mr. Haig: By how many subcommittees?

Hon. Mr. Roebuck: Four subcommittees.

Hon. Mr. Haig: Honourable senators, I do not rise to criticize the Chairman of the Divorce Committee or the work done by his committee. On the contrary, I was too long a member of that committee to have anything but admiration for its chairman and its work. I think all those who serve on the committee make a sacrifice that is made by none of the other members of this house. However, I should like to make a point quite apart from any possible criticism. We do

something in our divorce proceedings that I do not think is necessary. As this is not a political question I am speaking for myself and not for the Conservative party. I refer to our practice of not setting a deadline for the completion of petitions to be dealt with in a session.

According to the terms of the British North America Act, Parliament has jurisdiction over the granting of divorce. Ever since Confederation applications for divorce have been presented to Parliament and we have dealt with them. For myself, I, in clear conscience, could not object to doing my share of the work. And I do not think that, after my extensive experience of some years gained while serving on the Divorce Committee, I could do otherwise than recommend divorce in certain cases, for it appears to me that to do so is in the interest of the children, the innocent parties in the proceedings, and of the good conduct of our country.

I am not going to argue the question as to whether Parliament should continue to deal with divorce petitions or not. Many people have religious scruples about divorce, but I am not going to discuss that matter at all. However, the majority of people in Canada believe that divorce is necessary. Two provinces only are without divorce courts.

Now, there are some 310 petitions for divorce ready for hearing by our committee.

Hon. Mr. Roebuck: 334.

Hon. Mr. Haig: In my opinion a date such as March 1, or April 1 should be set as a deadline, after which all applications not completed should stand over until the next session. I do not think that we should allow these applications to drag along into May and June before being completed and made ready for hearing. I may say that very frequently these late applications are the ones out of which certain members of the House of Commons—very few I am glad to say—try to make a little political capital by criticizing the Senate on its handling of divorce proceedings.

I have practised law in Winnipeg for over fifty years and well do I know the attitude of the courts in Manitoba on divorce matters. We did not have divorce courts in that province prior to 1890. We really had the right to grant divorce in 1870, but it was not until about 1890 that we suddenly found that out. Because of my long practice of law in Manitoba, I am in a position to say that even the judges of the divorce courts there sometimes make a little slip.

It is my opinion that our Divorce Committee in the Senate, under the chairmanship of my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck), is as able a body for the trial of divorce cases as is any court in Canada.

Some Hon. Senators: Hear, hear.

Hon. Mr. Haig: The custom is, whenever possible, to have at least one lawyer on every subcommittee, as chairman, sitting with two or more laymen. The lawyer chairman can direct the subcommittee on questions of law on what evidence is legally admissible, for instance—and the laymen can say what they think of the facts in the case. A layman's judgment of the facts is just as good as a lawyer's. That is the kind of court we have in the Senate, and it works well. Now, out of the 385 applications for divorce heard last year there were two or three cases in which our committees were a little lax. In Manitoba, if the judgment of a trial judge is appealed, the appeal is heard by a court consisting of five judges. Its attitude to the facts is that as the judge who tried the case, saw and heard the witnesses, his view of the evidence should be upheld, unless, of course, his findings are abhorrent to honesty and good sense—that is, for instance, if he held that twenty-five people who said one car hit another were wrong, and one man who said it did not, was right. The same principle holds good with regard to our own tribunal. There are not less than three senators on each committee which takes evidence, and they decide on the facts whether one side or the other is to be believed. Their findings, with the record, go to the House of Commons. From time to time some honourable members of that house declare that they do not agree with the judgment of one or other of our committees. Well, why in the world should a selfish House of Commons assume to initiate practically all legislation? The gentleman who occupies the first position in this chamber (Hon. Mr. Robertson) and the present Leader of the Government (Hon. Mr. Macdonald) have tried hard to have more legislation initiated in the Senate, but one excuse after another is raised to deny that right to this house. If this principle is to be followed through, why should not the Commons try divorce applications themselves, and send the bills here for final consideration?

Having voiced my objections, I want to offer a remedy. I do not think we should stop trying divorce applications, because I realize the necessities of a country like ours. If any of my boys or girls, their wives or husbands, were guilty of misconduct,

it would be in the interests of my grandchildren, I believe, that the parents should be separated. I love my children very much, but I am sure that my grandchildren would fare better in a household which was not divided by the behavior of their parents. As a lawyer I find as I grow older that the number of women who consult me on these domestic matters is increasing, because most women prefer to talk with elderly lawyers. One thing that troubles them is the cost of proceedings. As a rule the husband is the wage earner, and it is difficult not to feel sympathy with a woman who finds it almost impossible to finance her suit. On many occasions I have had to advise a divorce, because the effects upon the children were such that I could not conscientiously advise the wife to carry on. So, while I do not favour divorce, I admit its necessity; there seems to be no alternative. But I will not argue the question.

On a matter of procedure, I suggest that this house should lay down a rule that cases which are not ready for hearing by the 1st of March, or at least by the 1st of April, should be held over until the following session. If this were done our members would have a reasonable chance to deal with other matters, and we should hear less criticism to the effect that this house is a glorified divorce court. I do not like that. I do not appreciate anyone saying to me, "Well, I suppose you are going down to Ottawa now to help get the Senate divorce mill running". It was certainly never the intention of the Fathers of Confederation that the Senate should find itself open to such criticism. It was intended that men and women experienced in public life should help to formulate better legislation for Canada by serving in the Senate.

I do not know what I would do without the services of the honourable and distinguished senator from Rosetown (Hon. Mr. Aseltine). When I go wrong he puts me right. You ought to hear him lecture me sometimes. In any event, I believe my honourable friend served on the Divorce Committee for some fifteen years.

Hon. Mr. Aseltine: Twenty-one years.

Hon. Mr. Haig: That is worse than I thought. Finally, one day I said to him, "Well, Walter, you can continue to serve on the Divorce Committee if you want, but I can tell you that you are not helping either the Conservative party or myself by working on that committee all day." I added, "You owe it to the people of Saskatchewan, particularly Rosetown, to devote more of your time to other legislation." I would say such a thing to any honourable senator who has served on the Divorce Committee for a long period of time.

In conclusion I would again urge that the Chairman of the Divorce Committee take steps to see that no divorce cases are heard in the Senate this session after April 1.

Hon. Mr. Roebuck: Honourable senators, may I have the indulgence—

The Hon. the Speaker: Honourable senators, I would draw your attention to the fact that if the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck) speaks now he will close the debate.

Hon. Mr. Roebuck: I have just a few comments to make in reply to the very kind remarks made by the Leader of the Opposition (Hon. Mr. Haig). I wish to thank him for his sympathetic attitude towards the Divorce Committee and particularly towards its chairman. I would like to associate myself with his remarks about the honourable senator from Rosetown (Hon. Mr. Aseltine), who gave many long years of patient and excellent service both as a member and Chairman of the Divorce Committee. However, there was one remark which I believe was inadvertently made by the honourable Leader of the Opposition. In speaking about the criticism made in the House of Commons he intimated that on one or two occasions a Senate divorce committee had been a little lax. He used the words "a little lax". Now there was no occasion last session—and I speak from personal knowledge—when any divorce committee was lax to any degree whatsoever.

Hon. Hr. Howard: Hear, hear.

Hon. Mr. Haig: I should like to thank the honourable gentleman from Toronto-Trinity for correcting me. I used those words intentionally because I thought that was the case.

Hon. Mr. Roebuck: That was not the case. There was no laxity at any time, and there was no case in connection with which any chairman or committee member should apologize. The case that was most criticized last year was one which we had heard with care and devotion for no less than seven hours. At the end of that time we adjourned to think the matter over for the evening, and on resuming next morning we were unanimous in our decision. That decision was criticized in the House of Commons, and a number of outrageous mis-statements were made with regard to the facts. We were also criticized because the evidence had not been sent to the House of Commons, and as a result a committee of that house approved of our

decision without reading the evidence or knowing anything about the case. That was all right. It showed confidence in our committee which was justified. I do not say the evidence should be read, but when criticism is directed against us for not supplying the evidence it is going a little too far.

The rest of the criticism was equally unwarranted. This house has no apology to make to anyone for the course of events during last session. We anticipate criticism again this session. No one can take part in public affairs and hold himself above criticism. Sometimes a little check-up does good, and everyone is subject to being jacked up on occasions. No one complains about that at all, but I do appeal to the press of this dominion to deal fairly with us and to see that they verify their facts before publishing them. That is something they failed to do on many occasions last year. I appeal to them to be square with us. We are conducting a judicial institution with judicial calm and taking all the time that is necessary. We are not hurrying a single case. We are giving these cases the very best thought of which we are capable, and we are rendering our decisions according to the dictates of our conscience. In these circumstances, I think we should be justly treated.

This session we have no fewer than sixty-seven contested cases, which represent a large docket. We have many other cases that are not contested. The honourable Leader of the Opposition (Hon. Mr. Haig) suggests that we should lay down some deadline for the completion of cases. Our Rules provide that no petition may be filed later than five weeks from today; that is to say, by February 17 the right to file petitions expires. Last session we insisted that all cases be completed within one month after the final date for filing petitions, and I have no doubt that the committee will follow this procedure again. It is certain that no cases will be filed after February 17, and probably no cases will be heard that are not completed by the end of March.

Hon. Mr. Macdonald: May I interrupt the honourable senator to ask a question? Has it been customary in the past to extend the date for filing petitions?

Hon. Mr. Roebuck: It has been done.

Hon. Mr. Macdonald: Has it been done over the years?

Hon. Mr. Roebuck: Very frequently over the years, yes, but by no means has there been established any precedent for doing it again.

Hon. Mr. Macdonald: Has it been done as a result of a motion brought in this house?

Hon. Mr. Haig: Yes.

Hon. Mr. Roebuck: On recommendation, of course, of the committee. Usually special circumstances have been pleaded which have justified this action. There were several reasons which justified our action in that regard last year. There is no assurance that we shall do it again this year unless there are good reasons for doing so.

Until last year divorce applicants were allowed an unlimited time to complete their cases in connection with the necessary publication, services, and filings under the rules. However, last year we set a deadline, and those cases not completed by the appointed time went over to the next session. We shall certainly follow that procedure again this year, and this should take care of what the Leader of the Opposition has suggested.

Hon. Mr. Haig: Thank you.

The motion was agreed to, on division.

PETITIONS WITHDRAWN

Hon. Mr. Roebuck presented and moved concurrence in the second report of the Standing Committee on Divorce, recommending that an application for leave to withdraw a petition be granted and that the parliamentary fees paid under Rule 140 be refunded to the petitioner, less the sum of $25 to apply on costs, including printing and translation costs.

The report was read by the Clerk Assistant.

Hon. Mr. Roebuck: Honourable senators, before the motion is put, may I inform the members of the house who are not members of the committee that it has been the custom over the years, when divorce petitions have been filed but later withdrawn, to refund the parliamentary fees, less $10, for printing and translation costs. However, the small sum of $10 is scarcely enough to pay these costs, and this year the committee thought it fair, and decided this morning, that the amount to be retained should be $25, which is a very moderate sum indeed.

The motion was agreed to, on division.

Hon. Mr. Roebuck severally presented and moved concurrence in the third, fourth and fifth reports of the Standing Committee on Divorce, recommending that applications for leave to withdraw certain petitions be granted and that the parliamentary fees paid

under Rule 140 be refunded to the petitioners, less the sum of $25 to apply on costs in each case, including printing and translation costs.

The reports were severally read by the Clerk Assistant.

The motions were agreed to, on division.

PRIVATE BILL

HURON AND ERIE MORTGAGE CORPORATION BILL—FIRST READING

Hon. W. D. Euler presented Bill G, an Act respecting The Huron and Erie Mortgage Corporation.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time.

Hon. Mr. Euler: Thursday next.

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. Mr. Macdonald: Honourable senators, at the present time the House of Commons is discussing a bill to amend the Unemployment Insurance Act. The purpose of the bill is to increase the supplementary benefits and to extend the class eligible for them. It is felt desirable that the bill should become effective on Monday, and to make this possible it would, of course, have to receive Royal Assent before then. The Leader of the Opposition (Hon. Mr. Haig) was good enough to say that he would defer his discussion on the Address in reply to the Speech from the Throne, so that this house would be free to deal promptly with the bill, if it comes from the House of Commons today.

I propose, therefore, that the house rise now, to reconvene at the call of the bell. If the bill comes to us from the House of Commons it can be taken into consideration immediately, and, if deemed advisable, receive third reading, and be given the Royal Assent today. I am assured that there will be an opportunity later in the session to discuss the bill thoroughly.

The Senate adjourned during pleasure.

After some time the sitting was resumed.

UNEMPLOYMENT INSURANCE BILL

FIRST READING

A message was received from the House of Commons with Bill 6, an Act to amend the Unemployment Insurance Act.

The bill was read the first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. W. Ross Macdonald: With leave of the house, I move the second reading now.

Honourable senators, the debate on the Address in reply to the Speech from the Throne in the House of Commons was interrupted this afternoon in order that consideration might be given to this bill, which by reason of some urgency received second and third readings there in the one sitting. The bill provides that unemployment insurance payments shall commence on a Monday. Therefore, if this house deems it advisable to pass the bill today, a considerable number of working people will receive the increased benefits for which it provides as from last Monday, and others will receive the full benefits under the bill from that day; whereas, if the bill does not pass until next week, the benefits will not commence until next Monday. It is for that reason that I suggest that the bill be considered now.

Some honourable senators may feel that we are unduly rushing things. I would point out, however, that the House of Commons was assured by the Minister of Labour that another measure embracing this bill would be introduced later in the session, and that a full opportunity would be given at that time to all honourable members and senators to discuss not only the features of this bill but all phases of the general question of unemployment.

Honourable senators will recall that under the provisions of the Unemployment Insurance Act the employee and employer each pay, shall I say, two units of the amount contributed, and the Government pays one unit. That is to say, if the employer and the employee each pay $1.00, making a total of $2.00, the Government pays 40 cents, together with the cost of the administration of the act.

In order to be eligible for benefits under the present act a man must have been employed for a period of thirty weeks or 180 days. If an eligible person happens to have used up all his benefits during the period between January 1 and April 15, he may receive what is known as supplementary benefit. The act also provides that when a man has made contributions for 90 days, instead of 180 days, he is entitled to supplementary benefit for the period between January 1 and April 15, to the extent of 16 days.

As honourable senators know, in Canada there is considerable seasonal unemployment,

most of which occurs in the winter months. In order to ease the burden of those persons who are out of work at that time supplementary benefit is paid.

Hon. Mr. Roebuck: Do I understand that supplementary benefit is paid at the same rate as the regular benefit?

Hon. Mr. Macdonald: At the present time the supplementary rates are less than the regular rates.

Hon. Mr. Euler: Does this bill bring them up to the regular rates?

Hon. Mr. Macdonald: Yes. Honourable senators will notice by the table in the explanatory notes to the bill that a person without a dependent receives supplementary benefit of $12.90 per week, and a person with a dependent receives $16.80. The table which appears in subsection 2 of section 1 of the bill indicates that under this measure a person without a dependent will receive a weekly supplementary benefit of $17.10; and a person with a dependent, $24. It is apparent that the bill would bring the supplementary payments to about the same amount as the regular payments.

The bill would also provide that a person who has not qualified for regular payments, and who under the present act would receive a minimum of 16 days' benefit, will now receive 60 days' benefit.

I think, honourable senators, that concisely explains the purpose of this bill. You will all agree, I am sure, that in the interests of those who are unemployed and who need the increased benefits which the bill would provide, it should be considered and passed by us today. As I have suggested, we can reserve our right to criticize the measure and to seek further information on the general unemployment question when the other bill comes before the house.

Hon. Mr. Roebuck: May I ask the honourable leader when the present rates came into effect?

Hon. Mr. Macdonald: The present supplementary rates have been in effect since 1950, but I would remind the honourable senator from Toronto-Trinity, who I know has shown great interest in this subject, that the regular rates were increased in 1952.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Burchill: Has the honourable leader any information as to the approximate amount of money expended for supplementary benefits, and what will be expended at the proposed increased rate?

Hon. Mr. Macdonald: Honourable senators, I have in my hand a table which shows the supplementary benefit, Classes 1 and 2, for the period January 1, 1950, to November 30, 1954, inclusive. It covers the payment of benefits, the number of persons qualified and the days paid. If my honourable friend from Northumberland (Hon. Mr. Burchill) or any other honourable senators would like to have this information, with leave of the house I would be pleased to place the table on *Hansard*.

Supplementary Benefit Classes 1 and 2
January 1, 1950 to November 30, 1954.

Year Ending December 31	Expenditure Benefit	No. Persons Qualified	Days Paid
1950	$ 2,761,402	69,088	1,443,192
1951	3,886,657	88,549	2,028,329
1952	4,657,654	95,986	2,275,825
1953	9,220,152	149,317	4,297,262
1954 (To November 30)	14,082,897	210,654	6,469,164
	$34,608,762		

Hon. Mr. Haig: As I understand it, the present act provides for 16 days' supplementary benefit, and the bill now before us will increase that to 60 days?

Hon. Mr. Macdonald: Sixteen days was the minimum for those who had not qualified for regular payments.

Hon. Mr. Haig: I understand.

Hon. Mr. Macdonald: The bill would also increase the amount of the supplementary payments.

Hon. Mr. Haig: The rates would be increased for the two categories from, in round figures, $12 to $17, and $16 to $24?

Hon. Mr. Macdonald: Yes.

Hon. Mr. Haig: Honourable senators, I have no objection whatever to the bill; in fact, I do not know how some people live on the amounts they receive by way of unemployment insurance benefits. I do, however, have one observation which I should like to make at this time, and the opportunity will be open for me when the other bill comes before the house to discuss the matter in greater detail.

According to my understanding of the act, its original purpose was to provide unemployment relief benefits as required, and also to create a surplus fund to take care of periods of widespread unemployment if they should occur. For instance, in my own office we pay our contribution towards unemployment insurance every two weeks, as do the employees in the office, and it has always been my understanding, and I think that of the public generally, that by such contributions we were accumulating a fund to meet a major emergency. Now, the same thing was done in Great Britain, yet, when the great

depression came, even with all the savings that had accumulated in the fund were not enough to meet the payments, and Parliament had to vote supplementary supply. I am just a little bit disappointed that the supplementary payments provided for by this bill have to be taken out of general reserves. I think supplementary estimates should have been voted by Parliament, because this measure is really for the purpose of taking care of unemployment that is not normal. For instance, supposing a bank clerk is let out of his employment, there is not a chance of his being taken on by any other bank. The same remarks apply to many stenographers. An employer does not want to take into his office a stenographer who has been discharged. Now, all those people pay for unemployment insurance, and surely, payment of benefits to them should come out of a special fund. That is to say, various classes should have been created, as was done under the Workmen's Compensation Act.

However, this is not the time to discuss that point further. I am quite willing that the bill should pass at once, for I really do not understand how people can live and keep a home together on amounts paid out under the present act.

Hon. Mr. Roebuck: There are no supplementary estimates to provide for this bill? This money, as I understand it, comes out of the fund, does it not?

Hon. Mr. Macdonald: That is correct.

Hon. Mr. Roebuck: There is plenty of money in that fund.

Hon. Mr. Macdonald: I am assured that there is plenty of money in the fund to cover the anticipated payments. A statement will be presented to Parliament showing the amount in the fund, but at any rate I am assured that the fund is well able to pay what it will be called upon to pay under this bill.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: On account of the urgency, I move, with leave, that this bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

Hon. Mr. Macdonald: Honourable senators, the bill having passed both houses of Parliament, it is ready to receive the Royal Assent this evening. This, I am sure, can be arranged. I therefore move that the house rise now, to resume at the call of the bell, at approximately 9.45.

The motion was agreed to and Senate adjourned during pleasure.

At 9.45 p.m. the sitting was resumed.

THE ROYAL ASSENT

The Hon. the Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, would proceed to the Senate Chamber on Thursday, January 13, at 9.45 p.m., for the purpose of giving the Royal Assent to a certain bill.

The Senate adjourned during pleasure.

The Honourable Patrick Kerwin, Chief Justice of Canada, the Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bill:

An Act to amend the Unemployment Insurance Act.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, January 18, at 8 p.m.

THE SENATE

Tuesday, January 18, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

THE HONOURABLE SENATOR KING

BIRTHDAY FELICITATIONS

Hon. W. Ross Macdonald: Honourable senators, this is a very important day in the history of our country. Eighty-two years ago today there was born in New Brunswick a child who was destined to become a medical practitioner, with a large practice, in British Columbia. Subsequently he was elected to the Legislature of British Columbia, where later he became Minister of Public Works. In 1922 he resigned from the provincial Legislature and Cabinet and became a member of the Dominion Government. He was summoned to the Senate in 1930, and in 1942 he was appointed Leader of the Government in this house. Honourable senators, I refer to our dearly beloved colleague, Senator J. H. King.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: On behalf of the members of this chamber, may I take this opportunity to extend to him our very best wishes for his continued happiness.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable senators, I cannot let the Leader of the Government get ahead of the Leader of the Opposition. The honourable senator from Kootenay East (Hon. Mr. King) comes from western Canada, and is one of our heroes in that part of the country. In fact, I recall many years ago hearing my mother, who was an admirer of Ralph Connor, speak in glowing terms of the great doctor who was the leading character in one of his books. Little did I think at that time that I would have the honour of sitting in the Senate of Canada with that great doctor, the senator from Kootenay East.

I extend to the honourable senator my best wishes that he may be spared to be with us for many more years.

Hon. James H. King: Honourable senators, although the felicitations extended to me are a bit embarrassing, I do appreciate the kind remarks of the honourable leaders on both sides of the house.

I have been a member of the Senate for some twenty-five years, and I regard my association with this chamber, on behalf of my province of British Columbia, as one of the wonderful experiences of my life.

We grow up and we get old, and as we get old we realize that we cannot enjoy things as we used to in our younger days. However, we have many happy memories.

I do thank you, honourable senators.

Hon. Senators: Hear, hear.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 6 to 16, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

INCOME TAX

CORRESPONDENCE RESPECTING PROVINCIAL TAX

Hon. Mr. Reid: I wonder whether the Leader in the Senate of the Government (Hon. Mr. Macdonald) would give consideration to having printed in the proceedings the correspondence which has passed between the Prime Minister and the Premier of Quebec with regard to income tax.

Hon. Mr. Macdonald: I think that could be arranged. If it is the pleasure of honourable senators, the correspondence could be printed as an appendix to *Hansard.*

Some Hon. Senators: Agreed.

See Appendix to today's Hansard, *pp. 36 to 41.*

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Wednesday, January 12, consideration of His Excellency the Governor General's speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. John T. Haig: Honourable members, first allow me to congratulate the mover and seconder of the Address in reply to the gracious Speech from the Throne. Of course I followed the speech of the mover, the honourable senator from Victoria (Hon. Mrs. Hodges), better than I followed that of the seconder, the honourable senator from Lauzon (Hon. Mr. Tremblay); but I read his

speech the next day and came to one conclusion—that he is at least a friend of the Prime Minister of Canada.

If the honourable senator from Victoria had changed one word in her speech she could have covered the whole subject of Canadian affairs as she covered those of British Columbia. Those who were here admired the able address she delivered about the province in which she lives. In summary, what she said amounts to this, that a great deal of money has been spent in the development of the natural resources of British Columbia, that employees there are paid very high wages, and that there is now a great deal of unemployment because the goods they produce cannot be sold to the outside world. The honourable lady, who is a new member in this house, certainly outlined the situation in British Columbia correctly, as I understand it from what I have read.

I am not going to attempt to make a long dissertation on the Speech from the Throne. I should not try to do so even if I could. I do not want to hurt anybody's feelings, but I am bound to say that I was disappointed in the Speech from the Throne. I thought it was a poor summary of what has already taken place and a very scanty report of what is to come. Had the Speech merely stated that Parliament would be asked to amend the Statutes of Canada it would have covered everything. The Speech disclosed that the Government would propose the amendment of certain legislation. Whether it will actually do so I do not know, but the matters referred to are not vital to the business of the country anyway.

Honourable senators, I want to say how delighted the Canadian people were on the occasion of the Queen Mother's gracious visit to Canada last November. As members of the Senate, we were all invited to Ottawa to attend the luncheon given jointly by the Speaker of the Senate and the Speaker of the House of Commons in her honour. I know that all those who attended were delighted by the function and had the highest praise for the way in which it was organized.

Some Hon. Senators: Hear, hear.

Hon. Mr. Haig: The Speakers of the Senate and of the House of Commons need not take second place to anyone in acting as hosts at a formal luncheon of that kind. I have not been all over the world by any means, but I have travelled a little and read a great deal, and I cannot imagine a more perfect luncheon than the one we enjoyed on that occasion. The Speaker of the Senate, assisted by the Leader of the Government in this house (Hon. Mr. Macdonald), did credit to this chamber. I am sure that Her Majesty Queen Elizabeth, upon returning home to Britain, carried with her the kindest thoughts of the Canadian people.

As far as I was concerned, there was only one fly in the ointment. I really did not intend to come down to Ottawa, but the people of the city of Winnipeg seem to think that I am a public servant, and the minute some of them heard that I was not planning to be present at the luncheon they said to me: "Jack, you had better get on the train and get down to Ottawa right away. You can't tell what the Liberals, Social Crediters or CCFers will do." I replied that I could trust the Speaker of the Senate and the Leader of the Government in this house to do a good job, but they insisted that I should be present. They even said, "If you won't go on your own we will take up a collection and send you." Four days before leaving for Ottawa I received a communication, I believe it was a telegram, advising me what kind of clothes I was expected to wear at the formal luncheon. For one thing I was to wear a secretarial coat. Well, it seemed that no one in Winnipeg knew what a secretarial coat was, but finally I located an old tailor who knew and he made me one. Then I came on to Ottawa, only to find that most of my fellow senators did not have this coat. However, the good ladies of our Speaker and Government Leader quickly recognized that I was wearing the prescribed dress, and this made me feel rather proud of myself. The Queen Mother appeared to us to be a wonderful woman who had reached her zenith in life, and at the luncheon and other functions in Ottawa she gave a demonstration of womanhood that I am sure could not be surpassed anywhere. Like their fellow Canadians, the senators and their wives were pleased and honoured that such a gracious lady had come to this country to give us the feeling that we are an important part of the Commonwealth, and that she recognizes us as a nation which can be depended upon to stand four-square for freedom in the troubled world of today.

Honourable senators, I now want to refer to other matters of a different character altogether. First of all, I should like to deal with the labour question. There have been many complaints lately that labour forces are demanding too high wages for the amount of work they do. Now, I am neither pro-labour nor anti-labour. Like many other Canadians I started out in a small way, working up through different stages in life until I was in a position where I took on a certain measure of responsibility. As a result I know some of the problems that face men

and women in the ranks of labour, and I know that our taxation system imposes such a burden on labour that production costs are higher than they should be.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Haig: There is no doubt about that at all. As a practising lawyer in the city of Winnipeg I have observed the taxation rates increase so much since 1940 that many wage earners are no longer able to live on their pay, even though their incomes have been increased. Certain factors are involved in the manufacture of any article. There is the cost of labour and the cost of the raw material. Of course, in many cases the raw material has been processed before being shipped to the manufacturing plant. Then a tax is imposed on the income from the sale of the manufactured product. I think last year the Hudson Bay Mining and Smelting Company made a profit of approximately $900 million.

Hon. Mr. Horner: Not $900 million.

Hon. Mr. Haig: $900,000.

Hon. Mr. Horner: $9 million.

Hon. Mr. Haig: In any event, half of their profits went to the Canadian Government, which had done nothing to get that money. It did not have one nickel invested in the mine. The mine owners knew that in order to get people to invest in the mine the products had to be sold at prices which would give a reasonable return on the investment. When a manufacturer sells machinery, cars, binders or tractors he has to make allowance for his taxation costs, and he increases the price of his product to the consumer accordingly; otherwise, he would have to stop manufacturing. This sort of situation has come about in the last fifteen years, and it is the main reason why we are having trouble selling our manufactured goods on foreign markets.

Let us say that a labourer receives $3,000 a year. If he is a married man without children he pays income tax on that part of his income over $2,000, and if he is a single man he pays tax on that part of his income over $1,000. Out of this small income of $3,000 he must provide for food, clothing, shelter and perhaps put aside something for his old age. and so he seeks higher wages to carry on. Some honourable senators, including the honourable gentlemen from Kootenay East (Hon. Mr. King), and Rosetown (Hon. Mr. Aseltine), and myself, have served in this house for some twenty years, and we know that we had as much money left to ourselves when we got $4,000 a year as when we got $6,000. The difference in costs has increased that much. We cannot cut taxes down in Canada by just saying we are going to do so. We have to cut down expenditures first, and then cut down taxes. We cannot do it by the reverse way.

Everybody is faced with two tax loads. First of all there is the personal income tax. Then there is the corporation tax, which is supposed to be imposed on corporations. But who owns the corporations? They are individuals. A few years ago the Bell Telephone Company endeavoured to get an increase in rates. The Board of Transport Commissioners proposed a certain rate, but the company demanded twice as much. Upon being asked why, it replied that the Government took half its profits anyway. Well, that is the situation. All those costs increase the price of goods to the consumer and, as I said before, this is one reason we are having difficulty in selling on the world market.

Hon. Mr. Horner: There is also the matter of the sales tax.

Hon. Mr. Haig: The sales tax and the excess profits tax only partly enter into the picture. In any event, we are faced with all this heavy taxation, yet there is no apparent desire on the part of people to cut down on expenditures. But if we do not cut them down we are going to be driven out of the world market. You may say, "Well, we have had good markets for the last few years." But look at what is happening today. The United States has just started to do exactly what I think they had been expected to do. They have a surplus of many agricultural products, and are shipping grain and other products to different countries, accepting their currencies in payment. We cannot sell grain to those countries on those terms. We as Canadians must realize that if we are going to compete successfully in the world markets our costs must be cut down.

Honourable senators, I am not one to criticize labour, and I stress that before going further. I want to say that unless taxes are reduced so that the labouring man, who earns his money, has enough left to live on reasonably—that is, to provide housing, clothing and food for himself and his family—there will be trouble. I would like the Leader of the Government in the Senate (Hon. Mr. Macdonald) to inquire and tell us how many men and women were unemployed in Canada at January 1 this year. I do not want to know how many applied for positions at the Unemployment Insurance Commission, because a lot of people who are working have applied. The labour organizations say there are many thousands unemployed in Canada, and I want to know what the actual number is. Why cannot the department tell us within a month

how many are unemployed? I think it ought to be able to give us an authoritative figure.

I do not want to enter into the discussion on taxation between the Prime Minister of Canada and the Premier of Quebec, but one thing I have noticed about it is very interesting, and that is the large number of people who will be relieved from paying taxes at all if the exemptions are increased to $3,000 for married wage earners and $1,500 for single people. That is where the big tax load is. I am persuaded that that illustrates the problem I am raising today. I do not say that the rich man should not be taxed, but I do say that taxes have got to be cut down so that the labouring man earning a moderate wage can live. Only three months ago a labourer came to my office, and told me that he was earning about $2,200—I think that was the amount—and his wife, who had been a nurse, was also working. They had two children. His wife, who earned about $1,500, took the exemption of one child, and he took the exemption of the other. Although I forget the figure, I was shocked to learn what they had to pay in taxes. The man told me that after he and his wife had paid their taxes, and regular living expenses had been met, they had nothing left. At the very first attack of unemployment, such people are on the street. I have a very keen feeling for them. I do not pretend to preach on behalf of labour, but I think we as educated men and women, holding positions of importance, and who control one division of Parliament, should raise our voices to see that fair play is given to that class of people in our communities.

Turning now to another class, our farmers of Manitoba, Saskatchewan and Alberta—I do not know so much about those of British Columbia—are demanding parity of prices. Just today, the farmers of Ontario officially—I am not speaking of the men on the line fence—demanded of the Ontario government that agricultural products be put on a parity price basis. Canada sells about 30 per cent of its agricultural products on the world market, and that controls the cost of the other 70 per cent. Remember that in dealing with the farmer, when it comes to getting votes, you are dealing with a different type of man from the labourer. Mr. Farmer knows where he is going, and if he is convinced that he is not getting a fair deal in the economy of Canada he is going to vote for a change in government. That is why the politician, or the statesman, whichever you care to call him, has to consider the interest of the farmer. The Premier of Quebec has given an exemption of 30 per cent on incomes of $3,000. Why? Because he believes that will exempt the farmers of that province from taxation. He may be wrong, but he believes it. That is why he is putting that exemption into effect. I have no doubt of that at all. In the next election we shall have to face the fact that the farmers of Manitoba, Saskatchewan and Alberta—I do not know about British Columbia—and no doubt of Ontario and Quebec, are going to demand that they be given a fair deal in the economy of Canada and receive a very fair share of its earnings. These are matters that we as senators must recognize in time and try to solve.

To change the subject somewhat, I want to make a suggestion to the Government, through the Leader of the Government in the Senate. For many years I have felt that we are not getting the best possible service from the United Nations. By that I mean that we do not send any opposition down to the meetings. We are sending observers, but they are not members on the committee. I have been there, and I know. At the time I was there, Canada had delegates, or alternates, who sat in on all the proceedings. Let me tell you a story. We used to meet at 9 o'clock every morning. On one occasion the then Minister of External Affairs, now the Prime Minister of Canada, had to prepare a speech for delivery before the Committee on External Affairs. When he delivered the speech I happened to be sitting next to him at the table, and he said to me, "What do you think of that speech, Haig?" I said; "Not much, Mr. St. Laurent. I am sure it does not express the best Canadian opinion." Mr. Coldwell spoke up and said, "I agree with Haig". You were there, Mr. Speaker. Sitting across the table was Paul Martin, and he said he agreed with Haig, and John Bracken agreed with Haig, and then Mr. St. Laurent said, "I agree with Haig." Well, he took off for two or three days, and then wrote a real speech, and the funny part of it was this: Mr. Bracken was his deputy on the committee, and on the day that speech was to be delivered Mr. St. Laurent was sick with the 'flu and could not be there, so it was delivered by Mr. Bracken. The press of the United States said that the Leader of the Conservatice party had made a great speech before the United Nations. I think very highly of that representation on the United Nations.

I suggest that in addition to her Government representation at the United Nations meetings Canada should have two men or women from the major parties and one from each of the smaller parties. These representatives would, I believe, return from their participation in the work of that body feeling as I did, that while it has its faults and may be far

from perfect it is the most promising organization on the horizon today for the promotion of world peace.

As a delegate to that body, I had freedom to express my own opinions, but by agreement those of us who were not members of the Government did not attend meetings at which money questions were being discussed and voted on.

I should like to make a brief reference to the matter of credit buying, and to remind honourable senators of the steps taken some five years ago by the Honourable Douglas Abbott, then Minister of Finance, to restrict credit arrangements. Statistics published recently indicate that as of the end of September this year there was some $1,885 million worth of credit outstanding in this country. Buying was tremendously heavy during the Christmas season in my home city of Winnipeg, and I presume it was so in other cities, but the greater part of it was on a time-payment plan. This seems to me to create a false economy, and what the result may be if we run into more difficult times, I do not know. I believe the time has come when some restrictions should be imposed to prevent such heavy credit buying.

In a notice of motion tonight the Leader of the Government (Hon. Mr. Macdonald) referred to the ratification of the agreement made between Germany and the NATO countries having to do with the European situation. As I see it, the world is no more secure today than it was a year ago, and we cannot afford to relax our efforts to maintain peace. The recent incident in the French Assembly illustrates the delicacy of the problem in that part of the world. We in Canada should therefore be very clear in our course of action when we face the question of ratification of the agreement.

I may be anticipating what some honourable senators may say on this subject, but I believe no nation in the world today, not even the United States or Great Britain, has a greater responsibility than has Canada in deciding what treatment shall be accorded Germany with respect to her place among other nations. In the eyes of other countries Canada is a nation without ambition for world power. In saying that I am not criticizing the United States or Great Britain, for I am well aware of the magnificent fight those two nations have put up over the past ten years to meet the threat of domination by Russia. Without them, I dare not guess what might have happened. But now Canada has her own part to play along with the other nations in deciding whether Germany should be rearmed.

Those of us who were in this chamber on September 9, 1939, will recall vividly how member after member stood up and voted on the question of whether we should go to war with Germany. Although we knew that a decision to go to war meant that the sons or other relatives of many of us would go overseas and that some might not come back, there was not a dissenting vote.

That decision having been made, we later turned to the question of whether we should ally ourselves with Russia in her fight against Germany. We knew we were a small factor in the battle between those two giant nations, but there was not one of us who did not feel, rightly or wrongly, that we should maintain a united front against the German military machine. And in the end the United States and Great Britain with Canada's help were able to defeat the strong German forces.

We now face a new problem, and in that too Canada must take her stand. I am again reminded of an experience during my visit to the United Nations. A delegate from Iran approached me and asked if I was a Canadian, and when I told him I was he invited me to come out after lunch and have a talk with him. His first question to me was, "Are you afraid of the United States?" I replied that we were not, and added that while we did not always see eye to eye with that country on every detail, as neighbours we were truthful with each other, trusted each other to keep its word, and got along together well. It is for that reason, I said, that we hold up our hands in favour of United States' policies which we feel we can support through the United Nations.

Those of our citizens who lost relatives and friends during the last war feel very bitter about the proposed rearmament of Germany, and I can quite understand why they would have that feeling. I am reminded of a remark my son made to me after he returned from service as a pilot in that war. I asked him, "Doug, when you were taking off from the runway in your plane carrying six tons of bombs to drop on Germany, what were you thinking about?" His answer, I think, was significant. He said, "I thanked God that my mother and dad were safe, because I knew that I might well kill a good many mothers and dads with the bombs I was to drop."

I feel very strongly that if we do not have Germany on our side we will see her absorbed into the Russian family. It is a bitter choice we have to make, but I believe the majority of the thinking people in this country are in favour of our backing up the treaty to

allow Germany to rearm. In doing so we will not only be doing right by ourselves but we will be giving leadership to the smaller nations. Because they will take their leadership from us, I think we should be clear and unanimous in our support of the treaty.

In conclusion may I say, Mr. Speaker, that I have enjoyed the period during which you have presided over the sittings of this house. I have also enjoyed my relationship with the honourable Leader of the Government (Hon. Mr. Macdonald), and I congratulate him upon the fine job he is doing. While I do not always agree with him, I know where he stands and the reason for his stand. I am sure that as Leader of the Government in this house he is trying just as I, the Leader of the Opposition, am trying to do—to be of the highest possible service to the people of Canada.

On motion of Hon. Mr. Macdonald, the debate was adjourned.

The Senate adjourned until tomorrow at 3 p.m.

50437—3½

APPENDIX

CORRESPONDENCE RESPECTING PROVINCIAL INCOME TAX

Copy
Translation

Office of the Premier
Province of Quebec

Quebec, October 11, 1954.

The Right Honourable
Louis S. St-Laurent, P.C., Q.C.,
Prime Minister of Canada,
Ottawa.

My dear Prime Minister:

Since our pleasant meeting last Tuesday in Montreal, my colleagues and I, with particular attention and with the sincere desire of co-operating to the fullest reasonable extent in its solution, have studied the important fiscal problem which was the subject of our interview.

Our Legislative Assembly opens in a few weeks, on November 17th. I need hardly mention the vast additional amount of work involved in its preparation. Moreover, I am leaving this week on a vacation of about ten days' duration, the first I have taken in over a year.

Under the circumstances, even with the best of intentions, it is physically impossible before my departure to obtain and study the statistics which form the basis of the subject. At the earliest possible moment I will write you again on my return.

Nevertheless, I wish to mention here that, if you decide to call a Canadian intergovernmental conference at Ottawa, we will be happy to attend and we will not hesitate to defer our parliamentary work should this conference take place during the session of our legislature.

With my sincere regards,
(Sgd.) M. L. DUPLESSIS

Copy
Translation

Office of the Prime Minister
Canada

Ottawa, October 15, 1954.

The Honourable M. L. Duplessis,
Premier of the Province of Quebec,
Parliament Buildings,
Quebec, Que.

My dear Premier:

I have received your letter of October 11th and I understand that, under the circumstances, it has not been possible for you to send me the information which, at our meeting of October 5th concerning your suggested amendments to your Income Tax Act, we had agreed you would forward to me.

I hope that, when you receive this letter on your return, you will have had a pleasant and restful vacation and that we will then be able to resume consideration of a temporary and acceptable solution of the matter which is a problem for all of us.

With kind regards,

Yours sincerely,
(Sgd.) LOUIS S. ST. LAURENT

Copy
Translation

Office of the Premier
Province of Quebec

Quebec, November 1st, 1954.

The Right Honourable
Louis S. St-Laurent, P.C., Q.C.,
Prime Minister of Canada,
Ottawa, Ontario.

Dear Mr. Prime Minister:

Pursuant to our interview in Montreal on October 5th last and to the letter I sent you on the 11th of the same month, I am writing you on the subject of the provincial income tax in and for the Province of Quebec.

We believe that we clearly defined the opinion and the attitude of the Government of the Province of Quebec, in matters of the powers of taxation during the Canadian intergovernmental conferences which were held in Ottawa since 1945 and came to a close at Quebec in 1950, as well as in the correspondence we have had with federal authorities, particularly since 1949.

The agreement concluded between the preceding provincial government and the federal authorities, concerning important provincial powers of taxation, expired in 1947. Since then, the Province of Quebec has not availed itself of its right to collect a provincial income tax in the province. This shows the earnest desire of the Quebec government to come to an agreement with Ottawa and, after all, the federal government has profited financially, to a large extent, by this situation which lasted approximately seven years.

The great progress and the tremendous developments, from which our immense province benefits, particularly large and numerous districts which were formerly less-favoured,

necessitate numerous public services and many improvements in several important fields of provincial administration, especially in the vital fields of education and hospitalization.

Such tremendous progress and the brilliant prospects before the province require a more complete utilization of the sources of provincial revenue. It is unnecessary to emphasize that the progress and prosperity of the Province of Quebec make a truly worthy contribution to the progress and prosperity of the country in general.

Therefore, the Quebec Legislature decided to levy, within the province, a provincial tax on personal income. Unquestionably, as agreed by all, it is a tax that the Canadian constitution authorizes Quebec to impose. Actually, this tax represents only approximately 10 per cent of the federal tax on personal income collected in the Province of Quebec, because, even though our provincial tax is apparently calculated to be 15 per cent of the federal tax, the exemptions provided by the provincial law materially reduce this proportion.

In short, the provincial tax represents approximately 10 per cent of the federal income tax collected from the taxpayers in the Province of Quebec and, by deducting the provincial tax from the federal tax, Ottawa will in fact receive about 90 per cent of the tax on personal income collected in the Province of Quebec.

The federal authorities assert that the province and the federal government have concurrent rights of taxing personal income. About 10 per cent to the province and about 90 per cent to Ottawa, is an extraordinarily reasonable concurrence, you will no doubt agree. Furthermore, it should be recalled that our provincial income tax is used entirely for purposes of education and hospitalization, public health and social legislation among others, in and for the province.

Since the end of the last war—I merely mention facts without details or appraisal—some provinces have abandoned to the central authority certain important sources of provincial income in return for payment by Ottawa of federal subsidies to these provinces.

We have said on several occasions that the Province of Quebec wishes to retain its powers of taxation and does not wish to exchange them for subsidies. We consider it our duty to maintain such an attitude.

We are ready to enter into a really temporary agreement which would grant to the parties concerned a further extension of time to arrive at a definite arrangement. The federal authorities are of the opinion—and we respect their opinion without sharing it—that they have the right to impose taxes in one province to assist certain provincial projects in another province. The Province of Quebec has always been and is still ready to co-operate reasonably and in a constitutional manner for the welfare and prosperity of the other provinces of the Canadian confederation.

It is beyond question that the revenue derived from taxes levied by Quebec, including the provincial tax on personal income, and which would be affected by the arrangements arrived at between Ottawa and the other provinces, it is beyond question, I say, that such revenue of the Province of Quebec represents much smaller sums than the amount offered by Ottawa to the Province of Quebec in its proposal to exchange important sources of provincial revenue for federal subsidies.

In short, the other provinces and the federal authorities, in our humble opinion, cannot reasonably object to the proposal we are making; first, because the amount collected by the province is financially less than the grant offered by the federal government and, secondly, because, as everyone agrees, the province is only exercising an indisputable right. It seems to us only elementary justice that the federal authorities should deduct from their tax on personal income paid to Ottawa by the taxpayers of Quebec, the amount of the provincial income tax which only after all represents a small fraction of the federal tax.

It is our profound conviction that the taxing powers which belong to the Province of Quebec must be exercised by the province. These powers, which spring from dearly acquired rights and freedom, are indispensable to responsible government; they are also essential if the province is, freely and in accordance with its religious and national traditions, to exercise its rights and fulfil its obligations, amongst others, those pertaining to the vital fields of education and hospitalization.

In order to reach an agreement concerning the deduction of our provincial tax, we are ready to delete from our Act authorizing a provincial tax on personal income the statements, in the preamble to the effect that the province has a prior right in the matter of direct taxation.

Further, we shall give effect, by Order in Council, to the decision we have taken, a couple of months ago, with a view to making the tax payable to Quebec on undistributed income and dividends consistent with the Federal Act. In other words, by virtue of such amendment, the province will only get 15 per cent of the rates authorized by the Federal Act in such cases.

Our provincial tax Act on personal income is for a period of three years, that is to say,

for each of the calendar years 1954, 1955 and 1956; we suggest that an agreement to be arrived at between Ottawa and Quebec should be for the same period.

The Quebec Government wishes earnestly to reach an amicable settlement of this problem, and we express the hope that the above-mentioned provincial proposals will be favourably received by the federal authorities.

As I wrote you on October 11th, "if you decide to call a Canadian intergovernmental conference at Ottawa, we will be happy to attend and we will not hesitate to defer our parliamentary work should this conference take place during the session of our legislature".

Yours very truly,
(Sgd.) M. L. DUPLESSIS

Copy
Translation

Office of the Prime Minister
Canada

Ottawa, November 5th, 1954.

The Honourable Maurice L. Duplessis, Q.C., LL.D.,
Premier of the Province of Quebec,
Parliament Buildings,
Quebec, Que.

Dear Mr. Duplessis:

Pursuant to our telephone conversation of Wednesday November 3rd concerning your letter received the day before, I wish to inform you that I am having statistics compiled by our officials of the Department of Finance, with a view to determining what would result, as regards deductions, from the fact that, to establish the taxable income under the Federal Act and your own Act, the amount of such taxable income would be, for all single taxpayers, $500.00 less under the Quebec Act than the Federal Act and, for all married taxpayers, $1,000.00 less.

Possibly, your officers have already prepared compilations to that effect, and if such were the case, it might be a good thing if we were to agree to their contacting ours, so as to prevent the possibility of misunderstanding which would affect the governing rules to be applied in order to eliminate double taxation.

Yours very truly,
(Sgd.) LOUIS S. ST. LAURENT

Copy
Translation

Office of the Premier
Province of Quebec

Quebec, November 10, 1954.

Right Honourable Louis S. St-Laurent, P.C., Q.C., LL.D.,
Prime Minister of Canada,
Ottawa, Ont.

Dear Mr. St-Laurent,

I reply as soon as possible to your letter dated November 5th and which was delivered to my office the day before yesterday.

We would be pleased to supply the particulars mentioned in your letter with respect to the effect of the said deductions.

Our Minister of Finance, the Honourable Mr. Gagnon, is presently taking a few days' holiday. If the officers of the Federal Department of Finance, who are compiling the statistical tables to which you refer in your letter, wish to get in touch with my executive assistant, Mr. Emile Tourigny, Q.C., and indicate to him the exact information they wish to obtain concerning the provincial exemptions, the reply will be forwarded with all possible dispatch.

Kindly accept, Mr. Prime Minister, my best regards.

(Sgd.) M. L. DUPLESSIS

Copy
Translation

Office of the Prime Minister
Canada

Ottawa, November 12, 1954.

The Honourable Maurice L. Duplessis, Q.C., LL.D.,
Premier of the Province of Quebec,
Parliament Buildings,
Quebec, Que.

Dear Mr. Duplessis:

I received this morning your letter of November 10th, which is in reply to mine of the 5th.

I am advising my colleague, the Minister of Finance, of the substance of your letter in order that the officers of his Department may communicate with Mr. Tourigny, should the occasion arise.

With kind regards,

(Sgd.) LOUIS S. ST. LAURENT

Copy
Translation

Office of the Prime Minister
Canada

Ottawa, January 14, 1955

The Honourable Maurice L. Duplessis, Q.C.,
Premier of the Province of Quebec,
Parliament Buildings,
Quebec, Que.

My dear Premier:

Since receiving your letter of November 1st, my Colleagues and I have considered at length the problem raised by the Quebec income tax and by the fact that the taxpayers having to pay it remain subject also to the federal tax.

This is, of course, an inevitable consequence of two jurisdictions exercising their concurrent rights to tax the incomes of the same persons. The only way you suggested to avoid the effect of double taxation upon the taxpayers of Quebec is for us to deduct from the federal tax on the income of each individual an amount equivalent to the amount which he is required to pay as the provincial tax.

In your letter, you state that the provincial tax "represents only approximately 10 per cent of the federal tax on personal income collected in the Province of Quebec because, even though our provincial tax is apparently calculated to be 15 per cent of the federal tax, the exemptions provided by the provincial law materially reduce this proportion". In this quotation from your letter, you refer to two different aspects of the provincial law. When you state that the Quebec tax represents approximately 10 per cent of the federal tax you compare the yield of the provincial tax to the amount produced by the federal tax in the Province of Quebec.

When you say that your tax "is apparently calculated to be 15 per cent of the federal tax", you explain this percentage by referring to the scale of exemptions granted by your law. This scale is such that it does not subject to your tax all the Quebec taxpayers who are obliged to pay the federal tax. In order to obtain an amount corresponding to 10 per cent of the amount yielded by the federal tax, it has been necessary to fix, for those who have to pay your tax, a higher rate than if you had distributed the burden over all those we tax.

Provincial legislatures have, like the federal Parliament, the right and the responsibility to distribute the burden of their taxes on their taxpayers in whatever way seems most appropriate to them. This is a right and a responsibility which is the same for all provinces, and none of them can be compelled to conform with the course of action followed elsewhere. Whatever differences there may be in the rules adopted by the different provinces, the federal law must be the same everywhere and it must be such as to leave the federal government with the revenues needed to fulfil its national responsibilities.

At present the federal law allows every Canadian taxpayer having to pay a provincial personal income tax to claim a deduction up to 5 per cent of his federal tax. This method of deduction raises certain administrative difficulties and, what is more serious, it makes the real incidence of the provincial tax depend on the terms of the federal law and makes the total amount deducted from the federal tax depend on the terms of the provincial law. Instead of deducting the provincial tax from the federal tax, we intend to propose to Parliament a reduction of the federal tax for all taxpayers of a province having a provincial tax, whether or not they have to pay the provincial tax. Thus, the taxpayers of such a province will receive the benefit of the total amount of the reduction in the federal tax and the federal and provincial authorities will be able to determine, independently of one another, in what way and to what extent their taxpayers will be subjected to their respective taxes.

The 5 per cent deduction allowed at present by the federal law was fixed in 1946. Since that time, two changes have occurred. In the first place the rates of the federal tax have been reduced with the result that there has been a corresponding reduction in the amount represented by the 5 per cent. In addition, the tax rentals paid by the federal Government to the provinces under the tax agreements have been rising as a consequence of the increase in the population and in the national product.

Pending the results of a new federal-provincial conference, we propose therefore to ask Parliament to amend the federal income tax law in order to grant a reduction of 10 per cent to all taxpayers of any province where a provincial income tax is levied whether or not all these taxpayers have to pay the provincial tax. We will recommend that this amendment apply to the years 1955 and 1956. At the same time, we will ask Parliament to release from its present agreement any province which would prefer this new arrangement and I am immediately so informing the other Premiers.

Moreover, we feel it would be reasonable to make the new percentage apply to taxpayers who have been in fact subjected to

two taxes on their 1954 income. We intend, therefore, to propose that the taxpayers who will have paid provincial income tax for 1954 be allowed a deduction up to 10 per cent of their federal tax.

We hope that this action on our part will encourage your Government to act in the same spirit and that we will have, on both sides, helped to prepare the atmosphere for useful and fruitful work during the next federal-provincial conference.

In any event, we would have had to meet before the end of 1955 to discuss the fiscal relations of the years which will follow the expiry of the present tax rental agreements. We feel that it might be appropriate to begin the new conference at an earlier date, if that is possible. Upon my return from the Commonwealth meeting in London, towards the middle of February, I intend to communicate with the Premiers of all the Provinces with a view to working out arrangements for a conference and fixing a date for it.

Yours sincerely,
(Sgd.) LOUIS S. ST. LAURENT

Copy

Office of the Prime Minister
Canada

Ottawa, January 14, 1955

The following letter sent to all Provincial Premiers with the exception of the Premier of Quebec

My dear Premier:

You will no doubt have learned from the press that I have been in communication with the Premier of Quebec about the situation created for personal income taxpayers in that province resulting from the imposition of a provincial income tax applicable in the years 1954, 1955 and 1956.

Before this provincial tax was imposed, the situation in Quebec was that the income taxpayers of that province were paying federal taxes at the same rate as other Canadians although the people of Quebec were not receiving the financial advantage for their provincial services that the people of the other provinces were receiving through the tax rental agreements.

Since the imposition of the provincial tax many of the personal income taxpayers in Quebec are required to pay higher personal income taxes than other Canadians, and payments under the tax rental agreements are still unavailable to the people of that province, because the government of the province preferred, as was its right, not to conclude an agreement.

At the time the provincial tax was imposed, the provincial authorities suggested publicly that the total amount of the tax paid to the province should be allowed by the federal authorities as a tax credit against the federal income tax.

If the federal government had accepted this suggestion, we would have felt obliged to make the same concession to any other province, and this would have meant that the effective rate of federal taxation in each province would have been set by the provincial authorities and would have differed from one province to another. We felt that the federal law must be uniform in its application in all provinces.

We did indicate, however, that the federal government was not wedded to the principle of tax rental agreements to the exclusion of any better alternative arrangement if one could be found. At the same time, we made it clear that the present government had no intention of abandoning the objective of the tax rental agreements which is to make it financially possible for all the provinces, whatever their tax base, to perform their constitutional functions themselves and to provide a reasonable Canadian level of provincial services without an abnormal burden of taxation. That is the foundation of the policy of the federal government.

I had a meeting with the Premier of Quebec at his request in October and he indicated, at that time, that he was considering making certain amendments to the provincial tax law which he hoped might make some temporary arrangement possible. My colleagues and I felt it was our duty to make every effort to find some alternative to the tax rental agreements which would preserve the fundamental objective of those agreements which I have mentioned and at the same time be more acceptable to all provincial governments.

We are not yet in a position to propose an alternative to the tax rental agreements which we believe would be generally satisfactory and, as the agreements still have two years to run, we felt that, meanwhile, we should propose a stop-gap arrangement which, without being unfair to the other provinces, would reduce the burden of double taxation placed on many of the income taxpayers in the province of Quebec.

I have already indicated that we could not meet the suggestion of the Quebec authorities and allow the whole of their provincial income tax to be deducted from the federal tax, unless we were prepared to accord a similar right to any other province.

It is our view that whatever differences there may be in the tax laws adopted by the

different provinces, the federal laws must be the same everywhere and must be such as to leave the federal government with the revenues needed to fulfil its national responsibilties.

At present the federal law allows every Canadian taxpayer having to pay a provincial personal income tax to claim a deduction up to 5 per cent of his federal tax. This method of deduction raises certain administrative difficulties and, what is even more serious, it makes the real incidence of the provincial tax depend on the terms of the federal law and makes the total amount deducted from the federal tax depend on the terms of the provincial law. Instead of deducting the provincial tax from the federal tax we intend to propose a reduction of the federal tax for all taxpayers of a province having a provincial tax, whether or not they have to pay the provincial tax. Thus, the taxpayers of such a province will receive the benefit of the total amount of the reduction in the federal tax and the federal and provincial authorities will be able to determine, independently of one another, in what way and to what extent their taxpayers will be subjected to their respective taxes.

The 5 per cent deduction allowed at present by the federal law was fixed in 1946. Since that time, two changes have occurred. In the first place, the rates of the federal tax have been reduced with the result that there has been a corresponding reduction in the amount represented by the 5 per cent. In addition, the tax rentals paid by the federal government to the provinces under the tax agreements have been rising as a consequence of the increase in the population and in the national product.

Pending the results of a new federal-provincial conference, we propose, therefore, to ask Parliament to amend the federal income tax law in order to grant a reduction of 10 per cent to all taxpayers of any province where a provincial income tax is levied whether or not all these taxpayers have to pay the provincial tax. We will recommend that this amendment apply to the years 1955 and 1956. At the same time, we will ask Parliament to release from its present agreement any province which would prefer this new arrangement.

Moreover, we feel it would be reasonable to make the new percentage apply to taxpayers who have been in fact subjected to two taxes on their 1954 income. We intend, therefore, to propose that income taxpayers who will have paid a provincial tax for 1954 be allowed a deduction up to 10 per cent of their federal tax.

I shall be glad to know at your convenience whether your government would wish to be released from the tax rental agreement in order to take advantage of the proposed new arrangement for 1955 and 1956.

It had always been understood that it would be necessary to hold a federal-provincial conference before the end of 1955 to discuss fiscal arrangements for the years which will follow the present tax rental agreements. In the light of recent developments it might be the desire of the provincial governments to have this conference held at an earlier date.

I shall accordingly communicate with you again shortly after my return from the Commonwealth Prime Ministers' meeting in London towards the middle of February with a view to working out arrangements for a conference at a time which will be satisfactory to all governments concerned.

Yours sincerely,

(Sgd.) LOUIS S. ST. LAURENT

THE SENATE

Wednesday, January 19, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CRIMINAL CODE

JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW—MESSAGE FROM COMMONS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

That a joint committee of both Houses of Parliament be appointed to inquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries should be amended in any respect and, if so, in what manner and to what extent;

That 17 members of the House of Commons, to be designated by the House at a later date, be members of the joint committee on the part of this House; that the quorum of the said committee be nine members thereof; and that Standing Order 65 of the House of Commons be suspended in relation thereto;

That the committee have power to appoint, from among its members, such subcommittees as may be deemed advisable or necessary; to call for persons, papers and records; to sit while the house is sitting and to report from time to time;

That the minutes of the proceedings and the evidence of the special committee appointed last session to inquire into and report upon the foregoing questions, together with all papers and records laid before it, be referred to the said committee;

That the committee have power to print such papers and evidence from day to day as may be ordered by the committee for the use of the committee and of Parliament, and that Standing Order 64 of the House of Commons be suspended in relation thereto;

That the committee have power to engage the services of counsel;

And that a message be sent to the Senate requesting that house to unite with this house for the above purpose and to select, if the Senate deems advisable, some of its members to act on the proposed joint committee.

Honourable senators, when shall this message be taken into consideration?

Hon. Mr. Macdonald: Next sitting.

STANDING COMMITTEES

REPORT OF COMMITTEE OF SELECTION CONCURRED IN

Hon. Arthur L. Beaubien: Honourable senators, I have the honour to present the report of the Committee of Selection.

The Clerk Assistant, reading:

The Committee of Selection appointed to nominate senators to serve on the several standing committees for the present session, have the honour to report herewith the following list of senators—

Some Hon. Senators: Dispense.

For text of report see appendix to today's Hansard, *pp. 55 and 56.*

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Beaubien: With leave of the Senate, now.

May I just explain, honourable senators, that there are vacancies on every committee, and any member of the Senate who would like to serve on another committee than one for which he is nominated may have the privilege of being appointed thereto at any time.

With leave, I move that the report be concurred in now.

The motion was agreed to.

STANDING COMMITTEES

APPOINTMENT

Hon. Mr. Beaubien: Honourable senators, with leave of the Senate, I move:

That the senators mentioned in the report of the Committee of Selection as having been chosen to serve on the several standing committees during the present session, be and they are hereby appointed to form part of and constitute the several committees with which their respective names appear in said report, to inquire into and report upon such matters as may be referred to them from time to time, and that the Committee on Standing Orders be authorized to send for persons, papers and records whenever required; and also that the Committee on Internal Economy and Contingent Accounts have power, without special reference by the Senate, to consider any matter affecting the internal economy of the Senate, and such committee shall report the result of such consideration to the Senate for action.

The motion was agreed to.

JOINT COMMITTEE ON PRINTING

MESSAGE TO COMMONS—LIST OF MEMBERS

Hon. Mr. Beaubien: Honourable senators, with leave of the Senate I move:

That a message be sent to the House of Commons by one of the Clerks at the Table, to inform that house that the Honourable Senators Barbour, Blais, Bouffard, Bradette, Bradley, Comeau, Davies, Euler, Fallis, Isnor, Nicol, Stambaugh, Stevenson, Turgeon and Wood, have been appointed a committee to superintend the printing of the Senate during the present session and to act on behalf of the Senate as members of a joint committee of both houses on the subject of the printing of Parliament.

The motion was agreed to.

JOINT COMMITTEE ON LIBRARY

MESSAGE TO COMMONS—LIST OF MEMBERS

Hon. Mr. Beaubien: Honourable senators, with leave of the Senate I move:

That a message be sent to the House of Commons by one of the Clerks at the Table, to inform that house that the Honourable the Speaker, the Honourable Senators Aseltine, Blais, Fallis, Fournier, Gershaw, Gouin, Lambert, McDonald, Reid, Vien and Wilson, have been appointed a committee to assist the Honourable the Speaker in the direction of the Library of Parliament, so far as the interests of the Senate are concerned, and to act on behalf of the Senate as members of a joint committee of both houses on the said Library.

The motion was agreed to.

JOINT COMMITTEE ON RESTAURANT

MESSAGE TO COMMONS—LIST OF MEMBERS

Hon. Mr. Beaubien: Honourable senators, with leave of the Senate I move:

That a message be sent to the House of Commons by one of the Clerks at the Table, to inform that house that the Honourable the Speaker, the Honourable Senators Beaubien, Fergusson, Haig, Hodges, Howard and McLean, have been appointed a committee to assist the Honourable the Speaker in the direction of the Restaurant of Parliament, so far as the interests of the Senate are concerned, and to act on behalf of the Senate as members of a joint committee of both houses on the said Restaurant.

The motion was agreed to.

NARCOTIC DRUG TRAFFIC

INQUIRY

On the orders of the day:

Hon. Mr. Reid: Honourable senators, before the orders of the day are proceeded with I would like to ask the honourable Leader of the Government (Hon. Mr. Macdonald) for certain information. It will be remembered that at the last session some honourable senators, including myself, took part in a discussion in this chamber about Canada's increasing traffic in opium and narcotic drugs. At that time it was proposed that perhaps this year the Government would agree to the appointment of a special committee to inquire into this distressing problem. The traffic in opium and narcotic drugs has got completely out of hand in the city of Vancouver, and the matter is now so serious that I would ask the Leader to ascertain right away if the Government will give consideration to setting up a special committee to examine into this whole problem.

Hon. Mr. Macdonald: Honourable senators, in a few minutes I expect to take part in the debate on the motion for an Address in reply to the Speech from the Throne, and at that time I shall have something to say in reply to the question just raised by the honourable gentleman from New Westminster (Hon. Mr. Reid).

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. W. Ross Macdonald: Honourable senators, may I at the outset join with the Leader of the Opposition (Hon. Mr. Haig) in congratulating the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of this motion. We had expected to hear outstanding addresses by both these young honourable senators—young at least in the number of years in which they have served in the Senate —and we were certainly not disappointed.

The mover, the honourable senator from Victoria, delivered an address which applied for the most part directly to the great province of British Columbia, but a good deal of what she said could be applied to Canada's other provinces. The honourable lady has had a long experience in public life, and enjoys the distinction of being the only woman in the Commonwealth who has held office as Speaker of an elected legislative body. That is indeed an outstanding distinction. Because of her wide experience we knew that we would receive an address of the type which she delivered.

The seconder of the motion, the honourable senator from Lauzon, has also had considerable experience in public life. It was my privilege to enter the House of Commons on the same day that he did, and it was also my very good fortune to leave that house on the same day as he. I was very happy in my association with him there. He always took an active part in the work of the Commons, and I know that he will be active in the work of this chamber. The honourable senator represented his province—la belle province de Québec—with distinction in the present debate, and we look forward with pleasure to further addresses from him from time to time.

May I also join with the Leader of the Opposition in congratulating His Honour the Speaker on the splendid arrangements which

he provided, and the hospitality he extended, when our beloved Queen Mother visited us in November last. As the Leader of the Opposition well said, it was an occasion on which all the arrangements were perfect. It was, indeed, an occasion we shall never forget. I feel that we were all very fortunate to be members of the Senate and so to have the privilege of gathering together on that memorable Saturday afternoon for luncheon with the Queen Mother, whom we all love deeply.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: I also wish to thank the Leader of the Opposition for his kind references to me. If he has enjoyed associating with me in the work of this house, I can assure him that I have enjoyed my association with him; and I should like to take advantage of this opportunity to express publicly my deep appreciation of his many courtesies.

The year 1954 was a very happy year for me. I have not forgotten the friendly welcome honourable senators accorded to me when I was summoned to the Senate, nor the co-operation I received from them throughout the year. I shall look forward to an equally happy time during 1955, and I hope all honourable senators present will be able to share my happiness here for many years to come.

The Leader of the Opposition said that he does not always agree with my remarks. Well, neither do I always agree with what he says, but I always enjoy the way he says it.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: He speaks very well indeed, and although he does not hesitate to drive his points home, he does it in a way we can all understand and appreciate; for when he has finished speaking no one can have any doubt as to how he feels about the matters dealt with.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: Yesterday the Leader of the Opposition asked me to obtain information regarding the employment situation in Canada. I find that a news release issued today shows that in the week ending December 11, 1954, a total of 5,167,000 people held jobs, which was 36,000 fewer than in November, but 51,000 more than a year earlier. That is a condition about which we in Canada can be justly proud.

It is true that there are some unemployed persons; we all regret it and I do not make light of it. It is a serious matter for anyone to be out of work, and I am sure the Government and all of us are trying to do what we can to see that unemployment is kept as low as possible. I would point out that it is not as high today as some people would have us believe.

The present percentage of unemployment is 4·6; that is to say, of every 100 employable people in Canada, between four and five are out of work, including people who are moving from one job to another. In December, 1953, the percentage was 3·6; that is, between three and four out of every 100 employable persons. The present percentage, I admit, is substantial, but it must be remembered that there is never 100 per cent employment. Even during the war years, when there was an acute shortage of workers, 2 per cent of the employable labour force, or some 90,000 people, were unemployed.

As I have said, none of us like to see unemployment and we hope that all who are employable will be able to obtain work. And I repeat that the Government is doing all in its power to insure as full employment as possible.

Hon. Mr. Reid: Would the honourable leader allow me to ask a question? Has he a breakdown of the figures showing the number of married women registered as unemployed who have husbands and homes?

Hon. Mr. Macdonald: Honourable senators, I did not expect to be asked that question, and I regret that I am not prepared to answer it.

The Leader of the Opposition (Hon. Mr. Haig) in his address spoke about the heavy taxation in Canada and emphasized his wish that the level of taxation be reduced, especially for certain classes of our people. I ask honourable senators, who of us would not like to have our taxes reduced? I think we all share in my honourable friend's wish. But when we compare our tax rates with those of other countries we find that "high taxation" is a comparative expression, for at least certain classes of our people pay a lower rate of tax than that paid in any other country.

The honourable Leader of the Opposition referred especially to the burden of taxation upon persons with an income of about $3,000. I have taken the trouble, honourable senators, to look up the records and to get a statement of the tax rates in other countries. This is what I found. A married taxpayer with an income of $3,000 pays in Canada a personal income tax of $150, in the United States $300, in the United Kingdom $577, in

Australia $356, and in New Zealand $300. In all those countries the taxation of a married person in that income bracket, without dependents, is at least twice, and in one case almost four times, as much as it is in Canada.

I have the taxation figures for other brackets of income in the countries to which I have referred, and if honourable senators would like to have the information made available to them I would be glad to place the complete table on the record.

Hon. Senators: Agreed.

Hon. Mr. Macdonald: This is the table to which I refer:

TAXES ON PERSONAL INCOME—MARRIED TAXPAYER WITH NO DEPENDENTS

Income	Canada	United States	United Kingdom	Australia	New Zealand
$	$	$ ($U.S.= $ Cdn.)	$ (£U.K.= $2.75 Cdn.)	$ (£A.= $2.15 Cdn.)	$ (£N.Z.= $2.70 Cdn.)
1,000	— (—)	— (20)	25 (39)	23	— (75)
1,500	— (—)	30 (30)	113 (39)	76	22 (112)
2,000	— (—)	120 (40)	239 (39	150	104 (150)
2,500	75 (10)	210 (50)	402 (39)	244	196 (187)
3,000	150 (20)	300 (60)	577 (39)	356	300 (225)
4,000	320 (40)	480 (72)	927 (39)	627	544 (300)
5,000	510 (60)	660 (72)	1,277 (39)	958	834 (375)
7,500	1,030 (60)	1,141 (72)	2,561 (39)	1,947	1,760 (562)
10,000	1,660 (60)	1,636 (72)	4,086 (39)	3,126	2,976 (750)
15,000	3,360 (60)	2,960 (72)	7,473 (39)	5,895	5,942 (1,125)
20,000	5,510 (60)	4,532 (72)	11,273 (39)	8,853	8,942 (1,500)
30,000	10,160 (60)	8,434 (72)	19,548 (39)	15,135	14,942 (2,250)
50,000	20,560 (60)	19,002 (72)	38,117 (39)	28,312	26,942 (3,750)
75,000	34,960 (60)	34,640 (72)	61,867 (39)	44,979	41,942 (5,625)
100,000	50,360 (60)	52,056 (72)	85,617 (39)	61,645	56,942 (7,500)
200,000	119,010 (60)	132,726 (72)	180,617 (39)	128,312	116,942 (15,000)

All income is assumed to be in the form of salary or wages.

Canada: Tax at 1954 rates—Old Age Security Tax is shown in brackets. No deduction has been made for possible medical expenses or charitable donations.

United States: Tax at 1954 rates—Old Age and Survivors Insurance contribution of 2% of wages or salary with a maximum of $72 is shown in brackets. It is assumed that taxpayers take advantage of income splitting and use optional standard deduction. Nothing is added for state taxes.

United Kingdom: Tax at 1953-54 rates—Contribution of a male employee under the National Insurance Act is shown in brackets.

Australia: Tax at 1954-55 rates—The income tax and social services contribution is a combined levy in Australia.

New Zealand: Tax at 1954-55 rates—Social Security charge levied at the rate of 7½% with no personal exemptions is shown in brackets.

The Leader of the Opposition referred to the huge amount of money being raised by taxation. Of course, huge sums have to be raised by taxation to meet our heavy expenses. I am sure that my honourable friend would not want to do away with family allowances, with old age security after seventy, or pensions between sixty-five and seventy, on the means test, or pensions for blind and disabled persons, or unemployment insurance, or any of the other social security measures for which we have made provision. If enough people want to abandon these benefits, it is possible that taxation might be substantially reduced; but I am satisfied that the members of this body and the Canadian people generally wish our social legislation to remain on the statute books.

Honourable senators will perhaps be interested in a breakdown of the revenue dollar during the year 1953-54. The budgetary revenues for that year were $4,396 million, and including old age security receipts of $293 million, we had a total revenue of $4,689 million. On that basis of revenue the breakdown of the spending of each tax dollar was as follows:

Public debt charge, 11 cents; Subsidies, tax rental payments to provinces, 7 cents; Defence, 40 cents; Veterans' Affairs, pensions, hospitals, etc., 5 cents; Health and Welfare, social security, including old age security payments, 18 cents; Resources and Development, 5 cents; Transport and Communication, 6 cents; General government, 6 cents; Other unclassified expenditures, 2 cents.

The total paid out on account of old age security during the year was $339 million.

Our heaviest expenditure is for defence, but we have large expenditures also for other items I have mentioned. We do not want to reduce our social security payments. And if we want to survive, we cannot reduce our defence expenditures. Therefore I say that although we all wish it were possible to reduce taxation, no one has yet devised a way of doing so.

Honourable senators, I am frequently asked if we could not have more legislation introduced in the Senate. I find that that question has been discussed from time to time in this house. The most comprehensive debate on the subject that I have been able to find in the records was initiated by the Honourable Charles Murphy, in the year 1934.

In that debate he spoke to the following notice:

> That he will call the attention of the Government to the work of the Senate and to the efforts made by the Senate to secure the initiation in this House of Government measures, and will inquire if it is the intention of the Government to introduce in the Senate at an early date any of the legislation indicated in the Speech from the Throne.

He opened his remarks by giving a brief history of the intentions of the framers of the constitution as to the work which should be performed by the Upper House of Parliament. He then proceeded to outline the various efforts made by the Senate over the years to secure a larger share of government business than was usually allotted to it by the governments of the day. The first effort cited is that undertaken during the first Parliament after Confederation, and he quotes the report of the committee set up in 1868 under the chairmanship of Sir Alexander Campbell to inquire into this very subject. May I be permitted to read a brief extract from the committee's report, which was presented on May 7, 1868:

> The committee would observe that independently of financial measures which begin as of course in the House of Commons, the representative character of that house, and the system of responsible government, render it expedient that some other classes of important bills should be first discussed there; the committee are, nevertheless, of opinion that it would be quite possible to originate a much larger number of bills in the Senate than has hitherto been the practice in the Legislative Councils of any of the provinces of the Dominion. It appears to the committee that it must rest chiefly with the Government of the day to accomplish this; the business of Parliament will hereafter, the committee believe, be principally in connection with public measures, and in the hands of the Government, and it will depend upon the ministers themselves in which house of Parliament many of these measures shall originate. The committee think that the public interest in the more thorough consideration of legislative measures, as well as in the dispatch of business, would be much better served by a persistent effort on the part of the Government of the day to originate in the Senate as many of their measures as the law and usage of Parliament will permit.

The report was unanimously adopted by the Senate, but nothing further seems to have been done about it until 1874. In that year a joint committee of both houses was set up to consider whether any facilities could be provided for the dispatch of business in Parliament. Nothing practical seems to have been accomplished by that committee.

It has been generally agreed that money bills should originate in the Commons. Sections 53 and 54 of the British North America Act read as follows:

> 53. Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.
>
> 54. It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that house by message of the Governor General in the session in which such vote, resolution, address, or bill is proposed.

Now, I do not intend at this time to go into any discussion as to the correctness of the procedure under which money bills cannot be introduced in the Senate. I think we are all pretty well agreed that where an appropriation of money is made the bill must originate in the House of Commons, with the approval of the Governor General. There are also other bills which we might say have financial implications or political significance, and it is my opinion that such bills should also originate in the other house.

There is another aspect, which the late Senator Dandurand spoke about in the debate of 1934. He said:

> I refer to the fact that the Senate is considered to be a revising body and as such has played its part since its inception. The initiation of bills in this Chamber would change that situation and make the House of Commons the revising body. Furthermore, arguments have been advanced against the abandonment by the Senate of the position of a court of appeal in regard to legislation coming from the Commons. As a matter of fact, to judge from the statements made by the Fathers of Confederation, and by Sir John Macdonald prior to Confederation, and cited by my honourable friend from Russell (Hon. Mr. Murphy), we have been appointed mainly for the purpose of giving sober second thought to proposed legislation, and, of course, if we originated legislation and passed it on to the House of Commons for approval, we should not be fulfilling that function.

Hon. Mr. Roebuck: But we would still be sober!

Hon. Mr. Macdonald: Yes, still sober.

Notwithstanding all that has been said against the introduction of certain legislation in the Senate I did, at your request, bring to the attention of the Government the fact that this house would be pleased to have

more legislation introduced here in the first instance. Honourable senators will observe from the House of Commons Routine Proceedings and Orders of the Day for Monday, January 10, that the Government gave notice of 19 bills. Sixteen of those are what we would call money bills and so could not be introduced in the Senate. The remaining three are not money bills, but have what I might call a political significance. One of them is an Act respecting the construction, operation and maintenance of international river improvements. Another is an Act to regulate the exportation of power and fluids and the importation of gas. The third is an Act to Amend the Prairie Farm Rehabilitation Act. Honourable members will notice from our Orders of the Day that I was successful in having introduced in this house five of the eight bills which could not be considered money bills. I trust that, as the session goes along, we shall continue to have introduced here measures which are not money bills and have no political or financial implications.

An honourable senator suggested last year that a committee be set up to consider the relationship between the federal Government, the municipality of the City of Ottawa, and adjoining municipalities. Ten years ago a joint committee appointed for this purpose made a worth-while contribution to the subject, which is of vital importance not only to the municipality of Ottawa and the adjoining municipalities but to others throughout Canada. I took to Council the representations of this house, and, as appears in the Speech from the Throne, a proposal will be made to the Senate to set up a committee similar to the one appointed ten years ago. I am sure that in this respect, once again honourable senators will make a great contribution on a really important subject.

I come now to the question which was raised this afternoon by the honourable senator from New Westminster (Hon. Mr. Reid). I have not forgotten the very forceful and notable addresses which were made in this house last year in connection with the narcotic drug traffic, and that it seemed to be the wish of honourable senators that a special committee of this house should be set up to consider this very important issue. A review of the drug and narcotics situation as it affects Canadians, and particularly young people, is very necessary and urgent. There is no need to dwell on the evils of the drug traffic. All honourable senators, I am sure, realize however that the question is not only one of punishment; it is also one of treatment of those addicted, and the prevention of further exposure of our young people to this pernicious traffic. In my opinion, the place to attack this problem is at the source, by concentrating on the prevention of distribution. It was remarked in this chamber last year, to point the need of an inquiry into this problem, that narcotic drugs are an evil which destroys not only men's bodies but also their souls. It is a great menace in most large commercial centres, more particularly the sea-coast cities, and the alarming fact is that the traffic is on the increase. The Royal Canadian Mounted Police annual report for the fiscal year ended March 31, 1954, states:

> The illicit traffic in narcotic drugs continues to reflect a steady increase. 507 arrests were made this year compared with 495 for the previous period. This total is a record high for several years.
>
> Drug addiction is causing serious concern to enforcement authorities and the problem of the "repeat offender" is giving rise to a growing realization that addiction is the outward manifestation of social and medical conditions which enforcement authorities alone are not competent to cope with. The cycle of periodic arrest, subsequent conviction and imprisonment of the addict, has failed to make any appreciable progress towards correcting this situation and it would seem that any real hope for positive, long term results in dealing more effectively with the drug addict can only be achieved by the combined efforts of medical, social and enforcement bodies.

It will be recalled that in this chamber last session the suggestion was made that, in view of the seriousness of the condition which exists in so many places throughout Canada, this house should set up a special committee to consider the whole problem.

Hon. Mr. Reid: Hear, hear.

Hon. Mr. Macdonald: The honourable Leader of the Opposition (Hon. Mr. Haig), in his speech yesterday, suggested that there should be representatives from the Opposition parties at the United Nations meetings. I was always under the impression that the Opposition parties were represented at these gatherings—

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: —so I reviewed the records from 1950 to 1954. I found that in 1950 the Opposition had four representatives: Messrs. Coldwell, Graydon, Higgins and Low.

Hon. Mr. Haig: But not from the Senate.

Hon. Mr. Macdonald: From Parliament.

Hon. Mr. Haig: I believe I am the only member of the Conservative party in this house who ever went to the United Nations meetings as a delegate.

Hon. Mr. Macdonald: Well, as I have stated, in 1950 four members of Opposition parties attended.

Hon. Mr. Reid: From the House of Commons.

Hon. Mr. Haig: Yes, from the House of Commons.

Hon. Mr. Macdonald: Surely, honourable senators, Parliament includes the House of Commons. In 1951 the Opposition parties had one representative, Major General Pearkes. In 1952 there were four Opposition representatives: Messrs. MacLean, Graydon, Stewart and Beyerstein. In 1953 there were two: Messrs. Coldwell and Macdonnell. Last year, also there were two, namely Messrs. Gillis and Michener. My honourable friend says that the Opposition in the Senate had no representatives. That may be so, but the Senate itself has been represented each year at the gatherings. I see no reason for assuming that Canada will not continue to be represented at United Nations meetings by members of the Senate and members of the various parties in the House of Commons.

Hon. Mr. Haig: May I interrupt my honourable friend to ask a question? Since 1946 how many of these representatives have been official delegates or alternates at meetings of the United Nations?

Hon. Mr. Macdonald: I have not that information at hand.

Hon. Mr. Haig: I suggest to you that none have been.

Hon. Mr. Macdonald: I could obtain that information, but I think I have shown conclusively that Opposition parties in Canada's Parliament have always been represented at gatherings of the United Nations.

In his address the Leader of the Opposition (Hon. Mr. Haig) said that the world is no more secure today than it was a year ago, and so on. I am amazed that the honourable gentleman should be such an apostle of gloom. Although world conditions are still in a serious state, I think some progress in the right direction is being made. I believe that January 1 of this year marked the first occasion in a long time, when a new year has been ushered in without a fighting war.

Hon. Mr. Roebuck: We have one now.

Hon. Mr. Macdonald: That may be so, but I am speaking about the first of January. This means that we have had at least one spell when there has been no fighting. If there is a fighting war on now, I am hopeful there will be more and longer spells of non-fighting and that finally there will never again be war. I think we are getting nearer to that goal. In Indo-China the fighting has ceased, and an International Supervisory Commission has been set up to assist towards stabilizing conditions in that country. In Southeast Asia a counterpart of the North Atlantic Treaty Organization for defence has been founded in what is known as SEATO—the Southeast Asia Treaty Organization. Last year a meeting was held in Ceylon by a further group of South Asian countries not within the framework of SEATO but which have as their objective the perpetuation of peace in that area. In Europe we have seen the *rapprochement* of France and Germany. For the time being—and, I hope, for ever—these countries have settled their dispute over the Saar.

I am not endeavouring to say that we are living under such conditions now that we can sit back and not worry about the possibility of war. On the contrary, I do feel we need to concern ourselves about it, but at the same time I sincerely believe that men are turning their minds, however slowly it may be, to bringing about conditions of lasting peace. I feel that what is now taking place throughout the world confirms my opinion. If we can remain strong militarily; if our navy, air force and army can remain strong; if those who act for us in the councils of the nations will not become tired by continual talk, talk, talk; if they will be patient, as they have been in the past, then I am hopeful that in the not too distant future the atomic energy which is being developed today for destructive purposes will be developed instead for purposes of peace. The aim of every nation should be to develop and use atomic energy for the benefit of all mankind—for peace, not for war.

Hon. Senators: Hear, hear.

Hon. J. J. Duffus: Honourable senators, may I ask your indulgence to discuss a matter of national importance, namely, that a fitting memorial be erected to commemorate the production, in 1842, on the farm of the late David Fife, in my native township of Otonabee, of Red Fife Wheat, which was for more than sixty years the standard variety of spring wheat grown in Canada.

(*Translation*):

Honourable senators, may I repeat in French that I would like the Senate to discuss a matter of national importance, namely,

the erection of a memorial to commemorate the production, in 1842, on the farm of David Fife, in the township of Otonabee of Red Wheat, which was for more than sixty years the standard variety of spring wheat grown in Canada.

(*Text*):

It is not too much to say that David Fife's discovery revolutionized world wheat farming. Permit me to recall how this great discovery was made. Back in the early '40's of the 19th century David Fife built and lived in a log house with his wife and young family on his farm in Otonabee township in the county of Peterborough. The second building which Mr. Fife erected on his farm was a workshop. In this he made by hand all the shingles required to roof his barns and other out-buildings.

The next chapter in this interesting episode discloses the fact that unfortunately and under distressing circumstances the Fife home was burned to the ground. This made it necessary for Mr. and Mrs. Fife to take up their abode in the workshop, which was their home until they were able to afford a new one for themselves and their family.

David Fife was a tall, thoughtful Scotsman, at that time in his middle thirties, and although of modest bearing he was possessed of much native intelligence, constructive imagination and prophetic vision. He was destined to do more for Canada than perhaps any other man who ever lived in this country.

The romantic and intriguing story of the origin of Fife Wheat is inseparably connected with the history of Canada. In fact, it should be known in every classroom in this country. It kindles the imagination, and invites analogies of its importance by illustrating how Fife Wheat was given to Canada long before this young nation was ready to use or exploit it.

It is very difficult for one to picture what living conditions were like in that bushland part of Canada in the 1840's. Those were the ox-cart days of meagre transportation, and the log-cabin days of our social development, when the tallow candle was a symbol of the prevailing crude and scanty domestic comfort and convenience.

The price of existence of David Fife and his family was venture, vigorous struggle, loneliness, unremitting toil and, doubtless, little enjoyment of life. Educational facilities were limited. Even elementary schools were few and far between, and agricultural colleges and experimental farms were still undreamed of. Political institutions were at the colonial stage, with Confederation a quarter century in the future. Ontario was Upper Canada, engrossed in its political problems and slowly moving onward and upward from precedent to precedent toward responsible government.

However, under those primitive conditions, the ingenious brain and native intelligence of David Fife were at work planning means by which to improve his own condition and that of others. Obviously, he was of a practical turn of mind, and, realizing the defects of the only wheat then available in this country, he wondered whether somewhere in the world there might be a better quality of wheat, one which would mature earlier and be more immune to rust.

In the late fall of 1841 Mr. Fife left home to visit some friends in Glasgow, Scotland. While there a shipload of wheat from Danzig was being unloaded at a distillery. Mr. Fife took advantage of the opportunity and procured a small sack of wheat, which he brought home with him. Unfortunately, under the circumstances, there was nothing to indicate whether the grain it contained was of spring or fall variety.

However, in the spring, with confidence in God and inspired by the Biblical promise that seed-time and harvest shall not cease, Mr. and Mrs. Fife carefully, and no doubt prayerfully, planted the seed in a spot where a pile of logs had been burned the year before. Hopefully and patiently they waited. And how bitterly disappointed they must have been when, after anxious weeks, it became evident that most of the seed was of winter variety.

Fortunately, however, a few grains proved to be of an early spring variety, and five heads started to grow. Then suddenly, one day, high hopes were dashed by near disaster when one of Mr. Fife's oxen, quite unaware that in satisfying his own taste he was imperilling the future economic welfare of half a continent, devoured two of the heads of this miniature crop. In fact, it was only Mrs. Fife's keen eye and alertness in seeing the animal and driving it away that saved the remaining heads.

At maturity those three precious heads were harvested and hung up on a beam in the kitchen of David Fife's log home. In the spring the three heads were threshed in the palm of David Fife's hand, and the seeds,

counted as carefully as if they were small pieces of gold, were planted. Under confident, intelligent and watchful care, they matured, and yielded wheat of a ten days' earlier spring variety which was more immune to rust, smut and frost damage than any wheat theretofore known in this country.

Thus, in 1842, the small area on David Fife's bushland pioneer farm in Otonabee township became the first, though primitive, experimental farm in Canada.

During several subsequent years the grain multiplied through successful and bountiful harvests. And, thanks to David Fife and Red Fife Wheat, Ontario eventually became a great wheat producing province. The salvation of struggling pioneers and the economic future of Canada were assured.

I said in the beginning of this speech that for more than sixty years Red Fife was the standard variety of spring wheat grown in Canada. I ask you now, honourable senators, what of those sixty-odd years? Had the farmers of Canada been compelled to get along without Red Fife Wheat throughout that period, the entire development of Canada would have been greatly retarded. It is impossible to imagine the course which events would have taken. I say to this honourable house that no one would venture to hazard a guess as to the great contributions David Fife's discovery has made to Canada and Canadians in all walks of life.

I emphasize these obvious truths: But for it there would have been no rush of settlers to the Prairie West, and no Sifton immigration. The year 1908 would have found no cities, such as Winnipeg, Regina, Saskatoon and Edmonton. The prairies at best would have been a ranching area. The buffalo would not have been displaced by herds of cattle, and agriculture would still have been an infant industry.

But, providentially, Ontario Red Fife Wheat found its way to western Canada, where eventually it became the all-important factor in rolling back the prairie grass and establishing tens of thousands of prosperous farmers and happy homes. It was the first and greatest contribution to the economic wealth of the Canadian west and other parts of Canada. It pushed the wheat boundaries of the prairie hundreds of miles to the north, and opened up vast areas of new country.

The rapid development and prosperity of the prairie provinces attracted there such able men as the late Viscount Bennett, Sir Frederick Haultain, Sir James Lougheed, the Honourable Dr. W. R. Motherwell, the Honourable Robert Forke, the Honourable Robert Weir, the Honourable Charles Stewart, the Right Honourable Arthur Meighen, the Right Honourable James G. Gardiner, the Honourable Thomas A. Crerar, the Honourable Charles A. Dunning, and others who have occupied some of the highest positions in this great land of ours.

For sixty-odd years after its discovery Red Fife Wheat piled up tremendous wealth for Canada and Canadians and helped to lay strongly and well the foundation of this great nation. And right up to 1905 this Otonabee farmer's wheat retained its supremacy over all other varieties in Canada. As many honourable senators know, a number of improved varieties of wheat were developed from Red Fife, such as Preston, Ladoga, Stanley, Ruby, etc. Last fall the *Star-Phoenix* of Saskatoon reported that a considerable quantity of Red Fife Wheat was planted in 1954, and that the results were just as satisfactory as from some of the newer varieties.

It was Marquis Wheat, a direct offspring of Red Fife, which made it possible to feed the Allied nations during the First World War, when the existence of not only this country but of democrcy itself was at stake and so many brave men made the supreme sacrifice for the sacred cause of liberty and justice. Indeed this splendid wheat which was bred from Red Fife enabled Canada to earn the proud title of "the granary of the world". However, Red Fife Wheat was a prime factor not only in developing the West and making Canada one of the world's chief grain producing countries, but also in establishing and expanding many cities and in building this relatively young land into a rich and powerful merchandising and industrial nation.

In support of that statement it is only necessary to mention some of the classes of industry whose existence and prosperity have been and are largely dependent upon the results achieved from Red Fife Wheat: Farm implements, binder twine, grain elevators, rail and water transportation systems, airborne traffic, mining, lumbering, pulp and paper, hydro-electric power developments, aluminum, cement, iron, steel, coal, telephone systems, motor cars, trucks and tractors, oil and gas wells, heating equipment, household electrical and gas appliances, packing houses, the grain trade, breweries, distilleries, flour milling companies, banks and other great financial institutions, insurance companies, etc. In fact, one could go on and include almost every major class of production and merchandising in this country, for the importance of Red Fife Wheat in the development of our economic life cannot be exaggerated, as Canada and Canadians have benefited by countless millions of dollars. In all humility, we must regard it as God's blessing to this country.

To put it another way: The economic blessing that accrued from Red Fife Wheat raised not only the prosperity and standard of Canadian agriculture, but likewise the status of

the Canadian people as a whole. Undoubtedly it was as a direct consequence of the efforts and ingenuity of David Fife and his wife more than of anything else that the wheat supplies in this country in the last two years totalled over 983 million bushels, and that in 1953 Canada rose to the rank of the world's third greatest trading nation.

Such, honourable senators, was the heritage left by two humble souls, two noble tillers of the soil, who have long since passed away. God bless them. It was the gift of their hearts, of their loyalty and intelligence, of their ingenuity, of their faith, and of their hard and unremitting toil. And the world over, Canada's No. 1 spring wheat is renowned, providing a standard by which all others have been judged.

Marquis Wheat, a cross between Red Fife and Red Calcutta, for the development of which Charles Saunders was knighted, was first distributed in 1910, replacing Red Fife to a considerable extent. This fact, however, does not in any way detract from the greatness of David Fife's discovery. On the contrary, it emphasizes and enhances its greatness.

But, honourable senators, what of David Fife? Seriously, I repeat, what of David Fife? Has he not been just about the most forgotten man that ever lived in Canada? Apparently no one was sufficiently interested in his great discovery to honour him, except by a proposed cairn which was going to be placed on the side of the road at Concession 4, in Otonabee, in 1938, when I was a member of the House of Commons. To this I respectfully demurred, as being totally inadequate and unbecoming such an outstanding achievement and as a reflection on the farmers of Canada. And, honourable senators, not a stone was turned to mark the spot.

Incidentally, did David Fife have a laboratory in which to develop Red Fife Wheat, as did Dr. Saunders at the Dominion Experimental Farm from 1900 to 1910? Well, yes, in the kitchen of his home with a staff consisting of himself, his devoted wife and children gathered around the kitchen table year after year, during the long winter months, each taking plateful after plateful of Red Fife Wheat and deleting therefrom every scintilla of foreign matter and every inferior grain so that only the highest quality of seed was either planted or sold by David Fife.

David Fife was a God-fearing farmer, one whose innate characteristics were sincerity, honesty, application, and devotion. He was such a farmer as we read of in the Bible. In other words, he was one:

> Who drinks of the rills that flow from the hills,
> And the land that he tills is his own.
> He is happy and free wherever he be,
> And needs bow but to God alone.

Canada owes more to David Fife than anyone can tell, and it is time the debt was given national recognition. Indeed, it is an indictment of the whole country that it should be necessary at this late date to revive a movement for such recognition.

However, about three months ago a national organization, known as the David Fife Memorial Society, was convened for the purpose of carrying the movement for an appropriate memorial to a successful conclusion. It is intended to have the Society incorporated, and when this is done it will be known as "The David Fife Memorial Society Incorporated".

Honourable senators, I ask you frankly is it not our turn now to act in the spirit of sincere thankfulness and gratitude?

From the bottom of this vibrating heart of mine I express the hope that we may do our part now, for if we fail we shall be false to our traditions, untrue to the citizens of Canada generally, and unworthy of the name "good Canadians" Yes, unworthy of those pioneer men and women who came from lands across the seas, and who with little but their hopes, their hearts and their hands builded for themselves primitive homes in the wilderness, rolled back the forest, and fought the battle of life, leaving to us who have followed the task of making Canada as great as its unbounded possibilities.

The great Scots poet Robert Burns said that, once having put your hands to the plow, you must not turn back.

We realize that our daily deeds represent the furrows of our individual lives and that it depends upon each and every one of us how on our field will look when the last furrow is turned.

The David Fife Memorial Society, of which I am Chairman, is deeply desirous of seeing respect, justice and honour done where they are long past due. Therefore, I stand before you today unhesitatingly, confidently, with the single-minded purpose of presenting a humble request of nation-wide importance; namely, that the memory of David Fife at last be fittingly honoured.

To be more specific, my humble and sincere request and that of the David Fife Memorial Society is that a living memorial be erected to perpetuate the name of David Fife, in the form of a modern school and hall, both to be used for educational purposes.

The school, consisting of eight rooms, would give instruction in a variety of courses, including elementary agriculture, home economics, public speaking and the drama. The hall would be completely equipped with a library, and available for banquets, concerts, lectures, debates, farm forums, 4-H clubs, oratorical contests and other public gatherings.

I submit this memorial is of a very practical nature, one which would pay handsome dividends down through the years that lie ahead, to the end that future generations of Canadians might obtain a basic education that will fit them to follow in the footsteps of this early Canadian pioneer and benefactor.

At this time I wish to inform the house that our honourable and most respected colleague from East York (Hon. Mr. McGuire), who himself is a native son of Otonabee township, at a centennial dinner held in the city of Peterborough, in 1929, was the first man to recommend that a memorial be erected in honour of David Fife, and his enthusiasm for a memorial increases from day to day.

The Society has tentatively selected a site, containing eleven and a half acres, in Otonabee township, bordering on Canada's national highway, at the intersection of Concession four, and it is proposed to have this known henceforth as Fifeville. It is adjacent to the beautiful Indian River, about ten miles from the city of Peterborough, and within view of the acres upon which the famous Red Fife Wheat was grown.

Seven and a half acres of the site would be occupied by the school and hall, with plots for experimental purposes; and this portion would be enclosed by an ornamental fence along the front. An industrial-type fence would be erected around the other three sides, and the whole would be beautifully landscaped.

The remainder of the site would provide an ample area for outdoor sports—skating, hockey, baseball, tennis, swimming—and children's playgrounds; besides parking space —a very necessary adjunct, in these days— for more than a hundred motor cars, trucks and buses. The basement banquet room, the bleachers and the land adjacent thereto would be extensively used by junior farmers and for field days, judging courses, and so on.

The total cost of the completed project would not exceed $300,000. This figure includes the cost of moving the 145-year-old Fife log home to the memorial site. The Society feels that if this log home were as nearly as possible furnished as it was when occupied by the Fife family it would, in combination with the rest of the Memorial— the modern school and hall, and the grounds —prove a popular attraction for tourists. I am confident that this appropriate and reasonable proposal to honour the memory of David Fife will have spontaneous and generous support, for sentimental reasons as well as for the sake of justice and fair play. I am definitely of the opinion that the provinces, and thousands of institutions, industries, manufacturers, municipalities, department stores, wheat and stock farmers, etc., who have profited richly from the results of Red Fife Wheat would be delighted, and indeed I believe their hearts and minds would be gladdened, by an opportunity to contribute, according to their means.

Because we have proposed a memorial which in itself would be as practical as was the work on this sagacious pioneer, I feel doubly sure that our national appeal will be successful. I respectfully venture my sincere conviction and that of the David Fife Memorial Society that in all Canada there is scarcely a citizen, be he farmer or townsman, who, if familiar with the facts, would not be delighted to see erected at Fifeville this fitting memorial to one whose inestimable contribution to Canadian nationhood has too long gone unrecognized.

Therefore, very feelingly, and with implicit confidence, I suggest to honourable senators that they assist and seek the assistance of others from their respective provinces who would be happy to make contributions to help liquidate this 115-year-old debt which we Canadians owe and intend to pay by the erection of a memorial to adequately honour the name of this great Canadian. May I most humbly suggest that it is a patriotic and national responsibility.

I would further suggest that we most respectfully seek the assistance of our honourable colleagues in the House of Commons from each of the ten provinces in giving and obtaining contributions to help liquidate this debt in the same manner.

Cheques should be forwarded to the Honorary Treasurer, c/o The Royal Bank of Canada, Peterborough, Ontario, and be made payable to "The David Fife Memorial Society".

When the amount required is fully subscribed we shall immediately start making arrangements to prepare the site and erect the memorial, which we expect will be ready for the official opening during the latter part of the month of August this year.

Our plan, after the official opening, is to carry on for a week a series of varied programs of sports, tournaments, picnics, and so forth each afternoon, and a program of concerts, plays, speeches and oratorical contests each evening, and Divine services of thankfulness on Sunday.

Surely, surely, honourable senators, David Fife is truly to be numbered among those splendid pioneers and benefactors to whom we pay the grateful and often reverent tribute that "They builded better than they knew".

I am confident that this proper and reasonable proposal will have very generous support. And because the memorial would be as prac-

tical as was the great discovery of this sagacious pioneer, I feel doubly sure that our efforts will be successful.

If the people of Canada, who have so richly benefited from the discovery which David Fife gave to our country, concur in this plea for honouring his name, who can say but that within the walls of the David Fife Memorial Hall and School there may be planted seeds of intellect and of character, which, in due season, will yield bountiful harvests as valuable as those produced by Red Fife Wheat.

Hon. Senators: Hear, hear.

Hon. Mr. Duffus: Referring to the matter upon which I have just spoken, may I have the privilege of suggesting that the proposal I have presented should be referred to the Standing Committee on Natural Resources.

Hon. Mr. Haig: It cannot be.

The Hon. the Speaker: I am not sure that the honourable senator from Peterborough West (Hon. Mr. Duffus) is in order. It is necessary that the house should have before it a written resolution incorporating the honourable senator's proposal.

On motion of Hon. Mr. Gershaw, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce Nos. 6 to 16, dealing with petitions for divorce.

Hon. Mr. Roebuck, moved that the reports be concurred in.

The motion was agreed to, on division.

PRIVATE BILL

HURON AND ERIE MORTGAGE CORPORATION—SECOND READING

Hon. W. D. Euler: May I have the permission of the Senate to make a suggestion? Last Thursday I moved the first reading of a bill respecting The Huron and Erie Mortgage Corporation, a measure which explains itself. At that time I thought I might not be able to be present here on Tuesday or Wednesday of this week, although I desired to have second reading on one or other of these days, so I had it set down for tomorrow, Thursday. I wonder whether the house would indulge me—for reasons which seem to me reasonable and appropriate, since arrangements have been made by those who want to appear in support of the bill to bring it before the Banking and Commerce Committee next Wednesday—by permitting me to move second reading of the bill today? I realize that for this purpose I must have the unanimous consent of the house.

The Hon. the Speaker: Has the honourable senator the unanimous consent of the Senate to his request?

Hon. Senators: Agreed.

Hon. Mr. Euler: I move, therefore, second reading of Bill G, an Act respecting The Huron and Erie Mortgage Corporation.

The purpose of the bill is readily understood. Briefly, it is to give the corporation authority to reduce the par value of its $100 shares to $20, so that any holder of a paid-up share of the value of $100 will receive five $20 par value shares. Some persons hold shares which are only partly paid up, and those who have shares on which $20 has been paid will receive one share.

The Huron and Erie Corporation is a company whose head office is in the city of London. It has a large branch in Toronto and, I believe, branches elsewhere.

Hon. Mr. Haig: At Winnipeg.

Hon. Mr. Euler: Honourable members know, I suppose, that this is one of our strongest and most reputable concerns in its special line of endeavour. The authorized capital is $10 million. If this bill should become law the authorized capitalization will remain at $10 million, but of this amount $5 million will be fully paid up: there will be no partly-paid shares. There will then be 500,000 authorized shares of the value of $20 each, of which 250,000 fully paid-up shares will be issued to the subscribers.

All the preliminaries and everything necessary to legalize the passing of this bill have been fully attended to. First of all, bylaw number 39 of the corporation was passed by the Board of Directors. Then a fully authorized meeting of the shareholders was held, at which more than two thirds of the shareholders were represented, and they voted unanimously in favour of the bylaw upon which this bill is based. Under this legislation the debenture holders are assured that any who so desire may have their debentures paid in full prior to maturity, provided they give notice to that effect.

The purpose of subdividing shares, which has become a very common practice, is to give them a wider distribution. This company's stock is selling at a very considerable premium over the par value of $100, and it has been thought that the proposed reduction in par value would make it possible for smaller investors to participate in ownership of the shares.

The bill has been approved by the Senate's Law Clerk and Parliamentary Counsel, Mr. John F. MacNeill. It has also been approved by the Department of Finance, through Mr. MacGregor, the Superintendent of Insurance.

Possibly that is all the explanation required at present. As I said before, it has become quite a practice to subdivide shares. I think the best illustration of that was given during the revision of the Bank Act, at the last session of Parliament, when the shares of the banks were reduced to $10 par value.

Honourable senators, if the bill is given second reading I will move to have it referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Haig: Honourable senators, I should like to associate myself with the honourable senator from Waterloo (Hon. Mr. Euler) in support of this legislation. A son-in-law of mine is a very high official in the Huron and Erie Mortgage Corporation, and I would like him to feel that I at least know enough about his activities to warrant my doing this.

Hon. Mr. Hugessen: May I ask the honourable senator from Waterloo a question? Are the debentures the only debt of the corporation? The reason I ask this question is that the bill proposes that the liability of the holders who have only paid $20 on each of their present shares shall be completely extinguished. All the creditors of the company are of course interested in that extinguishment, and some might object to it. So I should like to know if the debenture holders, who are being given the right to receive prepayment of their debentures if they so desire, are the only creditors of the corporation.

Hon. Mr. Euler: So far as I know, they are the only creditors.

Present shareholders will receive five shares in exchange for each fully paid-up $100 share, and one share in exchange for each of those on which they have paid only $20.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Euler, the bill was referred to the Standing Committee on Banking and Commerce.

The motion was agreed to.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

REPORT OF COMMITTEE OF SELECTION

The Committee of Selection appointed to nominate senators to serve on the several standing committees for the present session, have the honour to report herewith the following list of senators selected by them to serve on each of the following standing committees, namely:

Joint Committee on the Library

The Honourable the Speaker, the Honourable Senators Aseltine, Blais, Fallis, Fournier, Gershaw, Gouin, Lambert, McDonald, Reid, Vien and Wilson. (12)

Joint Committee on Printing

The Honourable Senators Barbour, Blais, Bouffard, Bradette, Bradley, Comeau, Davies, Euler, Fallis, Isnor, Nicol, Stambaugh, Stevenson, Turgeon and Wood. (15)

Joint Committee on the Restaurant

The Honourable the Speaker, the Honourable Senators Beaubien, Fergusson, *Haig, Hodges, Howard and McLean. (7)

Standing Orders

The Honourable Senators Beaubien, Bishop, Godbout, *Haig, Hayden, Horner, Howden, Kinley, Leger, *Macdonald, McLean, Pratt, Tremblay and Wood. (12)

**Ex officio* member.

Transport and Communications

The Honourable Senators Aseltine, Baird, Beaubien, Bishop, Bouffard, Bradley, Campbell, Connolly, Dessureault, Duffus, Euler, Fafard, Gershaw, Gouin, Grant, *Haig, Hardy, Hawkins, Hayden, Hodges, Horner, Hugessen, Isnor, Jodoin, King, Kinley, Lambert, *Macdonald, MacKinnon, Marcotte, McGuire, McKeen, McLean, Nicol, Paterson, Quinn, Raymond, Reid, Roebuck, Stambaugh, Veniot, Vien and Wood. (41)

**Ex officio* member.

Miscellaneous Private Bills

The Honourable Senators Baird, Beaubien, Bouffard, Bradette, Connolly, Duffus, Dupuis, Euler, Fafard, Fallis, Farris, Fergusson, Godbout, *Haig, Hayden, Horner, Howard, Howden, Hugessen, Lambert, Leger, *Macdonald, McDonald, McIntyre, Nicol, Quinn, Reid, Roebuck, Stambaugh, Taylor and Tremblay. (29)

**Ex officio* member.

Internal Economy and Contingent Accounts

The Honourable Senators Aseltine, Basha, Beaubien, Bouffard, Campbell, Fafard, Fallis, Gouin, *Haig, Hayden, Hodges, Horner, Howard, Isnor, King, Lambert, *Macdonald, Marcotte, McDonald, McLean, Paterson, Petten, Quinn, Robertson (Speaker), Vaillancourt, Vien and Wilson. (25)

**Ex officio* member.

External Relations

The Honourable Senators Beaubien, Bradette, Bradley, Farquhar, Farris, Fergusson, Fournier, Gouin, *Haig, Hardy, Hayden, Howard, Hugessen, Jodoin, Lambert, *Macdonald, Marcotte, McGuire, McIntyre, McLean, Nicol, Taylor, Turgeon, Vaillancourt, Veniot, Vien and Wilson. (25)

**Ex officio* member.

Finance

The Honourable Senators Aseltine, Baird, Barbour, Beaubien, Bouffard, Burchill, Campbell, Crerar, Dupuis, Euler, Fafard, Farris, Fraser, Gershaw, Golding, *Haig, Hawkins, Hayden, Horner, Isnor, King, Lambert, *Macdonald, McDonald, Paterson, Petten, Pirie, Pratt, Quinn, Reid, Roebuck, Stambaugh, Taylor, Turgeon, Vaillancourt, Vien and Woodrow. (35)

**Ex officio* member.

Tourist Traffic

The Honourable Senators Baird, Basha, Beaubien, Bishop, Bouchard, Bouffard, Crerar, Daigle, Davies, Duffus, Dupuis, DuTremblay, Fraser, Gershaw, *Haig, Horner, Isnor, King, *Macdonald, McIntyre, McLean, Pirie, Roebuck, Ross and Tremblay. (23)

**Ex officio* member.

Debates and Reporting

The Honourable Senators Aseltine, Bishop, Davies, DuTremblay, Fallis, Grant, *Haig, *Macdonald and Tremblay. (7)

**Ex officio* member.

Natural Resources

The Honourable senators Aseltine, Barbour, Basha, Beaubien, Bouffard, Burchill, Comeau, Crerar, Davies, Dessureault, Duffus, Dupuis, Farquhar, Fraser, *Haig, Hawkins, Hayden, Horner, Hurtubise, Kinley, *Macdonald, MacKinnon McDonald, McIntyre, McKeen,

McLean, Nicol, Paterson, Petten, Pirie, Raymond, Ross, Stambaugh, Stevenson, Taylor, Turgeon, Vaillancourt and Wood. (36)

**Ex officio* member.

Immigration and Labour

The Honourable Senators Aseltine, Beaubien, Blais, Bouchard, Burchill, Calder, Campbell, Crerar, Dupuis, Euler, Fallis, Farquhar, Fournier, Gershaw, *Haig, Hardy, Hawkins, Hodges, Horner, *Macdonald, MacKinnon, McIntyre, Pirie, Reid, Roebuck, Taylor, Turgeon, Vaillancourt, Veniot, Wilson and Wood. (29)

**Ex officio* member.

Canadian Trade Relations

The Honourable Senators Baird, Bishop, Blais, Burchill, Campbell, Crerar, Daigle, Davies, Dessureault, Duffus, Euler, Fraser, Gouin, *Haig, Hawkins, Howard, Kinley, Lambert, *Macdonald, MacKinnon, McKeen, McLean, Nicol, Paterson, Petten, Pirie, Turgeon and Vaillancourt. (26)

**Ex officio* member.

Public Health and Welfare

The Honourable Senators Blais, Bouchard, Burchill, Comeau, Dupuis, Fallis, Farris, Fergusson, Gershaw, Golding, Grant, *Haig, Hawkins, Howden, Hurtubise, Jodoin, Kinley, *Macdonald, McGuire, McIntyre, Pratt, Roebuck, Stambaugh, Veniot and Wilson. (23)

**Ex officio* member.

Civil Service Administration

The Honourable Senators Aseltine, Bishop, Bouchard, Calder, Davies, Dupuis, Fafard, Gouin, *Haig, Hurtubise, Kinley, Leger, *Macdonald, Marcotte, Pirie, Quinn, Roebuck, Taylor, Turgeon and Wilson. (18)

**Ex officio* member.

Public Buildings and Grounds

The Honourable Senators Barbour, Connolly, Dessureault, Fafard, Fallis, *Haig, Horner, Lambert, *Macdonald, McGuire, Paterson, Quinn, Stevenson and Wilson. (12)

**Ex officio* member.

All which is respectfully submitted.

A. L. Beaubien,
Chairman.

THE SENATE

Thursday, January 20, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine Proceedings.

STANDING COMMITTEES

QUORUMS REDUCED

The first report of each of the following Standing Committees, presented by or on behalf of its Chairman, recommended that its quorum be reduced as follows:

The Committee on Finance, (Chairman, Hon. Mr. Crerar), quorum nine members.

The Committee on External Relations, (Chairman, Hon. Mr. Gouin), quorum seven members.

The Committee on Natural Resources (Chairman, Hon. Mr. Vaillancourt), quorum nine members.

The Committee on Miscellaneous Private Bills (Chairman, Hon. Mr. Bouffard), quorum seven members.

The Committee on Public Health and Welfare (Chairman. Hon. Mr. Veniot), quorum seven members.

The Committee on Standing Orders (Chairman, Hon. Mr. Bishop), quorum three members.

The Committee on Tourist Traffic (Chairman, Hon. Mr. Isnor), quorum seven members.

The Committee on Canadian Trade Relations, (Chairman, Hon. Mr. McLean), quorum seven members.

The Committee on Immigration and Labour, (Chairman, Hon. Mrs. Wilson), quorum seven members.

The Committee on Internal Economy and Contingent Accounts, (Chairman, Hon. Mr. Paterson), quorum seven members.

The Committee on Banking and Commerce, (Chairman, Hon. Mr. Hayden), quorum nine members.

The Committee on Public Buildings and Grounds, (Chairman, Hon. Mr. Fafard), quorum five members.

The Committee on Debates and Reporting, (Chairman, Hon. Mr. Davies), quorum three members.

The Committee on Transport and Communications, (Chairman, Hon. Mr. Hugessen), quorum nine members.

On motions, made with leave, the reports were severally concurred in.

CIVIL SERVICE ADMINISTRATION COMMITTEE

Hon. Mr. Marcotte, Chairman of the Standing Committee on Civil Service Administration, presented the committee's first report, recommending that its quorum be reduced to seven members, and moved with leave that the report be concurred in.

He said: Honourable senators, in moving the adoption of this report I should like to make a few general remarks. It may be recalled by some honourable members that some years before the war I asked that an investigation be made into the administration of the Civil Service Commission. I am sure that my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) will remember that occasion. After making my speech on the subject in the Senate chamber I received as a visitor to my room the Chairman of the Civil Service Commission. I assured him that I did not want to start anything, that if anything was started it would be by the standing committee. Not ten minutes afterwards some officials of the Commission came to me and said, "For heaven's sake, Senator, keep quiet." I told them also that I did not want to start any trouble. Then a third member of the Commission came to me, and I told him the same. I was then, as I am today, a friend of the employees.

There is something wrong somewhere. I do not know what it is, but I am going to find out. I serve notice today on honourable members to that effect. We are going to find out about several things. I ask the indulgence of honourable senators, because what I am going to say will appeal to them, and I know that I will get support. Every year thousands of people outside the Civil Service are brought into the Service and given preference over experienced and capable employees. For referring to this I shall be criticized, of course.

The honourable Leader of the Government in the Senate (Hon. Mr. Macdonald) is my friend, a man I very much like, and I know that he wants justice to be done. And justice should be done.

Honourable senators, I hope that when the committee meets there will be more than a quorum present. The matter will require consideration by all the members of the committee.

The motion was agreed to.

CANADIAN BROADCASTING CORPORATION

TELEVISING OF BRITISH EMPIRE GAMES—INQUIRY STANDS

On the notice by Hon. Mr. Reid:

That he will inquire of the Government:

1. What sum of money was paid by the Canadian Broadcasting Corporation for the exclusive rights of televising the British Empire Games held in Vancouver in 1954?

2. What was the total revenue received by the Canadian Broadcasting Corporation for the sale of the television rights of films taken of the British Empire Games and sold to United States interests?

3. What percentage of Canadian television programs, as seen by the Canadian public, are produced or manufactured in the United States?

Hon. Mr. Macdonald: I have endeavoured but so far have not been able to obtain the information requested by the honourable senator from New Westminster (Hon. Mr. Reid). Therefore I would suggest that the inquiry stand.

The inquiry stands.

FEDERAL REPUBLIC OF GERMANY

DOCUMENTS ON ACCESSION TO NORTH ATLANTIC TREATY

On the Orders of the Day:

Hon. Mr. Crerar: Honourable senators, before the Orders of the Day are proceeded with I should like to ask a question of the Leader of the Government in the Senate (Hon. Mr. Macdonald). Will it be possible for members of the Senate to have copies of the agreements reached at Paris, the approval of which we probably shall have to consider next week? I know that copies of these agreements would be useful to me, as I am sure they would be to other members.

Hon. Mr. Macdonald: I can assure my honourable friend that I shall endeavour to obtain copies of these documents. I was under the impression that I had already tabled the documents, but I have not been able to confirm this from our *Minutes of the Proceedings.*

I notice that in the House of Commons there was tabled on the 10th of January a copy of the protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, signed at Paris on October 23, 1954, in English and in French, and also a copy of agreements relating to Germany concluded at Paris on October 23, 1954, in English and French.

I see no reason why I should not be able to obtain copies of these documents and have them distributed to members of this house.

Hon. Mr. Crerar: If they have been tabled in the House of Commons I daresay they will be printed in the *Votes and Proceedings* or *Hansard* of that house.

Hon. Mr. Macdonald: They do not appear in *Hansard.* I am quite sure I can obtain them, though.

Hon. Mr. Crerar: I think we should have them.

Hon. Mr. Macdonald: Yes, I quite agree.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an address in reply thereto.

Hon. F. W. Gershaw: Honourable senators, may I first of all congratulate the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the Address on their eloquence and on the material which they presented to this chamber.

The Speech from the Throne indicates that Canada is making progress toward improving conditions in the homes of the common people of this land; and that of course, in the last analysis, is the object of all our legislation. Owing to the kindness of the Leader (Hon. Mr. Macdonald) and members of this house I had the opportunity of visiting one protectorate nation within the Commonwealth of Nations that is not as fortunate as Canada. In the cities of that country you cannot step out on the street after dark with safety, and people travelling through the district always carry a loaded gun.

Kenya is a beautiful country. The scenery there is lovely, just like the scenery in a dream. But it is a troubled country. The trouble, which is so great that economic progress has stopped, is caused by the friction and distrust and cruel violence that one sees in many places there.

The hospitals in Kenya are serving the people reasonably well. The staff doctors and the staff nurses are mostly British, but among the pupil nurses, ward aides and orderlies there are of course a great number of coloured people, who are doing a really good work. Naturally, most of the patients are Africans; and among them, both adults and children, are many suffering from nutritional diseases. It is the custom in that country to nurse the children until they are two or three years old, and from then on their diet consists chiefly of bananas. This diet is lacking in proteins and vitamins and causes a series of disturbances to their bodies.

In one large hospital ward occupied by a considerable number of young men, the lady

superintendent said that they all had been wounded in conflicts with the Mau Maus. There were some very sad cases of gun shot wounds, spinal injuries, and so on, which left those young men permanently paralyzed.

Then, going into another ward, she said that the patients there were all Mau Maus. Walking up and down the centre of that ward day and night is a man with a loaded rifle, because the Mau Maus are not trusted. However, the hospital authorities were giving them the same thorough, kind and scientific treatment that they were giving to the other patients.

For many years Kenya was the paradise of the big game hunter. The record of one big game hunter, Lord Delamere, appealed to me greatly. He was a soldier of fortune, and a giant in his day. He had a large ranch there, extending over 100,000 acres, and he spent a great fortune in trying to produce something on that equator ranch. He stocked it first with cattle and sheep, but they all died of some tick-carried disease. He then planted grain, but the crops were destroyed by rust. However, after long years of trial and error he made a notable contribution to the production of that country.

Lord Percival and possibly other Britishers, as well as Theodore Roosevelt, conducted big-game hunting expeditions into Kenya and killed many animals. Of course, the natives killed a large number of animals too. However, at the beginning of this century it came to be realized that the wild life of that country did not belong exclusively to the people of the present generation, that they only held it in trust, and should account for it to those who came after them. And so a number of very large areas were set aside as sanctuaries for wild animals.

We drove into the Nairobi Royal National Park one afternoon. As we entered we saw the skull and crossbones of a great prehistoric animal, with these words of warning beneath them: "Do not step out of the car." We saw that the houses of the wardens and the keepers were surrounded with sheets of tin and other metal in order to keep the lions from scratching into them. As we drove along we saw large herds of zebra in their native state. We saw giraffes reaching away up to nibble on the tender leaves of the tall trees. We saw, striding along close to the car, ostriches, with beautiful plumes, stepping along with all the dignity imaginable; and some baboons jumped right up on the running-board and then on the hood of the car. The large baboons were carrying little baby baboons in their arms and begging for food. Along the banks of the streams were many hundreds of hippos in groups of twelve to twenty, wallowing in the mud, eating grass and herbs. In one place the driver of our bus had to stop in order to let a herd of elephants, in their native state, pass.

And then the birds! birds we never saw in this country: the ibis, the Egyptian goose, the crane, the stork, and a great number of other birds,—colourful, active, not noticeably frightened—flying around in great flocks. One night we spent in a hut in Queen Elizabeth Park, and just across the channel the lions had killed a buffalo and were feasting on its remains.

Regarding the people of Kenya: there are about 30,000 Europeans, 90,000 Indians—that is, people from India—and five and a half million Africans. In Nairobi is a Moslem mosque, one of the most beautiful buildings I have ever seen; and at the end of the day, when "the sun's rim dips; the stars rush out: at one stride comes the dark", we could hear and see the priest giving his call to prayer from the turrets; and Arabs, of course, wherever they are, at that time kneel down and go through their ritual. The Indian population is largely engaged in trading. They control the entire retail business of the city, and are going to some extent into other occupations.

The Europeans, of course, have made the greatest progress. They have built the Owen Falls reservoir and dam, which was opened by our gracious Queen just a few months before our arrival. This great work is situated right at the source of the Nile river, at the point where the Nile flows out of Lake Victoria; and the dam will control the waters of the river which flow north more than a thousand miles through Egypt to the Mediterranean Sea. Lake Victoria is the largest natural reservoir in the world. The undertaking has accomplished much, and will prove a great blessing to the people all along the banks of the river. It will supply power for the textile factory, the furniture factory, and a number of other industries which are there to process the products of the country—sisal, cotton, tea, coffee, pyrethrum and other crops —for export.

Most of the Europeans, of course, drive English cars, although we saw a few Fords and General Motors automobiles. They live in good stone houses and seem to be very prosperous.

The five and a half million Africans live under very different conditions. To build a house they drive cedar posts into the ground to enclose a circle, and put on a grass roof; and they are well content to live in such habitations and carry on their ordinary

occupations from them. For the greater part of the time they live outside, and go inside only to sleep. The women seem to do all the work. As one goes along the roads it is a common sight to see a woman marching along with purposeful gait, carrying on her head a large bundle of wood or a big basket of produce, and sometimes, also, a baby attached to her back by a blanket, while the man with her carries no burden, and possibly even rides a bicycle. A great many of the children are naked. The adults are scantily clad, perhaps with an old shawl or something of that kind pinned around them. Hotel waiters wear large white gowns with red or blue sashes; and some of the women, particularly the younger ones, are fond of dressing in gaudily coloured clothing.

Now to discuss the land. In driving from Nairobi, the most interesting place we stopped at was the great Rift Valley. The valley is an enormous geographical fault. It starts in the Middle East, extends to the Red Sea and continues through a large part of Africa. Standing at the edge of this valley you can look down two or three thousand feet and see the tops of trees and the roofs of houses. The inhabitants of the valley, which, where we surveyed it, was from twenty to thirty miles wide, own cattle, but about the only use they make of them is to insert a hollow needle in their necks and drain off the blood for drinking purposes.

Throughout our travels in Kenya we were greatly impressed with the beautiful flowers which grew everywhere. In the fields one sees acacia trees and Dandy flame trees covered with bright-coloured blossoms; and large and very colourful poinsettias in many places. Many cattle and goats are to be seen, the cattle with humps on their backs. Higher up in the mountains the plantations of tea and coffee, but the best-paying farm operation is the production of pyrethrum—that little flower whose blossoms are used all over the world to make insecticide. It so happens that, to pick the ripened beans of the coffee plant, the tender leaves on the tea plantations, and the blossoms of the pyrethrum a great deal of hand labour is necessary; and it is on these tasks that most of the natives are employed.

The natural scenery is very striking. One sees the Kenya mountains rising to a height of 17,000 feet, and in the distance the Mountains of the Moon, on which rest clouds in formations the like of which are seen nowhere else on earth. Altogether the land is one of striking beauty.

But it is a land of turmoil. I shall endeavour to explain some of the difficulties which are so evident in that country. In 1952 the Kenyan African Union drew up a petition and, as the country is a British Crown Colony and Protectorate, the petition was sent to the government in England. The petition alleged that a large area of the most fertile land in Kenya has been transferred to European residents without adequate compensation to the natives, who, because their own reserves were incapable of supporting them, were forced into the cities and towns to work for small wages as labourers.

On the other hand, it should be pointed out that the British occupation of Kenya was a great philanthropic achievement, and a review of conditions in that country prior to the occupation will disclose what has been accomplished. Before the turn of this century the slave trade was thriving in Kenya, the slaves being forced to drag heavy carts laden with produce from the inland centres to Mombasa on the coast. In those days there were many tribal wars, the victors taking the vanquished and selling them in bondage to the Arabs. The villages were also raided by huge Arab caravans, and at one time as many as 10,000 natives were captured as slaves, and the bones of another 10,000 were found along the caravan route. Conditions generally were terrible and the people suffered from periodic famines and pestilence. The natives did not produce their own food, and they did not know how to preserve what they obtained. The infant mortality rate was exceedingly high, and there were epidemics.

While it is true that a white reserve of 12,000 square miles was set aside, 9,000 square miles of it had never been occupied, and the remaining 3,000 were only partially occupied. In 1932 the whole situation was investigated by the Carter Commission, and it was thought that enough additional land had been provided for the natives. But, of course, the grievance still continues.

Over the years many changes have taken place in Kenya. The population has increased with the development of agriculture and the adoption of new health measures. Famines are a thing of the past and to a great extent tribal wars have been stopped. Kenya's advance was really spurred by a railway built by the British at a cost of £8 million from the coast to Uganda.

A system of plural marriages has also been responsible for increased population. When a boy becomes of a marriageable age his parents take some cattle and sheep and buy him a wife. After a young couple have been married for a number of years and have a few children, they decide that another wife should be acquired, and if the husband is a good provider he may have three or four

wives in the same or separate huts; but the first wife always remains the queen bee, so to speak, and the subsequent wives are more or less her servants.

Conditions in Kenya have improved generally with the coming of the Europeans, but the natives claim that the latter have exploited them. They say, "The Europeans have taught us to close our eyes in prayer, but when our eyes are closed they take our land." The natives believe a good many things of this kind. While some European industrialists might have profited in Kenya, another class of European has gone into the country without any idea of making financial profit. I refer to the missionaries who have devoted many years of their lives to trying to teach Christianity to the natives. They have found this to be difficult, because the people are easily influenced by pagan superstitions, mysticism and witchcraft. It has been difficult to get enough white school teachers to go to Kenya, but despite this fact the number of children attending schools there increased from 100,000 in 1950 to 350,000 in 1954.

Welfare centres have been established, and we visited one which contained several fine buildings. The welfare workers follow the practice of inviting ten or twelve tribal chiefs to a centre to be taught some arithmetic, veterinary science, agriculture and carpentry. Each chief brings a wife who is taught how to do laundry work, cooking and housekeeping. The idea is that the chiefs and their wives will spread what they learn amongst their villagers.

Since 1952 many atrocities have been committed in Kenya by the Mau Maus, a segment of a large and warlike tribe known as the Kikuyu. Totalling anywhere from 100,000 to 200,000 in number, the Mau Maus are scattered in groups or cells in the hilly areas surrounding Nairobi, the capital city, and a type of warfare is constantly going on. The first morning we reached Kenya a man was shot by the Mau Maus right in the streets of Nairobi, and the next morning somebody discovered that the caretaker of the golf club had been murdered and that everything that had been lying around loose on the premises had been stolen. Over one weekend alone eighty-seven casualties were reported, and a little school in the mountains not far from Nairobi was burned and the teacher badly beaten, although he managed to escape.

The atrocities which have been perpetrated by the Mau Maus since 1952 disclose that a very definite pattern has been followed. In the first place, the Mau Maus are wreaking vengeance on what they call the moderates, native Africans who wish to settle their grievances by negotiation and without violence. The Mau Maus are particularly cruel to these people. They wish, of course, to drive the white people into the sea, and to burn the schools and destroy the cultivated fields. They hamstring and destroy the cattle whenever they can. They are anti-white, anti-religious and pro-primitive; it is their terrible oath that holds them together. I have seen it, and I can assure you that it is the most awful document you could imagine. When a man takes the Mau Mau oath he pledges that, if he is ordered to bring back the head of a white person and he fails to do so, he will give up his life. If he is called at night naked to do something, he will remain naked until that is accomplished, or give up his life. If someone steals from a European he will protect the thief. He will drive the whites out, and will steal arms, when he can, so as to hide the deed. He will not attend mission schools or religious services, and if his leader, Jomo Kenyetta, is arrested, he will follow up and release him. If he hears anything about Jomo Kenyetta he will at once tell the council about it. The oath binds the Mau Maus, because they are superstitious and fear to break it, and, consequently they are scattered throughout the hills, not living in one camp, but in different cells and at different places.

I had the opportunity, with two or three others, of going through a detention camp where there are 1,500 Mau Maus. The leader of the camp gave us a little talk, and then each of us was given a guide and allowed to go through the camp. The detainees were divided into two groups, those who would co-operate and those who would not. The co-operative ones would help in working on the roads and building huts and keeping things clean, in return for which they were granted a certain number of hours each day to attend school and try to receive an education. But about half of the inmates were unco-operative. As we walked along we could see them behind the bars; they wolfed their food, would not keep clean, were savage in action and appearance, and certainly savage in thought; they were detained in that camp because they had not yet come to trial. Only three centuries ago those people lived in absolute savagery; the women gathered food and bore the burdens, as well as bearing the children, while the men had the status of warriors, were the heroes of tribal wars, but would not settle down to work.

I wish to review the grievances of which the natives complain. First, there is the white reservation, of which I have already spoken. They claim further that they are discriminated against when appointments are made to the Civil Service, and that if

Africans, who are partly educated, do get appointments their wages are very much lower than those paid to whites. It did seem to us that their wages were very, very low. They also claim that they cannot get effective representation in the Legislative Council. This Council is composed of 26 men to assist the Governor, who, of course, is appointed by the Colonial Secretary. The 5½ million blacks elect six representatives to the Council; the 90,000 Indians elect six, and the 30,000 Europeans elect fourteen. So it will be seen that the natives have not a very effective representation. Britain, however, is the protector of that country and must, of course, control its policy. Probably these people have a grievance, but if so they are definitely going about the correction of it in the wrong way.

A somewhat similar situation existed in Western Canada in its early history, when it was without law enforcement, when the life and property of the traders and the early pioneers were not protected, and murders and massacres occurred. But after the Northwest Mounted Police went in, punishment for the commission of crime became sure and swift, and that splendid body gained the confidence of the people; in fact, a great Indian chief said, "These policemen come to protect us, as the feathers protect the birds from the frost of winter." And twice when the American Sioux offered to come in and drive the whites out of that country the Indians would not agree to their doing so, and would not join them.

It is to be hoped, honourable senators, that a similar control will be exercised over those savage and warlike people in Kenya who have caused so much trouble during the last few years. Of course, methods of control have been tried: pamphlets have been dropped, and magistrates have been given the power to impose very severe sentences. One magistrate said to me: "We cannot convict these people, because we are unable to get evidence against them; those 1,500 detainees will never come to trial." He told me that one day in court he was hearing the evidence of a witness who had actually seen a murder committed; court was adjourned for half an hour or longer for luncheon, and the witness never appeared again, but his body was found in a neighbouring stream a few days later.

In dealing with people to whom murder is honourable, and pillage and robbery are ennobling, in a country where tribal warfare and feuds have long been traditional, it will readily be seen how difficult life is for Europeans there.

Before closing, I should like to express a word of thanks to the Governor and the Council of Kenya for the splendid arrangements made for our visit, and for the cordial hospitality and welcome extended to us.

One of the most pleasant features of the whole trip was the opportunity of meeting members of parliament from fifty different Commonwealth countries. We became well acquainted with them and enjoyed varied and interesting discussions. Among them were cabinet ministers and ex-cabinet ministers from Great Britain, and members of parliament from Australia and New Zealand and other countries of the Commonwealth.

I should also like to pay a tribute to the nurses, doctors, teachers and missionaries who are contributing unselfish services in the hope of doing some real good. They do not feel at home in Africa; it seems that visions of their childhood are ever before them, and they long to get back to the homes which they left. They do not wish to bring up their children in that country. They are doing a great work, but some of them fear that the whites will be driven out of the country, because primitive people there as elsewhere are rising to assert their rights as they see them.

Of course, all the actual conference discussions are on record. I think the people of Kenya realize that the Commonwealth representatives understand the situation more clearly than they did before their visit. It is the hope of all that the blacks and the whites will be able to exist together in happiness and co-operation. As one delegate put it, "You can play on the black keys of a piano and produce a tune, and you can play on the white keys and also produce a tune; but you can produce a much better tune if you play on both the black and the white keys."

It is our hope that prosperity and happiness will, before long, come to that smiling land of Kenya.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. McDonald, the debate was adjourned.

FEDERAL REPUBLIC OF GERMANY

DOCUMENTS ON ACCESSION TO NORTH ATLANTIC TREATY

On the motion to adjourn:

Hon. W. Ross Macdonald: Honourable senators, earlier in the sitting today the honourable gentleman from Churchill (Hon. Mr. Crerar) asked me if I could have copies of

the Paris Agreements made available to honourable members. I stated I was under the impression that I had recently tabled these documents. I now find that the Agreements and the Protocol on the accession of the Federal Republic of Germany to the North Atlantic Treaty were tabled here on January 11, but were not printed in our records. However, the Protocol was printed as an appendix to the House of Commons *Hansard* of January 11, and the Agreements were printed as an addendum to the *Votes and Proceedings* of that house on January 19. I wish to thank the honourable senator from Halifax-Dartmouth (Hon. Mr. Isnor) for bringing to my attention the fact that these documents were printed in the records of the House of Commons.

Is it the wish of honourable senators to have both the Protocol and the Agreements printed in our *Hansard* or *Minutes of the Proceedings* of this day?

Hon. Mr. Haig: Agreed.

Hon. Mr. Macdonald: Then I would ask, with leave of the house, that these documents be printed as an appendix to our *Minutes of the Proceedings* of this day.

Hon. Mr. Crerar: Thank you.

The Senate adjourned until Tuesday, January 25, at 8 p.m.

THE SENATE

Tuesday, January 25, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers

Routine proceedings.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 17 to 61, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill H, an Act for the relief of Daisy Ruth Kirk Stanistreet.

Bill I, an Act for the relief of Irene Christina Edwards Mackay.

Bill J, an Act for the relief of Barbara Elinor Richardson Jones.

Bill K, an Act for the relief of Wira Pushkar Tereshtshenko.

Bill L, an Act for the relief of Stella (Stephania) Burnatowska Holowaty.

Bill M, an Act for the relief of Harry Evert Finlayson.

Bill N, an Act for the relief of George James Nangreaves.

Bill O, an Act for the relief of Carmela Lanza Morash.

Bill P, an Act for the relief of Meyer Francis Doyle.

Bill Q, an Act for the relief of Julia Mary Collen Dwyer Rose.

Bill R, an Act for the relief of Bela Koschitza Brawerman.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

PRIVATE BILL

GERLING GENERAL INSURANCE COMPANY OF CANADA—FIRST READING

Hon. Mr. Connolly presented Bill S, an Act to incorporate Gerling General Insurance Company of Canada.

The bill was read the first time.

ROBERT BURNS

196TH ANNIVERSARY OF HIS BIRTH

On the Orders of the Day:

Hon. Thomas Reid: Honourable senators, before the Orders of the Day are proceeded with, I should like to draw to the attention of all members present the fact that today is the 196th anniversary of the birth of Robert Burns, Scotland's beloved national poet.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: Robert Burns was born on the 25th of January, 1759. No man gave more songs or poems to the world than he did. Thomas Carlyle said that when Scots and their descendants forget Burns, history will have forgotten Scotland.

The people of no other country of the size of Scotland have given more to Canada than have those from that land overseas. I might add that the people who have been able to create peace and harmony between the Lowlander and the Highlander will certainly contribute a great deal towards helping to unite the various races in this country, with their different characteristics.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: I am not going to speak further on the contributions of the Scottish people to Canada. My purpose in rising was to pay a tribute to Robert Burns, and to point out that he enunciated a prophecy which I think it would be well for us and all the people of the world, in fact, to recall:

> Then let us pray that come it may,
> As come it will for a' that,
> That sense and worth, o'er all the earth,
> Shall bear the gree and a' that.
> For a' that, and a' that,
> It's coming yet for a' that,
> That man to man the world o'er,
> Shall brithers be for a' that.

Hon. Mr. Macdonald: Honourable senators, I am sure we all agree with the sentiments expressed by the honourable senator from New Westminster (Hon. Mr. Reid). I am sure also that he could further honour the day by giving us a special program on the bagpipes when the sitting is over.

Hon. Mr. Reid: I might have attempted to do so, but a little while ago a good senator defined a gentleman to me as a man who could play the pipes, but did not.

Hon. Senators: Oh! oh!

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Thursday, January 20, consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. John A. McDonald: Honourable senators, may I take this opportunity of expressing my wish to join with those who have already spoken in the fine tributes which they have paid to the memory of two of our finest and ablest members of the Senate who passed on during the recess. We shall not soon forget the great service rendered to Parliament and the nation by the late Senators Buchanan and Beauregard. Their good influence will live for a long time.

I would also join with all honourable members in congratulating you, Mr. Speaker, on the great honour that was bestowed on you during the recess, that of being selected for the Atlantic Union Committee Award. I would also express our appreciation of your distinguished service to our nation and the Parliament of Canada, formerly as Government Leader in the Senate and, now, as Speaker of this chamber.

May I also be permitted at this time to congratulate the honourable senator from Brantford (Hon. Mr. Macdonald) upon the great service that he has given the people of Canada and both houses of Parliament as a most successful Speaker of the other place, and is giving now as the competent Government Leader in the Senate.

I am sure that we are all very pleased to see the honourable Leader of the Opposition (Hon. Mr. Haig) enjoying such good health. We sincerely hope that he may be enabled to continue for many years in his present position to give that fine, outstanding and very fair service which has been characteristic of him over a long period consecrated to the welfare of his country.

I believe that all honourable members would join with me in expressing the wish to assist in any and every way possible by co-operating with our Speaker and leaders in endeavouring to make this session of the Senate a most successful one. I think we in this house sometimes take for granted the capable leadership given by the Speaker and the leaders, and also the assistance of our very efficient staff. We hope that we shall always have that competent leadership and efficient staff, but neither should be taken for granted.

We naturally expected much from the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the Address in reply to the Speech from the Throne. In my opinion, they did very well, and even surpassed our expectations. Their speeches showed careful preparation and were well delivered.

It seems to me that the Speech from the Throne this session was really one of the best that has been delivered for some sessions. After hearing a critical remark concerning it when the Speech was being debated the other day, I read it over again and I cannot help but think that it covered the ground very well in reviewing the leading events, good and bad, of the past year; and it also gave us a pretty clear picture of much that the Government wishes to accomplish through legislation during this session of Parliament for the good of our country and the welfare of our people. Increased unemployment assistance and further aid to the blind are especially welcome.

Honourable senators, during the past year our people continued to enjoy prosperity, with the exception of those who were engaged in the production of grain in the western provinces, and in growing apples in the Cornwallis-Annapolis Valley of Nova Scotia. Except for last year, there has not been a year since 1945 when our gross national product has not risen. Last year we did have a drop of about $500 million, which cannot be attributed to anything but adverse weather conditions suffered by both the grain growers in the western provinces and the apple growers in the east.

I would like to take this occasion to express the sincere thanks of the fruit growers of the Cornwallis-Annapolis Valley for the promptness with which the federal Government and the provincial Government sent representatives to the scene of the disaster last fall when Hurricane "Edna" struck the Maritime district, ruining a large percentage of the apple crop. These experts sent by both Governments quickly assessed the serious losses incurred and did their best to help. The day following the storm the minister for Nova Scotia was himself in the valley.

It is hard for me to explain to honourable senators what a great people, a wonderful people, these apple growers are. They were my constituents over a comparatively long time and still are. God bless them all. I only wish that you could see how they took this terrible disaster. Many growers are going to find it difficult to finance the production of a quality crop this year because of the

loss of last season's crop. It costs a lot of money to grow a crop of fruit, and to have it wiped out overnight means a serious loss to those people, but somehow they have a way of making the best of things and even now they are beginning to plan for the production of an even better crop than last year, if that is possible.

One reason why the loss was so quickly assessed and dealt with so far as our Government felt that public funds could be used, was that our authorities had a most efficient committee to handle the matter, of which the honourable senator from Milford-Hants (Hon. Mr. Hawkins) was chairman.

With an increased home market and our main market in Britain again open to us, I believe that there is an encouraging outlook for orchardists who will produce best quality dessert fruit by adopting the most improved scientific methods, by always remembering to keep costs to the minimum and by marketing so as to return to the growers the largest percentage possible of the consumer's dollar.

F.A.O., or the Food and Agriculture Organization, has stated that although for the second season in succession world food production has continued to rise faster than the increase in population, yet we have continued shortages and widespread malnutrition in some regions, with surpluses in others. Canada has undoubtedly done well and accomplished much by assistance through the Colombo Plan, and we are pleased to hear there is a suggestion that our aid will be increased to assist countries, mainly in South-East Asia, where not sufficient food is produced to feed their people. I do hope that this most beneficial aid that is being given through the Colombo Plan may be increased by sending our trained and practical men to the extent that their valuable services can be used to advantage, and by sending equipment required to help these people provide themselves with the staff of life. Let us continue, and even speed up, this good work. Places nearer home, in the Caribbean area, could be helped under a Colombo Plan to remain free of communism.

I cannot think of a more effective means of keeping communism from spreading further than by providing, in co-operation with the churches, favourable conditions which would give the people of the free nations who need assistance a new hope and faith in the future. I would do even more, if a practical method of doing it could be found. The nations that have surpluses, and can afford the expense, should sell those surpluses, at prices which the recipients could afford to pay, to countries where there are undernourished people. In some cases it might be necessary to make an outright gift of food. The United States has already adopted this course to a limited extent.

In adopting this policy, the free nations possessing surpluses would not only be doing something humane and practical in the fight against communism but would be helping their primary producers in the marketing of their surplus products. I must admit that I do not know all the objections—if there are real honest objections—to such a scheme, yet I cannot but think that we should give earnest consideration to this plan. Some of our people have suggested that we do even more, and I think we should honestly consider what they propose, namely, that those members of NATO which can possibly do so, now that some reduction of their defence expenditures seems feasible, should take at least part of the money thus saved, and use it to increase the amount made available under the Colombo Plan, with the hope that the discouraged view of life which is fostered by undernourishment, idleness and depraved conditions will be more speedily reduced.

Those of us who believe that this last suggestion merits serious consideration are not actuated wholly by unselfish motives, for we, with many others, though we would enjoy a speedy reduction of taxation, feel that it might bring a larger and more permanent reduction in taxes, even though delayed, if the money were used to do all that may be practical in arresting the further spread of communism and in making it possible for those nations that are in danger of losing their great freedoms, not only to successfully resist this menace, but to more speedily improve their standards of living. Although, as the honourable Leader of the Government (Hon. Mr. Macdonald) said here on Wednesday last, our defences must be kept strong, we cannot defeat communism by arms alone.

There are a couple of other items to which I wish briefly to refer and which I did not include when dictating the contents of this talk. With the permission of honourable senators I will mention them at this point.

First, the rearming of Germany. I realize that this matter will be discussed in detail here tomorrow, but as I am on my feet perhaps I may express in a very few words, and without arguing for or against the proposals, my feelings concerning it. I believe, honourable members, that although we fear in some degree the rearming of Western Germany, we would have even more cause to dread the consequences of not having a rearmed Germany. Therefore I shall follow the advice of the minister and of those who have given more study to the problem than I have, and vote for the Paris Agreements.

As regards the other item, that of the dominion-provincial agreement, I would like to take this opportunity to congratulate the Prime Minister and his colleagues upon the seemingly very fair and impartial temporary solution of the vexed and delicate federal and provincial income tax problem. Honourable members appreciate, as I do, that it was not easy to find an alternative to the federal and provincial income tax agreement to which nine provinces have consented, and which one of our larger provinces has felt it cannot accept. A method had to be found whereby no province would be unable to share the wealth given to other provinces; yet it was necessary to have a solution which, while as generous as possible to the provinces, would not cripple the resources of the national treasury.

I hope that after all our urgent demands, including further aid to the Colombo Plan, have been satisfied, it will not be long before the Government is able to take at least a first step to bring our income tax exemptions in line with those of Quebec. Also—if I may reiterate a hope I have expressed before on the floor of this house—I trust that our Postmaster General can arrange with the postal authorities of the United States to make uniform the postage rates, in respect both of air and land transportation, between the two countries. I am sure that no person would be more pleased if effect could be given to these two proposals than the Prime Minister and the Minister of Finance.

Leaders throughout Europe and the United States are saying encouraging things these days about our growing and progressive nation. Believe it or not, it is only in our own country that one finds pessimists taking the place of enthusiasts, at home and elsewhere, in their expressions concerning Canada and its future. An editorial in the London *Times* of September 11 last, under the title "Young and Lusty", notes that "the place of Canadian development during the past decade has been tremendous".

It seems to me that the record performance of our housing industry demonstrates our continued progress. The Minister of Public Works, who is also Minister of National Housing, reported in a year-end review that "New Housing Starts, in 1954, including conversions, will be between 110,000 and 115,000, and completions, between 104,000 and 108,000." This will represent a substantial margin of increase over any previous year in our history.

The present rate of starts is on an even higher level. If one allows for the average seasonal variation, it is in excess of 120,000 houses per year, or about 400 houses started every working day of the year. Starts of new dwellings in October alone last year numbered 12,600, an increase of 22 per cent over October the previous year. Besides the growth of population the continual rise in income among many of our citizens and the satisfactory supply of building materials, it would seem that some of the changes made in the National Housing Act last session are having a beneficial effect. At the end of last year there were 65,000 to 70,000 dwellings under construction, a considerable increase over the previous year's carryover. If no new commitments at all were forthcoming in 1955, we would still be assured of a larger number of new houses added to our stock than in any year up to 1946. Under the circumstances it is difficult to imagine anything but an increase in completions for this year. We are thankful to the banks that have approached the problem of establishing a sufficient number of homes for our people in a spirit of co-operation, and their entry into the mortgage field has provided a gratifying impetus to house building. We wish Dr. Bates, the new President of Central Mortgage and Housing Corporation, the continued success, of his predecessor in this very important work.

May I just take time enough to introduce another important problem; that is, how can more of our voters be encouraged to properly appreciate and accept their duty as good citizens in exercising their franchise, not only willingly, but at the same time help in keeping election expenses to the minimum?

This is a subject which it would be much easier to discuss if I were a member of another place; but I am discussing it here because I think it is most important that serious thought should be given to it now as there will likely be only two more sessions before the next general election. This will not allow more time than is necessary for a thorough study in committee and to have adequate amendments made to our act. I would like also to say that if any fault is found by anyone for my discussing this topic here, I shall have to take all the blame, as no one knew that I was going to say anything about it.

I am aware that some honourable members of the Senate and probably more of the other place will think that I am presumptuous in bringing this matter up in the Senate; but because of its great importance may I ask you and them to overlook my boldness and interest in a subject which more properly belongs in a House of Commons debate. There seems to be less found in *Hansard* under this topic than under other subjects of anything like its great importance.

Although there was keen interest taken in the issues of the last election campaign, it is

to be regretted that on the average more than thirty voters in each of every one hundred voters who had the privilege and duty to cast ballots, did not put first things first and vote. For all Canada the average percentage of electors on the list who voted was 67. In other words, 33 people out of every hundred who had their names on the list stayed away from the polls for one reason or another.

Those of you who have read about compulsory voting in Australia will know that the number of people there who do not vote because of illness or absence from the country amounts to 7, 8 or 9 per cent. This indicates that there is no known excuse for about 25 per cent of the eligible voters who do not turn out at the polling booths to exercise their franchise in this country.

The record by provinces of the percentage of electors on the list who voted is as follows: Ontario, 67; Quebec, 69; Nova Scotia, 72; New Brunswick, 78; Newfoundland, 57. I am sorry to say this is the lowest percentage in the whole country. Prince Edward Island is to be congratulated upon having had the largest turnout of any province, 83 per cent.

Hon. Mr. Grant: Hear, hear.

Hon. Mr. McDonald: If the other provinces had done as well as Prince Edward Island I would not be raising this question tonight.

The percentages in the remaining provinces were: Manitoba, 59; British Columbia, 65; Saskatchewan, 74; Alberta, 63; and the Yukon and Mackenzie River, 69. As I mentioned before, the average for the whole of Canada was 67 per cent.

More is being done by the press, radio and television than ever before to create an interest in public affairs, and they should be congratulated and thanked for the very competent work that was done by their personnel in the election campaign of 1953 as well as between elections. It is to be regretted that interest in political meetings is on the wane in many constituencies. Joint public debates used to be a most effective way of arousing the interest of voters.

Should not this study of civics be given more time and attention in our institutions of learning? Are our normal colleges and universities employing the most competent instructors in this all important subject of civics that treats of citizenship and the relations between citizens and the Government? Are our public schools instilling into the minds of our youth the interest and respect that they should have to enable them to become good citizens? I think that question has to be answered in the negative, for a recent poll disclosed that only one out of every three school children can name a single member of the Government and describe what his work is. A person cannot truly be said to be a good citizen if he or she does not take interest enough to become acquainted with public issues of the day and take advantage of their privilege and discharge their responsibility of exercising their franchise.

It seems to me that we could develop a greater interest in public affairs by having the Canadian Broadcasting Corporation record and broadcast at appropriate times the speeches of Government and Opposition leaders in important parliamentary debates. I hope the length of speeches will be reduced in another place by at least ten minutes, for it would be a mistake to broadcast too long speeches.

I would like to commend those responsible for televising the program when we had the privilege of hearing President Eisenhower in November 1953, and for televising the opening of this session of parliament.

We, as members of the Senate and Parliament, have a great responsibility in this matter of encouraging greater interest in public affairs if we are to deserve fully the respect and interest of the public. All honourable members, I feel sure, would agree that we should make certain that we are doing our full duty by helping to make the Senate an even more useful and democratic institution than it has been, if that is possible. But, I will not now take the time to repeat my views on this question, as I am already on record.

Much more could be said on how best to arouse greater interest in public affairs and in Parliament, but I trust that the suggestions I have made may encourage other honourable members to give us the benefit of their views on this important topic.

Now, honourable members, though time does not permit, and I would not wish to weary you with an exhaustive review of my reading and thoughts regarding the seemingly increasing cost of elections, and what if anything can be done to remedy the present unfortunate situation in far too many of our constituencies, I desire to say enough to encourage further discussion and, I hope, some action which will halt the increasing cost of elections, as noted from declared election expenses, which is the only source of information available, aside from hearsay or personal knowledge.

Although I cannot prove misuse of funds at election time, many candidates will frankly admit the high cost of elections, while others hesitate to do so. In too few cases election expenses have not increased. Many criticisms are heard from citizens who earnestly desire to arrest this evil, and they are asking if something cannot be done to assure us all

that future elections will be carried on without the expenditure of so much money and possibly the consequent transgression of the law. I would hope that more constituencies could follow the fine example set by some of our ridings in the last election, where, I am told, the minimum was spent for election purposes. If this could be done, more of our best citizens would be encouraged to take a greater interest in public affairs. This is a problem which Opposition parties are probably as anxious as we are to assist in doing everything that can be accomplished, and therefore they would be pleased to help make a thorough study of our Elections Act, with a hope that helpful amendments might be made.

After having first written this talk, in which I requested a study of the Elections Act, I was pleased to note that the Government had given Notice of Motion that the Standing Committee on Privileges and Elections be instructed to study the Act and suggest to the house such amendments as the Committee deems advisable. I am in hopes that these remarks of mine will help a little in bringing it to the attention of committee members that we are greatly interested in their important work, and I hope that after a very thorough study they may be able to suggest some adequate amendments to the Act which will ensure, as far as legislation can do so, that future elections will be conducted with expenditure of funds curtailed to legitimate purposes such as advertising, rentals of halls, the use of radio and television, etc.

The British North America Act created our Parliament by the simple assertion that:

> There shall be one Parliament for Canada, consisting of the Queen, an upper house styled the Senate, and the House of Commons.

Subsequent clauses of this Act established the privileges of the two houses; the number of members each was to have; the constituencies which were to return members for the first Parliament; the electoral machinery and franchise which were to be used until Parliament decided otherwise; and the officials who were to have charge of the machinery.

The British North America Act did little more than to establish our Parliament as a going concern, and arrangements for the first general election were made. But for all elections of the future the whole representative system, from the periodic adjustment of constituency boundaries to post-election trials for corruption at the polls, was provided for in terms which gave Parliament a wide discretion to alter it at will.

Professor Norman Ward, in his book *The Canadian House of Commons Representation,* states that the first few decades after Confederation were years of bitter struggle over election laws and that general reform of the electoral machinery in the public interest was a literal impossibility until well after the turn of the century.

A review of the reports of Special Committees appointed to study the Dominion Elections Act, with the co-operation of the former and present Chief Electoral Officers of Canada, shows that seemingly reasonably adequate provisions of the law have been recommended and adopted by Parliament for the correction of election abuses; but Mr. Ward states—"these provisions have been uniformly disobeyed". He further states—"the tale is one of quiet but thorough law-breaking in practice, and of genteel but persistent hypocrisy in utterance".

Although I have read everything that I can find dealing with registration and compulsory voting as it is carried on in the Commonwealth of Australia, where through compulsory voting legislation they have raised from 59 per cent to 91 per cent the number of enrolled voters exercising their franchise, it would seem to me that we should only adopt this principle of compulsion as a last resort, and only then with the unanimous agreement of all parties.

Probably honourable senators know that the first compulsory voting legislation was passed by the State of Queensland. The Australian federal Government passed a similar Act in 1924, and the last State of the Commonwealth of Australia to adopt the legislation did so during World War II.

I trust that we can make a determined effort to encourage larger numbers of our citizens to take a greater interest in public affairs, with the sincere hope that more and more in succeeding elections will willingly discharge their responsibility in exercising their franchise, and do it gladly without any special inducement, which tends to increase the cost of elections. Let us make certain again, after the latest experience which we have had, that the provisions of the Elections Act are adequate to meet the needs.

We certainly must realize that it would not be desirable for election expenses to become so large that only the more wealthy of our people could afford to be candidates, and without doubt it would not be in Canada's best interests to select our candidates from the class of people who have nothing to lose. We do not mean to exclude, of course, the occasional young man or woman who has not had tme since leaving school to engage in his or her profession for long, but who may

have other qualifications which would make such a person a very useful member of Parliament.

This plea has been made in the sincere belief that it is in the best interests of our nation, our constituents and candidates. What if it fails and nothing more can be done by legislation? Then I have enough faith in our people, when properly aroused to the danger, to correct it themselves, by parties getting together and determining to have their elections contested fairly and honestly, as should be done in any case, without being forced to do right by law. If there is abuse, it seems to me that one party is as much to blame as the other.

Realizing, as I am certain all members of Parliament do, how vital it is to retain this great freedom of the secret ballot, let us with renewed vigour endeavour to inculcate a greater patriotism in young Canada, so that our citizens will be glad to demonstrate their love and zeal for Canada by more and more of them showing an increased concern in matters of public interest, and showing that they are good citizens by going to the polls and without restraint voting for the candidates of their choice.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Horner, the debate was adjourned.

NORTHLAND INCIDENT

SURVIVAL OF ESKIMO PARTY

Hon. R. B. Horner: Honourable senators, may I call attention to a recent incident in our far northland which to me is one of the most amazing stories of survival I have ever heard. I refer to the nine Eskimos who were cast adrift on an ice-floe and without blankets or equipment survived for some seventeen days. Rescue planes flew back and forth across the area, but because of the fog no trace of the lost men could be found. They had been given up for lost when one day they walked into their own village.

To me this amazing story is proof of what strong and courageous men can do in the face of untold hardship. It is a lesson to us to face whatever we may be called upon to face, whether it be serious illness or great danger, with a calm and determined spirit. I pay tribute to the strength and courage of these men.

Hon. Senators: Hear, hear.

CRIMINAL CODE

JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW—SENATE MEMBERSHIP

The Senate proceeded to consideration of a message from the House of Commons regarding the appointing of a Joint Committee of both Houses of Parliament to inquire into and report upon the question whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries should be amended in any respect, and, if so, in what manner and to what extent.

Hon. W. Ross Macdonald moved:

That the Senate do unite with the House of Commons in the appointment of a Joint Committee of both houses of Parliament to inquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries, should be amended in any respect and, if so, in what manner and to what extent.

That the following senators be appointed on behalf of the Senate on the said joint committee, namely, the Honourable Senators Aseltine, Bouffard, Farris, Fergusson, Hayden, Roebuck, Veniot and Vien.

That the committee have power to appoint, from among its members, such subcommittees as may be deemed advisable or necessary.

That the minutes of the proceedings and the evidence of the special committee appointed last session to inquire into and report upon the foregoing questions, together with all papers and records laid before it, be referred to the said committee.

That the committee have power to print such papers and evidence from day to day as may be ordered by the committee for the use of the committee and of Parliament.

That the committee have power to send for persons, papers and records; to sit while the Senate is sitting and to report to the Senate from time to time.

That the committee have power to engage the services of counsel.

That a message be sent to the House of Commons to inform that house accordingly.

He said: Honourable senators will recall that at the last session of Parliament a joint committee of both houses was appointed to inquire into three branches of the criminal law, namely, capital punishment, corporal punishment and lotteries, and that that committee made considerable progress in its study of these three important subjects.

Assuming that the members of this house who served on the committee last session are again prepared to undertake the task, I think they should be reappointed to continue the studies undertaken by that committee. I have suggested that the name of Senator Vien be substituted for Senator Beauregard, who passed away during the recess.

I am very proud, honourable senators, that the Senate representation on this joint committee has been composed of outstanding men of wide experience.

Hon. Mr. Euler: And women.

Hon. Mr. Macdonald: I shall mention their names. The first is that of Senator Aseltine, who has had wide experience in the practice of law and for ten years was chairman of the Divorce Committee of this house. Senator Bouffard is an eminent counsel, a former Batonnier of the Quebec bar, and a man eminently qualified to serve on the committee. Senator Farris was at one time Attorney General of the province of British Columbia. I need not remind honourable senators of the numerous important cases in which he has appeared in Canadian courts, and the many occasions on which he has represented the Government and private clients before the Privy Council. Senator Hayden comes from Toronto, and is recognized as one of the leaders of the Bar in Ontario. He performed yeoman service for his country in connection with the revision of the Criminal Code. Senator Roebuck, who also comes from Toronto, has had an extensive practice in both civil and criminal law, and was for a number of years Attorney General of the province of Ontario. Another senator who served the committee last session was Senator Veniot, a doctor with a wide experience in medical practice. I am sure honourable senators agree that there should be a medical man on this committee. Senator Fergusson, who was at one time a practising lawyer, has in recent years headed the social service branch of the Government of New Brunswick. She brings with her a very wide experience.

The late Senator Beauregard was well known and highly respected as a member of the Bar of the province of Quebec, with an extensive practice in the city of Montreal. To replace him on the committee I am suggesting the name of another well-known senator from the city of Montreal, Senator Vien. For a number of years Senator Vien was a member of the House of Commons; he served for a time as Deputy Speaker of that house and later as Speaker of this house. He has practised law extensively in the city of Montreal, and has had wide experience in meeting the people of Canada.

As I have said, honourable senators, I am very proud of the representation that the Senate had on this joint committee last year. Indeed, I do not think it would be possible to draw from any other legislative body men and women of such high calibre. I have much pleasure in nominating them, together with Senator Vien, to serve on the joint committee this session.

I have just been reminded, honourable senators, that in my reference to the senators who served on the committee last year I overlooked the Honourable Mrs. Hodges. We in this house were justifiably proud of the fact that two of our lady senators were members of that committee. In the motion that has been handed to me tonight the name of the Honourable Mrs. Hodges has been omitted. She was a very faithful member of the committee.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: I do not need to recall to you her qualifications, for I mentioned some of them the other day when I congratulated her on the excellent speech she made in moving the Address in reply to the Speech from the Throne. To the list of members mentioned already may I add the name of Senator Hodges, and express my regret that it was omitted from the motion.

Hon. W. D. Euler: Honourable senators, I have no fault to find with what the Leader of the Senate has said with regard to the abilities of the senators nominated for this committee we are discussing. Last year I rose when a similar report was made because at that time, I think, it was not proposed to have on the committee a single lay member, if I may so describe anyone who does not belong to the legal profession. Among the members of the legal profession mentioned in the present motion are men of very great ability in the practice of law, and they did a splendid job last year as a subcommittee in dealing with the technicalities of the Criminal Code revision that was then before the Senate. But consideration of the subject-matter to be gone into by this proposed joint committee does not particularly require the knowledge and special ability that were so valuable on that subcommittee. The joint committee is being set up to deal with the question of corporal punishment, and the advisability of continuing or discontinuing the penalty of capital punishment, and also to consider whether we should permit the holding of lotteries or not. I contend that men and women of ordinary intelligence can deal with these things and that no special legal training whatever is necessary for the purpose.

Hon. Senators: Hear, hear.

Hon. Mr. Euler: I am not trying to get on that committee, by the way. My point is this, that while perhaps there should be some lawyers on the committee, I do not think lawyers have as good qualifications for a consideration of these questions as have ordinary men and women possessed of plain common sense. I do believe that this committee might very well be composed of a little larger admixture of just ordinary fellows, like the senator from Blaine Lake (Hon. Mr. Horner) and others who are not members of the legal

profession. It requires, let us say, just moral sense or common sense to decide whether this country should continue to provide in its Criminal Code the penalty of capital punishment, and whether we should permit the holding of lotteries.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: Honourable senators, may I be permitted to ask a question of the Leader of the Senate (Hon. Mr. Macdonald). Was an interim report issued by the committee at the close of last session? Most committees that suspend their inquiry at the end of a session and are likely to be set up again in the following session, make an interim report. My question is: Was any interim report made by this committee?

Hon. Mr. Macdonald: Honourable senators, my understanding is that an interim report was made by the committee. and that one of its recommendations was that the committee should be set up again this session in order to continue its work, as it had not sufficient time to hear all the evidence. It is for that reason I am suggesting the committee should be set up again this session.

Now, whether my staff is working properly or not, I must assume the blame for another omission. I have now been informed that Senator John McDonald was also on the committee last session. He is a layman who has had wide experience in public affairs. Before coming to this house he was a member of the Legislature of Nova Scotia and a minister of the Crown in that province. So, if I may be permitted to add his name to the list of names that I have mentioned, I will do so. I am very sorry indeed that I did not have this information before I came into this chamber.

Hon. Mr. Reid: It is getting better all the time.

Hon. Mr. Macdonald: This appointment might very well overcome Senator Euler's objection.

Hon. John T. Haig: Honourable senators, my honourable friend from Waterloo (Hon. Mr. Euler) objected because there were not a larger number of laymen on the committee. It is bad enough not to be on the committee if you are a layman, but when you are a lawyer and not on the committee, it is much worse. I am a lawyer with fifty years' experience, yet I do not rate a place on that committee. I must say that it has got to be pretty bad when a man who has been a lawyer so long cannot even be recognized, in a place where he has been for twenty years, as a potential member of this committee. If it had not been for the remarks made by the honourable member from Waterloo (Hon. Mr. Euler), I would not have drawn the attention of honourable senators to the fact that I did not "make" the committee. My experience of a little over fifty years in the legal profession does not even give me a chance to rank with a possible layman committee member.

Hon. Mr. Euler: Let me ask my friend a question: Does he think that because a man has had twenty-five years' or even fifty years' experience as a lawyer he is any better qualified to decide whether Canada should continue to have the penalty of capital punishment, and whether the holding of lotteries should be permitted? It is purely a matter for laymen.

Some Hon. Senators: Hear, hear.

Hon. Mr. Haig: The honourable senator from Toronto (Hon. Mr. Hayden), as able a lawyer as I have ever known, was on the committee that revised the Criminal Code, and gave evidence there of his extremely keen legal mind.

Hon Mr. Euler: Right.

Hon. Mr. Haig: He knew the legal points involved.

Not far behind him in this respect was the honourable member from Toronto-Trinity (Hon. Mr. Roebuck). Though as a rule I do not agree with him, I concede his very great ability. But I do not think there is anything purely legal involved in the consideration of whether capital punishment should be retained or lotteries legalized. When the findings of the committee are presented to this house they will, no doubt, produce a violent discussion. For quite a while I was a member of the Divorce Committee, and, except on technical points, I would just as readily accept the judgment of my lay associates as I would the opinions of any lawyer who might participate in the committee's discussions. The fact is that laymen play a very important part in our jurisprudence. When the life of a man is at stake, and on many other grave issues, the decision is made by a jury of twelve men, or of men and women—

Hon. Mr. Aseltine: Who are not lawyers.

Hon. Mr. Haig: Certainly, who are not lawyers. Not one is a lawyer. But it is on their judgment that lives and liberties depend.

Unlike my honourable friend from Waterloo (Hon. Mr. Euler), I have a great respect for lawyers.

Hon. Mr. Euler: I rise to a point of order.

Hon. Mr. Haig: I think lawyers contribute something because of their professional experience.

Hon. Mr. Euler: I would like to correct my friend. I said nothing at all derogatory of lawyers; in fact, I appraise them very highly. I only contended that they have no special qualifications for this particular job.

Hon. Mr. Haig: I am not so sure of that.

Hon. Mr. Euler: You said so yourself.

Hon. Mr. Haig: There are in my city, and no doubt elsewhere, quite a few prosecutions in connection with lotteries. Lawyers are engaged in all these cases, and their knowledge of what causes people to participate in lotteries is helpful in any consideration of the subject. However, under our jurisprudence, the final decision on these questions is made by laymen, and I do not think that we should admit technicalities in a consideration of these matters in the Senate, of all places. I notice that the honourable senator from Inkerman (Hon. Mr. Hugessen), who is reputedly a lawyer of very high standing, is not on the committee. Perhaps he has been absent too frequently of late, but I feel better because of his exclusion, since I also have not found a place on the committee.

Hon. Mr. Hugessen: Neither my honourable friend nor I is a criminal lawyer. That is why.

Hon. Mr. Haig: "Criminal lawyer", or acting for criminals?

Hon. Mr. Hugessen: I leave that to the imagination of my honourable friend.

Hon. Mr. Haig: My honourable friend spoke of "criminal lawyers". I hope they are not that bad!

Hon. Mr. Euler: They have not been found out!

Hon. Mr. Haig: If I were Leader of the Government I would put half a dozen laymen on this committee, but no more lawyers. I would leave off the list the honourable senator from Inkerman (Hon. Mr. Hugessen) and myself. I say this with all due respect. I know my profession very well. For a good many years I have made enough out of it to provide me with three meals a day. I recognize the fine character of the men and women in the legal profession and the tremendous contribution they make to the life of our country. Frequently in our city, and no doubt elsewhere, they are chosen to be candidates for public office, chiefly because they possess a training which some others may not have had. But the issues before us, and on which we should rely upon lay opinion, are, first, shall we approve of lotteries or shall we not; second, shall we retain capital punishment, or not? And there is a third question.

Hon. Senators: Corporal punishment.

Hon. Mr. Haig: One does not need a lawyer to determine the pros and cons of corporal punishment. On the two other questions the legal viewpoint might be of value.

I did not get up to make a long speech, but I wanted the house to know I realize that I have been passed over in the appointments to this committee.

Hon. Mr. Quinn: You were not. You are on it *ex officio*.

Hon. Mr. Haig: At least I have brains enough to know that I have been passed over. Sometimes, when this happens to a man, he does not know it. But, having no responsibility for the appointments, I can speak without bias, conscientiously, and with no personal feeling.

Hon. Mr. McDonald: I thank the honourable leader (Hon. Mr. Macdonald) for having suggested that my name be placed on this very important committee. I appreciate the honour very much, but I would ask to have my name withdrawn, and, perhaps, that of some other layman substituted.

Hon. Mr. Macdonald: Honourable senators, in reply to the honourable Leader of the Opposition (Hon. Mr. Haig), may I say that last year the members of this committee conducted their work very faithfully and took it very seriously. I have not the record before me, but I know they met on many occasions. They got a little more than half way—probably two-thirds of the way—through their deliberations; and my suggestion to the house is that this committee as already constituted, with Senator Vien replacing the late Senator Beauregard, should be allowed to finish its work. I think it is far better that the same members continue with and conclude their program than that,

now they are two-thirds of the way through, a new committee should be substituted.

May I add that the name of the honourable leader of the Opposition was not included this year because, he may remember, he suggested last year that his desk-mate, the honourable senator from Rosetown (Hon. Mr. Alsetine), should take his place. I accepted his suggestion, as I accept all his suggestions, very gladly, and the name of the honourable senator from Rosetown appears in the list before the house this year. So, to conclude, and in spite of what has been said, I am of the opinion that the committee of honourable senators which started its work should be allowed to finish its work.

Some Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: I would amend my motion by moving:

That in addition to the senators named in the motion the Honourable Senators Hodges and McDonald be appointed on behalf of the Senate on the said joint committee.

The Senate representatives on the joint committee would then be the Honourable Senators Aseltine, Bouffard, Farris, Ferguson, Hayden, Hodges, McDonald, Roebuck, Veniot and Vien.

The amendment was agreed to, and the motion as amended was agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, January 26, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PRIVATE BILL

HURON AND ERIE MORTGAGE CORPORATION—REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill G.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (G), intituled: "An Act respecting The Huron and Erie Mortgage Corporation", have in obedience to the order of reference of January 19, 1955, examined the said bill, and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Euler: With leave of the Senate, I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

Before the Orders of the Day:

Hon. Mr. Roebuck: Honourable senators, at this stage may I ask if the house would proceed now to item No. 7 on the Order Paper, for consideration of a number of reports of the Divorce Committee? My request is out of the ordinary, but I have a reason for making it.

The Hon. the Speaker: Is the house agreeable to the honourable senator's request?

Hon. Senators: Agreed.

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 17 to 61, dealing with petitions for divorce.

Hon. Mr. Roebuck moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck: Honourable senators, I now wish to present the following bills, founded on these reports which we have just concurred in:

Bill T, an Act for the relief of Maxine Samuels Resseguier.

Bill U, an Act for the relief of Ginette Monique Cornu Lebegue.

Bill V, an Act for the relief of Eugen Hartberg.

Bill W, an Act for the relief of Joseph Pierre Emile Jasmin Rheaume.

Bill X, an Act for the relief of Elizabeth Jane Marcelin Belanger.

Bill Y, an Act for the relief of Hugh McCrone Dunsmuir.

Bill Z, an Act for the relief of Hazel Winifred Edwards Welcher.

Bill A-1, an Act for the relief of Joan Audrey Baur Walker.

Bill B-1, an Act for the relief of Pauline Alice Leduc Sponagle.

Bill C-1, an Act for the relief of Lillian Greenberg Seligman.

Bill D-1, an Act for the relief of Marie Antoinette Demers Vigeant.

Bill E-1, an Act for the relief of Yoneyuki Watanabe.

Bill F-1, an Act for the relief of Leslie Sutcliffe.

Bill G-1, an Act for the relief of Rita Ursule Labadie Huot.

Bill H-1, an Act for the relief of Evangeline N. Rodinos Zolotas.

Bill I-1, an Act for the relief of Maria Lutz Kaczmarek.

Bill J-1, an Act for the relief of Clare Taylor Belanger.

Bill K-1, an Act for the relief of Jean Claude Robitaille.

Bill L-1, an Act for the relief of Ida Meitin Wooden.

Bill M-1, an Act for the relief of Fleur-Ange Francoeur Therrien.

Bill N-1, an Act for the relief of Maria Christina Vettore Austin.

Bill O-1, an Act for the relief of Roland Lefebvre.

Bill P-1, an Act for the relief of Augustine Denonville Leclere.

Bill Q-1, an Act for the relief of Mary Theresa McSheffrey Richard.

Bill R-1, an Act for the relief of Pierrette Marsan Short.

Bill S-1, an Act for the relief of Greta Irene Kokko Marchand.

Bill T-1, an Act for the relief of Yolande Segatore Grandillo.

Bill U-1, an Act for the relief of Annie Laker Gillen.

Bill V-1, an Act for the relief of Juliette Bertha Langlois Miller.

Bill W-1, an Act for the relief of Arthur Johnston.

Bill X-1, an Act for the relief of Bela Antal Kelecsenyi.

Bill Y-1, an Act for the relief of Joseph Roger Gerard Doucet.

Bill Z-1, an Act for the relief of Elsie Amelia Armistice Wood Lavoie.

Bill A-2, an Act for the relief of Joseph Rene Romeo Lafrance.

Bill B-2, an Act for the relief of Gweneth Leslie Clarke Atkinson.

Bill C-2, an Act for the relief of Muriel Claire Wilson Hart.

Bill D-2, an Act for the relief of Violet Doris Hubbard MacGregor.

Bill E-2, an Act for the relief of Christina Mellis Campbell Squires.

Bill F-2, an Act for the relief of Katharine Hamilton Ellis Bishop.

Bill G-2, an Act for the relief of Sheila Kathleen McNaughton Best.

Bill H-2, an Act for the relief of Pearl Mendelson Markus.

Bill I-2, an Act for the relief of Mary Leona Dalton Dawe.

Bill J-2, an Act for the relief of Ethel Tietlebaum Segal.

Bill K-2, an Act for the relief of Sheila Mary Power Stone.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

TRANSCONTINENTAL RAIL SCHEDULES

INQUIRY

Hon. Thomas Reid: Honourable senators, before the Orders of the Day are called, may I direct a question to the Leader of the Government in the Senate?

According to a dispatch which appeared in the Ottawa *Journal* last evening, it is the intention of the Canadian Pacific Railway to reduce the travelling time on passenger trains from Montreal to Vancouver by sixteen hours, and from Vancouver to Montreal by some twelve and a half hours. My question is: Is it the intention of the Canadian National Railways to do likewise?

Hon. Mr. Macdonald: Honourable senators, probably the honourable senator from New Westminster (Hon. Mr. Reid) did not read the press dispatch as carefully as I did, or I may have read into it something it did not say, but my recollection is that it stated the Canadian National was reducing its travelling time accordingly. However, I shall look again at the article and find out which version of it is correct.

Hon. Mr. Reid: Assuming the honourable Leader's version is correct, may I ask this further question: If it is possible to reduce the travelling time from Montreal to Vancouver by sixteen hours, why is it possible to reduce the return trip by only some twelve hours?

Hon. Mr. Macdonald: I am not an engineer, and am not qualified to answer that question. Perhaps the railways know the answer.

FEDERAL REPUBLIC OF GERMANY

MOTION FOR APPROVAL OF PROTOCOL ON ACCESSION TO NORTH ATLANTIC TREATY —DEBATE ADJOURNED

Hon. W. Ross Macdonald: Honourable senators, because the subject on which I am about to speak is an important and intricate one, involving a number of agreements, I would crave the indulgence of the house to allow me to stay rather close to my notes.

Honourable senators, this afternoon I wish to move, seconded by my desk-mate, the honourable senator from Montarville (Hon. Mr. Godbout), the following motion:

Resolved—That it is expedient that the houses of Parliament do approve the protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, signed by Canada at Paris on October 23, 1954, and that this House do approve the same.

This, in my opinion, is one of the most important matters and undoubtedly one of the most vital international questions which have come before this house since the cessation of hostilities in 1945. I ask your support of this motion because I believe that the effect of the carrying out of the related agreements which were worked out at the London and Paris meetings last autumn is more likely to bring about lasting peace than any other method which has been suggested for dealing with the complicated international problems—more particularly as they affect the continent of Europe.

Honourable senators are acquainted with the North Atlantic Treaty Organization, commonly known as NATO, which is an

organization of democratic countries along or near the Atlantic—an organization of these countries for defensive purposes and also having non-military aspects. We take NATO for granted these days, but we are apt to forget its origin.

I am sure that everyone is familiar with the quotation "A prophet is not without honour save in his own country". Indeed, Canadians are prone to look abroad either to America or Great Britain for leadership in international affairs. But I would remind members of this house that it was none other than our own Prime Minister, the Right Honourable Mr. St. Laurent, with his characteristic clairvoyance, who first envisaged the North Atlantic Treaty Organization.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: You will recall the reluctance of Russian representatives at the United Nations to approve enforcement provisions for policing decisions of that organization. Mr. St. Laurent was the first to point out that defensive alliances among member nations of this world group would not only be possible within the framework of the United Nations, but would probably become both desirable and necessary. Speaking on behalf of the Canadian Delegation at the General Assembly on September 8, 1947, he said:

> Nations, in their search for peace and co-operation, will not and cannot accept indefinitely an unaltered council which was set up to ensure their security, and which, so many feel, has become frozen in futility and divided by dissension. If forced, they may seek greater safety in an association of democratic and peace-loving states willing to accept more specific international obligations in return for a greater measure of national security. Such associations, it has already been pointed out, if consistent with the principles and purposes of the charter, can be formed within the United Nations. It is to be hoped that such a development will not be necessary. If, it is unnecessary it will be most undesirable. If, however, it is made necessary, it will have to take place.

On a subsequent occasion Mr. St. Laurent stated as follows:

> The best guarantee of peace today is the creation and preservation by the nations of the free world, under the leadership of Great Britain, the United States and France, of an overwhelming preponderance of force over any adversary or possible combination of adversaries. This force must not be only military, it must be economic; it must be moral.

Of course, those opposing the formation of the new Atlantic Union pointed to it as evidence of failure by the United Nations and urged that to adopt this measure would be to undermine the World Organization, and that within its framework alone should be preserved the freedom of all nations, that is, within the framework of the United Nations. How wrong they were and how right Mr. St. Laurent! Without this bulwark of defence put up by the members of the North Atlantic Treaty Organization, we might have already experienced domination and possible annihilation by the forces of evil aligned against us.

I am sure I shall be forgiven if I digress momentarily at this time to remind you of the magnificent contribution made by the Minister of External Affairs, the Honourable Mr. Pearson, both as President of the United Nations and as spokesman for Canada in the councils of the world. As the honourable the Leader of the Opposition (Hon. Mr. Haig) pointed out so recently, Canada can make a worthwhile contribution in resolving international differences because, of all nations, we have neither an axe to grind, nor territorial demands. Mr. Pearson, speaking for Canada, has succeeded in making our position clear, and deserves our complete confidence and gratitude.

It is also with pride that I refer to the splendid role played by the Honourable Paul Martin as leader of Canada's delegation at the United Nations during the past year. I am sure that his plea for disarmament and his active support of his "atoms for peace" program has fired the imagination of everyone in this chamber and that he deserves the highest commendation for his contribution to a lasting and long-sought peace for mankind.

But now to return to consideration of the matter before us.

A few years ago it was felt that another organization, not entirely apart from and certainly in co-operation with NATO, should be set up. I refer to the European Defence Community, commonly known as EDC. As its name implies, this was intended to be an organization of continental European countries banded together primarily for their own defence.

Honourable members of the Senate will recall that in 1952 the Parliament of Canada considered and approved a protocol to the North Atlantic Treaty extending to the members of the proposed European Defence Community the guarantees of mutual assistance contained in the treaty. At that time the Senate was given an opportunity to examine the important issues involved under the EDC arrangements for associating the Federal Republic of Germany and Italy with the West, and in particular the implications for Canada of approving the protocol to the North Atlantic Treaty then before the Senate. That was an important step for Canada to take, not only because it would have extended the area of our commitments under NATO but because it implied Canadian support for

the EDC approach to the problems of European unity and defence. The United Kingdom did not agree to be a party to this organization. France also hesitated; and you will recall that last fall, when it was proposed that Germany should be rearmed and become part of EDC, France refused to go along with that proposal, and the protocol, which was approved in June 1952, never came into force. The free world was greatly alarmed and feared for any effective defence of Europe, and in certain quarters it was seriously proposed that the United States of America should "go it alone". This course I think we all feel, would have been most undesirable and unsatisfactory even if it could have been effective.

Uppermost in our minds was the danger that impatience and misunderstanding of France's position on the part of her allies might have lead to separate direct arrangements with the Federal Republic, excluding France. In addition the possibility existed that in the Federal Republic the fruits of Chancellor Adenauer's successful efforts to encourage a wide measure of support for his policy of friendly co-operation with France and other free European nations might give way to a narrow nationalist outlook and general cynicism. Here on this continent disappointment was coupled in the minds of some with a growing attraction towards either continental or bilateral defence arrangements stemming from belief that North American defences would of themselves suffice to protect our security and permit an almost exclusive reliance on the concept of massive retaliation.

These dangers—and they were real dangers—accompanied the demise of EDC and threatened the very existence of NATO. In such a perilous situation, Canada welcomed the initiative taken by the United Kingdom whose refusal to join the EDC had increased French unwillingness to accept the treaty. It was with a profound feeling of admiration and kinship in a common cause that we in Canada followed the untiring efforts of the United Kingdom Foreign Secretary, Sir Anthony Eden, as he mustered support in the main European capitals for a new approach to the problems arising from the failure of EDC.

In the latter part of September of last year the countries signatory to the proposed EDC, along with the United Kingdom, the United States and Canada, met in conference at London and worked out the broad lines of an agreement for associating the Federal Republic of Germany with the Western Community on a basis of equality. This conference also proposed measures to unify the European democracies and to build up a defensive structure in which all these democracies would share. These agreements were later worked out in detail and were subsequently signed in Paris on October 23, 1954.

The protocol which is before the Senate for approval is one important element in this general settlement, all parts of which are inter-related. They may be divided into four main groups: a group of four-power agreements concerning the restoration of sovereignty to the German Federal Republic and providing for the presence of foreign forces in the Federal Republic; a group of seven-power agreements providing for the reconstitution of the Brussels Treaty Organization to include the Federal Republic of Germany in a Western European Union; a NATO protocol providing for the admission of the Federal Republic and resolutions designed to strengthen the NATO structure; and a Franco-German agreement on the Saar.

May I point out some of the main features of these agreements.

First, it should be noted that the Federal Republic of Germany functions as an equal partner in the Western coalition but, I would emphasize, that this does not preclude the eventual unification of Germany. In fact, the NATO members subscribed to the following:

> A peace settlement for the whole of Germany freely negotiated between Germany and her former enemies, which should lay the foundation of a lasting peace, remains an essential aim of their—that is, the three powers'—policy. The final determination of the boundaries of Germany must await such a settlement.

And further:

> The achievement through peaceful means of a fully free and unified Germany remains a fundamental goal of their policy.

I am sure honourable senators would agree that this statement of policy provides a firm response to any who may maintain that, in their efforts to bring the Federal Republic into the Western Community, the Western powers have lost sight of the ultimate aim of unification and a peace treaty for Germany. As I shall point out later, the other members of NATO subsequently associated themselves with this declaration, which also dealt with other important points of substance.

Secondly, the agreements actually provide for a moderated version of the structure based on the Brussels agreement of 1948. When these agreements go into effect we shall have what will be known as the Western European Union and for abbreviation, referred to as WEU. This will include the members of the

Brussels organization, namely, the United Kingdom, France, Belgium, The Netherlands and Luxembourg, to which will be added Italy and the Federal Republic of Germany. One of the main differences is that the United Kingdom is included in the Western European Union and that she has pledged herself to provide an army of four divisions and the second tactical air force on the continent of Europe for another forty-four years.

The Council of WEU will sit in London, and the Armament Control Agency in Paris, where it will work in close co-operation with the NATO Secretariat and, for carrying out its duties, will use, to the greatest possible extent, NATO personnel.

I should now like to refer specifically to the right of Germany to rearm, and to point out the manner in which it is limited and controlled. It was proposed under EDC and it is agreed under WEU that Germany is to be permitted to have a maximum number of 500,000 men under arms and these are to be organized into not more than twelve divisions. Her air force power is to be defensive only and is to consist of 1,350 fighter aircraft. This number cannot be increased without the unanimous consent of WEU.

These forces of the Federal Republic of Germany when constituted are to be brought under the Supreme Allied Commander in Europe known as SACEUR and are to be integrated into the NATO forces. Contrary to what has been suggested in some quarters, there is to be no separate national army apart from NATO and I shall repeat, no separate German army apart from that which will be under the Supreme Allied Commander in Europe. Germany will also be dependent on NATO for what is known as logistic support, which includes such vital things as fuel, pipelines, transportation, communication facilities and airfields.

There is also a provision which prohibits Germany from manufacturing certain weapons of war, such as atomic, biological or mechanical weapons, nor are they permitted to manufacture long-range aircraft and guided missiles, mines, large warships and bomber aircraft and these provisions cannot be changed except on the request of the Supreme Allied Commander in Europe and approved by a two-thirds majority of the Western European Union Council. There is also a provision for inspecting the national plants.

It will thus be seen that an effective system of armament control has been set up within the Brussels Treaty but at the same time making the most effective use of the NATO machinery which, as I shall explain later, has been considerably strengthened to buttress and supplement the control measures under the Brussels Treaty. Together the arrangements under both treaties provide pretty substantial safeguards against independent military action on the part of Germany, whose rearmament has awakened so many vivid and recent memories of the Hitler war. On the other hand, one must not forget that German rearmament is a normal development in the resumption of sovereignty. It is much better that it take place in the West—it has long been in existence in the Russian-controlled zone of Germany—under controls which are found in these agreements. In this connection, we cannot fail to recognize the crucial importance of the historic commitment on the part of the United Kingdom to retain on the continent of Europe during the duration of the Brussels Treaty the present effective strength of its land and air forces stationed there—four divisions and the Second Tactical Air Force. This undertaking, combined with the Federal Republic's self-denying ban on the production of atomic, biological, chemical and certain heavy weapons and the French decision to agree to German membership in NATO, decisions all involving important sacrifices of national prerogatives, helped to make agreement possible.

You may ask what effect these new NATO measures will have on Canadian forces in Europe and, even more important what the effect will be upon our existing commitments of the entry of the Federal Republic of Germany into NATO, the protocol concerning which the house is being asked to approve. On the first point, I think I can say with some assurance that none of the measures for strengthening SACEUR's powers and for increasing the mutual inter-dependence of forces is likely to make any difference to Canada in practice. The 1st Canadian Infantry Brigade in the Federal Republic is already closely integrated within the British Army of the Rhine, and the 1st Canadian Air Division within the 4th Allied Tactical Air Force along with United States and French Units. Furthermore, it has always been assumed that our units would be subject to this overall authority in military matters and that any movement of our forces would take place as part of agreed NATO strategy. It is most unlikely that we would have ever contemplated using these forces without consulting NATO.

With respect to the second question, I might explain that the situation as far as Canada is concerned is similar to that which arose in June 1952, when the Senate approved the NATO protocol extending to all members of EDC the assistance guarantee of the North Atlantic Treaty. At that time it was pointed

out that, since the Federal Republic was the only member of the EDC not a member of NATO, the effect of the protocol was to extend the obligations which Canada had undertaken under the North Atlantic Treaty to the Federal Republic of Germany. It was emphasized, however, that the extension of our obligations was more theoretical than real, because under article 6 of the North Atlantic Treaty we were already under an obligation to come to the assistance of the NATO forces stationed in the German Federal Republic. If that protocol had come into effect it would have extended that obligation to include an attack on the Federal Republic itself. Similarly, in this case, by approving this protocol, Canada will have, when it comes into force, an obligation beyond those previously existing by virtue of article 6, in that we shall be committed to treat as an attack on Canada any attack on the territory of the Federal Republic of Germany.

In addition to the obligations it will assume as a member of NATO, the German Federal Republic, in a special declaration made by Chancellor Adenauer at the London Conference, has solemnly undertaken to conduct its policies in accordance with the principles of the United Nations Charter, although it is not at present a member of the United Nations, to refrain from any action inconsistent with the strictly defensive character of the North Atlantic and Brussels Treaties and—this is important—never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the German Federal Republic. These are reassuring promises on the part of the young German Republic with which Canada has entered into increasingly close and friendly relations in recent years. They are promises which, on the basis of our experience with the only freely-constituted government of Germany, we have reason to expect will be kept. They are promises, moreover, which have been underwritten by the Three Occupying Powers, by their declaration at the London Conference, and by the other NATO countries, including Canada, by their resolution of association adopted later in Paris. The relevant section of the three-power declaration is as follows:

> They (i.e. the three powers) will regard as a threat to their own peace and safety any recourse to force which in violation by the principles of the United Nations Charter threatens the integrity and unity of the Atlantic Alliance or its defensive purposes. In the event of any such action, the three governments, for their part, will consider the offending government as having forfeited its rights to any guarantee and any military assistance provided for in the North Atlantic Treaty and its protocols. They will act in accordance with article 4 of the North Atlantic Treaty with a view to taking other measures which may be appropriate.

This, honourable senators would, I think agree, is a clear warning to all the members of NATO including the Federal Republic that if any party to the treaty violates its defensive undertakings, or takes any steps to alter by force the present boundaries of any member of the alliance or modify the present situation, it would forfeit any benefits or any assistance it is entitled to under the North Atlantic Treaty.

In addition to the two points I have just covered, I think I should make it clear to the honourable senators—and this is a very important matter, upon which I have been questioned, from time to time, outside of this house that the Canadian Government did not undertake, at either the London or the Paris meetings, any new commitments to keep Canadian forces in Europe at any given level or for any given period.

As I mentioned earlier, the agreements, resolutions and declarations of policy constitute one settlement and it is difficult to divorce any part from the whole, for virtually all are interrelated. There is another outstanding issue which was resolved in Paris, and because of its crucial importance to the position of France and the Federal Republic as parties to all the other agreements must be considered as an integral part of the settlement as a whole, although it was not formally on the agenda of the London or Paris meetings. I refer to the Franco-German agreement on the Saar, which was finally concluded only a few hours before the other agreements were signed in Paris. The problem of this territory, which has been for so long the source of differences between France and Germany, can now be settled, I sincerely trust, to the satisfaction of both countries and the benefit of the territory itself. At the moment there is evidence to suggest that some further clarification of the views of the two governments directly concerned is required, but I have confidence that the spirit of amity and understanding which characterized the London and Paris meetings will continue to prevail and bring about a final meeting of minds on this question.

Now, honourable senators, I know that it is very difficult for many of us to contemplate a rearmed Germany. Those of us who served in either or both of the last two World Wars know what hardships were inflicted on the great mass of the people, and of the pain and suffering which many of our comrades underwent, and the loss of loved ones which many suffered through the ruthlessness of the German war lords. On the other hand, we know that this type of German is not the average German citizen, but rather

of the nature of the Germans who have immigrated to Canada and whom we count amongst our most worthy and loyal citizens. We all have friends of German extraction and we know them to be of the highest integrity, of great industry and men whose words are as good as their bond. Given the proper leadership, I am confident that the young men and women in Germany will develop into the same type of citizen as their countrymen have become in Canada. That must be our aim if we are to have peace in the world. That aim cannot be attained if we allow a condition to prevail in that country which will be increasingly resented by and unfriendly to the Allied nations.

I am convinced that the alternative to rearming Germany can only result in complete disaster to those whose aim is universal peace. It is impossible under present circumstances to keep Germany disarmed and neutralized for ever. The Germans are a dynamic, powerful and proud people numbering 50 million, in the heart of Europe. The suggestion that they should be kept disarmed and neutralized for ever is completely impractical. The present occupational arrangements cannot continue for ever. On the contrary, to give her unconditional sovereignty at the present time might be disastrous, but to admit her into the Western European Union and to the Atlantic system under the provisions and limitations which I have set forth is the best possible means of having her as one of our allies. In this manner we accept her into the society of free democracies, where she rightly belongs, instead of driving her into the communistic camp, which is contrary to her natural philosophy. Proof of her feeling in this regard is seen in the fact that in the recent elections in West Germany the Communists polled only 2·7 per cent of the total vote.

Honourable senators, it is my sincere conviction that all Canadians should warmly welcome these agreements which associate the German Federal Republic with the West in a manner which constitutes a new advance in the development of the Atlantic community and a notable strengthening of the security of free men everywhere. Most important, perhaps, these agreements, reached only as a result of often exacting compromises of national interests on the part of the states most directly concerned, preserve the unity and confidence of the North Atlantic Alliance during a most crucial period in its history. The dark clouds of disillusionment and despair which arose on the Western horizon following the collapse of EDC have given way to hope and a growing feeling of mutual confidence and trust both in Europe and on this side of the Atlantic. The agreements have strengthened the bonds binding ourselves and our large neighbour to the south to our allies in Western Europe, and have resulted in renewed prospects for continuing transatlantic co-operation both with respect to defence and to non-military matters. In addition, they provide a firm foundation for unity and strength from which I am convinced it will prove possible to work towards an easing of international tension and the removal of the differences which divide the world today.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable senators, may I ask a question of the honourable Leader of the Government (Hon. Mr. Macdonald)? In his remarks he did not indicate the stage at which the proceedings now stand and what action has yet to be taken to confirm the agreements with France, Germany and any other countries in the NATO alliance. Could he give us any information on that point?

Hon. Mr. Macdonald: Honourable senators, I do not have information as to what stage has been reached in the procedure respecting these agreements with the other countries. This protocol must be presented to the legislative bodies of the different nations concerned and be agreed upon by them. While I do not know what further is required of the other countries, I do know that as far as Canada is concerned we felt this protocol had to be approved by Parliament before the next step could be taken. It is for that reason that I now present it for ratification by this house.

Hon. Mr. Haig: Honourable senators, I do not intend to follow the line pursued by the honourable Leader of the Government and review the historical background of the agreements, as he has quite properly done, nor shall I go into as much detail on the subject as I did when I spoke on the Address in reply to the Speech from the Throne. However, there are one or two remarks I should like to make about the proceedings at this stage.

The decision to ratify the agreements and thereby allow Germany to rearm is a very grave decision for the people of Canada to have to make. We cannot forget that Canada took her part in fighting a war in 1914-18 against the German people, for almost every one of us had relatives who fought in that war, some of whom never came back. No less can we forget the war of 1939-45, which is even fresher in our memories, and which again required the service, and in some cases the lives, of some of our relatives.

As a third milestone in this history of events involving the German people, we as members of the Canadian Parliament cannot forget that during the Second World War we deliberately took the side of Russia in her fight against Germany. All honourable senators who were members of this house at that time felt that we were taking the right side in that struggle, but, rightly or wrongly, we along with the members of the other house were prepared deliberately to take the stand on the side of Russia against Germany.

Now that the tables have turned, there is no use in people pointing the finger at one of us and saying: "Weren't you one of the men who in 1942 voted to help Russia in her fight against Germany? And now you have Russia on your hands." To that question I would have to reply in the affirmative, but I would hasten to point out that for the representatives of the people in Parliament that was no easy decision to make. We were familiar with the history of Russia throughout the Czar regime and afterwards, yet we were prepared calmly and deliberately to decide that from our standpoint in world affairs at that day it was better for us to ally ourselves with Russia than with Germany. Whether we were right or wrong in that decision, I repeat, we did it with our eyes open, and let no one say that their representatives in Parliament were not well aware of the fateful decision they were called upon to make. There was no clear road to follow; we had to decide in our own hearts and minds what was best in the interests of the world as a whole, and particularly in the interests of Canada.

In our debate on the subject now before us we are bound to recall these incidents I have recited. If your brother, son or some other relative was killed in the First World War or in the Second World War, or was one of the airmen who were shot while prisoners of war in Germany, there is little use of your trying to forget the history of our struggles against Germany.

In the world today we are faced with dilemmas more than at any other period of time in our history. Since 1912, starting with the sinking of the *Titanic*, we have had one disaster after another, and today we seem to be right in the centre of more of them. However, we must do the best we can to meet conditions as they develop.

Let me mention some other places in the world that are in trouble. France, which is situated close to Germany, and was until recently one of the great powers of Europe, is very much divided. The Premier of France, Mr. Mendes-France, with consummate skill and judgment, has steered his measures through the French Parliament, and this in the face of a dwindling majority right from the start. That is the situation he has faced right along. Certainly, one may say, if the vote of the communist members is left out of the picture he had a large majority for his measures, but it must be remembered that the communist members are there, that they were elected by the people, and form part of the Parliament of that country.

In the consideration of this resolution, however, here is a point that disturbs me: as we are 2,000 or 3,000 miles away from France, is our judgment as to what Germany will do in the next twenty-five years as good as the judgment of the French people? I believe that is a question that also troubles many other men and women in this country.

I understand there are certain gentlemen in this Parliament—and I will not say to what branch of Parliament they belong—who are against approving the protocol. However, I am convinced that the best judgment I can employ, as a senator from the province of Manitoba and as leader of my party, is this —and I think it is in the interest of Canada, the interest of the free world and the interest of humanity as a whole—that we should ratify these agreements with Germany and help if possible to bring freedom to all the people of the world.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: Now, I have one criticism that I want to make of the Government. I made it the other day when referring to the United Nations, but I will repeat it. We are just a new country in the field of world affairs, but in the last twenty years we have become more and more involved in them, to the extent that we need an expanding Department of External Affairs to look after our interests in that field. However, I believe that we do not give as much emphasis to nonpartisan policies in foreign affairs as we ought to. I have heard a good deal of criticism of the United States, but I was agreeably surprised the other day at the support which the President of that country received for a message that he sent to both houses of Congress. On a division in the House of Representatives there were 409 votes in favour of his recommendation and only 3 against it.

Now, let me pause right here and make a comment. That convinced me that those men and women in the House of Representatives were familiar with the problem that the President was dealing with. No person can

form a reasoned judgment about something unless he or she knows all the facts concerning it—not just the transitory facts, but the facts in relation to the period during which the matter in question has existed. I do not think that we can blame our government for lack of information here, but I am blaming it for what I think is the introduction of too much governmental responsibility in the Department of External Affairs.

I feel there would be no opposition in Canada to the ratification of these agreements if the issues were clearly and completely understood by all our people. Perhaps you will say, "See here, Haig, you are wrong, for the communists will influence some people to vote against this agreement." My honourable friend who sits next to me (Hon. Mr. Aseltine) received a letter the other day from a lady in Ottawa, and he showed it to me as if he had just received a prized communication. I remarked at the time "Well, my dear Walter, I am glad your wife is not here to see you getting that kind of mail. However, I received yesterday a copy of this letter which came to you today, so you are only number two on the list, not number one." The signature on each was exactly the same. I only mention this to show the kind of campaign we are up against.

Hon. Mr. Euler: What was in the letter?

Hon. Mr. Haig: All the reasons why we should vote against the ratification of these agreements, and thus vote in favour of the Russians. The writer said that they are the peace-loving people, who will save the world for democracy if only we will vote against ratification of the protocol, against the German people, or words to that effect. The letter covered a whole page of closely typed text. I thought I was the only one to whom it was sent, until I found out that the senator from Rosetown got a copy.

Hon. Mr. Beaubien: She did not write to the Liberals.

Hon. Mr. Haig: That illustrates the situation that we have in Canada today. In my circle of acquaintances in western Canada I can count families who lost a boy or two boys in the last war, and I know of one family that lost three. At the time of the First Great War, in 1917, I spoke at a public meeting, and I asked the chairman not to read the second verse of *God Save the King*, because the candidate running for the Opposition had, by that year, lost three of his sons, and they had been buried in France. People cannot forget such things.

However, on taking all these matters into consideration I believe that the cause of freedom and the cause of democracy will be better served by our ratifying these agreements than by our voting against them. I feel sure that the members in another place who apparently are going to vote against these agreements will regret so doing in the years to come. Their action will be a mark against them personally—I do not mean publicly, but inwardly they will wish they had voted the other way.

I know that the second chamber in France has not ratified the agreements yet. Germany also has not ratified them yet, and may not ratify them, so we may be doing something here to no purpose. But I am still prepared to go through with it and vote in favour of the protocol.

The people of Canada place a trust in us, believing that men or women who become senators have something to give to the country that cannot be given in any other way. I am persuaded that in the discharge of our duty we should vote for this resolution, in the hope that thereby we shall help to widen the boundaries of the free world.

Hon. Senators: Hear, hear.

Hon. A. K. Hugessen: Honourable senators, the resolution now before the Senate asks us to approve of the international agreements which were reached at Paris in October of last year. As the honourable the Leader of the House (Hon. Mr. Macdonald) said, and I think nobody will disagree with him, this is one of the most important and in fact one of the most vital things that this house has had to consider for some years past. This resolution and these agreements are being submitted to us in the Parliament of Canada because Canada is one of the parties to the North Atlantic Treaty Organization set up in 1949, generally referred to as NATO. What, in essence, do these agreements contain? They provide for four things. Firstly, they establish a new community of the peoples of Western Europe under the name of "Western European Union". Secondly, they provide for the admission to NATO of the West German Republic. Thirdly, they create a basis for lasting French-German co-operation. Fourthly, they introduce the West German Republic as a free partner in a free community of nations.

One might inquire how these aims have been achieved. As has been explained by the Leader (Hon. Mr. Macdonald), this has been done by modifying the Brussels Treaty of 1948 by admitting, as parties to that treaty, Germany and Italy, and, in effect, making the Brussels Treaty as so modified a part of NATO. The original parties to that treaty were the European allies in the last war. The documents which we are now asked to approve

appear in detail as an appendix to the *Minutes of the Proceedings* of this house of January 20 last; and I think I should read to honourable members the declaration made by the original members of the Brussels Treaty, inviting Italy and Germany to become partners:

The governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom, parties to the Brussels Treaty of March the 17th, 1948 for collaboration in economic, social and cultural matters and for legitimate collective self-defence;

Aware that the principles underlying the association created by the Brussels Treaty are also recognised and applied by the Federal Republic of Germany and Italy;

Noting with satisfaction that their devotion to peace and their allegiance to democratic institutions constitute common bonds between the countries of Western Europe;

Convinced that an association with the Federal Republic of Germany and Italy would represent a new and substantial advance in the direction already indicated by the treaty;

Decide, in application of article IX of the treaty, to invite the Federal Republic of Germany and Italy to accede to this treaty, as modified and completed . . .

and so forth.

The second document to which I direct the attention of the Senate is the protocol, or as one might call it, the agreement entered into by the original parties to the Brussels Treaty and the Federal Republic of Germany and Italy. The text will be found on page 7 of the appendix. The parties to this agreement are the heads of states of the original parties to the Brussels agreement, the President of the Federal Republic of Germany, and the President of the Italian Republic. In their preamble they say this:

Inspired by a common will to strengthen peace and security;

Desirous to this end of promoting the unity and of encouraging the progressive integration of Europe;

Convinced that the accession of the Federal Republic of Germany and the Italian Republic to the treaty will represent a new and substantial advance towards these aims;

Having taken into consideration the decisions of the London Conference . . .

Have appointed their Plenipotentiaries: . . .

Have agreed as follows:

And I point out to you that article III of the agreement regarding military matters says this:

"In the execution of the treaty the high contracting parties and any organs established by them under the treaty shall work in close co-operation with the North Atlantic Treaty Organization".

Recognising the undesirability of duplicating the military staffs of NATO, the council and its agency will rely on the appropriate military authorities of NATO for information and advice on military matters.

That is the Brussels Pact end of the treaty. We come now to what was done by the parties to the NATO agreement, including Canada, and that will be found on page 25, a resolution of the North Atlantic Council of the 22nd of October 1954. I venture to quote it to the house:

Recognising that all the arrangements arising out of the London Conference form part of one general settlement which is directly or indirectly of concern to all the NATO powers and has therefore been submitted to the Council for information or decision;

Have learnt with satisfaction of the arrangements agreed between the Governments of France, the United Kingdom and the United States of America and of the Federal Republic of Germany for the termination of the occupation régime in the Federal Republic as set forth in the protocol communicated to the Council;

Welcome the decision of the Brussels Treaty Powers to invite the Federal Republic of Germany and Italy to accede to the Brussels Treaty as modified and completed—

And so on.

Welcome the extension of the Brussels Treaty as an important step toward the achievement of European unity; and express confidence that there will be the closest co-operation between the Western European Union and the North Atlantic Treaty Organization which remains the foundation of the security and progress of the Atlantic Community.

Take note with satisfaction of the statements made on 29th September, 1954, in London by the United States Secretary of State and the Canadian Secretary of State for External Affairs, and of the declaration by the Foreign Secretary of the United Kingdom concerning the maintenance of United Kingdom forces on the continent of Europe;

Finally, record their deep satisfaction at the happy conclusion of all the above arrangements which together constitute a decisive step in fortifying the North Atlantic Alliance and uniting the free world.

One final quotation which I want to inflict upon the house is the declaration made by Canada as a party to the NATO agreement. It is to be found on page 30. It is headed "Canadian Affirmation", and reads as follows:

"As far as we are concerned, the North Atlantic Treaty Organization remains the focal point of our participation in collective defence and of our hope for the development of closer co-operation with the other peoples of the Atlantic community. As such, it remains a foundation of Canadian foreign policy. While we emphasize, then, our belief in the North Atlantic Treaty Organization, we welcome the proposed extension of the Brussels Treaty. We shall look forward to a growing relationship, within the framework of NATO, with the new Brussels Treaty organization, composed of countries with whom we are already bound by such close ties."

That is the sort of skeleton framework upon which these agreements have been built up.

In brief, the Brussels Treaty as amended provides for military contributions to their mutual defence by all the member states. It controls the armaments and the nature of the contributions by those states; and it places in the hands of the Supreme Commander of NATO in Europe, General Gruenther, far-reaching authority in the inspection, direction and military integration of those forces. I do not think anybody in the democratic

countries will deny that in its military aspect the Brussels pact is purely and solely defensive in character. It is a mutual agreement for defence against an attack from outside. It threatens nobody, and neither the Soviet Union nor any other country can successfully pretend to the contrary. But I do want to stress that it is not solely or even primarily a military alliance. It is also an instrument, as honourable senators will have heard from what I have read, for the integration of the countries of Western Europe in all fields. In that, rather than in its purely military aspect, lies the hope of the future.

May I say just a word about the circumstances under which these agreements came into being? I shall not follow the Leader of the Government (Hon. Mr. Macdonald) in what he has said. He has given some aspects of it. He mentioned quite truly that they came into effect as a direct result of the rejection by the French Parliament on August 13, 1954, of the European Defence Community, commonly known as EDC. Honourable members will recall the shocked surprise with which all of us on this continent heard the news of that rejection. I do not propose to enter into any recriminations; they are entirely unnecessary and the matter is now past history. But it did seem at that moment, as our honourable Leader has said, as if all hope of Western European union, of mutual understanding between France and Germany, and of a united stand by the democratic nations against the menace of communist aggression had failed. That hope was not abandoned. That within a few short weeks an acceptable alternative to EDC was reached in the form of the Paris agreements which are now before us for approval, was due, I think, indubitably to the statesmanship and the courage of three men: Sir Anthony Eden, Mr. John Foster Dulles, and Premier Mendès-France, and of these men I would certainly put Sir Anthony Eden first.

Hon. Senators: Hear, hear.

Hon. Mr. Hugessen: I believe it is due to him and his influence that for the first time in its history the British Government, under these agreements, has made a radical change in its previous policy. For the first time it has agreed to participation in European defence and has undertaken that British troops will not be withdrawn from the continent against a majority vote of the signatories of the Brussels pact.

Our Leader has given the text of that undertaking by the British Government. I do not need to repeat it, but I do say that it is a remarkable advance. It is one to be welcomed, and it is, I believe, the one thing which has reconciled the Parliament and the people of France to the prospect of the rearming of Western Germany, for which these agreements provide.

I said that we were shocked when the French Parliament rejected the European Defence Community last August; but looking back, and with the advantage of hindsight, it may perhaps be true that the European Defence Community was a little ahead of its time. It provided, as honourable senators will remember, for a tightly-knit international military force composed of units from the different member states. It was an organization which, I think it is true to say, was far in advance of any political union that had yet been achieved between those member states. It was, one might say, a West European federal force without a federal political organization to sustain it, and, even more important, without the necessary public opinion in favour of such a federal force or such a federal organization.

The new arrangements for which these agreements provide are looser. They are more flexible, and perhaps for that very reason they are more easily workable. They do have the advantage that they correspond more closely with the present political position of the member states in relation to the question of European union.

We all hope and pray for a closer union in all spheres between the states of Western Europe and particularly between France and Germany. But these things must come by degrees. You cannot force them too far or too hard. What we can say about the Paris agreements that are now before us is that they do provide a means by which the growth of their unity can be fostered and encouraged. For that reason I think they must be particularly welcome to two honourable members of this house, gentlemen who have taken such an outstanding lead in promoting the matter of international integration. I refer to His Honour the Speaker (Hon. Mr. Robertson) and to the honourable gentleman from Waterloo (Hon. Mr. Euler).

I do not think it is necessary to go into any more of the details of these treaties, but I do want to deal for a few moments with the arguments which have been advanced against this resolution and against these treaties. As the honourable Leader opposite (Hon. Mr. Haig) has said, they have not been advanced in this house but they have been advanced by certain members of the CCF party in the other place, and in the country as well. I do not agree with those arguments, but I am quite certain that they are advanced in good faith. I do not say the same, of course, about what is said to us by the negligible little communist clique in this

country. They are impervious to discussion of any kind and they simply follow the instructions given them by their masters in Moscow.

What are the two principal arguments against these treaties which are advanced by their opponents? First of all, they object to the rearmament of Western Germany because of the danger of a revival of German militarism. Secondly, they say "Instead of signing these agreements which involve German rearmament you should make an effort to settle your differences with Soviet Russia around the conference table."

I want to deal first of all with this argument against the rearmament of Germany. I do not intend to deal with the many safeguards against what one might call a runaway German rearmament which these agreements entail. They have been dealt with very aptly and exhaustively by the Leader of the Government in the Senate (Hon. Mr. Macdonald); but what is the basic reason for this argument? It is, of course, that the people who use it fear the recrudescence of German militarism in its extreme form. They remember the time of the theory of the "Master Race" that was destined to conquer and rule the world. It is only natural that many of us—in fact, nearly all of us in this country, and particularly those of us who fought in either of the two great wars—should view the proposed rearmament of Germany with some concern.

I am going to advance an argument which may not appeal to some honourable senators, but I venture to state that in my belief the danger of a recrudescence of extreme German militarism has gone, and that it will not return. I may be wrong in that statement, but an examination of European history does lend support to the view which I have expressed. After all, the Germans are not the first people who have threatened and tried to conquer Europe. In the 16th century the danger was from the armed might of Spain, which at that time was by far the strongest force in Europe, and it reached its apex when the Armada sailed from the shores of Spain in the early summer of 1588 to conquer England. That was the apex of the danger. But when the Armada was finally sunk and dispersed, the danger instantly disappeared, and from that day to this Spain has never been a military threat to the rest of Europe.

Again, from about the end of the 17th century to the beginning of the 19th century, France tried at one time or another to dominate Europe. That was roughly the period from the reign of Louis XIV to Napoleon; or to put it into an English context, the time between Marlborough and Wellington. But after the final defeat of Napoleon, in 1815, the French dream of a conquered Europe died, and it has had no resurrection.

In the same way, I believe we can look back upon the period from the middle of the last century to the middle of this century, the period beginning with Bismarck and ending with Hitler, as the epoch of the attempt by Germany to dominate Europe. And I think we may look upon the two world wars which we have known in our generation, that is, the war of 1914-1918, and the war of 1939-1945, as constituting together the culmination of that attempt. But just as the dream of Spanish domination died with the Armada in 1688, and just as the dream of French domination died on the field of Waterloo in 1815, so do I believe that the dream of German domination died with Hitler in the Reich Chancellery in Berlin on the 29th of April, 1945.

I know it is going to be difficult for us to accept this view, with our so recent memories of all the horrors of extreme German militarism, the concentration camps, the massacres, and all the rest of it. And we must realize that it is going to be even more difficult for the people of France to accept that view—the unfortunate people of France, who have suffered the untold evil of invasion from Germany three times in the last 85 years. Nevertheless, I believe what I have said to be true, and I think that future history will bear out what I have said. But I will go further than that. If in the future some race should attempt to achieve military domination over Europe, which God forbid, I suggest to honourable senators that the danger will not come from Germany, it will come from farther east; and if that danger should ever eventuate, then I suggest that the people of Germany, by their history, by their religion, and by the long story of their leadership in European civilization and progress, will inevitably be on the side of the West.

It is for these reasons, honourable senators, that I refuse to accept the argument that these agreements should be rejected because they provide for the rearmament of Germany, particularly in the limited and controlled way in which they so provide; and I agree entirely with what was said last evening by the honourable senator from King's (Hon. Mr. McDonald), that the danger of not rearming Germany, in the present condition of Europe, is far greater than the danger of rearming Germany.

Now I want to deal, for a few moments, with the second argument advanced by the opponents of this resolution. They tell us that in place of these agreements we should hold another conference with the leaders of

Soviet Russia in an attempt to settle our differences. In his noble speech in the other place last week the Secretary of State for External Affairs gave an extensive history of the failure of the international conferences which have been held during the past few years in an attempt to reach an agreement with the Soviet Union. It will not be necessary for me to repeat what he said on that occasion and, indeed, it would be rather presumptuous on my part if I did, but I do want to deal with this argument in a broader and more general way.

Remember, these agreements are designed to strengthen the forces of western democracy in NATO by the rearmament of Western Germany. I believe that those who urge us to enter into negotiations with the Soviet as an alternative to approving these agreements fail to realize or do not understand the basic Russian attitude in international affairs. It is an attitude which the Russians have held consistently, whether they have been ruled by Czar or by Soviet, and examples of it are spread throughout their history, if you care to look for them. The Russian attitude is this: In international relationships they will respect armed strength and armed strength alone.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Hugessen: I said there are many examples of that, and let me offer one or two of them to the house. The first is an incident, perhaps minor in its character, but really rather characteristic, and it will be recalled by many honourable senators as occurring toward the end of the last war, during one of the Allied conferences at which Stalin was present. Some member or other of the conference referred to what might be the attitude of the Pope under certain circumstances, and Stalin immediately came back with the caustic query: "The Pope? How many divisions has he got?"

The second instance to which I would like to direct the attention of the house is an occurrence now long forgotten, but which I happened to come across only the other day when I was reading the new *Life of Gladstone* written by Sir Philip Magnus which, incidentally, is a most delightful and beautifully written book.

It was in the year 1885. Gladstone was Prime Minister. General Gordon had just been murdered at Khartum by the fanatical followers of the Mahdi, and in response to a clamorous demand from public opinion in Great Britain, Gladstone's government had arranged for a large expeditionary force to be organized to invade the Sudan and crush the Mahdi. Seeing, or believing, that British attention was thus concentrated on the Valley of the Nile, the Russian Government of that day thought it saw its opportunity, and Russian forces invaded Afghanistan, on the borders of India. Gladstone acted at once. He countermanded the Sudan expedition. He went down to the House of Commons and got from that house a special vote of credit of £11 million, and he announced that the forces of the Empire would be immediately concentrated to meet the threat of Russian aggression. The effect was instantaneous. Faced with that resolute attitude the Russians drew back at once, and withdrew their troops from Afghanistan.

Now, I should like to give a third example, which has relation to the happenings in Europe during the last three or four years. It cannot be so clearly pinpointed or accurately defined as the other two examples which I gave, but I think it has its significance in the context of what I am trying to urge. I think it is generally agreed that in the last three or four years the danger of a third great war breaking out in Europe has diminished to an appreciable extent. We no longer believe, and the people of Western Europe no longer believe as they did three or four years ago, that a Soviet attack upon the West might take place at almost any time.

I do not want to be misunderstood. I do not say that all danger is over. Still less do I say that we should relax by one jot or tittle our efforts to strengthen ourselves and the other western democracies in NATO; but I do say that the most responsible opinion in international political circles holds that there has been a distinct lessening of tension in Europe over the past three or four years.

If that be so, honourable senators, I strongly suspect that the reason for that lessening of tension has been the very fact that since 1950 NATO has been in existence, and that under NATO we and our allies of the West are becoming stronger year by year. That is a matter which of course is entirely incapable of proof, but I think it is true and I think it does support what I have already said.

I could give more examples, but I think I have given enough in support of what I say is the general principle followed by the rulers of Russia, whatever form that rule may take, that they respect only armed strength.

Now, if that is admitted, surely that is an effective answer to those who argue that before we approve these agreements we should try once more to negotiate with the Soviets. I don't disapprove of negotiations. Negotiate by all means, but, I say, wait until you can negotiate from strength. Approve

these agreements first; get the rearmament of Germany underway first; negotiate then, but not before, and your negotiations will have a far greater prospect of success than they have today.

Needless to say, honourable senators, in what I have just said I am not in the least degree being original. The same thing has been said over the past two or three months by every one of the leaders of opinion in Western Europe who are particularly competent to advise in matters of international relationships. It has been said by Sir Anthony Eden, by Dr. Adenauer, by Mr. John Foster Dulles, by Premier Mendès-France and by our own Secretary of State for External Affairs. Now I am sure that this house will be willing to follow the advice of men such as these, rather than to accept the opinions of a few well-meaning but mistaken individuals in this country who urge a contrary view.

Honourable senators, I have tried to deal, I hope at not too tedious a length, with the two arguments advanced against the adoption of this resolution, namely, the argument against the rearmament of Germany and the argument for a conference with the Soviets. I have done my best to show what I believe to be the flaws in those two arguments. I have nothing more to say except to express the hope, and the confident belief, that this house will vote unanimously in favour of the resolution which is now before it.

Hon. Senators: Hear, hear.

Hon. Joseph A. Bradette: Honourable senators, as it is not my intention to speak on the Address in reply to the Speech from the Throne, I hope I am in order at this time in offering my congratulations to the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the Address. The honourable lady senator from Victoria certainly lived up to her fine reputation of eloquence and logic. The same compliment may be paid to the honourable senator from Lauzon, who gave a very interesting and practical speech, into which he injected some of the Irish wit which he no doubt inherits from his mother.

I should also like to take this opportunity to thank the Government for having appointed as assistant to the Leader of the Government in this house the honourable senator from Montarville (Hon. Mr. Godbout). I have already extended felicitations by letter to my honourable friend on his appointment. I am confident that he will be of great assistance not only to the honourable leader in this house but to the Senate itself. It was my privilege to observe for a long time his effective work and function as Premier of the province of Quebec. In that capacity he was instrumental in having had passed some courageous and constructive legislation which will remain for all years to come a monument to his renown.

I believe, honourable senators, I hold the distinction of having been the first to prophesy that the honourable senator from Montarville would become the Premier of Quebec. Shortly after his appointment as provincial Minister of Agriculture he was chosen by the then Premier, the Honourable Mr. Taschereau, to make a speech at a special convention held at Ville Marie, which I also attended. At that convention, which was composed for the most part of farmers, my honourable friend held the audience in the hollow of his hand for a full half-hour. He then cautioned himself that he must not speak too long and thus tire his audience. They implored him to continue, and he talked for another ten minutes. Upon my return from Ville Marie I wrote the Honourable Mr. Taschereau, saying I was positive that Mr. Godbout would one day be Premier of the province. Subsequent events proved that I had prophesied well.

I offer my honourable friend from Montarville my best wishes for the great success he merits.

Hon. Senators: Hear, hear.

Hon. Mr. Bradette: Honourable Senators, I speak to this resolution in all humility, for I am fully aware of the tremendous international problems that threaten the peace of the world today. The events involving Formosa are fresh in our minds. Every citizen of the democratic world is aware of the high tension and feelings that exist in the Eastern hemisphere today, and that it would take only a spark to start another conflagration. But Providence must be on our side, for we believe almost implicitly in the good judgment and leadership which has been given to the world by the great republic to the south of us since the end of the last war.

When speaking to this resolution, honourable senators, I will try to voice the sentiments of the majority of the people in the section of the country where I live. I say this because there are in my district quite a number of study clubs which have studied intensively the North Atlantic Treaty and the protocol on accession of the Federal Republic of Germany, and in most cases they came to the conclusion that for the sake of peace this protocol should be accepted by our two houses. I am strongly in accord with such conclusion, which is natural to Canadian citizens because we have always desired peace

in the world, and more ardently in our time, as we wonder what humanity is going to do on the road ahead now that the H-bomb is a reality. We sincerely hope it is a road that will take us ultimately to peace. It will likely be a long road, but we shall have to travel it, hoping to surmount whatever obstacles and pitfalls are encountered, however disheartening some of them may be. There will be many mirages beckoning us to pleasant oases that do not exist. We shall have to shun easy illusions, toil through rough realities, with the hydrogen bomb our companion and peace our compulsion. To the present situation there is no alternative. On the one side there is peace; on the other side there is death and the destruction of civilization as we know it at the moment.

Whence the hydrogen bomb? The people of antiquity had astrologers who studied the firmament, and tried to discover the influence of stars on human affairs, but where they failed, modern man succeeded. He studied the stars and the sun and saw fusion. Triumphantly he produced a miniature sun, capable of destroying great cities and millions of people. Many of the older civilizations made the sun a god, but so far we have made him a terribly destructive devil. How can we chain the demon? No man and no nation can yet answer surely, but one thing is certain, that if all the nations now fully aware of its immeasurable power realize that this could be used to bring about the destruction of our world, it could then be turned to peaceful uses exclusively, in which event it would become a boon, yes a blessing, to mankind.

Certainly we do not want to live for generations on the brink of a deadly and fathomless abyss, precariously held by a hair between life and death. We have to search as never before for the way to peace. There are many false ways but ultimately we have to find, we must find, a true one.

One false way, which is very appealing and seductive, is the hope for easy, quick disarmament and the outlawry of atomic weapons. On this matter we are bound to ask ourselves this question: Is disarmament a mirage? The record says that it is, and it says so very distinctly.

In 1898 the Czar of Russia, Nicholas II, convoked a disarmament conference at The Hague. I have not the time to go into detail, but what resulted from this effort to humanize war? Nothing.

Disarmament was again in the forefront at the Washington Naval Conference in 1921 and at the London Conference in 1930. Some limitations were put on the strength or size of the navies of the attending powers, but the bulk of their fleets remained intact and fully able to fight—and subsequently they did fight.

Then came years of discussion by the League of Nations at Geneva. And what effect did it have on the size of the armies that started World War II? History certainly does not record any effect whatsoever, yet the mirage of disarmament survived. In 1946 the delegates to the General Assembly of the United Nations tried to establish international control of the A-bomb, and kept on trying in vain for three years. Finally, frustrated both by the problem itself and the attitude of the delegates from the Soviet Union, the Assembly gave up the attempt. Efforts made to control the H-bomb have been similarly unsuccessful.

It has been well said that disarmament will not precede peace. It will follow peace. But how are we going to achieve peace? Some think that it may be done by the exchange of promises between nations. Such people need to be reminded of the Kellogg-Briand Treaty of 1929, which outlawed war as an instrument of national policy. It was signed by some 60 nations, including Germany and Japan. Did that pact achieve peace? It certainly did not; and to rely implicitly on that line of action would not only be dangerous but might prove to be fatal.

But there are advocates of even a more drastic method. They would use world force to capture peace. They would strengthen the United Nations to such a point as to make it a world government, possessing an international army to suppress all armed outbreaks.

I draw the attention of honourable senators to article 43 of the United Nations Charter. It orders each member to agree with the Security Council to set aside a quota of its armed forces to be held in instant readiness to respond to any call by the Council. This is the paper agreement for an international army to overcome any nation that breaks the peace. How many members have negotiated such an agreement? Not a single one. It became possible for the democratic countries to send soldiers to Korea solely because of the fact that Russia stayed away from the meetings of the Security Council at which the proposal of the democratic countries was under consideration. If Russia had vetoed the proposal it would not have been possible to send to Korea any forces under the banner of the United Nations.

What, then, remains? It remains for the democratically inclined countries to work together for the ends of peace. We must,

however, realize that even at the present time among ourselves we are not really enjoying peace to the full. We now have two worlds, two distinct worlds. With all the genius that has been put into the development of methods of transportation, making this planet of ours so small, it is horrible to think that we have two worlds on the same planet, two worlds just as distinct, one from the other, as if they were ten million miles apart.

Even the nations of the free world are almost continuously engaged in economic conflicts, in political recriminations, in covert or open distrust. Sometimes we act much as prima donnas in our dealings with one another. This is so true that in relation to the protocol we are now debating there has been much unwarranted criticism, recrimination and show of temper against France. And right here I want to compliment the previous speakers upon the stand they took. As the Leader of the Opposition (Hon. Mr. Haig) said, France has suffered not only in lives but in resources as well. In the war of 1914 France lost nearly a generation of men. It has even been said that most soldiers of France in the World War II had never known their fathers, because they had been killed in World War I. These attacks against France were made when that great and proud nation was trying to play the role that she desires to play, which role was not made any easier by the very unfair and biased denunciations emanating from nations that were supposed to be friendly. Many nations, including Canada, would have been deeply wounded in their pride if the same attitude had been adopted towards them.

For instance, a man very prominent in the United States Government, who has accomplished notable deeds in the international field, by-passed France when EDC was rejected by that country. That was a direct insult to a truly great nation. France, however, is used to forgetting and forgiving. So although the legitimate pride of the French people was deeply wounded, this incident also was forgiven, primarily for the sake of peace and unity. I feel certain that the adoption of the resolution now before the Senate will have important consequences in promoting the establishment of peace, and it is for that reason that I so strongly support it.

There is in this country an element that may be called "Little Canadians". With them, whatever we do is either too little or too late. But, speaking from the experience of visits to various sections of the world since the end of the last war, I affirm that there is no nation which evokes more feelings of respect abroad than Canada; for though, numerically speaking, a small state, Canada has proclaimed its ideals and shown readiness to make the sacrifices necessary to maintain those ideals. When principles of freedom, democracy and Christianity were in jeopardy, Canadians at once answered the call to arms. They did not need to be coaxed into participation either in World War I or World War II, and they responded quickly to the call when hostilities began in Korea. We sought no financial or territorial aggrandizement. We fought for idealism, for principles which we cherish, and we shall not be turned from our purposes by either the leaders of Soviet Russia, or by those so-called peace advocates in our own country who pester us with suggestions that the Canadian people desire war. No civilized nation desires war; and charges of war-mongering must be resented by any real Canadian.

Wars nowadays are not what they used to be. For one thing, there is the danger of enormous destruction by the H-bomb. In the old days, battles were waged by professional armies, by a hired soldiery. Indeed, centuries ago there was current in France the phrase *la guerre joyeuse*—joyous war; and there, as in other European countries, attacks were launched for purposes of personal and national aggrandisement. But "joyous" is about the last term one would think of applying to the struggles of the twentieth century. In future, certainly, every citizen will be conscripted; each man and woman will have a specific part to play. So to meet the perils of the coming days, we must be ready, while seeking peace, to negotiate from strength, since that is the only language which our opponents will respect.

We live in very strenuous times. During the week prior to Christmas, when a motion to ratify the pact was defeated in the French house, we had good reason to be a little fearful. Nevertheless we should try to understand the situation. Those who followed the reports on the radio learned something of the tremendous demonstrations by communists, who in thousands and tens of thousands, paraded around the headquarters of the National Assembly. Supporting them was the influence of hundreds of thousands of French men and women, veterans of two wars, mutilated soldiers and sailors, and people who had lost their all in those terrible struggles, remembering the German armies of occupation and demanding that Germany be not allowed to rearm. Happily, a sounder judgment finally prevailed. Some have said that the majority of twenty-seven deputies for ratification was not enough. But, considering the complications of politics in the French National Assembly, the fact that ninety communists voted solidly against the agreement,

and that many non-communist deputies abstained from voting at all, I regard the majority as a comparatively large one. I believe that its decision will be respected by France and the French people, as it always has been in the past. When it was known, we all became immediately elated, because we knew it would make our cause stronger than ever before.

As the honourable Leader of the Opposition (Hon. Mr. Haig) and other speakers have reminded us, dread of Germany has been prevalent for a long time, and with good reason. But we must consider the situation as it is today. Let us reflect that for centuries our two great motherlands, Great Britain and France were fighting nearly all the time. Although separated by no more than a little branch of the sea, in nearly every decade these fine peoples spilled their blood in conflict with each other. But since the *entente cordiale* was established at the beginning of the century there has been no friendship firmer than theirs. Again, in World War I Turkey was our opponent; in the last war the Turkish people supported the Allies. In recent days Chancellor Herr Adenauer has given outstanding leadership; he has proved himself a great statesman, a real friend of democracy, and a courageous leader, who is also a great admirer of France. I believe that under these auspices Germany will play her full role in the attainment of a final peace in our time.

The fact that Great Britain has abandoned its isolationist policies has highly elated the Allies. Her reluctance to do so was only natural, in view of the special relationship in which she and the other members of the Commonwealth stand to one another, and the virtual impossibility of agreeing beforehand on what they will do in any emergency. But the declaration made by Sir Anthony Eden gave heart and hope to France and other Western European nations. I am convinced that if Britain had committed herself in the critical days before World War I to participation by the side of France, the Kaiser would never have dared to attack that country; for when he discovered, after his invasion of Belgium, that Britain had determined to enter the war against him, he realized that his was a lost cause. A similar example of British hesitancy occurred before the war of 1939: at that time the United Kingdom Cabinet warned France that if French troops aided Czechoslovakia against the German invasion she would not be supported by Britain. This decision, I believe, was a main factor in determining Hitler to send his armies against the Czechs. But again, German aggression was eventually defeated by Britain's determination to resist him to the last man and the last woman. I must pay tribute to the leadership of that great country at that time. In the matter of leadership, all through her history, Britain has been well served. One has only to look at the etchings of those masterful Prime Ministers which adorn the corridor leading to the Parliamentary restaurant, to realize how wonderfully fortunate she has been in this respect. Unfortunately for France, 1939 produced no Clemenceau, but, happily for Great Britain, it produced a Churchill. Mr. Churchill did a magnificent job, and was, I believe one of the greatest factors in the winning of the last war, because even during the darkest hours he never lost the hope of ultimate victory for our cause.

Let me now say a few words about Germany, having reference to some features of this protocol. Article I of the schedule states that the three powers will terminate the occupation regime in Western Germany, revoke the occupation statute, and abolish the offices of the land commissioners. The Federal Republic is accorded "the full authority of a sovereign state over its internal and external affairs."

That is a message which every German will fully understand. It will do much to free the hearts and souls of the people and to increase their confidence. We cannot keep indefinitely in the chains of occupation the entire German nation. This decision will have fateful repercussions, by no means confined to West Germany. One has only to remember the revolt of the workers in the eastern section of Germany a year ago, when they tried to fight tanks with their bare fists, to realize the temper of these people and their unconquerable hope of reunion. It was a sign of the times.

The protocol provides the following:

> Declaration by the Government of the Federal Republic of Germany.
>
> The German Federal Republic has agreed to conduct its policy in accordance with the principles of the Charter of the United Nations and accepts the obligations set forth in article 2 of the Charter.
>
> Upon her accession to the North Atlantic Treaty and the Brussels Treaty, the German Federal Republic declares that she will refrain from any action inconsistent with the strictly defensive character of the two treaties. In particular the German Federal Republic undertakes never to have recourse to force to achieve the reunification of Germany or the modification of the present boundaries of the German Federal Republic, and to resolve by peaceful means any disputes which may arise between the Federal Republic and other states.

At first it would seem that these provisions are unnecessary, for surely the German people realize that they cannot match Russia's strength. As a matter of fact it is doubtful whether at the present time the united efforts of all free countries could

force Russia out of East Germany and her satellite countries. However, one thing the leaders in the Kremlin know is that the ill feeling engendered in the hearts of all Germans over the partition of Prussia will remain forever with them. No matter how much Russia endeavours to inculcate communism into the German people she will never meet with real success, for the Germans will always maintain that there never was any justification for the communists taking part of Germany and giving it to Poland after world war II.

History shows how the people of France and Germany have felt over the problem of Alsace and Lorraine. In 1871, by virtue of a peace treaty signed at Frankfort, the French provinces of Alsace and Lorraine were ceded to the German Empire, and the French always resented this partition. Then in 1919, by virtue of the Treaty of Versailles, the Germans were forced to cede Alsace and Lorraine back to France. This embittered the Germans, and their feeling in this regard has not quite disappeared. I am sure that the attitude of the Germans over the partition of Prussia, though it may take a long time, will eventually have the effect of eroding the steel of communism. And it must be realized that most countries share Germany's sentiment over this issue. You cannot mutilate a country like Germany and not expect it to have a lasting effect on its people, and they will eventually succeed in their legitimate aspiration.

Honourable senators, I place a great deal of trust in the present leadership of Germany. There is no doubt that Herr Adenauer is a wonderful person and a stalwart of democracy. At this time I should like to refer to an address which former American President Herbert Hoover made to the German press in Bonn, in December, 1954. We must respect the words of ex-President Hoover. We all know the magnificent humanitarian work he did in Europe following World War I: in various places on the continent of Europe monuments have been erected to commemorate that work. A man of vision, he was not always fortunate in politics but he has long been recognized as a true statesman. In a newspaper article headed "Europe Bastion is Strong Germany", he is quoted as having said in Bonn:

> The tensions of military conflict with Russia seem to have abated in these recent months. I believe we can have at least a gleam of hope. Moscow has made many declarations of "peaceful coexistence". I would rather they had spoken of "peaceful co-operation". It may be that they want more time to consolidate their gains. It may be that internal forces are working to restrain them from within. Some revolutions have the bad habit of devouring their young. At least their successors are less violent.
>
> But from our many years' experience with the communists, we must await works rather than words. We should not be lulled into the abondonment of our means of defence. The German peoples have before now been the bastion of Western civilization which deterred its destruction by the Asiatic hordes. My prayer is Germany may be given the unity and freedom which will restore her that mission in the world.

Honourable senators, a little over two years ago I visited many sections of Germany, even spending two days in East Berlin. While staying in West Berlin I made it a point to ascertain the attitude of the young Germans, those of military age, towards the building of a new German army. I must confess they were not very enthusiastic about the idea of being called up. There is one thing you can be certain of, however, and that is that from their experience of two world wars they look upon war as a terrible thing. There is no getting away from that. In particular, these young people vividly recall the effects of World War II. German soil escaped invasion in the first war, but not in the second one. Even now, although some ten years have elapsed since the end of hostilities and great reconstruction has taken place, German cities and towns still bear the scars of the terrific devastation they suffered.

Germans do not like conscription any more than Canadians like taxes. I asked these young people if they would be satisfied to see Germany remain divided in two, and immediately you could see the blood rush to their faces. I further asked them if they would be satisfied if the full sovereignty of Germany were never recognized, and again their faces turned red. It must be remembered that all Germans, whether from the West or East, will never be content as long as their country remains divided. I have seen Germans who live in Bavaria and Northern Italy pray for the unification of the German nation, and for the return of the lost part of Prussia. These are facts which even Russia will have to realize it cannot ignore in attempting to impose its authority over that part of the world indefinitely.

Honourable senators, in concluding my remarks I wish to thank you sincerely for your kind attention. I have spoken with feeling because I believe the people of the world should try to understand one another. I think Canadians have a pretty balanced outlook. While it is true that we are not perfect and are sometimes open to criticism, we are tolerant and have accepted things as they have come. Canada has entered into three major conflicts without expecting remuneration of any kind, her people unquestioningly answering a call to duty. During World War II, when I was Deputy Speaker of the House of Commons, I often watched the changing

of the guard in front of our Parliament Buildings. I clearly recall the youthful faces of our soldiers, airmen and sailors who carried out these colourful duties. They were fine young men who had no personal quarrel with anyone and who were satisfied with their way of life. They joined our forces, not to fight on Canadian soil but to fight in Europe, Africa, and Asia for principles which all Canadians cherish. Since then I have often wondered how many of those fine young men who were just at the threshold of life and would naturally be thinking of love and building homes of their own, never returned to their homeland. In our own family we lost three fine boys, and one was made an invalid for life. That is why I appreciated what was said by the Leader of the Opposition (Hon. Mr. Haig) about how we have all suffered. Surely the world has had its lesson. I think that if at least fifteen of the total delegates at the United Nations were chosen from the ranks of mutilated war veterans—armless, legless, blind, crippled for life, incapable of fulfilling duties in the armed forces—everyone attending the meetings of that organization would be vividly impressed with what war really means, with the futility of it and the fact that even the victors do not benefit from the bloodshed and destruction brought about by martial conflict. During the last war, the magazine *Life* contained some actual pictures of corpses of young Canadian, American, Australian, British and other soldiers, lying mutilated, their bodies were bloated, and one could see the magots in their flesh. The memory of those things should be in the minds of all people. There is no real glory in war.

Honourable senators, I feel positive that the Russian people themselves do not desire war, and I think that if we are to believe in civilization at all we should try to build monuments to peace rather than to war. War is calamitous, and repugnant to God as well as to man. I believe the United Nations are doing a wonderful work toward establishment of peace. In terminating, I want to say this: The aggression part of the Kremlin's mind we must resist to the death. The co-existence part we should encourage, because, speaking candidly, we ourselves also want co-existence, and we believe that sooner or later, knowing the horrifying power of destruction of the H-bomb, we shall find a way to live side by side with our present enemies. I am convinced that when that day comes we shall see that our true enemies were not the millions of Russian people, but the handful of men who ruled them.

A little more than a month ago the Christian world was celebrating the birth of our Lord. On that night, heavenly hosts gave to mankind a wonderful message:

> Glory to God in the highest; peace on earth to men of good will.

That message meant to the world that God's good will is always with us. But it is not only God, it is also men, who must have good will; and when this great gift of the soul, heart and mind animates the actions of mankind, then and then only shall we have peace, that goal we all so ardently desire to obtain.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Euler, the debate was adjourned.

DIVORCE BILLS

SECOND READINGS

Hon. Mrs. Fergusson, for the Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill H, an Act for the relief of Daisy Ruth Kirk Stanistreet.

Bill I, an Act for the relief of Irene Christina Edwards Mackay.

Bill J, an Act for the relief of Barbara Elinor Richardson Jones.

Bill K, an Act for the relief of Wira Pushkar Tereshtshenko.

Bill L, an Act for the relief of Stella (Stephania) Burnatowska Holowaty.

Bill M, an Act for the relief of Harry Evert Finlayson.

Bill N, an Act for the relief of George James Nangreaves.

Bill O, an Act for the relief of Carmela Lanza Morash.

Bill P, an Act for the relief of Meyer Francis Doyle.

Bill Q, an Act for the relief of Julia Mary Collen Dwyer Rose.

Bill R, an Act for the relief of Bela Koschitza Brawerman.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Aseltine: Next sitting.

The Senate adjourned until Thursday, January 27, at 3 p.m.

THE SENATE

Thursday, January 27, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE PETITIONS AND STATISTICS

REPORTS OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 62 to 87 dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

He said: Honourable senators, I wish to add a few words which I think will be of interest to the house.

Notices of intention to proceed have been published in 424 cases, and petitions have actually been filed in 368 cases, which will no doubt be completed before the time limit has expired. These figures indicate that we shall have a very heavy docket. Up to date the committee has heard and disposed of 112 cases, none of which have been opposed. So far we have been sitting five days a week, Monday to Friday, but next week we shall sit only on Monday, Tuesday and Friday.

The motion was agreed to.

TRANSCONTINENTAL RAIL SCHEDULES

ANSWER TO INQUIRY

On the Orders of the Day:

Hon. W. Ross Macdonald: Honourable senators, before the Orders of the Day are proceeded with, may I refer to a question asked of me yesterday by the honourable senator from New Westminster (Hon. Mr. Reid) with respect to the reduction in travelling time on Canadian Pacific transcontinental trains. The honourable senator asked whether it was the intention of the Canadian National Railways to make a similar reduction, and I replied that I so understood from a press dispatch.

I have since had an opportunity to read the dispatch again, and in all fairness to my honourable friend I must say that it does not state the number of hours by which the Canadian National time schedule will be reduced. I will read the first two paragraphs of the press announcement of January 25 respecting the Canadian National Railways.

> The Canadian National Railways today confirmed that it will fully dieselize its transcontinental passenger train services concurrent with the next time table change on April 24.
>
> At that time the new transcontinental passenger train will considerably reduce the running time of the Montreal and Toronto section of the Canadian National Railways run to Vancouver.

The honourable senator also asked me another interesting question, and that was why there was a difference between the running times of the eastbound and westbound transcontinental trips.

I find that under the time tables now in effect on the Canadian Pacific Railway, the westbound running time—that is the scheduled time the train is on the track—from Montreal to Vancouver is 87 hours and 10 minutes. The eastbound running time, under the same schedule, is 82 hours and 50 minutes. So the eastbound train, under the present schedule, does the same journey in 4 hours and 20 minutes less than the westbound train.

Under the new schedules to become effective April 24, the westbound running time has been reduced from 87 hours and 10 minutes to 71 hours and 10 minutes: in other words, by 16 hours. Also, under the new schedule, the eastbound running time has been reduced from 82 hours and 50 minutes to 70 hours and 20 minutes: in other words, by 12 hours and 30 minutes. Therefore, whereas under the old schedule the difference between the east and west run was 4 hours and 20 minutes, the difference will now be only 50 minutes.

There are a number of reasons why the running time cannot be the same. For instance, the eastbound and southbound trains are superior to trains in their own class going in the opposite direction, so that the westbound and northbound trains must wait at what railroaders call "meets". If it is a single track and there are sidings the northbound and westbound trains must go into the siding and wait. The fifty minutes difference allows for a slight cushion on the "meets".

Trains are scheduled to arrive, wherever possible, at hours most convenient to the travelling public. Under the new schedules this has been made possible, and other operating adjustments have been made so as to reduce the differential from 4 hours and 20 minutes to 50 minutes.

I hope that explains, in strictly layman's language, just why there is this difference.

Hon. Mr. Reid: It does explain it, but not satisfactorily.

Some Hon. Senators: Oh, oh.

Hon. Mr. Macdonald: I was not endeavouring to make the explanation satisfactory, but I hope I put it in words which the honourable senator will understand.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill H, an Act for the relief of Daisy Ruth Kirk Stanistreet.

Bill I, an Act for the relief of Irene Christina Edwards Mackay.

Bill J, an Act for the relief of Barbara Elinor Richardson Jones.

Bill K, an Act for the relief of Wira Pushkar Tereshtshenko.

Bill L, an Act for the relief of Stella (Stephania) Burnatowska Holowaty.

Bill M, an Act for the relief of Harry Evert Finlayson.

Bill N, an Act for the relief of George James Nangreaves.

Bill O, an Act for the relief of Carmela Lanza Morash.

Bill P, an Act for the relief of Meyer Francis Doyle.

Bill Q, an Act for the relief of Julia Mary Collen Dwyer Rose.

Bill R, an Act for the relief of Bela Koschitza Brawerman.

The motion was agreed to, and the bills were read the third time, and passed, on division.

FEDERAL REPUBLIC OF GERMANY

APPROVAL OF PROTOCOL ON ACCESSION TO NORTH ATLANTIC TREATY

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Macdonald, seconded by Hon. Mr. Godbout:

Resolved—That it is expedient that the houses of Parliament do approve the protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, signed by Canada at Paris on October 23, 1954, and that this House do approve the same.

Hon. W. D. Euler: Honourable senators, it is with a certain degree of hesitancy that I rise to take part in this discussion. First, because there is a certain futility in discussing this any further on account of the fact that the resolution will carry, and probably unanimously. Secondly, because it may be that in what I am going to say I shall meet with a certain degree of disapproval. But that is of no real importance. After all, there is no forum in all the world in which a man or a woman can state his or her views more frankly and more clearly than in the Senate of Canada, so I am going to try to discuss certain questions—without prejudice, I hope, and with a sense of objectivity throughout.

I should like to tell the house why I intend to support the resolution. Let me say at once that it is not entirely for the same reason as was given by the Leader of the Government (Hon. Mr. Macdonald) and by others who have spoken. I also desire to declare my absolute abhorrence of war—war with its slaughter, its suffering both on the battlefield and at home, its waste, and the hatreds which it foments and which so often in the making of peace treaties results in the sowing of the seeds of another war. When I say that, I am thinking particularly of the Treaty of Versailles, in some features of which I believe the second World War had its origin.

During the course of my brief remarks I should like to discuss a few things which have been on my mind for some time, and quite possibly, although I hope not, I may express views with which some members of the Senate will not agree.

I listened with much interest to the speech made by the Leader of the Government. He gave a technical explanation of the agreements, and I must compliment him on doing it very well. I should also like to compliment the other speakers, notably the senator from Inkerman (Hon. Mr. Hugessen). I did not agree entirely with his remarks, but in essence I am in accord with most of what he said. Later on I shall make some reference to his address, especially to the points with which I did agree.

Among other things, he suggested that NATO so far has had a strong influence in the prevention of war; and, inferentially, I suppose he felt the inclusion of Germany in NATO would strengthen that influence. I believe there is truth in that statement, but I feel there are two reasons even more important than that. It may surprise you to hear this, but I think the first one—and I am going to deal with it more fully later on—was the death of Stalin. The second is the atomic bomb. I believe both of these, especially the existence of the atomic bomb, has had more to do with the prevention of war, if there was a real danger of war, than any other factor; because surely all nations, including Russia, must hesitate to engage in war—war of aggression, if you like—when aware that it would mean the certain destruction of the world as we know it today. That knowledge has been the greatest deterrent.

NATO, into which Germany is being invited—although I cannot say that she will be altogether welcome—is an alliance. History has shown—and I have said this before—that alliances are not always preventive of war. In fact, one could prove that alliances have sometimes led to war. An alliance, therefore, is not particularly encouraging. An ally in one war may become an enemy in a future war. One needs only to look to the last two

wars for proof of that. When the First Great War started, Germany, Austria and Italy were allied but almost as soon as the war began Italy abandoned her allies and joined their enemies. Similarly, in the First Great War Japan was an ally of the western nations, but in the Second Great War she became an ally of the nation which opposed her in the First Great War. Turkey was on one side in the first war, and on the other side in the second war. Coming down to the present day, our bitterest enemies of the last two wars become our allies under these agreements.

I support the resolution, though not entirely on the ground given by at least two others who spoke before me.

Allow me to digress for a moment. In the treaty made at Yalta, certain provisions were laid down, one of which specified that there should be no alienation of territory to any of the countries taking part in the war. Well, Russia immediately broke the agreement, and annexed East Prussia, as well as the three little Baltic states, Estonia, Latvia and Lithuania. She also took the eastern part of Poland, compensating that country by giving her the eastern part of Germany—the fertile, agricultural part, upon which Germany depended for her food supply. While speaking of this deprivation of Germany, may I say that while it was entirely justifiable to destroy her munition plants, I think it was a grave mistake to bring about almost wholesale destruction of her other factories, most of which were in Western Germany. However, perhaps it was a blessing in disguise to the Germans, because it made it necessary for them to install entirely new plants, with new and up to date machinery, which enabled them to compete with the rest of the world in an ever-increasing degree. It may be said that Germany deserved to have her factories destroyed, but I will not discuss that. The destruction created in the minds of the German people a feeling not only of injustice, but of unnecessary and wanton waste, for in addition to losing their main source of food supply—since East Germany was the only part of the country reasonably rich in agricultural production—they were, by the razing of their factories, deprived of the means to work and live. This led later on to the necessity of the United States and the United Kingdom—I do not know about Canada—spending literally hundreds of millions of dollars to keep alive the people whom they had recently defeated.

I support the motion, not because the agreement necessarily increases greatly the strength of NATO, for I do not think that the addition to the NATO forces of half a million German soldiers would be the deciding factor if war occurred, but because it puts Germany in with the Western nations. More than that, it will avert any possible danger of Germany ever joining with Russia.

Hon. Senators: Hear, hear.

Hon. Mr. Euler: I think that is the great significance of the treaty. I do not need to dwell upon the disastrous results that might flow from the joining of Germany wholeheartedly and entirely with Russia.

Some compliments have been paid to German efficiency. I think they are merited. Had another war broken out, I hesitate to think what might have taken place in Europe if the skills and scientific powers of Germany had been placed at the disposal of Russia, and German forces had joined wholeheartedly with Russian forces. That is my chief reason for supporting this resolution.

May I now turn to the question of German rearmament? I know there is certain opposition to it, and I can understand quite well why the people of France and members of the National Assembly are fearful of the prospect of the rearmament of Germany. I can also understand the feelings of those who lost sons and other members of their families in either or both of the two great wars. But, while the hatreds engendered by war arouse opposition on the part of some, and even the thought of an alliance with Germany is distasteful to others, nevertheless, I think we ought to be realistic when speaking of a rearmed and dangerous Germany. My friend the senator from Inkerman (Hon. Mr. Hugessen) said yesterday he believed that the danger was non-existent. I myself believe the danger is negligible. Not long ago, I visited Germany. I know something of the German language, and I made it a point to discuss world affairs as affecting Germany and the rest of the countries of the world. I spoke to people of all classes, and found, rather to my surprise, first, that they were not particularly concerned with communism as such, but that in their unarmed state they were definitely afraid of Russia. Secondly, there seemed to be an abiding hatred of the thought of getting into another war. While the German people are not satisfied—they are a defeated nation—I believe that they are, in the language of the street, sick of war and want nothing further to do with it.

It should be noted that while these agreements are now before our Parliament and will no doubt be approved, they have not yet been entirely agreed to by the legislative body in Germany. There are, I think, some obstacles in the way, such as the uncompleted so-called agreement on the Saar, and some other things that the German people

do not like. The paramount fact is that their hearts are set on having one day a reunited Germany, and quite naturally so. Chancellor Adenauer has always fixed that as one of the ultimate goals, although not one for which he would resort to war.

Those who have spoken before me have made reference to people of German origin in our own country. I know something about these people; indeed, I need not say that I myself am of that race. My father was born in Germany, came to this country when he was three years old, and remembered nothing of Germany, and I have no known relatives in that country. I know many people of German origin, particularly in the district from which I come, and I know of no better Canadians than those very people.

Hon. Senators: Hear, hear.

Hon. Mr. Euler: I think a similar statement applies as well to people of German origin who live in other parts of Canada, such as Manitoba and farther west.

I thank my friend from Inkerman (Hon. Mr. Hugessen) for what he said in this respect, for it is only the truth.

The German people have been described as a warlike race. While everyone will admit they make good soldiers, I do not believe they are warlike, or that they like war for war's sake, or wish to dominate their neighbours. Indeed, I believe that none of the common people in the world today, whether they live in Germany, Russia, France, or the United States, want war. Can you imagine fathers and mothers who have sons of military age, enjoying the prospect of sending their sons or going to war themselves to be almost certainly slaughtered or maimed for life? I cannot.

I have before me a rather lengthy article written by a columnist for the Toronto *Globe and Mail* which I would ask permission to read. Omitting the earlier paragraphs of the article, I quote:

> I suggest that a contributing element has been the reckless and unlimited use of propaganda as an instrument of "total" war.
>
> Before the First World War, nations at war never presented enemy peoples as a collection of congenitally tainted beasts. Belligerents were restrained by the attitude that wars were lamentable interruptions of normally congenial relations.

When the war was over, I suppose, they returned to their congenial relations.

> But during the First World War—largely by the campaign of Lord Northcliffe—the whole German people were presented as lacking every human virtue.

I hesitate to mention this, but by way of illustration may I relate an instance of how extreme hatreds develop in time of war?

During the First World War there was in my constituency a professional man, no longer young, who for many years had made his living from people of German extraction. When stories came back from the war, which did not go very well at first, he said that if he had the authority he would kill every person who had a drop of German blood in his veins. I have never forgotten that incident, and it is in line with what is said in this article:

> The doctrine of exclusive guilt went into the Treaty of Versailles, and propaganda reached the summit of systematically indoctrinated hatred in the Second World War. Without that wave of blind hatred, no state could have called its people to war for "unconditional surrender", nor could there have been support for the lunatic proposals of the Morgenthau plan.

That plan, as we know, contemplated the complete destruction of German industry and the reduction of German people to hewers of wood and drawers of water. However, such steps were never seriously contemplated by those who retained any sense of sanity.

> Propaganda presented the Germans as a "paranoid" race, incurably warlike, that must be exterminated.
>
> The Scoreboard of Wars
>
> Yet the fact was that since the Renaissance and the modern era, 278 wars involved European countries; that—as a measure of relative bellicosity—Great Britain fought twenty-eight, France twenty-six, Spain twenty-five, while Germany, including Prussia, fought only eight—one more than Denmark.

I was surprised to read those figures. Further:

> The excesses of the Nazi revolution were allowed to eclipse those of the Russian revolution whose casualties vastly exceeded the German.

I do not apologize here for what took place in Germany during the Second Great War, but I say that I have no belief whatever that the German people, apart from their leaders, desire to dominate and to kill their neighbours. I regard the German people as pretty much like the citizens of all other civilized countries.

The writer concludes:

> Such propaganda as "psychological conditioning" for war is a terrible newcomer upon history's stage; it makes any aim except unconditional surrender impossible; and it cannot easily be obliterated from men's minds by later appeals to reason and realism. It prolongs wars. It makes reconciliation—which is peace—all but impossible.

I apologize, honourable senators, for having read at some length, but I think it leads to something we must recognize.

Hatred still exists, as I can well understand, but fortunately it is becoming less and less as the years pass. But if we need—and I think we do—the support of the German people, situated as they are in the heart of Europe, then I think we should accept them wholeheartedly; and while perhaps many will never completely forget the things which

took place during the two Great Wars, so far as our practical action goes we must let bygones be bygones and go on from there. The full value of Germany's membership in NATO cannot be had unless we change our attitude towards her. It may be difficult, but we must restore some sense of good will, equality and sovereignty towards her. Perhaps it cannot all come about now, but ultimately it must be so.

My friend from Inkerman (Hon. Mr Hugessen) said yesterday that the Germans are a proud people. I am not at all sure that pride is of any particular value. But if that statement be true, then we have to reckon with it. We shall have to give them equality and sovereignty in the end. It may be a calculated risk, as the military men say, but it must be taken. I believe, though, that the danger of Germany rearming and again going to war with her neighbours is pretty nearly negligigle.

One more thing I think is necessary for the peace of Europe. We must ultimately have a united Germany. Now, I do not know that the Western powers have it within their power to bring that about, but the German people naturally will never be satisfied until they are reunited. We had a lesson on that fact after World War I, when under the terms of the Treaty of Versailles a corridor was cut through East Prussia.

Perhaps I have said too much about Germany, and I notice my friend the Leader of the Opposition (Hon. Mr. Haig) is getting almost as tired as I am. I shall go on to speak of Russia, if I may.

Perhaps the expression of distrust of that country is not as strong now as it was some time ago—as, say, before the death of Stalin—but if we are ever to make an arrangement with the Russians, which ultimately we must do, we certainly are not starting on the right road if we call them names and say: "We do not trust you. We won't talk to you. You are lying and deceiving us, and we have no use for you at all." It may be true that they are not worthy of trust, but I am reminded of an old saying that I heard a long time ago:

> Always tell the truth, but don't always be telling it.

I think that is a good thing to remember with regard to Russia.

Now, I spoke of the death of Stalin as being perhaps one of the reasons why Russia has not become aggressive. Is it perhaps just barely possible that under the new dispenation the expressions of apparent conciliation, if you like to call it that, may be genuine? And if that be the case—my friend from Wellington (Hon. Mr. Howard) is smiling at that—should not the Western nations explore every possibility by which another war can be avoided, by at least giving careful consideration to every Russian approach?

As I said the other day to my room-mate (Hon. Mr. Baird), "I would sit down with the prince of darkness himself if that meant giving the world any opportunity of avoiding another war."

Hon. Senators: Hear, hear.

Hon. Mr. Euler: As I see it, there are only three courses open to us. One is to continue as we are doing now, maintaining a condition sometimes referred to as the cold war. The second course is to go to war and destroy the world as we have it today. The third course is to try to get along with the Russian people and the communist nations. We have done this for years. Russia is a part of the United Nations, and we get along with her there, though not very well. And let me add here that although China is controlled by communists, I believe we should recognize her government and that she should be admitted into the United Nations. To me, the third course is the only one possible, and we shall have to come to it anyway. Certainly, the first one, of continuing what we are doing now, means living in a state of dread which our statesmen say could continue for a generation or longer, with the expenditure of billions of dollars each year and consequently high taxes. Taxes in Canada are too high anyway, and should be cut by half a billion or a billion dollars a year. However, I will not go into that now, but perhaps the Minister of Finance would agree with me, judging from the remarks he made some time ago.

The third course seems to me to be the only one that it is possible to follow. I believe Sir Winston Churchill is for it, and I think Sir Anthony Eden is too. They make this stipulation, however, that they are not going to negotiate with Russia until after the NATO treaty has been signed and sealed, after all the countries that are contributory to it are in agreement. But I am not going into that either.

I believe that ultimately we must try to negotiate a state of co-existence. I am not sure who coined that phrase. Perhaps it was Sir Winston Churchill, for he is a past master at that sort of thing. We have got to live with Russia. As against that we have just the two alternatives I mentioned: to go to war with them, or to continue in a state of uncertainty, expense and worry for perhaps another generation or longer.

I always like to look at things, if possible, from the other fellow's point of view, but I hope nobody here will say I am defending Russia, for I am not. I am as far away from communism as perhaps anyone in this cham-

ber. Russia has been accusing the United States of being a war monger. We know that is not true. We know that the United States has no desire to extend its territories—none whatsoever. We know that that country has given billions, yes, literally billions of dollars to the nations in Europe, much of it perhaps because it was in the interest of the United States to do so, but much of it also, I think, came from the generosity of their hearts, and all credit should be given to them in that respect. Now suppose I try to put myself in the other fellow's place by imagining that I were a Russian, how would I feel if I saw my country surrounded by air fields—air fields in the United States, in Canada, Iceland, Greenland, Britain, France, Spain, Turkey, the Philippines—with bombers able to reach any part of my country within a few hours? Well, with the propaganda that is being put out today I might easily be inclined to believe that all this bodes no good for my country and ask what is the purpose of it? However, as I said before, it is not being done for any purpose of aggression at all, but I can well believe that in Russia there might be some alarm, just as there would be in this country if Russia took possession of some of the islands in the Caribbean or Newfoundland—provided my friend from St. John's (Hon. Mr. Baird) would allow them to do so. That is why I always feel that we must make a little allowance for Russia's attitude.

One other matter, and I shall be through. Two or three years ago I moved in this house a resolution for the calling of a convention or a conference to explore the possibility of Atlantic union. That meant not a military alliance but ultimately a federation, a real federation for nearly all purposes of the countries bordering on the Atlantic, and at that time I said I felt that such an organization would surely tend to the preservation of peace in at least half of the world, and if the common people of another country—say, Russia—ultimately should want to come into the Atlantic Union, that would mean the salvation of the world. I admit it is visionary, but things must be seen first in a vision and later translated into reality. As to just how visionary this idea is, let me read an item from Philadelphia:

> Only by uniting immediately into one great state can Europe end the wars and trade struggles that are destroying her, the grand old man of American politics declared here today. The sole solution, he declared, is for Europe to call at once a constitutional convention which would combine all her different states and kingdoms into one federal union.

Who, do you suppose, said that? The "grand old man of American politics", Benjamin Franklin, who urged a union of Europe on the American model, in 1787—one hundred and seventy-five years ago. Well, we have not got to it yet. But if the will of the people favours it, ultimately it will prevail.

I will only say in conclusion that if from this organization, NATO, can be developed ultimately into a world government that will for ever make war impossible, it will be the greatest boon to the people of the world, who, I am convinced, have no desire to dominate their fellows but who want to live in harmony with their fellow-men everywhere.

Hon. Senators: Hear, hear.

Hon. T. A. Crerar: Honourable senators, you have listened, as I did, with much interest to the excellent speech delivered by my desk-mate (Hon. Mr. Euler). I venture to express the hope that he will speak more often in this chamber.

Hon. Mr. Haig: He has not had much experience yet: he will speak more frequently after a while!

Hon. Mr. Crerar: Probably the resolution we are discussing is the most important that will come before us this session. Its effects may be very far-reaching. When the war was over everyone hoped that a long era of peace would be ushered in for a poor distracted world. That hope was particularly strong in all the western countries that believe in freedom and liberty and have governing institutions which give expression to that ideal. It is almost ten years since the war ended. At that time Europe had been almost destroyed. With the exception of Sweden, Spain and Portugal, every country of Europe had suffered either occupation by the German forces or devastation through bombing and otherwise. The loss of life was in the millions; the loss of treasure and happiness could hardly be measured; so it was natural that, following that catastrophe, the minds of the people should turn to ideas of permanent peace. May I sketch briefly, but I trust with some effect, the reasons why that hope has not been realized.

I am not going to discuss today the responsibility of Germany for the last war. It has, I think, been made, clear and unmistakable to the world. The great misfortune of the German people was the kind of leadership they accepted. I do not feel too critical towards them on that account. I wholly agree with the statement of my honourable friend from Waterloo (Hon. Mr. Euler) that the Germans are a people with great qualities; and I cannot believe in my heart that the German workman or the German farmer loves war any more than I do.

When the power of Hitler was destroyed, efforts were made by the leading allied

nations to frame a basis of peace. It was recognized that Russia had been wandering outside the great comity of nations, and that she gave adherence to a philosophy of life alien to our ideas of freedom. But she had been an ally in the war, and I believe I am within the bounds of reason when I say that throughout Canada, the United States and Western Europe there was a strong feeling of hope that Russia would live up to the expectations which people held of her. In the various conferences held before the end of the war that opportunity was given to Russia. It was recognized that there were innumerable problems to be solved, but at the famous Yalta Conference a decision was reached by Roosevelt, Churchill and Stalin, representing their respective great powers, as to the procedure that would be followed in the smaller countries in Europe. It was decided that Poland could settle her own future by free elections, choosing a communist government or a government of a different stripe. The same was true in the case of Rumania, Hungary and Czechoslovakia.

Did Russia honour those obligations? The first doubt that arose in the minds of western statesmen was caused by the fact that she did not. All those countries to which I have just referred were occupied by Russian troops. What has been the result? I do not need to sketch the sorry story for this house, for it stands naked to the light of day. Every one of those countries is under communist domination today. Is that because their people believe in communism? Do you think that the Czechoslovakian people, who have been among the staunchest believers in freedom and liberty in Europe, have lost their love of freedom and liberty? Do you think the Poles who for 150 years, despite the domination of Russia on the one side and of Prussia on the other, kept alive their love of freedom, liberty and country, have suddenly changed? It cannot be.

When, according to arrangements, Germany was divided after World War II, Russia occupied the eastern sector of that country. It was then understood that ultimately a peace treaty would be reached with Germany, but every effort made in that direction has been blocked and stopped. Take the problem concerning Trieste in Italy. Russia refused to sit in with the other powers and reach a settlement, hoping to keep alive existing frictions and jealousies concerning that question. At no time in the last ten years has Russia shown a disposition to sit down and talk with other powers and settle these international disputes, excepting upon her own terms; and those terms cannot be accepted.

Russia, to my mind, is dominated today more by the spirit of imperialism than by the philosophy of communism. If she had honestly wanted to test out the communist theory of life and of government she could have done so within the confines of her own territory. No one was going to say "Yea" or "Nay". She had an opportunity to develop a socialist state of her own in accordance with all the beautiful theories of Karl Marx, but that was not the purpose of the Russian leaders. As my honourable friend from Inkerman (Hon. Mr. Hugessen) said yesterday—and there was never a truer thing said—the guiding principle of Russian foreign policy today is almost the same as it was in the days of the Czars. It is a desire for domination and expansion, and until that desire ceases to exist in Russian government circles we shall be faced with the possibility of trouble.

It became quite apparent that Russia was not going to live up to her obligations when she intervened in Czechoslovakia and upset the Government of that country, the head of which was President Benes. It was my good fortune to meet Mr. Benes on one or two occasions and to have considerable conversation with him. Never was there a man more opposed to the idea of communism and communist philosophy. He was struggling to maintain a measure of independence in his country and his Foreign Minister at that time was Mr. Masaryk, a son of the great Czech patriot of the First World War. There is no doubt as to what happened to those two men. The idea that Masaryk committed suicide is now wholly discounted, and we know that Benes was imprisoned in his house. The Government which he headed, and in which indeed there were a few communists—was done away with and a pure communist regime was installed in Czechoslovakia. Does that look like co-operation on the part of Russia?

Take Poland today. The Minister of Defence in the Polish Government is a marshal in the Russian army. Has he any more right than a Canadian general to hold that position? But Poland is not an independent country. The web has been woven around these nations, which are satellite countries in every sense of the term, and as far as we can see Russia will not relax her grip upon them. When the menace of atomic energy, that dreadful engine of destruction, first became apparent, efforts were made in the United Nations to control its use. It was agreed by the representatives of all member countries of the United Nations to ban atomic warfare, but it was recognized that this could only be done by ensuring an adequate system of inspection in every country of the world. This would mean that the inspectors of the United Nations would be free to go into Russia, the United States, Britain and Canada, and so on,

and measure the degree of activity taking place in connection with the preparation of atomic warfare.

Did Russia agree to that? She threw every obstacle possible in the way of it. She said, "Yes, we will agree to a system of inspection, but we will do our own inspection." Is it reasonable to expect that the Western powers would accept that? The question of disarmament, when it came before the United Nations, was discussed at great length, and plans were submitted in an effort to bring about disarmament among the nations. What was the obstacle in the path of progress toward disarmament? It was Russia, together with her satellites, who sat at the council of the United Nations. Why did Russia take the position she did? Was it because she feared that some scheme might be worked against her? I cannot believe it. As the result of Russia's opposition, prudence dictated that the Western powers rearm, which they decided to do with reluctance. And, honourable senators, it is worth noting, in passing, that when World War II ended the Western powers demobilized their forces. The United States army, which participated in the war, was dissolved and her soldiers went home. Britain did likewise, and so did Canada. Did Russia demobilize? Was there any reduction in the number of her military personnel? Absolutely none! She maintained her forces. And in the light of these events, the only thing left for the Western powers to do was to draw together and formulate the Atlantic treaty, as it is known in Western Europe. Out of that combination grew NATO, and from NATO developed the building up of military strength.

The purpose was not to attack Russia. It is absolutely absurd to think that the forces of the Western powers as they stand today could successfully attack the forces of Russia. Russia proper has 175 divisions; she has 500,000 men on the western side of her western frontier in Europe, in Romania, Hungary, Czechoslovakia and Poland, and a vast total of 400,000 in East Germany. The people of East Germany do not like communism. A year ago last June they raised the standard of revolt against their communist government, and they would have succeeded in upsetting that regime if the Russian army had not been there. It was only when Russian tanks and machine guns rattled through their streets and cities that the uprising against the communist government collapsed.

I repeat that there is nothing for the Western powers to do but combine in their own defence.

Russia says that the United States is imperialistic. Russia has endeavoured everywhere to poison the minds of people in Europe and Asia against so-called United States imperialism. Well, we have lived alongside the United States during all our years of experience and history, and we know that the United States are not imperialistic and that they do not covet a foot of territory anywhere. But they do want to see order and peace in the world. They do want to see civilization built on a solid foundation so that their institutions in the future may not be challenged or attacked. In furtherance of that fine design they have given unbounded help to the world. What would have happened, in 1948, for instance, if the United States had not given the Marshall Plan to the world? A few moments ago I pictured Europe broken, its commerce gone, its people disspirited and almost helpless. Into that broken Europe came the offer of help from the United States through the Marshall Plan. I assure honourable senators that that great gesture of help from the United States to Europe prevented Italy and France from going over to the communistic idea of government.

Hon. Senators: Hear, hear.

Hon. Mr. Crerar: And it gave encouragement to all the freedom-loving countries of Europe to reassert themselves. I know there are times when American foreign policy is difficult to understand, and when there appear to be inconsistencies, but I state here that the underlying principle of American policy is peace, and that the American people want peace above everything else. Is it a pleasant thing for the United States to contemplate keeping armed forces in Europe indefinitely? Was it pleasant for Britain to decide to maintain four divisions in Germany, as well as a secondary air force? Why have the United States kept their forces in Europe? And why has Canada kept its forces in Europe? May I say that I am proud of the fact that Canada has done so. Honourable senators, these forces have been maintained there to give courage and hope to the Western Europeans, not only to build up military power and strength, but also to build up economic, spiritual and moral strength, which are just as important to wage war as are guns and tanks.

Hon. Mr. Beaubien: Hear, hear.

Hon. Mr. Crerar: There is a great deal of fear prevalent that the rearming of Germany may again bring to the surface dangerous militarism in Germany. Well, I do not believe it. Our colleague from Inkerman (Hon. Mr. Hugessen) gave some very good reasons yesterday, I thought, as to why that might not happen. Germany has tasted of war, make no mistake about that; she has lost a substantial amount of territory; her country has been occupied for the last ten years; her cities have been destroyed; her people for years have been compelled to live in any

place where they could find shelter. Do you think those experiences have not seared the hearts of the German people? They have paid very, very dearly for going to war. I can understand the reluctance today of German young men and women to have anything to do with war. That is one of the obstacles Chancellor Adenauer has had to overcome. And here, in passing, may I pay my tribute and respect to that great German leader, who today is one of the outstanding public men on the continent of Europe.

Hon. Senators: Hear, hear.

Hon. Mr. Crerar: I have no fear that the rearming of Germany will lead to a restoration of German military power. May I give a few reasons for thinking so, in addition to those given to the house yesterday by our colleague from Inkerman.

In the first place, the German General Staff has been completely obliterated. It is worthy of note that that great body, which for a century exercised a most unwholesome influence upon Germany, dated from the time of Frederick the Great.

In the second place, these agreements which we are asked to ratify would place upon Germany very definite limitations. While they would give her almost complete sovereignty, they limit the extent of her rearmaments. For instance, she cannot have a military strength of more than 500,000 men; she cannot engage in any chemical, atomic or biological warfare activity; she cannot manufacture large guns; she cannot manufacture warships of more than a certain tonnage. These limitations are there, and Chancellor Adenauer gladly accepts them.

But when these agreements are ratified Germany will become a part of the western European Community, and will sit not in an inferior position but in an equal position with the other members of the community, thus having her self respect restored.

I can apreciate the arguments advanced against German rearmament, though in passing I am bound to say that they proceed wholly from emotion and not from reason. As I say, one can understand the opposition to such a move. But if these agreements are not ratified, what will happen? We have given Germany back her sovereignty. She is now the arbiter of her own policies with respect to foreign affairs. If we do not bring her into the family of Western powers, what may happen to her?

Without any question at all, the hope of Russia has been that Germany could be kept out of this community of Western powers. Russia tried at the outset to defeat the move, by playing on the French fears of Germany and thus causing the French Assembly to refuse ratification of the arrangement. Russia is adopting much the same strategy with Germany today. If she succeeds, what will be the result? Germany has been a great power, and situated as she is in the heart of Europe, may again be a great power. As Chancellor Adenauer has said, if these agreements fail, the temptation will be very strong for German statesmen in the future to play the East off against the West and to make the best deal they can with both worlds.

We can never escape the truth that Russia holds some strong cards in her dealings with Germany. First, there is the reunification of Germany, which is uppermost in the heart and mind of every German, and which must sooner or later be brought about. Secondly, every German wants the restoration of eastern territories taken from Germany and given to Poland. Russia made a cynical arrangement in that connection: she took a slice of Eastern Poland for which she compensated Poland by giving her a slice of Eastern Germany. But a cynical government in Germany might well sit down with Russia some day and decide to partition Poland, as was done before. If Germany and Russia are allowed to be drawn together, make no mistake, there will be trouble for Europe. Indeed, there may be trouble between these two countries in the long run, for as the honourable senator from Waterloo (Hon. Mr. Euler) has so well said, alliances very often lack a stable and permanent quality.

Nevertheless, honourable senators, there is not the slightest doubt in my mind that the sensible thing to do is to pass this resolution, ratify these agreements and hope that the countries of the new alliance will get along together; that they will build up their strength, not for aggression, but to hold their place against further domination by Russia. If that happens, the organs of the United Nations may come fully into play, its prestige and its power may be increased and established, and through that organization we may find the way to ultimate peace.

I am under no illusion that today the outlook for the world is anything but bright. Every country is spending enormous sums on armaments. We know the burden of taxation that defence costs impose upon us here in Canada, and I do not like to look forward to that prospect indefinitely. But, we must face up to the fact that every other Western power is in the same position, and there is no possibility of escaping it. But away in the distance is the goal of peace.

In our travels towards peace I sometimes think that we are not unlike Bunyan's pilgrim in his travels towards the celestial city. Those of you who have read that great allegory will

recall the troubles and difficulties that he met on the way and had to overcome. So it is with us: the dangers are many, and we face a long pull that will test the quality of our people. If we rely only on a materialistic philosophy of life we shall sooner or later fail. We must, therefore, drink deeply from the moral and spiritual sources of strength, and falter not though the way be long and hard. We must have a reasonable confidence that in the end we shall win through all these troubles and come at last to the sunlit valleys of peace.

Hon. Senators: Hear, hear.

Hon. Thomas Reid: Honourable senators, I feel it only fair to state at the outset of the few remarks I have to make, that no treaty on foreign affairs has created so much interest throughout Canada, and in Parliament, as has the present treaty by which we propose to accept Germany into NATO and to make her a separate power. I can well understand, as other speakers have said they do, with what hesitation many people in Canada look upon admitting Germany into NATO and allowing her to rearm again. I have a great deal of sympathy for them and I can understand their viewpoints because—and this is something we should never forget—in the two world wars 98,626 young Canadian men and women gave their lives because Germany set out to conquer the earth. I am not going to emphasize the amount of money which the Canadian people paid out to prosecute those wars, for in my opinion money is secondary to the great loss of human life. But it could be mentioned that upwards of $20 billion was expended by the Canadian people to help defeat the military aims of Germany.

As I say, I can well understand what is in the minds and breasts of those who lost their beloved ones, but I have no sympathy with the group of people in this country who follow a directive from Moscow to oppose this ratification. In the *Tribune* it was stated by Tim Buck that a directive had been sent out to all members of the LPP for nation-wide action against this protocol. I am not going to include within my severe criticism all those who oppose the treaty, but some of the letters which I receive and some of the statements sent to me make me rather suspicious that some of the writers are connected with the LPP and are not urging us to oppose the protocol from a practical point of view. Rather, they are playing the Soviet game.

I have read carefully the discussion in the House of Commons and have listened to the splendid speeches in the Senate, and I notice that most of the speakers dealt with the sole question of rearming Germany but have soft-pedalled or left out of their speeches entirely any statement on the reasons why we are compelled to have a military force in Europe and why we believe it will be to our advantage to have the help of German troops. After all, why should we not expect the help of German troops? If the Western powers had no troops in Europe today no one knows what steps the Russians would take to bring still more of Berlin, if not of other parts of Germany, under her orbit. As mentioned by the honourable senator from Churchill (Hon. Mr. Crerar) there are almost a million Russian troops in Europe west of the Soviet borders, distributed right around Germany. And I want to ask any person who opposes this treaty what does he think Russia has built 4,000 submarines for? Why does Russia need that many submarines today? In fact, she has the largest submarine fleet the world has ever witnessed. It is not for peace.

At the San Francisco Conference, in 1945, when Stalin and all the leaders of the Western powers met, Stalin did not talk peace even then, as you will see if you will read his speeches. And when the Western powers reduced their armaments after that conference, which nation went ahead feverishly building up its military might? It was Soviet Russia. All who have read Russian history will realize why there had been no peace or agreement reached between Soviet Russia and the Western powers. The Kremlin, under Stalin's regime, looked into history and realized that in all the wars Russia had engaged in for the past 200 years she had been defeated, and that for one particular reason: she did not have sufficient military might. So she adopted two things from the western world, and she has been using them against us to gain advantage for herself in this cold war. She adopted communism. Communism came from the west, for Karl Marx lived in London. And do not overlook the fact that although the Soviet Republic, or a large part of it is an Eastern power, it has been using the Western philosophy of Karl Marx against the Western powers, and fairly successfully at that. Then in searching for the reasons why the Russian forces had been defeated, the Kremlin came to the conclusion and believed that while the Russians are just as good fighters as those of any country, their one lack was mechanical military power, and so they have made use of Western know-how to build modern military weapons. Thus today the world finds Russia highly mechanized from the military point of view, and equipped with the atom bomb as well.

I think that should be kept in mind by those who charge that the Western powers are always talking military might. There would be no need for military might at all were it not for, shall I say, the motive or the policy of the Kremlin, which is seeking world domination. Until that aim is discarded there will always be trouble.

I am not so much alarmed today as I was in 1939. I think it was Churchill who said, after the end of the last war, that if the Western powers are ever caught again in as poor a military condition as they were in 1939, they will not survive. But we are better prepared than in 1939, and not so easily fooled. Russia may have quite a force of military power. However, the eyes of the Western nations are open now, and we have some measure of preparedness and are not going to be caught napping in the future.

Looking through a magazine the other day I came across a most interesting article, and I think some of it is well worth being placed before this honourable house. I am prepared to accept the statement of the author, Leon Volkov, because of his past experience. He fought in the Red Air Force against the Germans in World War II, and he is now a correspondent for *Newsweek*, a magazine published in the United States. Volkov says.

> The fear of the Russians is real fear against the arming of Germany. What we do not understand is how painfully Soviet Russia was scared by the blitzkreig in the initial stages of the last war. As a member of the Red Army at that time I saw it and felt it. We Russians suffered a traumatic experience on a national scale. We got the feeling that we were no match for the Germans. And we didn't fully recover from this sense of military inferiority even in our ultimate triumph...
>
> There was good reason for this. The Germans in their initial assault had 2,400 tanks to throw against the Soviet's 20,000. On defence, the German Army was sometimes outnumbered 12 to 1 by the Red Army. The Germans did not hesitate to mount attacks even when they knew that they were outnumbered by 3 to 1.

But here is the most striking statement, and I think we can take heart from it in passing this resolution:

> Certainly nothing that the western powers have done since the last war has so frightened the Kremlin as this latest, most promising plan for a start toward the restoration of German military power.

I say again that that is a very heartening statement; and, coming from a man who fought with the Russians against the Germans in the last war, and one who certainly understands the people of Russia better than most of us do, it carries more weight than many utterances we hear from time to time from others who know little of the Russian people.

It has been suggested in various quarters that we should negotiate with the Soviets. I wonder, if we did, how much longer it would take. I find on checking the records that since October 1950, on sixteen occasions the Western powers have sought for a settlement of the East and West Germany question. Russia is definitely against any settlement.

May I say, in passing, that it was most unfortunate that President Roosevelt was ill at the time of the Yalta meeting and accepted the counsel of some advisers who, it has been proven since, were friendly to Russia. Churchill stood out against Stalin and Roosevelt, but finally had to give in. Had the British statesman's will prevailed, the troubles which followed the division of East and West Berlin would never have occurred. Perhaps I am repeating myself, but I think it should be emphasized that Germany cannot be kept down for all time; her sovereignty must be restored sooner or later. In making the choice now, doubt and bewilderment are in the minds of many as to what will happen with a revitalized and well-equipped German army. But there can be no question that, with the increase of western power, the Soviet leaders have become a little less aggressive. Besides, if Germany regained her sovereignty outside NATO, she could not, in the present state of world affairs, long remain neutral; so it is certainly much better and safer to admit her into the North Atlantic Organization than to take the chance of her siding with Soviet Russia.

I have not much more to say honourable senators. My particular purpose in rising on this occasion was to draw attention to a group of people who are acting for and directed from Moscow, while they enjoy all the benefits of our free democratic country. I do not think it has been made clear enough to our people what the dominance of Sovietism would mean. This is a time to stand up and be counted. I for one am for a society in which each of us can enjoy his rights as an individual citizen, not one in which he is reduced to a mere number. I agree with the honourable senator from Churchill (Hon. Mr. Crerar) that if Russia had confined her ideas to her own country we might not have objected, but what she is trying to do is to encircle the world and subdue it to her Communist philosophy. If anyone doubts this he should read the February number of *Reader's Digest* and observe what has taken place in Guatemala through the activities of Communist agents. It is an appalling record, and difficult to understand, but there it is for all who want to read.

I intend to support this motion, and I am very glad that its support, at least in the Senate, will be unanimous. In closing, I want to compliment all those who have taken part in this debate.

Hon. R. B. Horner: Honourable senators, I intend to take no more than a few moments. My chief reason for speaking at this time is that the member of the House of Commons who represents the largest city near my home has astonished me very much by making a bitter attack on this protocol. Personally I shall vote for it, in spite of some personal reasons to the contrary, and I hope it will have our unanimous support. I warmly compliment those who have taken part in the discussion. We have had some very fine addresses and a worth-while debate.

The honourable senator from Waterloo (Hon. Mr. Euler) recalled some facts of recent history which help us to realize that nowadays there can be no victor in war, and that the winner may suffer to a greater extent than the loser. Formerly wars were waged by armies of limited size, and all the participants were men; the women and children, generally, were unharmed; but the practices of modern war have changed all that. We recall the mass destruction at Nagasaki and Hiroshima which was caused by atomic bombs, and that it was our allies who used them.

On the particular question before us: while I understand that fear, and possibly hatred, influence some people in their opposition to German rearmament, I do not share their attitude. We look back at the events which followed the First Great War, and think on what might have happened if President Wilson, when he returned to his own country after sponsoring the League of Nations, had been able to secure approval for his plan of enforcement. What bloodshed might have been spared, and what immense expenditures would have been avoided! Even Canada has to accept its share of blame. What did the Canadian Government do when Mussolini's forces attacked Ethiopia? Our representative at the League of Nations was one of those who moved to apply economic sanctions against Italy, but the Canadian Government was quick to say that he was not speaking on its behalf.

Despite the circumstances surrounding World War I and World War II, and all the adverse propaganda about the Germans, I believe Canada should approve the protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany.

Let me give an illustration of the use of propaganda to build up hatred in people and to imbue troops with a fighting spirit. One time when I had occasion to visit a war memorial in Kansas City, I saw a huge advertising display which was part of a recruiting campaign. There was a lot of propaganda, and among other things that I remember seeing were pictures of what were alleged to be German soldiers in the act of cutting off the hands of little Belgian girls. However, the fact of the matter is that no Belgian child was ever produced who had suffered in this fashion at the hands of German soldiers. A similar form of propaganda, I believe, was adopted by both sides in order to build up a spirit of hatred.

It is apparent that the Russian people have not begun to appreciate what a civilized approach to international problems can accomplish, but together with others who have participated in this debate I believe that the German people have reached this stage. West Germany would be a valuable ally in the defence of Europe, and indeed it is absolutely necessary that the Federal Republic of Germany and the present members of NATO should co-operate in this respect.

Honourable senators, there is just one other matter I should like to touch upon. I like to see credit given where it is due. I do not wish to detract in any way from the many fine qualities of the present Prime Minister of Canada. I was wholeheartedly in support of his tour of occidental and oriental nations last year, for I knew he was taking to the people of these nations a message of peace, good will and co-operation from Canada. However, yesterday the Leader of the Government (Hon. Mr. Macdonald) said that it was none other than our own Prime Minister who first envisaged the North Atlantic Treaty Organization. I do not think that is so. The idea was first propounded by Sir Winston Churchill in his famous speech at Fulton, Missouri. He claimed that Russia was refusing to co-operate in any way in international matters, and he advocated a union of Western Atlantic nations.

Honourable senators, I am fully in accord with the resolution before the house and I have no doubt I can justify my actions to the people of my part of Canada.

Hon. Senators: Hear, hear.

The Hon. the Speaker (Hon. Mr. Robertson) left the Chair to address the Senate.

Hon. Arthur L. Beaubien, in the Chair.

Hon. Wishart McL. Robertson: Honourable senators,—

Hon. Senators: Hear, hear.

Hon. Mr. Robertson: Honourable senators, the subject matter of this resolution has been so thoroughly covered that I would not undertake to add anything, were it not that one aspect of this question seems to have a direct bearing upon the honour of the Senate. I would therefore crave your indulgence for a short time while I refer to it.

In May of 1950 the honourable senator from Waterloo (Hon. Mr. Euler) moved the following resolution in this chamber:

That the Senate of Canada do approve of the calling by the United States of America of a Convention of delegates from the democracies which sponsored the North Atlantic Treaty and representing the principal political parties of such democracies, for the purpose of exploring how far their peoples and the peoples of such other democracies as the Convention may invite to send delegates, can apply among them within the framework of the United Nations, the principles of federal union.

Many will recall the discussion which that resolution provoked in the Senate. For the benefit of any honourable senator who was not here then, may I say that the debate on the resolution reached heights of clarity, eloquence and foresight which I am sure would do credit to any parliamentary assembly. As an illustration of the quality of the speeches made on that occasion, I would refer to those of this afternoon by the honourable members from Waterloo (Hon. Mr. Euler) and Churchill (Hon. Mr. Crerar), who moved and seconded the resolution of May, 1950.

I should like to trace the circumstances that surrounded us at that time, shortly after the bringing into existence of NATO. Experienced parliamentarians in this house realized at once that desirable as NATO was, features of it were in direct violation of the principles of democratic government which had been part and parcel of their existence. It was natural for them to comment on the inevitable consequences of such departures.

First I refer to the military clause by which Canada and the other signatories bound themselves for fifteen years to an agreement that an armed attack against one or more of them in Europe or North America would be considered an attack against all of them. Since its inception other nations have been added to the membership of NATO, and at the present time it is comprised of thirteen countries. This number will be increased to fourteen if Germany is added.

Anyone who can recall public opinion in Canada prior to 1939 knows that in those days we did not accept the idea that the entry of Britain into war called for an automatic declaration of war by Canada. At least that was true of the party to which I belonged, and I am sure it was the general feeling of all political parties in this country. Our logic may have told us that a declaration of war by Canada in such an event would be an almost inevitable consequence, but nevertheless we stoutly maintained that the final right of declaring war rested with our own Parliament.

The second feature of NATO to which I wish to refer is that to a greater or lesser degree the NATO agreements called for the creation of a supra-national army. This meant that for the first time in our history the control of our armed forces was being taken away from Parliament and placed in the hands of another organization. Before 1939 Canada would never have agreed to hand over the control of its armed forces to any outside body, not even to a Commonwealth country, despite the fact that those in command or control there were subject to the same Sovereign as we were. Yet, it has become an accomplished fact, and now scarcely ever evokes comment. Honourable senators will no doubt recall the thread which ran through the speeches at that time. It was felt that so radical a departure would demand new ideas, and some of the elements, at least, that are necessarily incorporated in a federal state like Canada or the United States of America. It was also felt that the control of armed forces by a centralized body should be subject to the approval of Parliament. I well recall that four years ago members of this house pointed out that difficult problems might well arise by our taking so radical a step, though a desirable one, and thus departing from the school of thought in which we had been reared, and from principles we felt to be essential to our system of government. I say this because the questions that have arisen from the resolution before us have a direct bearing on that viewpoint expressed in this house four years ago. The views expressed here have almost inevitably followed the same pattern. Instinctively, our thoughts have turned in two opposite directions, and we have had to decide on whether it was desirable to take this action or not. As far as I can see, there is no difference between the entry of Germany into NATO and the entry of any of the other member nations which have contributed to the armed forces of that central organization.

In one respect, however, there is a radical difference. I have always been surprised that democratic countries, particularly Canada and the United States, have not been more deeply concerned about handing over control of their military forces to someone outside, particularly in peacetime, but I think some countries had the impression that they were only delegating token forces to NATO, perhaps 5 or 10 per cent of the total force. But in the case of Western Germany, as the honourable Leader of the Government has quite properly pointed out, as have also the honourable senator from Inkerman (Hon. Mr. Hugessen) and others, every endeavour is

being made toward absolute equality, so that in future there will be no feeling of inferiority on the part of Western Germany. The treaty states definitely that Germany shall have no national army, and that her other armed forces, of which she has a total of 500,000, shall be under the control of NATO. That means all of her army, token forces and others. That is in the bond. But I venture to predict that as time elapses and public opinion develops—while governments come and go—almost inevitably Western Germany will say to her other partners: "Why are we putting in all our armed forces, when you are putting in only 5 per cent of yours and keeping the remainder under national control?" And I would think that the only argument could be, "That is in the bond." You could not answer it logically otherwise. So, a point might be reached, it seems to me, when one of two things would inevitably happen. Either you would have to agree to control by the national government of Germany—not as in the bond, but on a basis of equity, with Western Germany having control of her own army—or else you would have to put in all of your own army.

What the future trend will be, I cannot say. But I can say this, that the idea behind the resolution was well expressed by Lord Ismay, who said that NATO was a revolutionary experiment in international relations. Such a radical departure from anything we know will, in the future, demand at least some element of the principles of federal union, if it is to work and to continue to work.

Again, I draw to the attention of honourable senators the foresight displayed by the mover and seconder of the resolution made in this house four years ago. When the subject comes before the United States Congress again, I hope the honourable senator from Waterloo (Hon. Mr. Euler), or someone else, will address this house again. I am confident that whoever speaks when the occasion arises will display the foresight, clear thinking and eloquence which so important a subject merits.

Hon. Senators: Hear, hear.

The Hon. the Speaker resumed the Chair.

Hon. Mr. Macdonald: Honourable senators—

The Hon. the Speaker: I would remind the house that if the honourable senator speaks now, he will close the debate.

Hon. Mr. Macdonald: Honourable senators, I wish to associate myself with members who have complimented speakers who took part in this debate. The debate has been on a very high plane. I think both yesterday's and today's issues of *Hansard*, together with the earlier issues to which His Honour the Speaker referred, will become valuable historic documents, and interesting to read, ten years hence. I am sure all honourable senators have reason to feel highly gratified that this subject has been thoroughly canvassed.

We have not all been able to agree as to why we should support this agreement. In fact, the honourable senator from Blaine Lake (Hon. Mr. Horner) does not agree with me as to who first conceived of the Atlantic Community. By way of compromise on the question as to which of two great statesmen is entitled to the credit, I am willing to say that Sir Winston Churchill and our own Prime Minister shared in its creation. My wish is that when these two great statesmen are in conference in the United Kingdom during the next two weeks they will again conceive of big things which will work for the benefit of all mankind. I am sure all honourable senators join with me in extending to our Prime Minister, as he leaves for the United Kingdom to meet with the Prime Ministers of the other Commonwealth countries, our very best wishes and prayers that much good will come from the conference.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: I do not intend to review the debate of yesterday and today. My remarks upon opening the debate constituted a factual statement in which I tried to trace the history of the United Nations from its birth, coming down to the creation of EDC. I referred to the fact that EDC finally did not receive the approval of France; and I discussed the agreements made in London last fall and the resulting Paris Agreements, which are now before us.

The speeches made by honourable senators over the past two days have contained further excellent reasons why this house should unanimously agree in its support of the protocol. I had not the slightest doubt that the support of this house would be unanimous, and it became absolutely certain when His Honour the Speaker, for the first time in my experience in the Senate, left the Chair and spoke in support of the resolution. As the house is aware, His Honour does not ordinarily vote, so honourable senators do not always know just how he feels about a subject under discussion. But fortunately on this very important occasion there is no doubt at all.

I should like at this time to thank all honourable senators who have taken part in the debate, and to congratulate them on their excellent speeches. Also, I would express the hope that in spite of all our misgivings,

world peace will eventually come about and that the action taken today will be one more step towards that end.

Hon. Senators: Hear, hear.

Hon. Senators: Question, Question.

Hon. Senators: Carried.

Hon. Mr. Macdonald: Honourable senators, may I call for a standing vote?

On a standing vote, the motion was adopted unanimously.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house adjourns today, it stand adjourned until Tuesday next, at eight o'clock in the evening.

The motion was agreed to.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill T, an Act for the relief of Maxine Samuels Resseguier.

Bill U, an Act for the relief of Ginette Monique Cornu Lebegue.

Bill V, an Act for the relief of Eugen Hartberg.

Bill W, an Act for the relief of Joseph Pierre Emile Jasmin Rheaume.

Bill X, an Act for the relief of Elizabeth Jane Marcelin Belanger.

Bill Y, an Act for the relief of Hugh McCrone Dunsmuir.

Bill Z, an Act for the relief of Hazel Winifred Edwards Welcher.

Bill A-1, an Act for the relief of Joan Audrey Baur Walker.

Bill B-1, an Act for the relief of Pauline Alice Leduc Sponagle.

Bill C-1, an Act for the relief of Lillian Greenberg Seligman.

Bill D-1, an Act for the relief of Marie Antoinette Demers Vigeant.

Bill E-1, an Act for the relief of Yoneyuki Watanabe.

Bill F-1, an Act for the relief of Leslie Sutcliffe.

Bill G-1, an Act for the relief of Rita Ursule Labadie Huot.

Bill H-1, an Act for the relief of Evangeline N. Rodinos Zolotas.

Bill I-1, an Act for the relief of Maria Lutz Kaczmarek.

Bill J-1, an Act for the relief of Clare Taylor Belanger.

Bill K-1, an Act for the relief of Jean Claude Robitaille.

Bill L-1, an Act for the relief of Ida Meitin Wooden.

Bill M-1, an Act for the relief of Fleur-Ange Francoeur Therrien.

Bill N-1, an Act for the relief of Maria Christina Vettore Austin.

Bill O-1, an Act for the relief of Roland Lefebvre.

Bill P-1, an Act for the relief of Augustine Denonville Leclere.

Bill Q-1, an Act for the relief of Mary Theresa McSheffrey Richard.

Bill R-1, an Act for the relief of Pierrette Marsan Short.

Bill S-1, an Act for the relief of Greta Irene Kokko Marchand.

Bill T-1, an Act for the relief of Yolande Segatore Grandillo.

Bill U-1, an Act for the relief of Annie Laker Gillen.

Bill V-1, an Act for the relief of Juliette Bertha Langlois Miller.

Bill W-1, an Act for the relief of Arthur Johnston.

Bill X-1, an Act for the relief of Bela Antal Kelecsenyi.

Bill Y-1, an Act for the relief of Joseph Roger Gerard Doucet.

Bill Z-1, an Act for the relief of Elsie Amelia Armistice Wood Lavoie.

Bill A-2, an Act for the relief of Joseph Rene Romeo Lafrance.

Bill B-2, an Act for the relief of Gweneth Leslie Clarke Atkinson.

Bill C-2, an Act for the relief of Muriel Claire Wilson Hart.

Bill D-2, an Act for the relief of Violet Doris Hubbard MacGregor.

Bill E-2, an Act for the relief of Christina Mellis Campbell Squires.

Bill F-2, an Act for the relief of Katharine Hamilton Ellis Bishop.

Bill G-2, an Act for the relief of Sheila Kathleen McNaughton Best.

Bill H-2, an Act for the relief of Pearl Mendelson Markus.

Bill I-2, an Act for the relief of Mary Leona Dalton Dawe.

Bill J-2, an Act for the relief of Ethel Tietlebaum Segal.

Bill K-2, an Act for the relief of Sheila Mary Power Stone.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

PRIVATE BILL

GERLING GENERAL INSURANCE COMPANY OF CANADA—SECOND READING

Hon. John J. Connolly moved the second reading of Bill S, an Act to incorporate Gerling General Insurance Company of Canada.

He said: Honourable senators, I shall not delay the house more than a few minutes in an explanation of this bill.

This bill is in the usual form for the incorporation of a company to carry on various forms of insurance, as set out in the bill, other than life insurance. The company is to be known as the Gerling General Insurance Company of Canada. The bill, I am informed, has received the approval of the Superintendent of Insurance and, as in all similar cases, the company will be subject to the regulatory provisions which are contained in the Canadian and British Companies Act.

The incorporators, who are named in the bill, are members of a well-known Toronto law firm, and the head office of the company will be located in the city of Toronto. Actually, the interests promoting this legislation are, I am informed, a very large and responsible West German insurance group, known as Gerling Konzern, composed of five insurance companies. I am further informed that it is one of the leading insurance organizations in West Germany. It has participated to a rather large extent in the recent growth of business in that country. It is also engaged in the business of international reinsurance, and is now seeking to extend its field of activities to Canada.

The authorized capital of the company will be $1 million, with a right, subject to certain safeguards, to increase that capitalization to $3 million.

The applicants seek parliamentary authority to transact business with respect to the various classes of insurance which are set out in section 6 of the bill. They are those types of insurance that have been provided for in many other bills of this kind, with which honourable senators are very familiar.

By section 7 the company is prohibited from commencing business until at least $340,000 of its capital stock has been subscribed and paid for; thereafter it can engage only in transactions respecting those classes of insurance mentioned in subsection 1 of section 7. If the company wishes to engage in classes of insurance other than those specified in that subsection, additional amounts of capital must be subscribed and paid for from time to time. And all this is, of course, under the very strict and competent supervision of the Superintendent of Insurance.

If the bill is given second reading, I will move that it be referred to the Standing Committee on Banking and Commerce. Not only will the sponsors whose names appear on the bill, or some of them, be available for examination by members of the committee, but I am informed that in addition Dr. Hans Gerling, who at present is one of the active heads of Gerling Konzern, will be present to furnish whatever information honourable senators require.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until Tuesday, February 1, at 8 p.m.

THE SENATE

Tuesday, February 1, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CRIMINAL CODE

JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW—COMMONS MEMBERSHIP

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

That Miss Bennett, Messrs. Boisvert, Brown (Essex West), Brown (Brantford), Cameron (High Park), Fairey, Garson, Leduc (Verdun), Lusby, Mitchell (London), Montgomery, Murphy (Westmorland), Shaw, Mrs. Shipley and Messrs. Thatcher, Valois and Winch act on behalf of this House on the Joint Committee of both Houses of Parliament appointed January 14, 1955 to inquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries should be amended in any respect and, if so, in what manner and to what extent; and

That a message be sent to the Senate to inform Their Honours that the foregoing members have been appointed to act on behalf of the Commons on the said Joint Committee of both Houses.

COMMITTEE QUORUM

Hon. W. Ross Macdonald: Honourable senators, may I say a word with reference to the motion which was passed in this house on January 25 appointing honourable senators to serve on the joint committee to which His Honour the Speaker has just referred? In the motion I neglected to include the words:

That the quorum of the said committee be nine members thereof.

These words are in a motion which was passed in the House of Commons and of which we received notice some time ago. Therefore, with the unanimous consent, I would move:

That the resolution of the Senate adopted on the 25th of January, 1955, respecting the joint committee of both houses of Parliament to inquire into and report upon the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries, be amended by adding thereto the following paragraph:

"That the quorum of the said committee be nine members thereof."

That a message be sent to the House of Commons to inform that house accordingly.

Hon. Mr. Haig: Honourable senators, the honourable Leader spoke to me about this and I can see no objection to the proposed amendment. The only thing I need to say at this time is that I think he should have listened to me more carefully than he did the other day when I commented upon the composition of the committee.

The motion was agreed to.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 88 to 118, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill L-2, an Act for the relief of Vera Grace Westley Stewart.

Bill M-2, an Act for the relief of Freda Margery Turton Pellerin.

Bill N-2, an Act for the relief of Sieglinde Rosa Wolf Coss.

Bill O-2, an Act for the relief of Marie Vina Lebel Duhamel.

Bill P-2, an Act for the relief of Florence Pearl Loader Varden.

Bill Q-2, an Act for the relief of Ethel Elizabeth Smith Tero.

Bill R-2, an Act for the relief of Elizabeth Annabel Clouston Grandjean.

Bill S-2, an Act for the relief of Miriam Rabinovitch Yampolsky, otherwise known as Miriam Rabinovitch Pollack.

Bill T-2, an Act for the relief of George Angus Robinson.

Bill U-2, an Act for the relief of Gerald Willy Moore.

Bill V-2, an Act for the relief of Desneiges Primeau Gagnon.

Bill W-2, an Act for the relief of Gladys Krassner Garoff.

Bill X-2, an Act for the relief of Margaret Aitken Robertson Comis.

Bill Y-2, an Act for the relief of Marie Rose Barsey De Board.

Bill Z-2, an Act for the relief of Maureen Theresa May Baker Reed.

Bill A-3, an Act for the relief of Henry Schoen.

Bill B-3, an Act for the relief of Harold Archie Donaghy.

Bill C-3, an Act for the relief of Beatrice Ellis Oakes.

Bill D-3, an Act for the relief of Rose Blum Brenner.

Bill E-3, an Act for the relief of Georges Ovide Normand.

Bill F-3, an Act for the relief of Marjory Grace Darling Downey Picktell.

Bill G-3, an Act for the relief of Francis Joseph Ellis.

Bill H-3, an Act for the relief of John McKinnell.

Bill I-3, an Act for the relief of Ada Garland Skakle Campbell.

Bill J-3, an Act for the relief of Shirley Elizabeth Saul Hutchison.

Bill K-3, an Act for the relief of Rotha Dodgson Webb.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

CANADIAN BROADCASTING CORPORATION

TELEVISING OF BRITISH EMPIRE GAMES—INQUIRY AND ANSWER

Hon. Mr. Reid inquired of the Government, pursuant to notice of January 18:

1. What sum of money was paid by the Canadian Broadcasting Corporation for the exclusive rights of televising the British Empire Games held in Vancouver in 1954?
2. What was the total revenue received by the Canadian Broadcasting Corporation for the sale of the television rights or films taken of the British Empire Games and sold to United States interests?
3. What percentage of Canadian television programs, as seen by the Canadian public, are produced or manufactured in the United States?

Hon. Mr. Macdonald: Honourable senators, the answer to the honourable gentleman's inquiry is as follows:

1. $50,000.
2. Amounts received from United States interests were $10,000.
3. During a sample week in December, approximately 30 per cent of the programs on the Canadian Broadcasting Corporation television English and French networks were originated in the United States live or on film.

THE LATE SENATOR HURTUBISE

TRIBUTES TO HIS MEMORY

Hon. W. Ross Macdonald: Honourable senators, as you probably know, death removed from our midst last evening our late colleague Senator Joseph Raoul Hurtubise. Although he had been in indifferent health for a long time, his unexpected demise at this time saddens all of us in this chamber tonight.

I first became acquainted with Senator Hurtubise in 1935 when I entered the House of Commons, where he had then been a member for five years. In that house, and as well in the Senate, to which he was appointed in 1945, he made a notable contribution to Canadian public affairs. It is a great pity that his distinguished career was to some extent restricted in his declining years by continuous ill health, and unfortunately during those years our deliberations were deprived of his wise counsel.

The late Senator Hurtubise was born at Ste. Anne de Prescott on July 1, 1882, a son of Joseph and Casilde Lamer Hurtubise. He received his Bachelor of Arts degree at Bourget College, in Rigaud, and then went on to Queen's University, from which he graduated in medicine. He subsequently practised at Sudbury, and was surgeon at St. Joseph's Hospital there. In recognition of his achievement in his chosen career he was made a Fellow of the American College of Surgeons, a distinguished honour which comes to only a few.

The late senator's activities in and around his native Sudbury extended far beyond his medical career, reaching into the varying fields of education, business, church and state. He was past president of the Separate School Commission, vice-president of the French Canadian Association of Education of Ontario, past president of the Historical Society of New Ontario, a director of the Canadian Historical Society of the Catholic Church, and vice-president of the Sudbury Broadcasting Company Limited.

His long record in public life is well known. His only defeat came in his attempt to gain a seat in the Ontario Legislature, in 1923. First elected to the House of Commons in the general election of 1930, he was re-elected in 1935 and 1940. He was summoned to the Senate in 1945.

Northern Ontario has lost an outstanding champion, and Canada a distinguished citizen, in the passing of Senator Hurtubise. May I at this time extend to his brothers who survive him our heartfelt sympathy in their great loss.

Hon. John T. Haig: Honourable senators, it is somewhat difficult for me to speak tonight on the passing of Senator Hurtubise, whom I knew well for the past ten years. When the late senator was summoned to the Senate, in 1945, his health was declining, and one felt that he had neither the heart nor the strength to continue working with the same vigour to which he had been accustomed to work in

the House of Commons. Those of us who knew him well—and a good many of us did—liked him. We knew him to be a real gentleman, and one who represented to a marked degree the distinction which attaches to a medical man who is "tops" in his profession.

Honourable senators, I visited Sudbury two years ago—not in the capacity of a senator—and I learned from the people up there how Dr. Hurtubise was beloved as their doctor. From one end of the district to the other, every person I met inquired about his health and about his life in the Senate. As the honourable Leader of the Government has said, we have lost a great Canadian. The French-speaking people of Canada have lost one of their outstanding medical men, who for many years to come will be remembered as one who contributed tremendously to the medical profession in Canada, especially in New Ontario.

I join with the Leader of the Government in conveying to his brothers our feelings of profound regret in the passing of so great a Canadian.

(Translation):

Hon. Joseph A. Bradette: Honourable senators, I feel deeply moved in expressing my sympathy on the occasion of the death of senator Joseph Raoul Hurtubise, because I know that his demise is a great loss not only for the Senate but for the whole province of Ontario as well, and especially for the large area of New Ontario where he was universally known and admired. I, myself, have had the privilege of knowing him and of enjoying his friendship since his arrival in Sudbury in 1910, and I will find it difficult to get used to the idea that he has gone forever. He was truly a master in the exercise of his profession, and his reputation as a prominent surgeon extended far beyond the confines of his own province. He exerted himself unstintingly and his services were always available to his patients, rich or poor. As is also true of several doctors now listening to me, he amassed no fortune, but he earned the gratitude of many people.

He was always interested in public affairs and simultaneously contributed to numerous charitable or educational organizations.

He was president of the Separate School Board of Sudbury for 25 years. He gave much of his talent and time to the foundation of the orphanage and also to the establishment of new parishes in that part of the province of Ontario. He was always, from the moment of its establishment in 1910, one of the strong supporters and leaders of the French Canadian Educational Association of Ontario. He was one of its directors until 1933, when he became its vice-president and added the latter duties to those of director, until illness forced him to retire.

(Text):

Senator Hurtubise always had a high sense of duty, and when convinced of the justice of the causes he sponsored he would give the best of himself, regardless of any personal sacrifices. When the late senator entered the House of Commons, in 1930, after having been requested to run as a candidate, he felt that to discharge his responsibilities as a member of Parliament he should discontinue his large and lucrative medical practice. From that time onward, until his serious sickness of some three years ago, he gave all his time to public affairs, and no member of Parliament was more meticulous in attention to duties than was our late colleague. Throughout his fifteen years as a member of the other house he never left his office until every letter was answered and every duty performed. When the late senator came to this house he brought with him that same sense of responsibility and attention to duty.

Senator Hurtubise's activities in the French-Canadian Association of Education of Ontario were far reaching. He was fully convinced of the justness of the cause of his compatriots in the separate school question. His voice was respected by all, because not only did he work for unity among his supporters but he strove to bring his viewpoints before the other sections of the population of the province of Ontario. He was open minded in his views, and he realized the necessity of having friends and supporters among the majority of the citizens in the province. If a better understanding of this important question has been achieved—although it is not yet completely settled—Senator Hurtubise deserved very much credit for that result.

Fairly early in his last sickness, an incident occurred which I regard as typical of the sincere respect and admiration in which the late senator was held. As I stated a few moments ago, he was the leading medical doctor in that fine hospital in Sudbury, which is operated by the Grey Nuns of the Cross. When they heard of the serious nature of the sickness of Senator Hurtubise, out of gratitude for what he had done for their

institution they asked that he immediately be transferred to the St. Vincent Hospital in Ottawa, and here he received the very best of care until he drew his last breath.

The memory of Senator Hurtubise will ever remain vivid and permanent in our minds and will be a great source of inspiration to us for all time.

(Translation):

Hon. Arthur Marcotte: Honourable senators, I learned just a moment ago that my good friend, senator Hurtubise, had passed away.

I have not prepared any notes but what I have to say springs from the heart. I knew the senator and I knew his brother particularly well. His death strikes me all the more because, although I was aware that he was in poor health since his return from Paris, I was far from expecting that the end would come so soon.

After he returned from Europe, I met one of my good friends, Colonel Lemay, who said to me: "Senator, let us go and see senator Hurtubise together because he is very ill." When we arrived at the hospital, we made inquiries from the doctor and the nurse, who told us: "You had better not go in. Your visit might be fatal to him, because of the close relationship which existed between the three of you". So I had to forgo that visit to a dying friend. And now I hear that he has passed away. When one reaches my age, one often thinks of death. When it strikes younger and more energetic men, men who were pioneers either in Ontario or elsewhere, their departure upsets us.

I should like to extend, not only to my good friend, his brother, but also to all the members of his family, from the bottom of my heart, my most sincere condolences.

(Text):

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill T, an Act for the relief of Maxine Samuels Resseguir.

Bill U, an Act for the relief of Ginette Monique Cornu Lebegue.

Bill V, an Act for the relief of Eugen Hartberg.

Bill W, an Act for the relief of Joseph Pierre Emile Jasmin Rheaume.

Bill X, an Act for the relief of Elizabeth Jane Marcelin Belanger.

Bill Y, an Act for the relief of Hugh McCrone Dunsmuir.

Bill Z, an Act for the relief of Hazel Winifred Edwards Welcher.

Bill A-1, an Act for the relief of Joan Audrey Baur Walker.

Bill B-1, an Act for the relief of Pauline Alice Leduc Sponagle.

Bill C-1, an Act for the relief of Lillian Greenberg Seligman.

Bill D-1, an Act for the relief of Marie Antoinette Demers Vigeant.

Bill E-1, an Act for the relief of Yoneyuki Watanabe.

Bill F-1, an Act for the relief of Leslie Sutcliffe.

Bill G-1, an Act for the relief of Rita Ursule Labadie Huot.

Bill H-1, an Act for the relief of Evangeline N. Rodinos Zolotas.

Bill I-1, an Act for the relief of Maria Lutz Kaczmarek.

Bill J-1, an Act for the relief of Clare Taylor Belanger.

Bill K-1, an Act for the relief of Jean Claude Robitaille.

Bill L-1, an Act for the relief of Ida Meitin Wooden.

Bill M-1, an Act for the relief of Fleur-Ange Francoeur Therrien.

Bill N-1, an Act for the relief of Maria Christina Vettore Austin.

Bill O-1, an Act for the relief of Roland Lefebvre.

Bill P-1, an Act for the relief of Augutine Denonville Leclere.

Bill Q-1, an Act for the relief of Mary Theresa McSheffrey Richard.

Bill R-1, an Act for the relief of Pierrette Marsan Short.

Bill S-1, an Act for the relief of Greta Irene Kokko Marchand.

Bill T-1, an Act for the relief of Yolande Segatore Grandillo.

Bill U-1, an Act for the relief of Annie Laker Gillen.

Bill V-1, an Act for the relief of Juliette Bertha Langlois Miller.

Bill W-1, an Act for the relief of Arthur Johnston.

Bill X-1, an Act for the relief of Bela Antal Kelecsenyi.

Bill Y-1, an Act for the relief of Joseph Roger Gerard Doucet.

Bill Z-1, an Act for the relief of Elsie Amelia Armistice Wood Lavoie.

Bill A-2, an Act for the relief of Joseph Rene Romeo Lafrance.

Bill B-2, an Act for the relief of Gweneth Leslie Clarke Atkinson.

Bill C-2, an Act for the relief of Muriel Claire Wilson Hart.

Bill D-2, an Act for the relief of Violet Doris Hubbard MacGregor.

Bill E-2, an Act for the relief of Christina Mellis Campbell Squires.

Bill F-2, an Act for the relief of Katharine Hamilton Ellis Bishop.

Bill G-2, an Act for the relief of Sheila Kathleen McNaughton Best.

Bill H-2, an Act for the relief of Pearl Mendelson Markus.

Bill I-2, an Act for the relief of Mary Leona Dalton Dawe.

Bill J-2, an Act for the relief of Ethel Tietlebaum Segal.

Bill K-2, an Act for the relief of Sheila Mary Power Stone.

The motion was agreed to, and the bills were read the third time, and passed, on division.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 62 to 87, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the committee, moved that the reports be concurred in.

The motion was agreed to, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, February 2, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine Proceedings.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 119 to 143, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

SUBSIDIES ON FEED GRAINS

INQUIRY

Hon. Thomas Reid: Honourable senators, before the Orders of the Day are called may I direct a question to the Leader of the Government in the Senate? It has to do with the recent reduction of subsidies on feed grains moving, I think, both east and west. This action has raised a considerable storm of protest in British Columbia, as it affects hundreds of producers, particularly poultrymen and dairymen, and there is much confusion as to the extent of the reduction and what the effects will be. My question is: Will the honourable Leader be good enough to bring in a statement as to what is actually taking place in this connection?

Hon. Mr. Macdonald: I shall endeavour to get the information.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Tuesday, January 25, consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. R. B. Horner: Honourable senators, as I have remarked previously, for me to take part in the debate on the Throne Speech is almost an annual occurrence; but because of the smallness of our group, and the seriousness of the problems which face this country and the world at large, I believe I should take advantage of the present occasion to express our ideas and opinions on conditions within our country, and beyond it. For that reason I much appreciate the opportunity of taking part in this debate.

First of all, I would like to congratulate the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the Address. I particularly envy the ability of the seconder to speak with facility in both English and French. Both the mover and seconder deserve particular commendation in view of the fact that, to my mind, the Speech from the Throne provided meagre material with which to initiate a debate.

During this debate some honourable senators referred to various functions held in Ottawa last November on the occasion of the Queen Mother's visit to Canada. I regret that I was unable to attend those functions, but in 1939 I had the pleasure and privilege of meeting Her Majesty in Ottawa and in Saskatoon, the nearest city to my home. I should like to suggest to the Government that the Queen Mother be appointed the next Governor General of Canada, to represent her daughter, Queen Elizabeth, in this senior dominion and largest of Commonwealth countries. I think this would be pleasing to practically all Canadians.

The honourable senator from Victoria (Hon. Mrs. Hodges) made particular reference to a part of the Speech from the Throne which indicates that the Government intends not to do something, but to prevent something from being done, in her native province. That seems rather strange to me. However, I can assure the honourable lady that she has my sympathy, for I too live in a province that has dared to vote for a provincial government of a political stripe other than that of the high and mighty government in Ottawa, and I have suffered disabilities in many ways, just as she has. However, in this instance, I think it is a piece of purely political spite work. All the people in the district concerned speak of the valuable land, and the desirability of a low level storage dam which has been proposed. Honourable senators, I have been in that territory, and I know that there is immense power available for development; there is no shortage of power available at all.

In this connection, it is worth noting that we are on the verge of great developments through the use of atomic power. The world's first atomic-powered submarine has recently been completed in the United States.

Hon. Mr. Roebuck: At a cost of $55 million.

Hon. Mr. Horner: Since this session started that submarine has left a New Jersey dock, gone on a cruise of several days, made a trial dive, and returned to the dock, and

throughout the trip she was driven by atomic power. It is commonly forecast that in the near future factories will be running on atomic power. In fact, it is even said that within a few years automobiles will have atomic engines. However, I have some doubts about that.

Thinking of the atom bomb, and the splitting of the atom, one's mind goes back to that grand old gentleman who years ago settled in the northern part of Saskatchewan, Dr. Benjamin Ralph. In his younger days he conducted a school in the Old Country, and he had some difference with the Government over the curriculum, taxes, or some other matter. He was a most amazing character. A Congregationalist missionary, he had a knowledge of medicine, and when there was no doctor in the district he would get out his buckboard and team and visit the sick. Dr. Ralph loved to talk about the splitting of the atom, and he declared that one day it would be done. I remember when he would gather together a group of farmers and talk for hours on its possibilities, on how it would revolutionize the civilized world. He lived to be nearly ninety, and he was one of the founders of the University of Saskatchewan.

Now, honourable senators, on the subject of the diversion of water by the damming of the Arrow Lakes, a number of letters have appeared in the press recently. I wish to read one which was written to the editor of the *Arrow Lakes News*, at Nakusp, British Columbia:

Dear Sir:

A number of letters have appeared in your paper recently why the proposed Kaiser Dam should not be built on the Arrow Lakes. Now let us look at a few points why it should be built and right away, too.

Two main points against it seem to be that certain farm lands will be flooded, and that it will supply industries across the line with power rather than having the industries in Canada.

Let's look at the farm first. Our member of parliament has said that "thousands of acres will be flooded". This seems to be greatly exaggerated for there will be relatively few settlements that will be affected. A great number of those affected are not being farmed anyway, as the owners obtain most of their revenue from logging or outside jobs. Some of the so-called farms would not produce enough to keep a gopher alive anyway, so their loss would not harm anything and the owners would be compensated for the loss in any case. Considering what these farms might produce if worked, would it mean a revenue to the province of a million dollars a year as the dam will do? Certainly not.

Then again, we do not know when nature will flood these farms again as it did in 1948.

By the way, I understand that with the low level dam it is not proposed to raise the water any higher than it has been in flood time.

Continuing:

It may be this year or next and what crops or compensation will the poor farmer get then? Nothing!

Now for industries. There is no place between Arrowhead and Castlegar that a power dam could be built, so naturally we cannot generate power in that area to offer to industries. But if the Kaiser Co. use the water, which they will get anyway, and give us 20 per cent of the power generated by it, say within the next year or two, we will have something to offer industries, if they are interested in this district. What will that power cost us? Nothing. And we will get around a million dollars a year for something that has been running to waste for centuries.

Now someone has come up with the bright idea that a dam built between Castlegar and Trail, which I presume would be at Murphy Creek, and about 70 feet higher than the proposed Kaiser dam would fill the bill. Well, if the Kaiser dam will flood the settlements on the lake, what would a dam over three times the height of the Kaiser dam do, to say nothing of the now operation Brilliant power site out of commission?

Mica Creek will be a wonderful site for a power project, but supposing it could be built tomorrow. What revenue would we get from it as we have no industries to use the power? If the Kaiser dam is put in now we get the cash revenue from the taxes, etc. and by the time the Mica Creek dam is built, which they say will be 10 to 15 years, enough industries may have come in to use our share of the Kaiser dam power and then the Mica Creek would be ready to be put on a paying basis.

As for turning the mighty Columbia into the Fraser River, I think that is too fantastic for words. Look at the cost to start with and then the farmers, and they are real farmers, in the Fraser Valley, have trouble enough with flooding conditions now, so why make things more difficult for them?

Some of you may say "Listen to that Social Crediter talking, and it is certain that he has nothing to lose." You are quite wrong there, because I am not a Social Crediter and I will lose my home and business if the Kaiser dam is built, but I realize that with every advancement, someone must suffer and I am big enough to put up with the trouble that it will cause me for the benefits that it will be to the province and the industries that it will bring in.

Let's get along with the work on the Kaiser dam and cut out this idea of making a political football out of it, for it seems to be what some are trying to do.

Yours truly,
H. W. Stones.

The writer of the letter apparently lives in the district about which he talks.

Hon. Mrs. Hodges: May I ask the honourable senator from what newspaper he took the letter?

Hon. Mr. Horner: The letter was written to the editor of Arrow Lakes News at Nakusp.

Hon. Mr. Reid: The writer of the letter knows nothing about the matter.

Hon. Mr. Horner: Well, he lives right there.

Hon. Mr. Reid: Maybe, but do not think that I don't.

Hon. Mr. Horner: I am suspicious that it is purely a political move on the part of this Government and nothing else.

Hon. Mr. Reid: I will tell you more of that tomorrow.

Hon. Mr. Horner: Well, you will have to do quite a bit of explaining to convince me. The argument of the honourable senator from Victoria (Hon. Mrs. Hodges) is that the United States gets the benefit. Furthermore, she boasted, and rightfully so, of the great aluminum development at Kitimat, but it has been made possible only through the investment of United States capital and the purchase by the United States Government of aluminum under a five-year contract.

Hon. Mrs. Hodges: But the aluminum plant was established in British Columbia and not in the United States.

Hon. Mr. Horner: As I say, it was made possible only through the Government of the United States contracting to buy five years' production of aluminum. The Westcoast Transmission Company's pipeline that the honourable senator (Hon. Mrs. Hodges) boasted of will be feasible and possible only if the Government allows that company to sell natural gas to the United States.

Hon. Mr. McKeen: What about your wheat? Where do you sell your wheat?

Hon. Mr. Horner: I could tell you about that—that is something I do know about.

Hon. Senators: Hear, hear.

Hon. Mr. Horner: It is all right to co-operate with the United States in these schemes, but, according to some people, we are not only co-operating but we are being ordered about by the United States.

Hon. Mr. Hayden: You do not believe that, do you?

Hon. Mr. Horner: Well, I sometimes doubt if we are doing things on our own or not. Let us take the development of the St. Lawrence Seaway.

Hon. Mr. McKeen: What about it?

Hon. Mr. Horner: An extensive area will be flooded, and from what I know, it will include some really good farm land. May I say that I was perhaps the only one who objected to, or, to say the least, who was not enthusiastic about the development of the St. Lawrence. Grand old farmsteads along that river, villages and towns in that pioneer section of the country, are to be submerged. Furthermore, there is a stipulation in the agreement covering this development that a toll is to be levied on ships passing through—a sort of toll-gate on the Rhine, if you will—to pay the costs. I would like to know what that is going to mean. I expect it will be like a number of other things, that we in the West will be paying the piper to build up industry in eastern Canada.

On the eve of atomic power development great haste is being made to develop hydro-electric power on the St. Lawrence. Of course, a deep seaway is to be built in connection with this power development: the plans call for a 27-foot depth of water in the canals. Now, so far we have been getting along very well with existing facilities on the St. Lawrence. Foreign ships have come up the river, proceeded through the canals and across the Great Lakes as far as Fort William, unloading their cargoes en route, and then loaded wheat at Fort William and returned to Liverpool; and the cost of transporting wheat in that way from the head of the lakes to Liverpool is, I would say, one-third of what we pay to move wheat down to Montreal. I am told that to build the canal three feet deeper—that is 30 feet, instead of 27 feet, as proposed—would increase the cost by $400 million. What about these costs? They will have to be paid some day. But all we hear in the meantime is "Let us get going, let us spend the money, even if we do go into debt", and if anyone offers a word in criticism he is told, "Oh, you are not progressive".

The St. Lawrence Seaway interests me for another reason altogther, and that is in its relation to the Hudson Bay route. I am afraid that that route will become neglected. May I say, though, that I am glad to have some praise to offer the Government.

Hon. Senators: Hear, hear.

Hon. Mr. Horner: A large addition being built to the elevator at Churchill will increase its capacity by 2,500,000 bushels. I made a trip to Churchill last fall, the second that I have made there, and I am sorry that what I learned then I had not learned on my first trip. I found that the elevator facilities for loading, cleaning and so on are capable of handling 10 million bushels per year. While I was there work was going ahead on the building of the addition, and I thought what a pity the elevator had not been made large enough in the beginning, because this added space would have cost very little extra then. However, we are thankful for what we have.

Weather has a great deal to do with the movement of ships through Hudson Bay. While I was there I learned that the most modern means of forecasting are employed, including radar. In spite of all that we are simply not making the use that we should make of that port. It is well known in western Canada that a crop can be insured provided it is seeded between April 15 and May 15. However, in the West, seasonal weather varies as much as a month, so much so that in some years we would quite prudently seed on April 15, whereas in other years we would not seed a bushel until May 20 or 22. Now, similar variations in seasonal weather occur in Hudson Bay. Besides that, the winds play a great part in the operation of ships across Hudson Bay. Wind blowing from a northerly direction moves loose ice to the south shore of the bay, whereas a southerly wind will drive the loose ice and icebergs into the channel. The one will leave a clear channel, the other a channel cluttered with ice floes. Last fall the bay was open for navigation for three weeks, but I firmly believe ships could have safely made the harbour at Churchill three weeks earlier than they did, because a south wind had been blowing for a week and moved the ice and any icebergs into the channel. I saw in that port some fine looking ships, which had brought in a considerable variety of goods and which later took away large cargoes of grain.

While I am on the subject of Churchill, I have another request that I would like the honourable Leader to bring to the attention of the Government: that is, that a customs office be located at Churchill for the convenience of firms which might and should import through that port. Western Canadian business firms should import more goods through Churchill, and I believe they would do so if customs could be cleared at that port. The Hudson Bay route is a thousand miles shorter than the St. Lawrence route, and I understand that the masters of ships using the Hudson Bay route like it very much. A customs office, I am told, would be a great boon and convenience to that port. A port authority is located there, and it seems to me that it would not be too heavy a burden for the government to establish a customs office there.

I would like now to say a few words about the railroad. I was talking to the superintendent of that line and I was told that for two hundred miles going down to Churchill the road is on a gradual slope and is perhaps the easiest piece of railroad to maintain in all Canada, because the land there is covered with muskeg with a perma-frost base underneath. I am firmly convinced that the road should be used for three months every year, and that if it were we could easily ship 100 million bushels of wheat annually through Churchill.

There is another matter. On these trips there are a man and a woman, very capable people, interested in the On-To-The-Bay Association. They sell badges at two dollars apiece; and to boost their project they have issued a book, but some of the material in it is not very convincing. For one thing, they urge the Alberta government to co-operate with them in the assumed interest of Alberta farmers. Again, they want the Canadian Pacific Railway to be granted running rights over the road to Churchill in order that it may carry grain there. The first suggestion seems to me rather ridiculous, because for most of Alberta the natural grain outlet is the port of Vancouver. Also there is no point in granting running rights over the Churchill road to the C.P.R., because 150 million bushels of grain are raised in the areas served by the Canadian National Railways. I see that Eastern interests still voice objection to the Hudson Bay route. The president of the Montreal Corn Exchange Association is reported, in an article headed "Grain ships may bypass Montreal", as lamenting the fact that thirty-six vessels deserted Montreal for Churchill last year. These Montreal interests seem to think they are entitled to handle our grain whether or not the eastern route is more expensive. They opposed shipments by the west coast: I remember how strongly it was contended at one time that grain could not move through the Panama Canal because it would heat.

I believe it would be for the general good of Canada if a railroad were constructed from Flin Flon to serve the great area in the pre-Cambrian shield which is loaded with minerals of all kinds: This is an outlay which would benefit Canada a great deal more than huge expenditures on the St. Lawrence route. To my thinking, one of the most precious of our assets is good land; we have not too much of it, and it is deplorable that fertile farms should be flooded. There are high hopes that with the increase of power, heavy machinery and all sorts of other manufactures will be produced in great quantities; but remember that, while there is a saturation point for manufactures, the growing of food ministers to an ever-increasing demand.

I will now refer for a few minutes to some statements of the honourable Leader of the Government (Hon. Mr. Macdonald). In reply to a question by the honourable Leader on this side (Hon. Mr. Haig) with regard to the employment situation in Canada, he said that a current news release showed that in the

week ended December 11, 1954, a total of 5,167,000 people were employed. This figure seems to me rather surprising. It represents a very large proportion of a total population of 15 million people, and, if correct, it is very gratifying. It seems to me that the total must include persons self-employed as well as those who work for others.

The honourable Leader of the Government went on to produce figures in relation to what the honourable senator from Churchill (Hon. Mr. Crerar) calls taxation at all levels of government. The Government Leader seems to have thought that, by citing some lower rates of personal income tax applicable to Canadians as contrasted with persons in similar income brackets in the United States, he had completely answered the criticisms of our leader. But the fact is that the reply was very partial and incomplete. One reads, for instance, that exchange teachers from Great Britain, though they receive on this side salaries larger than they get in England, have to resort to baby-sitting in order to keep going, and this, in spite of a bonus; while Ontario teachers temporarily transferred to England benefit from the much lower cost of living there. As regards the lower income tax levied on married Canadians, if they are cigarette users the increased cost of cigarettes entirely wipes out the tax benefit. If they have an automobile—and most married couples want to own a car—the differential in favour of Americans is $500; a refrigerator costs $100 more here than in the States; and for almost any electrical appliance used in the home, the price here is much higher. I know what conditions in the United States are, and I say that the cost of living there is less right across the board. The other day I mentioned this to a Liberal member of Parliament who lives close to the border; and he said, "I have to admit you are right." We shall have to look very seriously into the matter of a reduction of our cost of living.

I see also in the Speech from the Throne that measures are proposed to provide for the establishment of standards for all agricultural products. If I had the authority, I would standardize a provision of a sufficient amount of the products of the farm which are served to the public. In that regard, two Ottawa restaurants deserve some favourable publicity for including a fair amount of meat in the portions they provide. One local restaurant serves for 98 cents half a pound of T-bone steak; another—which I think is known as the Golden Grill—serves three-quarters of a pound of steak. But generally, in respect of meals, the Canadian working man who depends on public eating places for his food is much worse off than his brother in the United States. That is the verdict of practically all Americans who come here as tourists.

Our Government takes pride and claims some political prestige because the Canadian dollar is at a premium over the American dollar. But this achievement is costing us a lot of money. The psychology of the thing is that when our dollar is worth more, Canadians tend to travel south in much larger numbers; but when the advantage is in favour of American currency, large numbers of Americans come over here and buy freely.

I have just been reading an article which describes our difficulties in the field of textiles, electrical appliances, and other branches of manufacturing. It refers to a special report recently issued by three university professors, wherein it was stated that with the depreciation of the pound sterling it is now possible for a British manufacturer, incurring the sterling equivalent of a Canadian dollar's worth of wage costs, to cover those costs by receiving 56 Canadian cents.

I believe I have made it sufficiently clear that a comparison of the income tax figures in Canada and in the United States represents only part of the overall picture. In arriving at comparative costs of living it is necessary to know all the factors that enter into costs, not merely income tax. Let me repeat that the higher cost of cigarettes in Canada would in itself equal any saving made by a Canadian in income tax.

I am concerned about Canada's present unemployment situation, and I am really fearful about the future. Last year I expressed alarm when the Government undertook to guarantee 98 per cent of the money loaned by banks on real estate under national housing programs. At that time I feared the ordinary investor who advanced money in the field of speculative home building would soon find himself caught. Well, this is happening right now in several cities across Canada. Builders, unable to sell their houses, are up against it to recover the money they have invested. Where is this all going to lead?

Canada is badly in need of a vigorous immigration program. Immigrants are needed to fill some of these houses, to work on the land and to become consumers. But not a word was mentioned about this in the Speech from the Throne. We express concern about labour problems, yet all the while we are being driven down the socialistic road. It is all right for the Leader of the Government (Hon. Mr. Macdonald) to say to our Leader (Hon. Mr. Haig) "Would you take away these social benefits?" Well, I have said it before and I say it again: once you go down this slippery road there is no climbing back. And

as for asking, "Would you take away baby bonuses and old age pensions?", you might just as well ask a person how popular he would be with a child if he gave him a piece of candy and then took it away—no matter how injurious he thought the candy might be to the child. We are being driven down the road of socialism, and much faster than is at all necessary in a country like Canada.

I spoke earlier about living in a province whose Government is of a different political party from the one in power in Ottawa. Not too long ago we were treated to some fine entertainment in Saskatchewan when the Liberals held a convention there. Unfortunately the occasion was marred by the death in a plane crash of a leading candidate. I followed the convention activities from the sidelines, and judging by newspaper accounts it appeared that there was more criticism from the ranks of the Liberals themselves about "Gardiner" and other political machines than ever came from my own party. It was fine entertainment while it lasted. They had L. B. Thomson, Director of the Prairie Farm Rehabilitation Act, resign his position to contest the provincial leadership of the Liberal party, and when he lost out in that endeavour he was reappointed to his former post with the P.F.R.A. It reminds me of the old words: "Off agin, on agin, gone agin, Finnigin". It has been said that he was the only person with his qualifications available for the post. Well, it always wearies me when I hear the old story that a person cannot be replaced in his job. It is pure nonsense.

Honourable senators, all the political fun that is being had over the South Saskatchewan River Project is good for at least another election or two. The supposition is that if the electors are good people and vote Liberal the project will not cost them too much money, but if they vote contrarywise it will cost them dearly.

An Hon. Senator: Order.

Hon. Mr. Horner: I certainly hope our province never puts up too much money for that purpose. I remember some thirty-six years ago seeing an irrigation project at Bassano, Alberta. They were exhibiting some tall clover in a glass container to show what could be achieved by irrigation, and so on. A terrific boom was predicted for the area, but Bassano is still no bigger than my own home town of Blaine Lake. In some areas where ditches were dug the water still lies in the natural prairie, and the land has been used for ranching purposes. Of course, some of the trouble might be due to alkaline elements which make the land difficult to flood.

Honourable members, I want to refer again to Canada's unemployment situation. Any good farmer looks ahead at least one year. If he summer fallows his whole land in one year he will have no crop to harvest, and he will be preparing for the next year. Now, what about industry? I am fearful of what will happen when all the present housing contracts have been completed. We have to stop somewhere. Our population is not increasing, our export markets are falling off and there will be a further shortage of jobs. How are we going to sell our manufactured products? The producing power of the farmer has diminished, because of inadequate prices for his products, and the farmer is the main purchaser of manufactured goods in Canada.

I am sorry the honourable senator from Waterloo (Hon. Mr. Euler) is not in his place, for I think we are approaching the time I predicted when I would win the last round in my battle with him over the prohibition of margarine. Incidentally, I am glad to be able to commend the Government and the Minister of Agriculture for making surplus Canadian butter available at a reduced price to our hospitals and other institutions. I think it is a very sensible thing to do. I would continue to offer them butter at a reduced price if they, in turn, would promise to discontinue the purchase of margarine.

Basically, Canada is an agricultural country. Now I note that we are importing cheese from New Zealand again. The Liberal Government, if it is not careful, is apt to take a great slide—perhaps not as slippery as on butter—as it did in 1930. New Zealand has a mild climate all the year round. Farmers in that country do not need barns for their cattle; all they need is a cheap shed with a thin roof to shelter the cows, which are milked by machine. The farmer drives around in his big automobile and opens up the paddocks to let his cattle graze from one field to another. No summer fallowing is required, and there is no problem of seeding. When the land is neutralized, or converted from its wild state, some expense and labour are entailed, but the grass, once grown, becomes permanent pasture. The Canadian farmer, on the other hand, must house and provide feed for his dairy cattle for six months of the year. This keeps him busy doing chores for almost seven days of the week. And, honourable senators, I want to say this, that if the Canadian farmer were paid in relation to the labour he expends, he should receive about $1 per lb. for butter. However, I think it might be wise on the part of the farmers, and also good for the country, if they said, "We farmers will take

fifty cents a pound for butter." I do not say that it would bring the farmers any profit. We spend great sums of money training our young people in universities, but I do not know of a better "university" for training young folks than the farm, where they can look after milch cows. Farming has compensations which far outweigh the making of profits.

On the question of which is to be preferred —work or idleness—I should like to read an article entitled, "The wheat under the stone", which appeared last fall in the Saskatoon *Star-Phoenix*:

"Is it true that over-worked men are less happy, less healthy, and shorter-lived than others?"

This question was once asked by Sir William Robertson Nicoll, the celebrated editor of The *British Weekly*. It is an important question.

And what was Sir William's reply? He said: "I do not believe it . . . There are three or four of my friends who might fairly be described as work-drunk. They are always busy and always ready to take on more. Two of them are not physically robust . . . They never brood, they are generally helpful; they have little relaxation, but what they have is relished with an intensity of joy. They are people who keep young in the true sense."

Then Sir William turned to the others whom he knew—those with a too abundant leisure. "I think of those who are under-worked, and I will not say that I have not sometimes envied them their leisure, but I have never envied them long, nor have I ever felt that the envy was rational."

And Sir William Robertson Nicoll was very right. Quite apart from the usefulness work may have to others, it is an excellent means of preserving the soundness of life itself. Work holds a person's life together. By its very demands, it drives out much of the worry and broodings and trifling irritability that might otherwise enter in and take possession.

Of course, there is always the disturbing feeling that work is consuming one's time. And there is, even at best, so little time for anyone on this earth. The weeks pass rapidly for the hard worker, and it is Saturday again before he knows it. The more thoroughly middle-aged a person becomes, the more he is aware that time is slipping by too quickly for his own ease of mind.

Yet work is not something that is stealing one's life away. It is part of life, and a good part. It heightens the pleasures of such change and leisure as may come. For the leisure is earned. And there is something wonderfully precious about it, from the very consciousness that work must be resumed.

It can easily become an illusion that if only we didn't have to work, we might really get down to the business of living. But working and living are so close together that they are not easily separated, at least not for long.

It is the idle, or the indifferent worker, who is most likely to be full of complaints, and grievances, and nervous apprehensions. There is nothing new about this. It was all thoroughly well understood by the quaint old writer of the 17th century, Robert Burton. In his book on the "Anatomy of Melancholy", he analyzed all the causes that contribute to man's unhappiness.

He recognized idleness for what it is. "Idleness", he wrote, "is the bane of body and mind, the nurse of naughtiness, the chief mother of all mischief, one of the seven deadly sins, the devil's cushion, his pillow and chief reposal . . ."

These are strong words. But old Robert Burton went on to say, with a great deal of plain wisdom: "Thus much I dare boldly say: he or she that is idle . . . they shall never be pleased, never well in body or mind, but weary still, sickly still, vexed still, loathing still, weeping, sighing, grieving, suspecting, offended with the world, with every object, wishing themselves dead or gone, or else carried away with some foolish phantasie or other."

Back in the 17th century Robert Burton was considering the same question as Sir William Robertson Nicoll was considering in the 20th century. They found the same answer. Work is not a thief, stealing away life itself from those who cannot escape. It is, rather, a vast blessing giving taste to the bread, order to the mind, zest to leisure, and a useful soundness to the days that pass.

More than a century ago a very wise Archbishop of Mayence, who knew the human heart well, used to say: "The human heart is like a millstone. If you put wheat under it, it grinds the wheat into flour. If you put no wheat, it grinds on, but then 'tis itself it wears away."

Honourable senators, I believe that is true.

I may get a good calling down for suggesting it, but I think that the introduction of margarine has done a great injury to the economy of this country, and has discouraged many a farmer from keeping a herd of cattle.

The honourable senator from Medicine Hat (Hon. Mr. Gershaw) related an entertaining story of his trip to Kenya, and of his impressions of that severely troubled country. I found his speech most interesting.

The honourable senator from Peterborough West (Hon. Mr. Duffus) also told a very interesting story, of the life of David Fife, to whom we owe the discovery of Red Fife Wheat. For many years I was in that part of the country where David Fife had carried on his experiments, and I was pleased to have the fact brought back to my mind. Admittedly, Red Fife was a wonderful wheat. I recall that on one occasion I had a crop of it ripen in less than one hundred days, thanks to a warm wind. To this day any western farmer will tell you that Red Fife was a good frost-resistant wheat. In our part of the country it suffered little from rust and generally stood many of the calamities better than the wheat we are growing today. Certainly, we could seed Red Fife earlier than we now seed Thatcher, a type which almost always results in a poor crop if seeded before the ground is thoroughly warm. I can recall sowing Red Fife so early that the horses had to be turned around in a snowbank at the end of the field, but the wheat grew in spite of the cold weather.

Hon. Mr. Burchill: What about Marquis Wheat?

Hon. Mr. Horner: Well, Marquis was a wonderful wheat too. As the honourable

senator from Peterborough West (Hon. Mr. Duffus) told us, that wheat was developed from Red Fife.

I can recall an experience in my early days of farming when I went to my neighbour and tried to buy enough of his nice bin of Red Fife to plant some thirty-five acres. I told him I did not have enough money to take a full bushel to the acre. He had found himself in the same predicament, he told me, and had planted only a half bushel, but it produced forty bushels to the acre. I said, "I will try it, and hope for the best." I recall that was a dry year, the land had been broken with oxen and the next Spring the catch in the low spots was quite good but on the high land it was very poor. It was not until the fifth of June that there was sufficient moisture to give full germination to some 80 per cent of that field; nevertheless, that Red Fife wheat, planted at a half bushel to the acre, produced thirty-five bushels to the acre.

As honourable senators may know, we at one time thought Red Fife had a tendency to shell, and in the earlier days it was a common sight to see any number of binders going out to cut wheat by moonlight to avoid loss. The harvesting was done at the time when shelling was likely to be most severe. But it has since been found that Red Fife grain that is missed by the binder along the fences can remain on the ground all winter and still be quite firm in the spring. With the use of combines today it could be harvested with no fear of loss from shelling. One often hears people in Western Canada today express the wish that they could again get a bit of pure Red Fife. In places where they do not suffer from rust, I am sure they would be glad to go back to it.

Hon. Mr. Howden: What about rust?

Hon. Mr. Horner: I think the average farmer would tell you that it is more subject to rust than some other wheats. I recall back in 1916 that the rust in my part of the country was a very serious factor in wheat growing, and the southern parts of both Manitoba and Saskatchewan have often been harder hit than the northern areas. Last year the farmers thought that in Thatcher they had a truly rust-free wheat. However, the variety of rust that hit it had a tendency to weaken the straw, so that the grain broke down and lay some six inches above the ground, making it very difficult to harvest by combine.

Hon. Mr. Howden: We now have a rust-proof wheat, Selkirk.

Hon. Mr. Horner: Yes; I have seen some of it and its head appears to resemble that of the Red Fife. I understand there were places where the rust hit the straw but did not seem to affect the head. However, it must be kept in mind that new types of so-called rust-proof wheat must be introduced from time to time to meet the ever-changing character of the rust which attacks it.

Honourable senators, I should like now to discuss for a few minutes the subject of toll roads, a device which I favour very much. I have been over the New Jersey Turnpike and some 175 miles of toll road west of Washington, and I never met anyone who objected to paying the toll. To me tolls are an eminently fair way of meeting the cost of road building, because the huge truckers and other people who use the road most pay the larger portion of its cost. In other words, it is built and maintained by the people who use it.

To my way of thinking, toll roads would be a good thing for the province of Saskatchewan, and if we had the right Government we might obtain them. We also need toll bridges. As honourable senators know we have in that province two branches of the Saskatchewan River and crossings are made for the most part by ferry. I recall last summer seeing some twenty-five cars lined up at one point waiting to cross by ferry. A further serious problem is that when the water is low there is a sharp drop from the ramp down to the ferry boat, which often tears the rear bumpers off cars as they go aboard. Still further there is the serious inconvenience of a six-week tie-up between the time when the ferry stops running and the ice becomes safe for travel. Occuring, as it does, in both the spring and fall, there is a crossing tie-up every year of some three months. Needless to say, the people living in these areas would welcome the opportunity to pay a reasonable toll charge to meet the cost of a bridge.

Honourable senators, I should like to touch for a few minutes on the much discussed subject of narcotic drugs. In this connection, I may well comment on the question of a wider examination of food products. I should like the honourable senator from New Westminster (Hon. Mr. Reid) to make some comment about, for instance, the need for removing the poisonous colouring from brown bread. Further, I think our liquors should be examined more closely for drugs. We are sometimes inclined to think because they come to us bottled and sealed that they are free of any contamination.

I recall visiting San Antonio during the drought season, and being shown a row of

bottles, one of which was a type of gin bottle with the fine writing on it which the British were sure no one could imitate. So I said to a fellow "How do you get that in here?" His reply was that all the bottles and the stuff in them were made right in San Antonio, Texas.

In a United States periodical I read that governments today are collecting excise revenue on about half the liquor that is consumed. What does that mean? That must mean that some of it, a considerable part of it, is made with drugs, and I am pretty sure that a great deal of the liquor consumed in Canada is made in that way. In the olden days when men logged this Ottawa valley they did not go crazy and kill one another after consuming liquor. Alcohol at that time was cheap, and what they consumed was distilled alcohol, distilled whisky, which caused them no harm. But when drugs are put in it, the effect is to send men wild. Our governments are exacting such a high toll of taxes on liquor that there is a strong temptation to adulterate it, and I believe that some people are not resisting this temptation.

Now, honourable senators, I have covered most of the ground that I intended to cover, and I appreciate very much your kind attention.

Hon. Senators: Hear, hear.

Hon. George H. Ross: Honourable senators, in following the honourable member from Blaine Lake (Hon. Mr. Horner) I do not propose to discuss the Kaiser Dam other than to say that I do not share his view with respect to it. Nor do I share his view with regard to the comparative importance of the St. Lawrence Seaway and the Hudson Bay route.

Rather, this afternoon I propose to discuss the Indian problem in the prairie provinces.

In the early years following Confederation, Canada treated the prairie Indians and Metis not as human beings in a neighboring colony, but as wild animals to be hunted and exterminated. Since then Canada has mellowed a great deal towards them, particularly in the last few years. There is still much room for improvement.

On July 15, 1870, Canada purchased from the Hudson's Bay Company the Canadian prairies, and acquired from Great Britain the right to govern the same. For some time prior to that Fort Garry and the adjoining territory constituted a separate British colony known as Red River, which exercised self-government under the sovereignty of Great Britain. Canada then had no interest in any part of the Northwest Territories.

Self government in Red River came about in this way. In the year 1670 King Charles II granted to the Hudson's Bay Company ownership of all the territory drained by waters flowing into the Hudson Bay and the right to govern the country under the sovereignty of Great Britain. In 1869 William McTavish the governor of the Hudson's Bay Company abdicated as governor of the territory, leaving it without any government. Anarchy then prevailed.

"No matter how anarchy is produced, it is quite open by the law of nations, for the inhabitants to form a government, *ex necessitate*, for the protection of life and property," as Sir John A. Macdonald wrote in a letter to Governor designate William McDougall, who from the village of Pembina in North Dakota was attempting to override the Red River Government. (*Strange Empire*, by J. K. Howard, p. 154.)

In accordance with that principle, the residents of Fort Garry and of the territory extending in every direction for 50 miles therefrom had elected a Legislative Council which governed this area until it became a part of Canada. (Howard, p. 122. *Life and Times of Louis Riel*, by W. M. Davidson. p. 35)

The membership of the council was made up of the best intellects in the country, including Judge Black, Chief Justice under Hudson's Bay rule; Henry Cochrane, a full blooded Cree Indian who was in charge of the Anglican Mission of St. Peter's; Henry Prince, an Indian Chief of the Saulteux Indians; James Ross, a Scotch Metis who had graduated with high honors from Toronto University, was an able lawyer and was formerly on the editorial staff of the Toronto *Globe*; John Sutherland who was afterwards a member of the Canadian Senate; Dr. Curtis J. Bird, who had been educated in London and had gained a reputation for professional ability, and other distinguished citizens. Louis Riel, a brilliant, practical and highly educated young Metis, was their first secretary. He later was elected president. The Imperial Government notified them how far they could go without breaking the law. (*The Northwest Mounted Police*, by J. P. Turner. P. 44. Howard, p. 154. *History of Manitoba*, by Gunn and Tuttle, p. 381.)

By the late 1860's wild life on the prairies was becoming scarce and it became necessary for the residents to look to ways other than hunting and trapping to supplement their means of living. Acting on the advice of Louis Riel, hundreds of natives and settlers had purchased river lots for which they held legal titles from the Hudson's Bay Company.

The river lots were surveyed according to a plan which gave the lot a small river frontage and appurtenant water rights, and extended back two miles on the open prairie. On these lots the owners built their homes, churches and schools and tilled the soil. (Howard, pp. 94, 147.)

The trouble in the Northwest Territories in 1869 and 1870 is often referred to as the Red River rebellion. The term rebellion connotes armed resistance from within a country to the established government. There was no such resistance in Red River (Howard, p. 113.) It is true that a minor revolt was stirred up largely by an insolent ruffian named Scott, who mustered 100 men at Portage la Prairie to march on Red River to destroy the Government. But as the marchers neared Fort Garry and learned the facts, nearly all of them disbanded and returned to their homes. A few carried on. Scott and a few followers killed a half-wit Metis youth named Parisien who was suspected of being a spy by slicing open one side of his head with an axe, and binding him with two sashes and dragging him head first through the snow. But the murderers were soon rounded up and subdued. Scott was tried by court-martial, found guilty and shot by a firing squad. (Davidson, p. 40. Howard pp. 175, 182.)

The treatment of the Indians and Metis by the Imperial Government was at all times worthy of the best traditions of British statesmanship. It recognized Indians and Metis as human beings having unquestionable rights to life, liberty and property. The trouble arose by reason of Canada invading their territory. The residents defended themselves, their homes and their country's rights against the unprovoked, cruel and vicious attacks of the Canadians who were foreigners in the Red river and had no greater rights there than they had in the State of New York. This was not rebellion. It was simply a matter of free men defending themselves and their homes against the unwarranted attacks of foreigners.

May I now refer briefly to the many wrongs committed by Canada against the natives of Red River while it was a self-governing colony under the British Crown and before Canada acquired any rights therein.

In July, 1869, Colonel J. S. Dennis, a land surveyor, was sent by the Government of Canada to the colony with a crew of land surveyors and equipment to make a survey according to a checker-board plan. They ignored the survey already made, under which river lots had been sold, and refused to recognize the titles issued by the Hudson's Bay Company to purchasers thereof. This stirred up much hostility among the natives towards Canada. (Howard p. 93. *McDougall of Alberta*, by John Maclean, p. 133. *Between the Red and the Rockies*, by Grant MacEwan, p. 50.)

In September, 1869, Canada appointed William McDougall, its Minister of Public Works, Governor of the Northwest Territories. He and his staff appeared at the border with a display of pomp and trappings like a great satrap. He had 60 wagons and carts carrying him and his retinue, their baggage and 300 rifles. The Government of Red River did not allow them to enter the country. (Howard, p. 194, 112.)

McDougall thereupon undertook to govern the colony from Pembina. Some days later he produced a fraudulent proclamation describing himself as "our trusted and well beloved William McDougall" and giving him authority to govern; to it the signature of the Queen was forged. (Davidson, p. 24. Howard, p. 141.)

On the same day McDougall isued a commission appointing surveyor Dennis "Conservator of the Peace," authorizing him to raise, equip and use an army to overthrow the Government of Red River. Armed with that commission Dennis made his way to Winnipeg, enrolled an armed force of 40 or 50 men, and took possession of Fort Garry. But they were quickly rounded up and imprisoned. (Davidson, p. 24. Howard, p. 141. Gunn and Tuttle, p. 365.)

In 1869 Donald A. Smith, the future Lord Strathcona, appeared at Fort Garry as Governor of the Hudson's Bay Company but not of the territory. He recognized the Riel government and gave a pledge that he would take no step to upset it. (Davidson, p. 31. Howard, p. 173. Macoun, p. 464.) On behalf of the Government of Canada he appeared before the Red River Assembly and urged them to send delegates to Ottawa with a bill of rights to negotiate with the Canadian Government in the event of Canada acquiring the Northwest Territories. The Assembly agreed to do so upon Smith, "speaking on behalf of the Government of Canada", undertaking that the delegates would receive a "cordial reception". (Gunn and Tuttle, p. 382. Davidson, p. 45.)

Judge Black, the Reverend Mr. Ritchot and Alfred Scott were sent. At the Ontario frontier delegates Ritchot and Scott were met by a magistrate who offered them an escort to Ottawa. They accepted and were escorted to jail and charged with complicity in murder. As no case could be made out against them, they were released. (Howard, p. 190.)

At that time Canada was negotiating with the Hudson's Bay Company for the purchase

of the Northwest Territories, and with Great Britain to take over the government of the country under the sovereignty of the Queen. The terms had to be acceptable to the residents of the territory. A plan was worked out, satisfactory to the delegates, under which the Northwest Territories was to become a part of Canada as of July 15, 1870; the province of Manitoba was created on the basis of the Bill of Rights presented by the delegates; a general amnesty was to be granted to every one implicated in the movement to defend themselves against the unprovoked attacks by the Canadians; the Government of Canada undertook to respect the rights of individuals and to settle Indian claims "in conformity with equitable principles which have uniformly governed the British Crown in its dealings with the aborigines", (Howard, p. 70); and the Riel Government should carry on until a new Lieutenant Governor should arrive at Fort Garry. (Howard, p. 192.)

On May 17, 1870, 1,200 troops had left Toronto for the West, allegedly only for police duty, under Colonel Wolseley, who issued a proclamation which Riel had printed and broadcast. It said in part, "our mission is one of peace". As the army neared Red River, Wolseley sent one Butler out to interview Riel. Riel told Butler that Red River would receive Wolseley's army on its "mission of peace" with a friendly welcome and that he, Riel, would resign his authority to the new Lieutenant Governor of Manitoba upon his arrival.

As Colonel Wolseley's army came in sight of Fort Garry, Riel received reports from reliable sources that Wolseley's plan was to capture Fort Garry by surprise, and capture or kill Riel in the battle. Learning of this, members of the Riel Government drifted away. Riel and two of his friends left for Pembina until it could be determined if they would be safe in Manitoba.

On entering Fort Garry, Colonel Wolseley paid off his troops and issued a proclamation praising their fortitude. In it he denounced the Métis. His noble force, he said, had routed the "banditti". Ten days later, on September 2, 1870, the new Governor, Adam G. Archibald, arrived at Fort Garry. In the interval the settlement was without any government. The troops went wild. The massive gates of Fort Garry were battered down by the excited soldiers. (Howard, p. 361) A number of natives were killed; many suffered injuries; others fled for their lives. (Howard, p. 208; Davidson, p. 245) Governor Archibald, the new Governor of Manitoba, in reporting to the Canadian Government, wrote:

> Many of the half-breeds were so beaten and outraged that they feel in slavery. The oppressors seem to feel as if French half-breeds should be wiped from the face of the globe. (Davidson, p. 51).

Though Red River and Ontario were two separate colonies, neither having any right or control over the people in the other, nevertheless the province offered a reward of $5,000, which it ultimately had to pay, for the capture of Riel, whom it branded as a "murderer". Many soldiers released from military discipline were anxious to win the reward, to finance them in their start in the new country. Their ruthless searching for Riel caused intense excitement among the residents who looked upon him as their hero. (Howard, pp. 186, 208.)

The amnesty was not granted as promised. Instead, Riel, the Colonial Treasurer, and a member of the Legislature were banished from Canada for five years and their political rights forfeited for that period. (Davidson p. 63. Howard, p. 246.) In the excitement the fugitives fled westward; many of them located on open prairie land near Battleford where they built homes, improved their land and applied for title. Their applications were ignored. In 1883 they were told they could not stay on their locations. They also pleaded for a measure of self-government, similar to that which the Riel Government got for Manitoba. Instead of listening to their pleas the Government reinforced the Mounted Police and raised an army which subdued them by force. The survivors were obliged to migrate and make another fresh start. (Davidson, p. 69. Howard, p. 371.)

Many of Riel's associates fled to Montana. They urged him to flee with them. He refused saying he would surrender and answer for their alleged sins. To his cousin, Nault, he said:

> Cousin, you must go, but I am going to surrender. After my enemies get me they will be joyous and satisfied, and my people will get justice, and be safe. If I do not, then the others will be caught and punished for me. (Davidson, p. 94).

Riel surrendered and was tried. In preparing for his trial, the defence asked for a month's delay to permit them to bring witnesses from Montana. The witnesses were willing to appear if they would be guaranteed immunity while they served as witnesses and be given safe conduct back to the boundary. This was refused. The witnesses did not come. Without his witnesses Riel was found guilty and hanged. "This was the most

unkindest cut of all." Canada took the life of the people's hero. He sacrificed his life in advocating security and fair play for the natives. They mourned his death; they were overwhelmed with grief. (Davidson, p. 94.)

Meanwhile, the trial of the other alleged culprits proceeded. Eighteen Metis were convicted of treason, felony or they pleaded guilty, and they received prison terms ranging from one to seven years. Eleven Indians were sentenced to hang for murder, but three won commutation. The other eight, including Chief Wandering Spirit, were hanged, all at one time, on a single scaffold, in the Mounted Police courtyard at Battleford on November 27, 1885. (Howard, p. 545.) A large number were imprisoned in Stoney Mountain penitentiary (Maclean, p. 153); some sought refuge in Edmonton, Calgary and Macleod; (Maclean, p. 143): and many fled to the United States. (Maclean, p. 229.)

Louis Riel was the brain of the movement in Red River in building up and protecting the homes of the natives and in preparing them for self-government. He was unselfish and humane. The forlorn people, facing the loss of land and livelihood, learned from him that their struggle for freedom, justice and self-government was significant. Out of that struggle he emerged a symbol and spokesman for the oppressed.

Nova Scotia had its Joseph Howe, Quebec its Louis Joseph Papineau, Ontario its William Lyon Mackenzie, and the prairies their Louis Riel—all renowned reformers who devoted their lives to a great cause and resisted tyranny with courage, energy and decision. Great reformers are great people. During their active lives, history is often fabricated against them. They are best seen at a distance when unprejudiced judgment becomes possible. All four of these men were in their day regarded by many as traitors. Today, Howe, Papineau and Mackenzie are given credit for having been great statesmen. We are too close to Riel fully to appreciate his sagacity and farsightedness. When prejudice vanishes, writers of history will, no doubt, place him in the front rank among the most eminent of Canadian statesmen.

At the time Canada invaded the Red River and made the unprovoked attacks upon the natives to which I have referred, the Indians and Metis were a strong, healthy and vigorous people, proud of their race. They had imagination and were not deficient in natural understanding. They abhorred restraint. Given a chance, they would have well worked out their own salvation.

But Canada treated them at the time in a treacherous and barbarous manner, and has since treated their descendants as an inferior race. They have been humiliated; their spirits are broken; and they have in a large measure lost their self-respect.

A few years after ceding the Northwest Territories to Canada, they were huddled off like so many cattle to reserves. By treaty they surrendered a vast territory to Canada. Up to that time they were prosperous and happy. The treaties left them in poverty. The compensation given them was wholly inadequate. Canada has not to this day compensated them for having confiscated the homes of their ancestors at Red River and, fifteen years later, near Battleford. By treaty Canada also undertook to educate the Indians. The parties no doubt intended that the Indians should receive as high a standard of education as the whites. They are not receiving it. Canada has not lived up to her agreement with them in that respect. The mind is an important part of every human being and should be fully trained.

In view of the maltreatment the Indians received from Canada in the past, we can well afford to be generous and spend much to help them and the Metis, who have been brought up as Indians on reserves, to become rehabilitated. Financial assistance should be given to Indian families by Canada sufficient to induce the more ambitious to become emancipated.

The present generation of Indians, having been brought up and treated through their lives as children, without having business experience to fit them to manage their own affairs, should not be given a free hand to dispose of land, working tools or equipment provided by Canada, as they would in many cases sell the property and waste the money. The Superintendent of Indian Affairs on a reserve would have to co-operate with them in disposing of their products. But they should be given to realize that they would benefit from all such sales.

In 1910 the Indians of British Columbia said to the Canadian Government: "Today the Indian people of British Columbia ask to be put on the same level as the white man". They said: "Come, let us settle the title to these lands. Then give us title to land in fee simple, family by family. Take away your Indian reserve system; put us into your citizenship and we will rise or fall even as other men do". (Maclean, p. 248.)

Yet until the last Indian on a reserve is emancipated the tribal organization should be retained and the power of the chiefs supported in order to preserve contact with reality while preparing to embark on a new and strange existence.

I have confined my remarks to the Prairie Indians. Do the same or similar problems

exist in respect to Indians living in other parts of Canada? I am not familiar with their plight. But I understand that they, too, are huddled together on reserves where they are looked down upon as an inferior race. If so, they should receive sympathetic consideration to build up their self-respect, initiative and incentive to free them and put them on the same plane as non-Indians. All humans crave freedom.

We should strive to build up a desire in all Indians to become emancipated and proud of their race. It is cruel to sit idly by while the Indians suffer for the necessities of life; it is economically unsound to have that great body of potential creators of wealth continuing to live largely in idleness; it is inhuman to have a portion of our population cooped up on reservations and treated as a lower race.

Much progress has been made during the past twelve or fifteen years. Much remains to be done, involving tremendous expenditures.

I hope the Government will do more in the way of educating the Indians and training them towards reviving their morale, building up their spirits and fitting them to become fully emancipated citizens.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Reid, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 89 to 118, dealing with petitions for divorce.

Hon. Mr. Roebuck moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck moved the second reading of the following bills:

Bill L-2, an Act for the relief of Vera Grace Westley Stewart.

Bill M-2, an Act for the relief of Freda Margery Turton Pellerin.

Bill N-2, an Act for the relief of Sieglinde Rosa Wolf Coss.

Bill O-2, an Act for the relief of Marie Vina Lebel Duhamel.

Bill P-2, an Act for the relief of Florence Pearl Loader Varden.

Bill Q-2, an Act for the relief of Ethel Elizabeth Smith Tero.

Bill R-2, an Act for the relief of Elizabeth Annabel Clouston Grandjean.

Bill S-2, an Act for the relief of Miriam Rabinovitch Yampolsky, otherwise known as Miriam Rabinovitch Pollack.

Bill T-2, an Act for the relief of George Angus Robinson.

Bill U-2, an Act for the relief of Gerald Willy Moore.

Bill V-2, an Act for the relief of Desneiges Primeau Gagnon.

Bill W-2, an Act for the relief of Gladys Krassner Garoff.

Bill X-2, an Act for the relief of Margaret Aitken Robertson Comis.

Bill Y-2, an Act for the relief of Marie Rose Barsey De Board.

Bill Z-2, an Act for the relief of Maureen Theresa May Baker Reed.

Bill A-3, an Act for the relief of Henry Schoen.

Bill B-3, an Act for the relief of Harold Archie Donaghy.

Bill C-3, an Act for the relief of Beatrice Ellis Oakes.

Bill D-3, an Act for the relief of Rose Blum Brenner.

Bill E-3, an Act for the relief of Georges Ovide Normand.

Bill F-3, an Act for the relief of Marjory Grace Darling Downey Picktell.

Bill G-3, an Act for the relief of Francis Joseph Ellis.

Bill H-3, an Act for the relief of John McKinnell.

Bill I-3, an Act for the relief of Ada Garland Skakle Campbell.

Bill J-3, an Act for the relief of Shirley Elizabeth Saul Hutchison.

Bill K-3, an Act for the relief of Rotha Dodgson Webb.

Hon. Mr. Haig: Honourable members, I have been somewhat troubled of late, because I have not seen any of the reports of the Divorce Committee. I do not like to concur in third reading of divorce bills without first seeing the evidence, because in the past we have had several tussles with the House of Commons. Members of the House of Commons have often said to me, having read the evidence in some divorce case, "Surely, you read the evidence, and how could one possibly justify granting a divorce on that evidence?" When such an occasion has arisen, I have had to hunt up the evidence. I have been told that in the past evidence has gone to the House of Commons before members of this house had an opportunity to read it. If that is so, we did wrong. I do not think

evidence should go to the House of Commons until we have seen it, because no time is gained at all by that procedure. I think we should have the evidence available so as to be able to read it if we desire to do so. If I am disposed to act as a "dumb Dora" and be lenient, that is my responsibility, but when the Senate itself takes that responsibility, I do not sanction it. I have every confidence in the Chairman of the committee and its members, but I think that as a senator I also have a duty to perform.

As I said the other day, I am not in favour of divorce—I really am not, in my own heart—but I am willing to vote on these divorce bills, because I feel it is my duty as a member of this chamber to do so. If the committee recommends a bill of divorce, and the evidence warrants it, I will do my duty by voting, even though I am against divorce. I do not go so far as some other members, but I go that far. However, I think I should at least have the evidence before me, so that when I vote I know what I am voting for.

Hon. Mr. Roebuck: Honourable senators, as Chairman of the Divorce Committee I think I should say a word or two. Up to the present time we have heard about 135 divorce cases. We do not print the evidence; that is done by the Printing Bureau. The committee has received back from the Printing Bureau three, four or five printed reports, or thereabouts. These printed copies came in yesterday, and the committee is waiting to receive the remainder. At the meeting of the main committee yesterday a resolution was passed to ask the head of the Printing Bureau to appear before the committee on Friday next, when its next sitting will take place. We shall then be able to discuss the situation, so far as the printing is concerned, and obtain an explanation of why more printed reports have not been received. I have no axe to grind in this matter. We are just doing our job to the best of our ability. All we can do is to call before us those who are responsible for the printing and ask for their explanation. At one time I had thought of advocating that divorce bills should not be sent to the Commons until the printing is in hand, but the more I thought of it the more difficulties I saw ahead. We are not the printers, and if we took that responsibility we would leave ourselves in default, whereas if we pass the bills and send them to the Commons, it then becomes their responsibility, just as much as it becomes ours, to get the bills printed.

But do not overlook this, honourable senators, that every divorce bill we send to the Commons is accompanied not by a printed copy of the evidence but by a typewritten copy. If any member of the committee to which a bill is referred wishes to inform himself on the evidence, he can read the typewritten copy.

Hon. Mr. Macdonald: May I ask the honourable senator whether a typewritten copy of the evidence in each case is available for us to read?

Hon. Mr. Roebuck: Yes, it is.

Hon. Mr. Haig: Where is that typewritten copy?

Hon. Mr. Roebuck: The reports of the committee, with a typewritten copy of the evidence in each case, are now on the table, and the Clerk will, I am sure, furnish any honourable senator with a copy of any evidence he wishes to read.

Hon. Mr. Macdonald: That information is most enlightening, and should be helpful to any honourable senator who may be interested in reading the evidence taken in a particular case.

Hon. Mr. Haig: Do I understand that I can protect myself by asking that a typewritten copy of the evidence in every divorce case be placed on my desk in my room, so that I can read them all, even if it takes me three weeks or a month to do it?

Hon. Mr. Roebuck: Of course you can.

Hon. Mr. Haig: Then I now ask the Clerk to deliver to my room the typewritten copy of the evidence in each case. We appear to have no other business ready for consideration by the house, except divorce bills, and there is no reason why I should not read through the evidence in each case. If that is the way honourable senators want the matter handled, I am prepared to spend whatever time is necessary to read the evidence, but my own thought is that the printed evidence in each case should be available for honourable senators to read before we are asked to pass the bills.

Hon. Mr. Roebuck: Would the honourable Leader of the Opposition consider a suggestion? It is perfectly all right for him to read the evidence in its present typewritten form, and it will take no longer to read it in that form than in print. He will have along with the evidence a copy of the report of the committee, the papers with respect to service and the other material.

If I may, I would suggest that the house pass these bills now before us. In view of the fact that the honourable Leader of the Opposition is a member of the Divorce Committee, and has been for many years, perhaps he would be good enough to attend our meeting on Friday morning and discuss with

the officials of the Printing Bureau the matter of the printing of evidence.

As I have said, honourable senators, I have no axe to grind. I am as concerned about the delay in printing as is the honourable Leader of the Opposition. But would it not be satisfactory to let the matter stand until we have had an opportunity to discuss it with those responsible for the printing? I would just point out that this series takes us up to the 118th bill. We have already passed some 88 bills which have been sent to the House of Commons.

Hon. Mr. Haig: Honourable senators, in reply to the suggestion of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), may I say that I am much obliged to him, as Chairman of the committee, for the invitation to attend the meeting on Friday morning to discuss the question of printing. But let there be no misunderstanding, I am not at all satisfied that bills should go from this house to the other house before the evidence supporting them has been printed. I am quite sure that some members of the other house who, like myself, are lawyers will ask me whether I have read the evidence in each case. When I admit that I have not, they will immediately ask me why I voted to pass the bill, to which I can give no satisfactory answer.

I have had this problem on my mind for a month now, and I want to say that to me our present procedure is most unsatisfactory. However, I accept the invitation to attend the committee meeting on Friday morning and, health permitting, I will be there.

Hon. Mr. Roebuck: Then the matter can be discussed further at a later date.

Hon. Mr. Haig: Yes; when that committee again reports I understand I shall have permission to discuss the question if I wish to.

Hon. Mr. Macdonald: Honourable senators, I do not want to prolong this discussion unduly, but I do not think all members of this house feel it their duty to read the evidence in every divorce case. We have set up a committee to hear petitions for divorce and, in my opinion it is just as competent and as thorough in its review of the cases which come before it as is any court in Canada. I have complete confidence that the committee would not recommend passage of a bill for which there was not ample evidence to support it. Therefore, I am prepared to receive the reports of the committee and to pass on them without reading the evidence in each case.

Not all honourable senators are members of the Standing Committee on Banking and Commerce, and some do not attend the meetings of that committee. Yet, when a bill that has been before that committee is reported, the record is not even presented to the house. I am sure all honourable senators do not feel it encumbent upon them to read the record of all the proceedings before that committee before they approve the passage of such a bill.

I repeat that, as far as I am concerned, I have full confidence in the Divorce Committee. I do not think it would recommend to this house the granting of any petition that was not amply supported by evidence.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. The Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, February 3, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 144 to 154, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill L-3, an Act for the relief of Barbara Norma Demaine Davies.

Bill M-3, an Act for the relief of Reta Muriel Hadden Moffit.

Bill N-3, an Act for the relief of Meta Avard Wheatley Griffin.

Bill O-3, an Act for the relief of Emma Melite Latvaityte Vairogs.

Bill P-3, an Act for the relief of Marie Jeanne D'Arc Marcelle Bernier Lemieux.

Bill Q-3, an Act for the relief of Lois Audrey Jemima Patch Howell.

Bill R-3, an Act for the relief of Dorothy Izenberg Lenetsky.

Bill S-3, an Act for the relief of George Reilly Hunter.

Bill T-3, an Act for the relief of Donald William Downie.

Bill U-3, an Act for the relief of Rita Barlatti Devlin.

Bill V-3, an Act for the relief of Ruby Kitts Shea.

Bill W-3, an Act for the relief of Margaret Pearl McNamara Rowlatt.

Bill X-3, an Act for the relief of Mabel Kinghorn Marshall.

Bill Y-3, an Act for the relief of Shirley Norah Farrar Mizener.

Bill Z-3, an Act for the relief of Jane Schubert Clark Bernard.

Bill A-4, an Act for the relief of Irene Joan Fabian Jefford.

Bill B-4, an Act for the relief of Lois Silby Walker Torunski.

Bill C-4, an Act for the relief of Lillian Dorothy Menzies Drennan.

Bill D-4, an Act for the relief of Henry Edwin Lasnier.

Bill E-4, an Act for the relief of Elsa Kremer Ellmaurer.

Bill F-4, an Act for the relief of Christine Bennie Kelly Mooney.

Bill G-4, an Act for the relief of Shirley Patricia King Craddock.

Bill H-4, an Act for the relief of Nomi Meijerowicz Goldenstein.

Bill I-4, an Act for the relief of Edith Dora Hyndman Ross.

Bill J-4, an Act for the relief of Irene Annetta Thomas Bromby.

Bill K-4, an Act for the relief of Arthur Edmund Oliver.

Bill L-4, an Act for the relief of Joseph Zawiski.

Bill M-4, an Act for the relief of Mary Jagiello Kaczynski.

Bill N-4, an Act for the relief of Eleanor Honor Connolly Sutcliffe.

Bill O-4, an Act for the relief of Marie Laurenza Suzanne Boldus Hawkins.

Bill P-4, an Act for the relief of Daniel Joseph MacLean.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, with leave of the house, I move that when this house rises today it stand adjourned until Tuesday next at 8 o'clock in the evening.

The motion was agreed to.

THE ESTIMATES

On the Orders of the Day:

Hon. John T. Haig: Honourable senators, before the Orders of the Day are called, I rise on a question of privilege which concerns the entire membership of this house. This same issue arises every session. Usually near the end of March the Minister of Finance delivers his budget speech in the House of Commons; then the members of that house carry on a budget debate for some two or three weeks, after which the house goes into Committee of Supply to deal with the various items one by one. Eventually the estimates come to the Senate, usually about ten days before the end of the session. This, of course, does not give members of this house any real opportunity to discuss government expenditures, taxation and so on. I may be over-concerned about the importance of the

Senate—though I do not think so—but I believe the experience of the men and women in this chamber is a valuable asset to Canada, and that if it were directed to a complete examination of the estimates and our taxation system we could render a greater service to the Parliament and the people of this country. I do not say this with any thought of criticism in mind, and I do not wish my remarks to be used as an instrument of criticism at all. The Opposition groups in the House of Commons are free to criticize *ad infinitum*. I merely wish to impress upon honourable members of the Senate the fact that we get no real chance here to understand the budget and its workings, or how the national debt is arrived at and how it is paid off. Under the present crucial conditions existing in the world, it is most important that we should understand these things.

I want to suggest that the Leader of the Government in the Senate (Hon. Mr. Macdonald) call in conference half a dozen members of this house, both men and women, who have had experience in parliamentary life, either in the House of Commons or in legislative assemblies of the provinces, in order to see if some system cannot be worked out for our giving more consideration to the estimates. I have no intention of trying to provoke political discussion; I am not at all desirous of anything like that in the Senate. After all, it should make no difference to the members of this house whether "Brown" or "Jones" or someone else is Prime Minister of Canada. or whether the Prime Minister is a Liberal or a Conservative, or what he is. As senators, we represent the people in all parts of the country, and we were summoned here to protect their interests.

There is a good deal of agitation in my province by people who feel that we should give more attention to the Government's economic policies. They feel this is a fundamental matter. They want to know how these policies affect the commercial and industrial life of Canada, and unemployment; and what impact they have on farmers, fishermen, lumbermen and other industrial classes in our society. After some thought on the subject, I have come to the conclusion that the honourable Leader of the Government in the Senate (Hon. Mr. Macdonald), for whom I have great respect—he has wide experience in the other house and is now in his second session as leader in this house—should call together perhaps six or seven honourable senators to consider with him what should be done. When the matter has been thoroughly studied it could then be referred to the house for further consideration, and I am sure that in this way we could devise a satisfactory course of action.

Hon. James H. King: Honourable senators, I would remind my friend the honourable Leader of the Opposition (Hon. Mr. Haig) that in 1943 I moved in this house a resolution authorizing our Standing Committee on Finance to examine the estimates after they had been brought down in the House of Commons.

Hon. Mr. Haig: Correct.

Hon. Mr. King: I took the position that senators had the same right as bankers, farmers, merchants, representatives of labour and others to discuss either privately or publicly the budget as brought down in the House of Commons. We began our examination of the estimates after the Minister of Finance had delivered his speech on the budget, but I may say that I had some difficulty in convincing Dr. Beauchesne that the Senate had the right to review the estimates at all.

As I understand my honourable friend's suggestion, he would like to discuss the estimates in the chamber rather than in committee.

Hon. Mr. Haig: No. My suggestion was that the Leader should call together a few other senators and discuss how we might best deal with the estimates, and that after they had come to a conclusion it should be submitted to this house for consideration. I am not committing myself definitely as to whether their recommendation should be considered in the house or in a committee, but my preference is for consideration in the house itself.

Hon. Mr. King: I had misunderstood my honourable friend. Of course, to discuss the estimates in this chamber would be quite different from discussing them in committee. My resolution of 1943 was for examination of the departmental estimates by our Finance Committee. We called before the committee such officials as Dr. C. J. MacKenzie, then President of the National Research Council, various deputy ministers, and even some ministers. The committee spent some weeks on a study of the estimates, and, generally speaking, we had most interesting discussions.

I doubt that it would be wise for us to discuss the estimates in detail before the Minister of Finance presents his budget speech, and I think those discussions should be in committee. I am in accord with the suggestion that the Leader of the Government in this house should consult with a few senators in an endeavour to devise the most practical means for us to study the estimates.

Hon. W. Ross Macdonald: Honourable senators, I am much interested in the suggestion of the honourable Leader of the Opposition (Hon. Mr. Haig), and very pleased that the honourable senator from Kootenay East (Hon. Mr. King) has given us the benefit of his experience on this subject.

I have heard rumours, in fact I read in the press, that there are likely to be changes in procedure in the House of Commons. Those changes may, for all I know, affect the bringing down of the budget or the method of consideration of the estimates. I recall having read in the *Votes and Proceedings* of the House of Commons a motion in the name of the Prime Minister to set up a committee on estimates, and it occurs to me, therefore, that the procedure in connection with the consideration of the estimates might be changed.

I agree that it is most unfortunate, most unbusinesslike, that the Supply Bill should come into this house in the dying days of the session. I do not like it any more than anyone else here likes it, and if a plan can be devised for having it brought down earlier, so that we can give it proper consideration, I think it would be most advisable to adopt that plan.

I shall be glad to consult with a number of my colleagues in the Senate on this very important matter but I do feel that before coming to a decision we might wait to ascertain if there is to be a vital change in respect to the bringing down of the budget, and consideration of the budget proposals and the estimates in the other house.

Hon. Mr. Roebuck: Honourable senators, I should like to hear from the honourable senator from Churchill (Hon. Mr. Crerar). Two years ago, and also in the previous year, hearings were held by the Committee on Finance, under his chairmanship, and the committee did a magnificent job. I can say that because there is no credit coming to me, for I was engaged on some other work at that time. Many high officials of the Government were called before that committee, and a really informative report was made by the committee to this house. Now, I think there is no one present who can enlighten us further than can the honourable senator from Churchill as to why the committee discontinued its hearings, and it would be interesting to have his opinion on the advisability of resuming them.

Hon. T. A. Crerar: Honourable senators, I understand that my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) paid me a compliment while I was exchanging an observation with a colleague sitting behind me. If so, then I certainly must express my appreciation of his kindness—I will not say of his good judgment.

Hon. Senators: Oh, oh.

Hon. Mr. Crerar: It strikes me, Mr. Speaker, that this discussion is a little bit out of order. The honourable Leader of the Opposition (Hon. Mr. Haig) was perhaps quite right in raising the question on the Orders of the Day, but I would have preferred it if he had moved the adjournment of the house so that every one here could have taken part in the discussion without any violation of the rules. But now that I am on my feet, may I say that I sympathize in large measure with the point raised by the Leader of the Opposition, and with the observations made by the Leader of the Government (Hon. Mr. Macdonald) and our colleague from Kootenay East (Hon. Mr. King).

Honourable senators, we are not proceeding in a way to earn the respect of the country. Members of the Senate, like members of the House of Commons, have to earn the respect of the country by the manner in which they conduct the business of Parliament. I have been here for nearly three weeks, and I do not believe that during that period this house has sat five hours a week. This state of things is very convenient for honourable senators who are only an overnight journey from their homes. They can arrive here on Tuesday evening in time to take part in our deliberations, spend Wednesday here, come into the chamber on Thursday afternoon, and by 4.30 p.m. be on their way to the station to catch the train home. But those of us who come from farther away sit around here from about half-past four on Thursday afternoon until eight o'clock the following Tuesday evening, and there is not a solitary thing in the way of public business for us to do unless we are engaged in the divorce committee. Surely we can find some way of improving upon that state of affairs. I say in all seriousness—in fact, all I am saying is said seriously—that the fault is by no means wholly ours. I know we are restricted, sir, in our observations on the other branch of Parliament; and if I were to say some of the things I would like to say, probably Black Rod would be sent for to take me out! My point is that more must be done to expedite the business of Parliament. I think it is a waste of time, when so many vital problems are facing the country and require our best consideration, that so much of it is being spent in a rather fruitless and futile discussion. Let us get on to the problems that really require our attention.

Hon. Thomas Reid: Honourable senators, it was not my intention to take part in this discussion, but I am moved to do so after listening to the remarks of the honourable senator from Churchill (Hon. Mr. Crerar). Ever since I became a member of this chamber, the existence throughout the country of a feeling adverse to the Senate has given me a good deal of concern. I have noticed that every little critical remark of the kind to which we have just listened is magnified from one end of the country to the other, and the impression is fostered that unless the members of the Senate are in session in this chamber they are doing nothing. Now there are just as many drones in the House of Commons as there are here.

Hon. Mr. Duffus: Are there any drones here?

Hon. Mr. Reid: As far as I am concerned, I am as busy as any other member of Parliament; and whenever I hear an honourable senator make the statement that we senators sit in our offices from Thursday to Tuesday doing nothing, I am going to rise in my place and express strong resentment. I am willing to bet that very little of what I am saying now will appear in the newspapers, but plenty of notice will be taken of the statement that senators do nothing from Thursday afternoon until Tuesday evening. The fact is that we are at work and carrying on our duties. I do not deny that this house could sit Fridays and transact some business. But, I repeat, I shall rise every time it is stated that for half the week honourable senators do nothing. It is an unfair reflection upon us, especially those of us who are doing fully our duty to the people of the provinces from which we come, and doing it just as conscientiously as any member of the other house.

Hon. Mr. Duffus: I think the honourable member from New Westminster (Hon. Mr. Reid) should name the "drones" he speaks of. I would like to know who they are.

Hon. Mr. Reid: I can give the honourable senator two dozen names.

EMPLOYMENT IN CANADA

On the orders of the day:

Hon. Mr. Macdonald: Before the Orders of the Day are proceeded with, may I answer a question which was asked indirectly of me yesterday by the honourable senator from Blaine Lake (Hon. Mr. Horner). In the course of his very interesting address, he referred to the fact that there are employed in Canada at the present time 5,167,000 people, and was very gratified to know the number was so large. I can assure him that the figures I gave are correct. The honourable senator stated that he assumed the number included those who are self-employed. That is so: they include everyone in Canada who is employed.

Probably the house would be interested to know that there is today in Canada a working labour force of 5,414,000 of which number, on January 19th, only 247,000 were unemployed; so that, as I have stated, 5,167,000 are at work.

Hon. Mr. Roebuck: Can the honourable leader give us the percentage of unemployed?

Hon. Mr. Macdonald: The percentage of unemployed is 4·6.

Honourable senators will also be interested to know that an additional 4,939,000 Canadians are not in the labour force. This total includes those—most of them women—engaged in housekeeping, adults taking advanced educational courses, persons retired or voluntarily idle, and others too old or unable to work.

In round numbers, the population of Canada is approximately 15 million. Of these, roughly speaking, 5 million are employed, and 5 million, for various reasons, are not reckoned as employed, yet are not unemployed: among them being, for example, those who keep house.

Hon. Mrs. Hodges: Unpaid employees.

Hon. Mr. Macdonald: "Unpaid employees"—that is a better expression. There is no doubt that those who keep house work very hard; I would not want to give a contrary impression. The remaining 5 million of the population consists mainly of children.

Hon. Mr. Horner: Thank you.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill L-2, an Act for the relief of Vera Grace Westley Stewart.

Bill M-2, an Act for the relief of Freda Margery Turton Pellerin.

Bill N-2, an Act for the relief of Sieglinde Rosa Wolf Coss.

Bill O-2, an Act for the relief of Marie Vina Lebel Duhamel.

Bill P-2, an Act for the relief of Florence Pearl Loader Varden.

Bill Q-2, an Act for the relief of Ethel Elizabeth Smith Tero.

Bill R-2, an Act for the relief of Elizabeth Annabel Clouston Grandjean.

Bill S-2, an Act for the relief of Miriam Rabinovitch Yampolsky, otherwise known as Miriam Rabinovitch Pollack.

Bill T-2, an Act for the relief of George Angus Robinson.

Bill U-2, an Act for the relief of Gerald Willy Moore.

Bill V-2, an Act for the relief of Desneiges Primeau Gagnon.

Bill W-2, an Act for the relief of Gladys Krassner Garoff.

Bill X-2, an Act for relief of Margaret Aitken Robertson Comis.

Bill Y-2, an Act for the relief of Marie Rose Barsey De Board.

Bill Z-2, an Act for the relief of Maureen Theresa May Baker Reed.

Bill A-3, an Act for the relief of Henry Schoen.

Bill B-3, an Act for the relief of Harold Archie Donaghy.

Bill C-3, an Act for the relief of Beatrice Ellis Oakes.

Bill D-3, an Act for the relief of Rose Blum Brenner.

Bill E-3, an Act for the relief of Georges Ovide Normand.

Bill F-3, an Act for the relief of Marjory Grace Darling Downey Picktell.

Bill G-3, an Act for the relief of Francis Joseph Ellis.

Bill H-3, an Act for the relief of John McKinnell.

Bill I-3, an Act for the relief of Ada Garland Skakle Campbell.

Bill J-3, an Act for the relief of Shirley Elizabeth Saul Hutchison.

Bill K-3, an Act for the relief of Rotha Dodgson Webb.

The motion was agreed to, and the bills were read the third time, and passed, on division.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. Thomas Reid: Honourable senators, in rising to speak on this occasion I intend to deal with one or two matters before coming to the proposed legislation outlined in the Speech from the Throne. First of all, I should like to inform the honourable Leader of the Government (Hon. Mr. Macdonald) how pleased I was when some days ago he intimated that the Government was agreeable to the appointment of a special committee to inquire into the traffic in opium and narcotic drugs in Canada. It is said that honest confession is good for the soul, and I must confess that on April 7 last when I proposed that such a committee be set up and the honourable Leader promised he would take the matter up with the Government, I was a little sceptical, shall I say, that such a committee would ever be organized. Once again I want to tell him how pleased I am that a committee is going to be appointed. I feel sure that this action will meet with approval right across Canada.

Honourable senators, judging by press accounts from one end of the country to the other I believe many people approve the Government's decision to allow the Canadian Pacific Air Lines to fly the Polar route from Vancouver to Amsterdam, Holland. Many of us have been concerned about this matter, for we were wondering if the T.C.A. was going to monopolize and control the entire field of aviation; so the decision of the Government to allow the C.P.A. to fly from Vancouver to Amsterdam, a 17-hour flight, has pleased many interested people. The citizens of Vancouver are particularly gratified, because it means that Vancouver will become one of the great central airports of the world.

Honourable senators, I am going to draw to the attention of the Government something that took place in British Columbia last summer, as I think some particular notice should be taken of it. Sometimes in my quiet moments I come to the conclusion that education occasionally breeds foolishness among certain groups of people. I have in mind the hiring of an American firm to make rain fall on the British Columbia mainland around the district of Powell River. As a matter of fact, the Powell River Company did the hiring, and of course we may assume that the money it spent on this venture will be written off as an item of expense, so that probably the whole thing will not cost the firm very much. Dr. Gordon M. Shrum, head of the Department of Physics of the University of British Columbia, warned that man-made efforts to produce rain should not be carried out in British Columbia without the approval of competent government authority. In any event, this American company was hired to make rain, but it so happened that last year was one of the wettest that British Columbia has had in a long time, and not only did the Powell River district get all the rain it wanted but other areas also were deluged. Of course, the people of those districts did not have to pay the American company. If the company actually produced rain—which

I doubt—it certainly was not able to restrict the downfall to the area around Powell River.

I should not have thought any Canadians would bother to hire rainmaking outfits after the experience some people of Alberta had with them years ago, but I would suggest that if this foolishness continues the federal Government should take steps to control it, just as it controls the air for radio and flying. This sort of thing could have serious repercussions. Suppose a certain group hired rainmakers to bring down rain in the summertime and, as a result, a cloudburst ruined some cherry orchards. Damage claims would be filed, and some authority would be appealed to. I maintain that the Government should investigate the activities of companies which are advertising that they will produce rain if hired to do so.

Honourable senators, a couple of weeks ago I inquired of the Government what sum of money was paid by the Canadian Broadcasting Corporation for the exclusive rights of televising the British Empire Games held in Vancouver in 1954, and what was the total revenue received by the C.B.C. for the sale of the television rights or films taken of the Games and sold to United States interests. I had several reasons for asking these questions. I also inquired of the Government what percentage of Canadian television programs, as seen by the Canadian public, are produced or manufactured in the United States. In answer to the inquiry I have been told that during a sample week in December, 1954, approximately 30 per cent of the programs on the C.B.C. television, English and French networks, originated in the United States live or on film.

I do not intend to go into this particular question now, but I want to draw the attention of honourable members to the great event which took place in Vancouver last summer, the British Empire and Commonwealth Games. Officials of the Games Committee have stated that the Games might not have been held in Vancouver except for the fact that two tentative host cities, Montreal and Toronto, got into quite a squabble as to which of them should be honoured by having the Games. Vancouver filed a request, and the authorities ultimately conferred this honour upon that city.

The holding of the Games in Vancouver climaxed a four-year effort on the part of many men and women. I am told by those who spearheaded the move that a distinguished senator who sits in front of me (Hon. Mr. McKeen) had a lot to do with bringing the Games to Vancouver.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: At first those who sponsored the idea received little support, but eventually things began to roll, and as it turned out the Games proved to be an outstanding success and brought great credit to Canada, British Columbia and Vancouver. Incidentally, it is not likely that any Canadian city will be eligible to hold the Games for another twenty-five years.

The Games were immensely enjoyed by both spectators and athletes alike. A tent city was erected on the grounds of the University of British Columbia to house the 1,100 athletes from twenty-six Commonwealth countries who participated. It was indeed a memorable occasion to visit the tent city and observe the athletes of many races and colour living together in such complete harmony. The holding of the Games certainly fostered much good will. In my opinion it exceeded the amount of good will that has so far been created by the United Nations—in fact, I have not observed much good will proceeding from them. The good will from the Games was spread far and wide by the participants. They appreciated the wonderful treatment they received here, and I feel quite sure that when they returned to their various countries they sang loud the praises of Canada and of the Canadian people.

There were present at the Games 400 radio and television newsmen from all parts of the world. It is interesting to note that Trans-Canada Air Lines passenger revenues were increased by some $300,000 for transporting the visiting teams.

The one man who spearheaded the great project was Mr. Stanley Smith, of Vancouver. I understand that he did so wonderful a job that the British Government wished the Queen could have knighted him; but, as honourable senators are aware, Canada has frowned upon knighthoods for Canadians, and therefore he was debarred. However, I believe that all honourable members, and particularly the honourable senator from Vancouver (Hon. Mr. McKeen), will agree that Mr. Smith deserves some outstanding recognition for his wonderful work in organizing and directing the Games. I saw him a few days before I left Vancouver for Ottawa, and he told me that his health was completely broken as a result of the hard work he had done over a period of three or four years in this connection. Truly, his was a great accomplishment.

Unfortunately, the British Empire Games suffered a financial deficit. The Government of Canada contributed $200,000 toward the project; the Province of British Columbia, $200,000, and the City of Vancouver about $200,000. Total revenue from all sources was $2,370,000. Yet a deficit of $155,000 has been

left. I suggest to the Government and to the Canadian Broadcasting Corporation that note be taken of this deficit, and that in view of the revenue derived by the C.B.C. and by the T.C.A., some further financial help should be given to wipe out the deficit. Mr. Stanley Smith told me that if they had been allowed to call for open tenders for televising the Games, at least $150,000 could have been obtained from American companies, but as the C.B.C. is the only televising source allowed to operate in Canada, and is state-owned, tenders naturally were warded off. Also, I am told that when the agreement was drawn up the C.B.C was strict in stipulating that no photographers should be on the field, and strict in many other ways as well. The answer to my inquiry shows that only $10,000 was received by the C.B.C. from the United States, but perhaps I had better inquire farther, for I understand that rights were sold to other countries besides the United States.

My purpose in introducing this matter today is to ask the Government to give further consideration to the wiping out of the deficit incurred at the Games. After all, it was not a Vancouver event. It was a Canadian event, carried on in the name of all Canada. To Canada goes the credit, although, in the first instance, tribute must be paid to those who spearheaded and planned the entire project.

I turn now to the proposed legislation outlined in the Speech from the Throne. I am sure that all honourable senators approve the suggestion to increase allowances to war veterans, and to consider amendments to the Blind Persons Act. We all realize that the dollar today is not worth what it once was. The latest figures from the Dominion Bureau of Statistics show that, compared with 1939, the dollar today is only worth 65 cents. After all, honourable senators, our war veterans offered their services on behalf of this great country of ours. I believe that the proposal to increase their allowances will meet with the entire approval of the people of Canada, and I think the Government is to be complimented for the proposed legislation.

I note that it is proposed to bring into general operation, on the first of February the provisions of the National Housing Act by which loans will be available for home improvement. The latest report discloses that last year 117,000 houses were commenced, and 106,000 completed. Prior to the change in the act last year, the life insurance companies were responsible for 75 per cent of the lending, and the Central Mortgage and Housing Corporation was responsible for 25 per cent. Under the new legislation which came into effect on April 1 last year the banks took over responsibilty for 40 per cent of the loans, and they have since loaned a total of $160 million. I suggest that the Government now go one step further and do as the United States have done. The Central Mortgage and Housing Corporation is doing a wonderful job, but many people who have acquired houses that are now five, ten or fifteen or more years old are finding great difficulty in selling them owing to the Government scheme. Under the Central Mortgage plan, a man or woman needs to put down only $1,500 to obtain a loan on a new house costing $10,000 or $12,000, and the house may be paid for over a period of from twenty to twenty-five years, so the purchaser is enabled to pay off the entire cost at a reasonable monthly rate. It must also be borne in mind that in five, ten or fifteen years the houses now being built under the Central Mortgage plan will be looked on as old, and the owners will therefore experience great difficulty in selling. I would suggest that the government give consideration to amending further the act so that people who have older houses will be able to sell them, after valuation and approval, under as favourable terms as those allowed for new homes under the National Housing Act.

I come next to a subject which has been discussed in this house on two occasions during the present session, and which is to me a most interesting one. First, may I say that I listened with great interest yesterday to the speech of the honourable senator from Blaine Lake (Hon. Mr. Horner), especially as it related to the project on the Columbia River, a subject close to the minds and hearts of people from British Columbia. With all kindliness to the senator from Blaine Lake, I must say that it grieved me just a little to hear him accuse the honourable mover of the Address (Hon. Mrs. Hodges) of referring to the proposed Columbia River project for political purposes. His exact words were: ". . .I think it is a piece of purely political spite work." It is of course unnecessary for me to defend the honourable lady from Victoria (Hon. Mrs. Hodges). I have known her for many years, and have long since concluded that she is well able to take care of herself.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: But I could not let the remark pass without comment. When the honourable senator from Blaine Lake hears what I have to say on the Columbia River question, I am sure he will then think less of his statement than he did when he made it.

I should like to qualify slightly an interjection I made during the speech by the honourable senator from Blaine Lake, after

he had read a letter written to the Editor of the *Arrow Lake News*. I interjected:

The writer of the letter knows nothing about the matter.

I should have said: "The writer of the letter knows little if anything about the matter." Obviously, if he lives in that district, he should know something about the project.

Hon. Mr. Horner: That is what I thought.

Hon. Mr. Reid: I have taken a great interest in this proposed project because of my position as Chairman of the International Pacific Salmon Fisheries Commission. In that capacity I am concerned about the effect which dams on the Fraser River have on the salmon fisheries. We have devised methods of allowing the salmon to by-pass a dam on their way upstream, but we have not yet solved the problem of clearing the young fingerlings safely over dams downstream on their way to the sea. For two years or so the commission made tests of the mortality rate among fingerlings passing over dams and through electric turbines. The result of the tests of fingerlings passing over a two-hundred-foot dam showed a mortality rate among the Sockeye of 37 per cent, and a lower rate for other varieties of salmon.

I may say, perhaps with pardonable pride, that the International Pacific Salmon Fisheries Commission is the first body on the North American continent to compile accurate scientific data as to the mortality of fingerlings over dams. Our chief reason for assembling the data was our fear that if we challenged a company which proposed to build a dam on the Fraser River, they might take action against us, and some smart lawyers—and of course most lawyers are smart—might question our information on the mortality rate. Now we are prepared to meet them with scientific data on that point.

We are, however, endeavouring to find ways and means of saving the fingerlings while passing over dams. I may say that we have been experimenting with a method which involves the use of electricity to guide the fingerlings away from the dam and down the chute. No publicity has been given to this experiment, because we fear that unless it is a complete success it may be used as an argument by people who want to build dams anywhere on the Fraser River. Personally, I doubt that we will ever completely save all the fingerlings which pass over dams and through turbines, but we still keep working on the problem, in the hope that we will.

It is for that reason, honourable senators, that I am always on the watch as to what is going on in any proposed dam building in British Columbia. People may ask why I should interest myself in the Columbia River when our jurisdiction is limited to the Fraser River. I have been told by our engineers, and they are very competent, that the potential water power of the Columbia River on the Canadian side is around 9 million horsepower. We are hopeful that with full development of that energy on the Columbia River there will be no need for the construction of any power dams on the Fraser River. Our commission feels that the Columbia River is capable of producing enough power to meet our province's wildest dreams of industrial advancement for the next one hundred years. In that respect it is notable that British Columbia's entire consumption of electricity today, apart from that used by Alcan, is 1,280,000 horsepower. If our present expanded industrial and domestic needs require only that amount, one can easily visualize the extent to which an additional 9 million horsepower would provide for future industrial development.

Hon. Mr. McKeen: Would the honourable senator permit a question?

Hon. Mr. Reid: Yes.

Hon. Mr. McKeen: Does he have the mortality rate of fingerlings going through the turbines?

Hon. Mr. Reid: Yes, I have that information. The mortality rate of fish passing through turbines is almost equal to that of fish passing over dams. It took some years to find out what killed fingerlings in the turbines: strangely enough, it was not the swirling of the water but the vacuum created in the water. We now feel that the combined mortality rate as a result of going through turbines and over dams is sufficient to cause the salmon fisheries of the Fraser River to disappear entirely. We cannot stand idly by and see an annual revenue of $50 million and this much needed source of food supply completely wiped out. Indeed, as time goes on, there will be a greater need for fish and fish products.

The honourable senator from Blaine Lake (Hon. Mr. Horner) in his address yesterday was sceptical about turning the waters from the Columbia River into the Fraser River. I must confess that when I first read the article about this I was inclined to believe it was just a highly-coloured story, so I took time since I came here to Ottawa to spend an hour and a half with the Chairman of the Canadian Section of the International Joint Commission, General McNaughton, and let me say that when the story he told me is made public there are going to be many

red faces. I was greatly enthused about the scheme after listening to the story he had to tell and following the complete investigation which had been made.

It is an interesting fact that the content of water varies, and surprisingly enough fish actually choose certain waters. The water of the Columbia is glacial in origin and contains no plankton or food for fish, so if water from the Columbia is spilled over into the Fraser I wanted to know what effect it would have on that river. I was anxious to know also whether it would drown out the salmon spawning beds, and also—as the honourable senator from Blaine Lake (Hon. Mr. Horner) posed the question—"What would happen to the Fraser Valley from the point of view of flooding?"

Before one speaks about a subject like this it always pays to go to the place where the best information on it can be obtained. I am very glad that I did so, for now I know some of the answers to these important questions. The information I now propose to give comes from General McNaughton, and as he has made speeches on this subject I do not believe any objection can be used to my using the information today.

To begin with, it is a very feasible scheme. A distance of only fifteen miles separates the Columbia river from the Fraser river. It happens that that separation is at the divide or highest elevation, so it is all downhill from the Columbia to the Fraser. I asked General McNaughton what would be the effect on the salmon fishing, and he replied: "Oh, Senator Reid, we have had a fishery expert with us all the time we have been studying this. We cannot allow the salmon to be destroyed, and we are going to take care of the salmon fisheries." General McNaughton went on to say that the idea behind the scheme is to use the waters of the Columbia river in Canada for industrial development in British Columbia and not in the United States. No Canadian will say nay to that. The water that will be let loose after we build the dam on Mica Creek will develop an enormous amount of electrical energy. The water to the Fraser will be released in the months of November, December, January and February at a time when that river is at its lowest level. Rather than develop all the power at Mica Creek, which is three hundred miles distant from the cities of Vancouver and New Westminster and which would involve transmitting the power that distance, it is proposed to raise the level of the Fraser river when its waters are low and, in the process, develop hydro-electric power close to the cities where it is going to be used.

I think, honourable senators, you will immediately see the feasibility and the reasonableness of this proposed scheme.

Hon. Mr. Horner: May I ask the honourable senator a question?

Hon. Mr. Reid: Yes.

Hon. Mr. Horner: What opposition will develop internationally when the course of the river is changed from its original bed?

Hon. Mr. Reid: I am pleased the honourable senator has asked that question, for it calls to mind a most interesting story.

Hon. Mr. Horner: I should think it would.

Hon. Mr. Reid: The Americans are now going to find themselves "hoist with their own petard," so to speak, because back in 1908 there was some discussion over a little river in New Brunswick which crossed the boundary between Canada and the United States at several points, and the Americans at that time dominated the position to such an extent that—I will not say they forced a treaty upon Canada—a treaty was signed between the two countries by which the principle was established that each country was to be permitted to use the water in the river in whatever way and for whatever purpose it wanted, to within its own boundaries, irrespective of the effect it might have in the other country. At that time any development of the Columbia river was undreamt of; it was not considered important then. We may well remind the Americans of the treaty they signed and of the principle established in 1908. Under that principle we propose to use the water of the Columbia to meet the power requirements of British Columbia and not those of the United States.

Now, to come to the point that those not in favour of this development are playing politics, let me say—and I say it without fear of successful contradiction—that if the provincial Government were allowed to get away with this it would be one of the biggest steals ever heard of. Further, it would have a very damaging future effect for it could for all time stop further development of the Columbia River in British Columbia.

I cannot be accused of being backward in pointing out what I believe to be wrong. Honourable senators will remember that I took a strong stand against the development of the Nechako by Alcan. I said about Alcan, and I still say, that we never got what we could have got out of that deal. However, the industry is located in British Columbia and I have no great complaint on that score. Canadians are being given employment there and the province is being developed in that

region. But when it comes to the question of the proposed Kaiser Dam, I wonder if honourable senators or those who are charging that we are making a political issue out of the question realize that if the construction of the Kaiser Dam is allowed to go ahead it will interfere with the building of a dam at Mica Creek, and so interfere with any development of the Columbia at that point.

Hon. Mr. Horner: It is claimed that it would not.

Hon. Mr. Reid: You may know more about it than General McNaughton does, but of course you cannot get me to believe that.

I am going to issue an invitation to honourable senators to hear the complete story in detail when our International Pacific Salmon Fisheries Commission meets here in Ottawa, some time in June, at which time General McNaughton has kindly consented to appear to describe the whole scheme to us and explain how in his opinion the fisheries will not be damaged. He has told me of the heights of dams proposed to be built on the Fraser River if this scheme goes into effect, of the proposal for storing water behind the Mica Dam and pouring it into the Fraser, of how the level of the Fraser will be raised in the four months when it is naturally at its lowest, and of the extent to which our salmon fisheries will not be affected. All of this will be gone into more fully when our Commission meets here in June, at which time we will have engineers and biologists in attendance to enlarge on these points.

Hon. Mr. Quinn: Is there any salmon spawning when the river level is low?

Hon. Mr. Reid: When the water is low the fish eggs are on the gravel bar, and they do not hatch out until the beginning of April.

Hon. Mr. Quinn: You say that when the river level is naturally at its lowest, waters from behind the Mica Dam will come tumbling into the Fraser. What I would like to know is, if this fast moving water will dislodge the eggs lying on the river bed.

Hon. Mr. Reid: No. Once the eggs are laid on the gravel bar they become covered up by gravel, and the flowing water above them will not, I believe, disturb them at all. If the water is high when the salmon come up to spawn, it may and will affect the eggs, though not, I think, in the months of November, December, January and February. That is the story. General McNaughton says he would like to know, if anyone can tell him, what is the agreement between the provincial Government and Kaiser. The provincial story has been changed at least ten times, and we have given up hope of learning the exact truth about the agreement. I notice that since the opening of the house nothing so far has been said about the Kaiser dam. Of course we may get some information later on, but after listening to General McNaughton I am convinced, I repeat, that if the agreement is permitted to go into effect it will result in one of the biggest steals ever known in British Columbia, and hamper the development of our province in the days to come.

I also repeat that no clear statement on the matter has so far been made by the provincial Government. I am not altogether astonished that that is so, for what can one expect from the premier of the province, a former Tory who jumped on the band-wagon of Social Credit, and who, when the Archbishop of Canterbury, during his visit to British Columbia asked him "What is Social Credit?" replied, "To the Jews it is a stumbling block, to the Greeks foolishness, but to millions of people throughout the world it is life eternal". I think that is one of the most sacrilegious statements that have been made in my time. He says "To the Greeks it is foolishness": I can tell him that to the Scots or English it is foolishness, and to most people in the British Empire it is all foolishness. Where are the "millions" in other lands who support Social Credit? And even assuming there are that many Social Crediters, how does the doctrine become to them "life eternal"? I am amazed at the shenanigans of the present Government of British Columbia. I am not going into that subject today, but if I were called upon to do it I could make the subject very interesting.

I had not intended to speak at such length. There is one other subject I should like to deal with before I resume my seat. The honourable Leader of the Opposition (Hon. Mr. Haig) dealt in his speech with labour in relation to the income tax, and stressed the impact of this tax upon labour as one of the great problems which face us today. I admit it is quite a problem, but I do not believe it is the most serious one with which we are concerned, between capital on the one side and labour on the other. I am one of not so large a group who saw what were practically the beginnings of unionism in Scotland. I knew men there in that early day who had to flee the country because of their advocacy of the rights of the workers. The pendulum had gone far in one direction: those who had capital, and businessmen generally, treated the people who worked for them almost as slaves, and by paying them a mere pittance, denied them any opportunity of saving for their old age. How could a man who got the equivalent of $5 a week, and had to raise a family on it,

hope to put by any money? But I have lived to see the pendulum swing far in the other direction, and I wonder how much farther it can go without prejudice to the interests of all our people, including labour itself. The situation rather troubles me. This afternoon the honourable Government Leader (Hon. Mr. Macdonald) quoted some figures regarding unemployment. In this connection I would suggest that one government authority only should be responsible for these statistics. It creates a great deal of confusion to have one set of figures issued by the Unemployment Insurance Commission, and another set of figures, based on different returns, produced by the Dominion Bureau of Statistics. Labour takes these returns and uses the one against the other. This serves only to throw ridicule on the official reports.

Perhaps I am wrong, but I think a cold war is going on, and I do not know who will win it. I wonder whether many of those in high positions realize how serious it is becoming. I am not finding any great fault with the labour unions. I understand their objects; I could point out many injustices with which they have to deal. But I think every honourable senator will agree with my statement that today most if not all the union leaders must demand more and more for their membership or risk the loss of their positions. In the nature of things they cannot do otherwise. If all was quiet and peaceful, the workers might ask, "Well, what are we paying you for?" Not so long ago I asked an official of the carpenters' union, "You have now got a rate of $2.20 an hour: if you were granted $10 an hour would you call an industrial peace for ten years?" He replied, "We would have to take that under consideration: I doubt that we would". Speaking of income taxes, I would point to the value of the fringe benefits which have been obtained by labour. There are many smart and highly educated men in the unions today. If anyone doubts my word, let him take it on himself to argue with some of them, and he will soon find out how little he knows.

Hon. Mr. Roebuck: Are not the personnel representatives of the companies in exactly the same position with regard to getting something for their side as are the representatives of the unions in trying to get something for theirs?

Hon. Mr. Reid: The honourable senator should wait until I complete my speech. I could not deal at one and the same time with both sides. I have been speaking about the unions. As I said before, a cold war exists, and you cannot have any kind of a war without having at least two opposing parties.

Hon. Mr. Roebuck: There are two sides to every quarrel.

Hon. Mr. Reid: Yes, and I am coming to that. I believe I appreciate the viewpoint of labour as well as, if not better than, most honourable senators, for I joined a trade union when I was only fourteen years of age, and that was at a time when you pretty well had to be a hero to belong to one. There were not many unions at that time. I still hold my union card. I know the make-up and psychology of union members, and understand their outlook. Having been asked about the other side of the matter I will immediately proceed to deal with it.

Those who invest money in industrial companies are well aware of labour's demand for higher wages. And so company personnel are always going through their plants trying to find ways and means to cut down on manpower, and today Canadian factories are using all the technological devices they can find in order to reduce the number of their employees. Indeed, many plants employ scientists and inventors just for this purpose. Labour persists in its demands for higher wages, and at the same time company owners keep taking steps to stay in business and make profits. We are beginning to live in an all-out push-button age. Incidentally, push-button gadgets do not always give the best service. This afternoon I had occasion to use one of the new elevators in the Senate wing of this building, and I had to wait for what seemed like six or seven minutes before I was able to get on to it. I told the operator that the old elevator was much faster than the new one. The thing is that we have taken away much of the operator's responsibility. It is a push-button machine, and although it runs more smoothly and looks more attractive it does not give the same degree of efficiency as the old one did. However, I do not think you would find industry cutting down on manpower if to do so meant less efficiency and reduced profits. If you visit an up-to-date sawmill you will get an idea of how fast modern equipment can turn out work.

On the point of industry cutting down on labour, I might mention that the British Columbia Electric Company employs a special staff to think up ways of reducing manpower, and in my home town many of the women employees in the telephone exchange have been warned that in the near future their services will no longer be required because the company is bringing in new equipment. Telephone equipment is becoming so modernized that if you dial a number and

the line is busy you simply hang up, and when the line becomes free your own set will be buzzed to let you know.

As another illustration of industry's attempt to cut down on labour by using ultra-modern equipment, I heard the other day that there are only 1,900 employees in Canada's brewing industry. Much of the work is done automatically by a comparatively small group of men who spend their time watching dials and little clocks and pushing buttons. As this sort of trend continues more people will be thrown out of work, and this will place a most serious burden on the country and on the Government in power. I would urge that both industry and the Government give careful thought to the huge displacement of manpower which is taking place in industry today.

I can sympathize with any Government which has to face the responsibility, as it occurs to me that Governments will, of seeing to it that there is a job for every married woman who has a husband and family and who wants to work. It could prove to be quite a problem. I do not believe our Unemployment Insurance Commission officials have experienced such a situation as arose in Britain some two weeks ago. It seems that two ladies agreed to hire each other to do each other's washing, and after six months they fired each other and applied for and obtained unemployment insurance.

Hon. Senators: Oh, oh.

Hon. Mr. Reid: I do not know of what nationality these people were, but it occurs to me that it might take a Scot to think up something like that. I believe it was said to be legal, too.

I trust no one will think that I am finding fault with the idea of married women being employed, for I realize that many of them feel they have to work in order to augment their husbands' incomes. On the other hand, many married women work for other reasons. I am excluding, of course, widows who must of necessity go out and work. There is a growing class of women, however, who have husbands and homes to look after who go out and work, contribute towards unemployment insurance, and then periodically quit or get themselves fired and sit back while they draw unemployment insurance. This is one of the problems of our age. I am merely drawing attention to it, not taking sides at all.

In commenting further on technological advancement in industry, I would point out that Donald Gordon, in speaking about the difficulties of operating the railroads, rather supports my view about industry endeavouring to find ways and means of curtailing manpower. In an address to a joint meeting of the Canadian and Empire Clubs of Toronto in November, 1954, Mr. Gordon said, in part:

> Broadly speaking, I see two lines of approach to the reduction of our labour costs per unit of transport service: Technological development, or new "tools of the hand"; managerial progress, or new "tools of the mind".

Mr. Gordon has come to the conclusion that perhaps one way to reduce operating expenses on the railroads is by introducing more gadgets and by cutting down on the number of employees. What will that mean? It will result in more unemployment; and so the burden is becoming increasingly heavy on Governments today. More and more we are hearing the cry to the Government, "I am out of work, it is up to you to provide employment". Something has to be done. I have drawn attention to the employment of married women in business and industry, to emphasize the extra burden that is being placed on the Government to provide employment for all our people. And, of course, I am speaking of married women who have husbands and homes to look after. In this new age they are joining the ranks of industry in increasing numbers.

Honourable senators, that is about all I have to say. I appreciate the kind attention which I have received, and I hope that some good will be derived from the remarks I have made.

Hon. Senators: Hear, hear.

Hon. James P. McIntyre: Honourable senators, it is always difficult to address this house after the honourable gentleman from New Westminster (Hon. Mr. Reid) has made a speech, but I shall do my best.

One purpose of the Speech from the Throne is to forecast the legislation that will come before Parliament in the current session, and the debate on the Address in reply provides honourable senators with an opportunity to take part in a general discussion on matters they consider to be of public interest, particularly as they apply to those parts of Canada from which honourable senators come. As honourable senators know, I come from the province of Prince Edward Island, but that does not mean that I am not interested in all other parts of Canada as well.

In following the long established custom, let me congratulate the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the Address in reply to the Speech from the Throne delivered by His Excellency the Governor General at the opening of this session of the present Parliament. I wish also to congratulate the honourable the Leader of the Government in the Senate (Hon. Mr. Macdonald) on his splendid address at the opening of this debate.

May I compliment the Honourable the Leader of the Opposition (Hon. Mr. Haig) for the able manner in which he delivered his fine address. Of course, it is usual for him to speak well in debate.

In congratulating all the other members who have spoken, may I say that I was particularly interested in the speech of my honourable friend from Inkerman (Hon. Mr. Hugessen) on the resolution to rearm Germany, and what happened to those countries which tried to conquer Europe, namely, France, Germany and Spain. He mentioned the Spanish Armada, which reminded me of my boyhood and school days, and the old English history which related how the Spanish Armada sailed up the English Channel, stretching for several miles across the blue waters. So sure were they of victory, that they called it the "Invincible Armada." But one dark night, Lord Howard sent eight fireships among them, threw them into disorder and put them to flight. Many of them were lost in the Orkney Islands, and few of the great ships of the Armada ever returned to Spain.

As I have already said, I am interested in all parts of Canada. I am particularly interested in the St. Lawrence Seaway, which when completed will be of great benefit to Canada. Half a century of negotiations had passed between Canada and the United States before the Government of Canada announced its decision that Canada would construct the Seaway alone. As a result of that decision the United States passed enabling legislation to co-operate with the Government of Canada in constructing this all-important project. Although the project had been under consideration by the authorities of both Canada and the United States for many years—in fact, an agreement was signed thirteen years ago—yet it was not until 1951 that information was tabled in the House of Commons to the effect that the two countries had tentatively agreed in principle to make the St. Lawrence Seaway development self-liquidating by means of a toll charge.

From the head of the Great Lakes to the Atlantic Ocean, a distance of 2,000 miles, there is a drop in the waterfall of 580 feet, which when harnessed is capable of developing 9 million horsepower of electric energy. According to estimates of prominent engineers, this great potential possibility, of which the greater part is on the Canadian side, follows from the head of the Great Lakes, St. Mary's Falls, Lake Huron, Lake Erie, Niagara River, Lake Ontario, the International Rapids, Lachine Section and from Montreal to the Atlantic Ocean, a distance of 1,000 miles. This section from Montreal lies wholly on Canadian territory.

I understand this great project will be financed partly by New York State and Ontario for power purposes, and by the United States and Canada, and I believe the major part will be paid by the taxpayers from all parts of Canada.

In the Maritime Provinces we have a project that has been talked of not for one-half century, not for one century, nor two centuries, but for 260 years, since the days of the first Acadian settlers—the Chignecto Canal; but it was not until 1822 that the first practical steps were taken. A survey was made in that year, and according to competent engineers of that day the project was feasible and desirable. However, nothing came of this until the pre-Confederation negotiations of 1864 and 1866. This was one of the inducements held out, along with others, if the Maritimes would join Confederation. The idea of Confederation was initiated by Ontario and Quebec, and it was done for the purpose of settling a long outstanding dispute between those provinces. The statesmen of Ontario and Quebec knew that Confederation could not be complete without the co-operation of the Maritime Provinces, so they resolved themselves into a delegation and proceeded to the Maritimes. Among the delegates were Sir John A. Macdonald, Sir George Cartier, George Brown, Sir Charles Tupper and other notables. The convention was held in Charlottetown on September 1, 1864.

The delegates were well aware of the adverse conditions under which they were to meet. They knew that the Maritime Provinces had established a satisfactory trade among themselves, that their markets were close at hand and easy of access, and that traffic to these markets was mainly by sea. Our American neighbours bought all the lumber, fish and agricultural products that the Maritimes had to offer. In fact, before Confederation the United States was not only our nearest but our most profitable market, and after Confederation these markets would be lost. To offset this, certain inducements were held out to the people of the Maritimes to consent to Confederation: a better and more profitable market, that of the central provinces, might be substituted therefor; the coal of Nova Scotia was to find a market in Toronto; the fish, lumber and agricultural products were to find a market in Quebec and Montreal.

But as time went on it was found almost impossible to fulfil these promises, and it turned out that the coal of Nova Scotia did not find a market in Toronto, and that the fish, lumber and agricultural products did not find a market in Quebec and Montreal. In the meantime, the New England markets had

been lost. And this is one of the reasons why the Maritime Provinces are lagging behind the rest of the provinces of Canada.

With the construction of the Chignecto Canal, the markets between the Maritimes, the central provinces and New England, would be shortened by an average distance of 568 miles: for instance, from Charlottetown to Boston, 442 miles; from Montreal to Joggins, Nova Scotia, 640 miles; from Summerside to Portland, Maine, 511 miles; from Saint John, New Brunswick, to Pictou, 553 miles; from Newcastle to Saint John, 612 miles, and so on. This would provide cheaper water transportation for the products of these three provinces. In fact, construction of the Chignecto Canal was a definite pledge prior to Confederation.

In 1887, the Government led by Sir John A. Macdonald called for tenders for the construction of the Chignecto Canal. The Government of the Honourable Alexander MacKenzie included the project as an item in the budget on two occasions, but nothing was done.

Again, in 1930, a Royal Commission was appointed by the Mackenzie King Government to inquire into the project, but in that year his Government was defeated, and nothing was done. About a year later the Government led by R. B. Bennett appointed its own commission of inquiry, but still nothing was done; and nothing has been done up to the present time.

Now that the St. Lawrence Seaway is assured—which when completed will be of incalculable benefit to the central and western provinces—is it not reasonable for the people of the Maritime provinces to demand that the Chignecto Canal be constructed without further delay, as an extension of the St. Lawrence Seaway?

The building of the Chignecto Canal in conjunction with the St. Lawrence Seaway, on which a large amount of money is to be spent, would give the Maritimes a short route to the New England States. I think it is up to the members of the House of Commons and Senators from the Maritime Provinces, to stand together and fight to have this long overdue and important project, promised at the time of Confederation, made a reality.

As I have said, I am interested in all parts of Canada. I am especially interested in provincial Governments, having been a member of one for a number of years, and I still follow their activities. At the end of 1952 or the first part of 1953 I was much disappointed to read in a publication by the Dominion Bureau of Statistics that the provincial debt of Canada's ten provinces rose in one year by $279,622,000 to a total of $3,145,044,000. On a population basis this works out to $218.33 for each person in Canada, an increase of $13.37 for that year. As the population has increased since that time, I presume the provincial debt is now much higher. Perhaps the provincial governments will say that this is none of our concern. But the members of the House of Commons and of the Senate represent all the people of Canada. If the Bureau of Statistics sees fit to publish it, I see nothing wrong in referring to it in this chamber.

It may be that the tax rental agreements should be revised to give the provinces more rent. According to the statistics I read, British Columbia, with a population as of the last census of 1,165,000—the honourable mover of the Address (Hon. Mrs. Hodges) gave the figure as 1,200,000—has a total debt of $280 million, or a *per capita* debt of $240.

Alberta, with its great source of wealth from oil and natural gas, one would expect to have no provincial debt at all. But that province, with a population of 939,000, has an indebtedness of $111 million, or a *per capita* debt of $118.

Saskatchewan, that great wheat-producing province, from which the honourable senator from Blaine Lake (Hon. Mr. Horner) comes, is by no means free of debt. It has a population of 831,000 and a provincial debt of $164 million, or a *per capita* debt of $198.

Manitoba, another good grain producing province, the home of my friend the honourable Leader of the Opposition (Hon. Mr. Haig), has its provincial debt. According to the statistics I have, with a population of 776,000 it carries a total debt of $140 million, or a *per capita* rate of $181.

That great manufacturing province, Ontario, which pays 48 per cent of all the corporation income tax, is by no means free of debt. In fact, its debt amounts to one-third of the total of the other nine provinces. With a population of 4,500,000, at the last census, but which is now more than 5 million, it carries a total provincial debt of $1,376 million, which works out to a *per capita* rate of $299.

I now come to the province of Quebec, another great manufacturing province, and it too is in debt. I read recently a statement by a prominent public man of that province that Quebec was different from any other province. I do not see how it can be said that Quebec differs much from any other province. It has its provincial Government, its law courts, judges and lawyers; it has rivers and lakes, cities and towns, as all provinces have. True, the majority of its people are French speaking. They are a very fine race of people; indeed, they measure up with the best people in any part of the

world today. There are French-speaking people in every province in Canada. Some 15 per cent of the population of Prince Edward Island are French speaking, and many of them have reached positions of prominence. One French-speaking gentleman was a professor at the Prince of Wales College; another is a judge of our Supreme Court, and a recent Lieutenant-Governor was a French Canadian. I can never understand why it should be claimed by some persons that Quebec is any different from the other provinces of Canada. Her population of 4 million carries a provincial debt of $660 million, or a *per capita* debt of $162.

I come next to the province of New Brunswick which, from a financial standpoint, appears to be worse off than any other province. With a population of 515,000, it has a provincial debt of $176 million, or a *per capita* debt of $340.

Nova Scotia is not quite as badly off as New Brunswick. It has a population of 642,000 and a provincial debt of $180 million, or a *per capita* debt of $280.

Next, I come to the small province of Prince Edward Island with practically no industries, except its agricultural products, particularly seed potatoes, and its fisheries. With a population, according to the last census, of 98,000, it has a provincial debt of $18 million, or a *per capita* debt of $181.

Lastly, I shall deal with that great fishing province, Newfoundland. Despite the fact that the greater part of its provincial debt was taken over by the federal Government when that province united with Canada, its population of 361,000 people carries a provincial debt of $36 million, or a *per capita* debt of $101, the lowest of any Canadian province.

As I have said, the provincial governments may feel that we have no right to discuss their financial position. However, as representatives of the people in all parts of Canada, we must realize that this situation cannot go on year after year. If it does the inevitable result will be either that the provinces will be unable to sell their bonds or they will have to realize greater revenues from increased taxation.

I was listening to my honourable friend from Blaine Lake (Hon. Mr. Horner), for whom I have great respect, not to his speech of yesterday, but to his few remarks here about a week ago, when he said that, while he did not want to detract from any of the credit due to the present Prime Minister of Canada, it was Sir Winston Churchill who initiated the Atlantic Pact, at a speech in Fulton, Missouri. Well, that is not what Sir Winston Churchill says himself. At a banquet in the Chateau Laurier the last time Churchill was in Canada he gave sole credit to our Prime Minister. My friend the Leader of the Opposition (Hon. Mr. Haig) told this house that the present Prime Minister of Canada was the man who initiated action for the making of the Atlantic Pact, and I am going to quote his words, knowing that he will not mind. They are to be found on page 340 of the Senate *Hansard* of April 28, 1949:

> The Progressive Conservative party in this chamber and in every part of Canada stands four-square behind the Atlantic Pact. I congratulate the present Prime Minister of Canada on the distinguished part he played in initiating action for the making of this agreement; and whether or not he continues in his present office after the election, his advocacy of the Atlantic Pact will be one of the greatest achievements of his life. Canadian Liberals and Conservatives join wholeheartedly in acclaiming the pact.

Hon. Senators: Hear, hear.

Hon. Mr. McIntyre: That does not bear out the statement of the honourable member from Blaine Lake (Hon. Mr. Horner).

Hon. Mr. Horner: It does not alter my belief at all.

Hon. Mr. Beaubien: No conversion!

Hon. Mr. McIntyre: My honourable friend from New Westminster (Hon. Mr. Reid) spoke about the cold war and said that we are living in a troubled time. We are living in the time of a cold war and also of a shooting war. Do honourable members not think it is time that the people of the whole world looked somewhere for divine guidance Should we not look to the leadership of the Pope, the head of the great Catholic Church; to the leadership of the great Protestant Churches; to the leadership of all the other churches? Let them bind themselves together and tell the warring nations to stop their wholesale slaughter of men, women and children, stop their racial and religious intolerance before the whole human race sinks into the common grave of disease, death and destruction.

Hon. Senators: Hear, hear.

On motion of Hon. Mrs. Fergusson, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 119 to 143, dealing with petitions for divorce.

Hon. Mr. Roebuck moved that the reports be concurred in.

The motion was agreed to, on division.

The Senate adjourned until Tuesday, February 8, at 8 p.m.

THE SENATE

Tuesday, February 8, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

JOINT COMMITTEE ON LIBRARY

MESSAGE FROM COMMONS—LIST OF MEMBERS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved—That a message be sent to the Senate to acquaint Their Honours that this house has appointed Mr. Speaker and Messrs. Applewhaite, Bertrand, Bourque, Brown (Essex West), Carrick, Castleden, Coldwell, Dechene, Dinsdale, Fraser (Peterborough), Fraser (St. John's East), Gingues, Gourd (Chapleau), Habel, Hamilton (York West), Hansell, Hellyer, Henderson, Howe (Wellington-Huron), Hunter, Jones, Jutras, Kirk (Shelburne-Yarmouth-Clare), Knight, LaCroix, Leboe, Leduc (Gatineau), McCulloch (Pictou), McGregor, McWilliam, Philpott, Pickersgill, Pouliot, Ratelle, Reinke, Robinson (Bruce), Shaw, Small, Smith, Thibault, Tucker, Tustin, Weselak, White (Middlesex East), a committee to assist His Honour the Speaker in the direction of the Library of Parliament so far as the interests of the House of Commons are concerned, and to act on behalf of the House of Commons as members of a joint committee of both houses on the Library.

JOINT COMMITTEE ON PRINTING

MESSAGE FROM COMMONS—LIST OF MEMBERS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved—That a message be sent to the Senate to acquaint Their Honours that this house will unite with them in the formation of a joint committee of both houses on the subject of the printing of Parliament, and that the following members, namely:

Messrs. Ashbourne, Bertrand, Blair, Boivin, Bonnier, Boucher (Restigouche-Madawaska), Brown (Brantford), Bryson, Campbell, Cardiff, Charlton, Dechene, Dickey, Fairclough, Mrs., Fairey, Fontaine, Gingras, Girard, Gour (Russell), Habel, Hansell, Healy, Hodgson, Houck, Howe (Wellington-Huron), Huffman, James, Johnson (Kindersley), Kickham, Langlois (Berthier-Maskinonge-Delanaudiere), Lefrançois, MacEachen, Maltais, Mang, McGregor, McIvor, McWilliam, Patterson, Pommer, Regier, Robinson (Bruce), Rochefort, Schneider, Simmons, Small, Smith, Stanton, Stick, Thibault, Tustin, Valois, Weaver, Wylie, Zaplitny, will act as members on the part of this house on the said joint committee on the printing of Parliament.

JOINT COMMITTEE ON RESTAURANT

MESSAGE FROM COMMONS—LIST OF MEMBERS

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved—That a message be sent to the Senate to acquaint Their Honours that this house has appointed Mr. Speaker and Messrs. Bennett, Miss, Caron, Ferguson, Gauthier (Nickel Belt), Gingues, Gour (Russell), Hardie, Harkness, Herridge, MacNaught, Mang, Masse, McCullock (Pictou), McGregor, Michaud, Monette, Pommer, Richard (Ottawa East), Shipley, Mrs., Simmons, Stewart (Winnipeg North), Stick, White (Hastings-Frontenac), Yuill, to assist His Honour the Speaker in the direction of the restaurant so far as the interests of the House of Commons are concerned, and to act on behalf of the House of Commons as members of a joint committee of both houses on the restaurant.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 155 to 168, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next meeting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill Q-4, an Act for the relief of Berthe Montpetit Goupil.

Bill R-4, an Act for the relief of Joseph Albert Roland Archambault.

Bill S-4, an Act for the relief of Evelyn Held Schulman.

Bill T-4, an Act for the relief of Antoni Dmysz.

Bill U-4, an Act for the relief of Eunice Levine Yelin.

Bill V-4, an Act for the relief of Joyce Hodkin Gilhooly.

Bill W-4, an Act for the relief of Pauline McDonald McDerment.

Bill X-4, an Act for the relief of Velma May Robinson Macaulay.

Bill Y-4, an Act for the relief of Mary McDonald Gauthier.

Bill Z-4, an Act for the relief of Andrew Henry Pytel.

Bill A-5, an Act for the relief of James Wong, otherwise known as Yon Hong Ark.

Bill B-5, an Act for the relief of Ruth Nathan Finkelman.

Bill C-5, an Act for the relief of Richard Robert Tomlinson.

Bill D-5, an Act for the relief of Sheila Elsie Clarkson Flintoft.

Bill E-5, an Act for the relief of Joseph Edouard Alexandre Brunelle.

Bill F-5, an Act for the relief of Ruth Evans Silver.

Bill G-5, an Act for the relief of Mania Rissman Neftin.

Bill H-5, an Act for the relief of Lucien Gagnon.

Bill I-5, an Act for the relief of John William Newton.

Bill J-5, an Act for the relief of Rita Forest Leblanc.

Bill K-5, an Act for the relief of Marcelle Topping Paradis.

Bill L-5, an Act for the relief of John Edward Foran.

Bill M-5, an Act for the relief of Evelyn Woolls Gallagher McDougall.

Bill N-5, an Act for the relief of Edward Satel.

Bill O-5, an Act for the relief of Mollie Litvack Rabinovitch.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

The Senate resumed from Thursday, February 3, consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. Muriel McQ. Fergusson: Honourable senators, like earlier speakers in this debate I congratulate the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the Address in reply to the gracious Speech from the Throne. I appreciated very much the kind reference made to myself by the seconder, the honourable senator from Lauzon, and I could not help but feel proud of my sex when I heard the very able address of the mover, the honourable senator from Victoria, whose career all women of Canada have followed and are following with interest and pride.

Hon. Senators: Hear, hear.

Hon. Mrs. Fergusson: I was also very interested in all the other addresses that have been made, and I feel that they have added a great deal to my education regarding things Canadian. But I was particularly interested in the references made by the honourable senator from Victoria (Hon. Mrs. Hodges) to the problems of the older worker regarding compulsory retirement at 65 for men and 60 for women, and the lack of employment opportunities for unemployed people of 40 or 45—or, in the case of women, even of 35 years of age. I certainly endorse the statement of the honourable senator from Victoria when she says we are not doing all that we might for the aged, and for those who are too old at 45, and those who have to get out at 65. I believe, with her, that we shall have to change our present estimate of old age and base our estimate, not on chronological age or the number of birthdays an employee has had, but on his ability to do a job efficiently.

Because I have taken a very special interest during the past year or so in the problems of Canada's senior citizens, I would like to discuss some of the things that have been done for them and some that might be done.

As we all know, the normal span of life has been greatly increased. In 1900, in the western world, life expectancy was 49 years. Now it has increased to 65 years. This is due to improved medical services and nursing services, better sanitation and higher nutritional standards, all of which have lowered the death rates to about one-half of what they were 100 years ago.

According to the 1951 census the working population in Canada—that is, those from 20 to 59 years of age—is much more heavily weighted with people in the higher age group, from 55 to 59, than in the group from 20 to 35.

In the older age group, those of 60 or over, there has been a very great increase since censuses were first taken, in 1881. In 1881 the total population over 60 was 275,988, but in 1951 it had increased to 1,592,025; and it is estimated that in 20 years' time—that is, in 1971—the number over 60 will be 2,200,000. This represents an increase of 477 per cent in the number of people of 60 years and over between 1881 and 1951, whereas the percentage of increase in the total population was only 154 per cent. Referring to this, Dr. O. A. Lemieux, Director of the Census Division of the Dominion Bureau of Statistics, in a speech to the Annual Meeting of the Canadian Public Health Association, which is published in the December 1954 issue of the *Canadian Journal of Public Health*, says:

> We are faced with a considerably larger number of older people and we must be prepared to face the problems which will be created by this.

In the same address Dr. Lemieux goes on to say:

> With regard to the aging of the population, I would like to quote from a paper by Frank W. Notestein of the Office of Population Research of Princeton University to the American Philosophical Society. He states: "Viewed as a whole, the problem of aging is no problem at all. It is only the pessimistic way of looking at a great triumph

of civilization. The population of the United States, and of the Western World in general, has grown older because it has learned to be efficient in the renewal of its life". Today, one thousand births yield about twice as large a fund of life as they produced in Colonial times, and as they produce today among more than one-half of the world's population. We are a relatively old population partly because so many of us have been successful in achieving our goal of individual survival. So, with a perversity that is strictly human, we insist on considering the aggregate result of our individual successes as a problem.

Then he goes on:

To suggest that the aging of the population is to be viewed as an asset is, of course, not at all to suggest that there are no problems of economic and social adaptation to be faced.

As Dr. Notestein says: Some of these problems are economic ones, such as employment of those members of the older population who want to work and who are capable of doing so; other problems are social, such as housing for older citizens and the providing of occupation, recreation and education for the older citizens.

Because our nation is relatively young, we have placed a premium on the attributes of youth, such as speed, aggressiveness and acquisitiveness. In employment, as in other fields, we have placed the "accent" on "youth", have tolerated maturity, but have frequently regarded as negligible the abilities and capacities of those who have passed into what is looked on as the older-age group.

In a country that is committed to the principle of non-discrimination, is it logical that in the field of employment we should accept practices that discriminate against a large and ever-increasing class of our population?

This problem of employment of the older worker is one that has been of great interest in other countries, in many of which considerable research has been done to determine if such discrimination is justified.

We, too, through our Department of Labour and our Department of Veterans Affairs, have studied the problem of the older worker, and efforts have been made to encourage employers to appreciate the value which the services of such older workers may have for them.

To illustrate some of the efforts made in this direction: in 1951 the Information Branch of the Department of Labour prepared an original script entitled "Date of Birth", which was produced by the National Film Board and shown more than 750 times throughout Canada, to more than 57,000 people, most of whom were of the executive class and directly concerned with hiring policies. The purpose of the film was to bring to the attention of the Canadian people the problem of the older worker, with a view to expanding employment opportunities for these workers. A report on the film was most encouraging and revealed that, after showings in Halifax, a number of employers who had previously stated an age limit in their request for employees, called the employment office to amend the age qualification. They had been sufficiently impressed to think that the limitation was unnecessary.

Here is another instance. In Alberta, a sales manager of a large firm reported he was hiring thirty salesmen in Western Canada. After seeing the film, he decided to insert in his advertisement that "age is no barrier". These are typical of the results listed in the report as having been achieved by the film showings.

You will be interested to know, honourable senators, that besides having been shown in Canada, this film has been shown extensively by the United Kingdom Ministry of Labour in the British Isles.

Also, in 1952, an extensive memorandum on the problem of the older worker was prepared by the Department of Labour for the National Advisory Council on Manpower. This memorandum gave figures drawing attention to the great increase among Canada's population, since 1881, of persons over 40 years of age, and it was pointed out that the tendency of employers to reject applicants over that age involved a serious problem. The memorandum points out that from the point of view of the national economy, if the trend towards rejection of older people from the productive section of society continues, while at the same time young people tend to require more years of education before they reach earning powers, the decreasing working force may not be able to achieve for all of us as high a standard of living as we might otherwise hope for.

The memorandum quotes statements by well-known authorities on geriatrics. One of these claims that not all changes that come with age are decline; that speed of reaction does not diminish but that endurance increases. He points out that it is not without significance that in foot racing the records for all sprints are held by youngsters, but the marathon records are held by men of 38 to 45. As speed declines, he says, skill is increased and, as strength declines, judgment increases. Another authority on these matters is quoted in this memorandum as saying:

It should be pointed out that no differences in efficiency in the performance of moderate work are observed between 17 and 71 years.

This finding, he says, is of considerable importance, since most work of an industrial nature falls in the classification of moderate work.

Honourable senators, we know that all through life there are compensations and if we lose one faculty other faculties will become more acute. Workers will try harder to concentrate on the things they can do when they realize that there are some things which they cannot do. To illustrate, let me tell you the story of a man who applied for work in a dockyard. He was told by the employer, "I am sorry, but I don't think you can do the hard work that these young fellows here can do." The man replied, "Well, maybe that is right but I am sure I can do as much as they intend to do".

Some specific points raised in the memorandum as reasons for not hiring older workers are the supposed inability of older workers to learn and adapt themselves to new techniques. During World War II this argument was found to be unsound. An experiment at Columbia University dealing with training and retraining workers found that intellectual power does not change from about 20 to 60 years of age. The often-repeated theories that older workers are more prone to accidents and are more often affected by absenteeism, have been proven to be false. A study of accident frequency shows that the highest accident frequency is between the ages of 20 and 24, and the lowest between 30 and 55. A survey by the United States Bureau of Labour Statistics shows that the absenteeism rate is the same for those between 65 and 74 as for those between 35 and 64.

Reference is made in the memorandum to other unsound beliefs held by employers, such as that the public prefer younger workers for jobs requiring public contacts, which belief, on investigation, appears to have no basis in fact.

The greatest objection raised by employers to the employment of older workers is that it is impossible to absorb older workers into health and retirement pension plans. Investigation and study of rates reveal that this is not an insurmountable barrier. One large Canadian life insurance company quoted rates for group insurance as $6.5 per $1,000 annually at age 25, and $7.85 per $1,000 annually at age 40. The addition of a percentage of older workers would not change the overall costs very much. At the present time, a number of studies are being made to determine if pension plans can be worked out that will be acceptable and will overcome this objection that has been raised.

In an article in the January 31, 1948, issue of *Saturday Night,* Seymour Pennycuick quoted a prominent insurance officer as saying:

> I know of no pension plan which, in itself, makes impossible the employment of older men. To say that it does, is sheer nonsense. Yet, the use of that threadbare argument to bolster up a policy of discrimination which originates in unsound employment practice and person prejudice is, by no means, uncommon.

On the question of the attitude of the unions towards this matter, I would like to quote from an article entitled "Should Retirement at 65 be Compulsory?" which appeared in the *Canadian Unionist* of March 1952. It reads in part as follows:

> In an article entitled, "Union Policies and the Older Worker", Solomon Barkin, Research Director of the Textile Workers Union of America, states:
>
> "Unions have resisted the compulsory retirement of workers when they have passed a particular age, even where there is a pension program. Several strikes have centered about this issue. The unions have contended that the worker has a right to his job at least as long as he is qualified. Where there is a pension program, the worker should be able to retain his job at his own discretion, and carry the normal rights to the job. Pension programs are designed to provide an adequate alternative to aged workers, who do not desire to continue their employment."

Honourable senators, to return to the memorandum of the Department of Labour: it mentions the work done by the Department of Veterans Affairs to secure employment for older veterans. The memorandum points out too that, in the work of this department there has been no attempt to over-emphasize the importance of the older person to the detriment of other groups, but officers have tried to treat these older people as individuals with abilities which employers can still use. Fitness for employment and ability to do a day's work have been stressed, rather than the chronological age of the applicant. This is the treatment which applicants for work should receive if the theory of non-discrimination is applied to our citizens.

The National Advisory Committee on Manpower has a subcommittee dealing with "Employment problems of older workers." This subcommittee has been keeping the subject of older workers under continuous review, and recently worked with the Canadian Manufacturers Association in a survey of the attitudes of employers to this question. The result of that survey will be very interesting.

The Canadian Welfare Council and some of its affiliated societies have also made a study of the question. Because of the importance of this matter to women, studies of the problem have been carried on by various women's organizations. I am familiar with two of these, namely, that of the National Council of Women and the Canadian Federation of Business and Professional Women.

In the decade from 1941 to 1951 the labour force in Canada increased in size by about 23 per cent, but during that period the female labour force increased by 37 per cent. This number is increasing rapidly, and I think at present amounts to 1,200,000 plus. Because

the prevalent discrimination against older employees bears most heavily on women, causing them to be considered too old at an earlier age than men, I am very particularly interested in this problem.

Honourable senators, this is a field where our newly-organized Women's Bureau in the Department of Labour can do a great deal of valuable work, if the Bureau is supplied with adequate funds. Women's organizations are very interested and anxious to know that such funds will be made available.

If any honourable senators do not already know it, they will be interested to learn that the regulations under the Public Service Superannuation Act now make it possible for employees of 65 to postpone retirement until 70, if the employee wishes to continue to work, is efficient, and his work is satisfactory to his Deputy Minister. Then, too, the fixed maximum age limit for entrance to the Civil Service was abolished in 1953 in the large majority of entrance competitions.

All these things show that, in Canada, we recognize that we are faced with a problem in regard to our older workers and are doing our best to solve it, but because it is evident that prejudice still exists in many places, I feel more should be done to make our citizens generally aware—and particularly those that hire and deal with staffs—that many of the current beliefs regarding older workers are not based on facts, that a person's age cannot be determined chronologically but should be judged rather by his ability to do a job. We need wider education of the general public on this matter.

There are other problems connected with the increasing number of older citizens in our population which require consideration and action. One of the chief of these is the matter of supplying housing for this older group. In earlier times in Canada, when our population was predominantly rural, older members of the family, such as grandparents or aunts, did many of the lighter family chores and there was always space for them to live in the family home. Because of the help they could give, their presence was welcomed, and they felt they were making a contribution to the upkeep of the home. Now, with our population living mostly in towns and cities, where mechanical devices do away with many of the former family chores and houses are too small for more than the immediate family, there is a great need for suitable housing for older people, particularly for those who have retired and are living on a reduced income.

A large number of older people live in quarters far from healthful or comfortable, such as attics or basements, because of the high cost of suitable space for rent. Many room and board in private homes, where they share inadequate quarters with low-income families who use this method to supplement their incomes. Others live in institutions, although they would be happier in small homes where, with little assistance, they could look after themselves and have more privacy.

Older countries realized many years ago that the increasing number of older people in their population made special housing for the aged necessary. It was as early as the 1920's and 30's that the Danish Government arranged to give financial assistance to various forms of housing, including housing for the aged. In that country now more than one-third of all municipalities have provided small homes, devoid of institutional atmosphere, for old-age pensioners. In some places modern apartment blocks containing low-rental apartments for aged persons have been constructed through public funds.

In the British Isles, provision for the aged has been part of the general housing program, which has been organized on a national scale. In England, too, an interesting experiment which has been tried, is the attaching of a small, self-contained housekeeping unit to the single family dwelling, called the "plus Granny flat". If it is no longer needed by the older members of the family, it can be rented and bring in a return. On the retirement of the occupants of the larger dwelling, or if either of them should become widowed and need additional income, a move can be made into the "plus Granny flat" and the larger accommodation can be let. It is an idea that might well be adopted here.

Sweden, Switzerland, The Netherlands and Germany have recognized the need of housing projects to provide for the special needs of older people. In Canada some interest has been aroused, in the last few years, in plans for providing suitable living accommodation for able-bodied, older people at a rent they can afford to pay. These are usually small apartments, or cottage-type accommodation, of not more than two or, at most, three rooms. The National Housing Act, under section 16, provides for liberal loans to limited dividend companies for such persons. The loan may be for 90 per cent of the lending value of the project, and repayment may be spread over 50 years. Some provinces have legislation that makes it possible for them to supplement the assistance that can be secured under the National Housing Act.

According to an article in the September 18, 1954 issue of the *Financial Post*, under the heading "A New Deal for our Senior Citizens", it is stated that, up to that date, sixteen projects for senior citizen housing

have been approved under the Housing Act. It might be interesting for honourable senators to know that, of the sixteen projects, eight are in British Columbia.

Hon. Mrs. Hodges: Hear, hear.

Hon. Mrs. Fergusson: I presume the reason is, as the honourable senator from Victoria (Hon. Mrs. Hodges) told us, that British Columbia had a larger percentage of older residents than had other parts of Canada. Another reason might be that that province is more alive to the urgent need of those residents.

Most of the projects referred to by the *Financial Post* are sponsored by municipalities and by such service clubs as the Lions, Kiwanis and Kinsmen. The article mentions several similar projects which are being planned. A few have been undertaken by national groups. In this field the pioneer work was done by the Danish people when they established their home, "Dania", in Burnaby, British Columbia. The Icelandic and Norwegian people have followed with similar projects, as have several church groups. These projects are scattered from Victoria, British Columbia, to Ottawa, and although they are encouraging we have barely scratched the surface of the great need for such accommodation for our senior citizens.

The *Financial Post* article states—and of this I am not so proud—that "the Maritimes have been a little slow in developing possibilities." While this is to be regretted, the possibilities that have been used to advantage elsewhere open ways for others, and we hope that with increased publicity about them they will be adopted in many other parts of Canada, including the Maritimes.

The article further states that, with the lengthening average life, in 1975 there should be more than one million people over 70 years of age and something like 600,000 between the ages of 65 and 70. It can be taken for granted now that in our urbanized society a great many of these people cannot be fitted into the homes of their families; and, if they are to be safely and comfortably housed—that is, neither in attics that are fire hazards nor in basements that are damp —many more projects must be undertaken to provide for them.

Of course, besides the economic and housing problems in connection with our increased population of senior citizens, there are social problems which must be faced. In Canada we have provided a considerable amount of financial security for our older citizens through our progressive Old Age Security and Old Age Assistance programs. No one could know better than I, who have administered the Old Age Security program in one province, what a boon these pensions are to our senior citizens. However, we have to remember that, though it is very essential to have bread, "man cannot live by bread alone." For that reason in the lives of all older citizens who are no longer employed there must be some occupation, whether it yields a financial return or not; there must be some recreation and there must be a sense of "being wanted"—a sense that they are important to someone.

It is recognized as better economy to provide the retired older citizen with interests than to have him lapse into physical or mental illness which is much more costly to the community and which, in many cases, seems to be the alternative. To provide recreational and educational interests, local communities in many countries have organized for their older citizens clubs such as Cleveland's "Live Long and Like It Clubs", and "The Golden Age Clubs" sponsored by business and professional groups. In Canada we have some such groups—I think of the "Over Sixty Club" in Hamilton—but they are all too few.

In some countries, Day Care Centres for older retired citizens have been established. Last year I visited one such centre in New York City and became most enthusiastic about the work they do and the change they make in the lives of those who attend. The centre, sponsored by the Department of Welfare and a local voluntary board, was open five days a week. I understand the department supplies only professional services by way of leadership and that the local board does everything else. The members, I found, enjoyed friendly companionship with people of their own age, learned new hobbies and played games. Many, for the first time, took up painting or the playing of musical instruments. Here I would remind honourable senators that these are not all indigent people; indeed, some of them are quite able to live in homes of their own, but nobody was particularly interested in them and they had no interest in others, so they had been spending long days by themselves in their homes.

At the centre I visited lunch is served every day and the members take turns looking after it. It is a very simple lunch, but the older people feel important when they have this responsibility.

I was told that an actual survey revealed that before the opening of the centre many of the regular members had been frequent and some had been regular attendants at

clinics and had considered themselves semi-invalids, but after they became interested in the centre their visits to the clinics had ceased completely. In other words, they found the Day Care Centre more entertaining than the clinic. That in itself results in a great saving of both money and the services of trained medical people.

There are fourteen such centres in New York City alone, and the idea has spread to other cities in the United States, to England, France and Australia. A very few such centres are operating in Canada; for example, the "Second Mile Club" in Toronto, which is for people over 60 and is open seven days a week. But we need many, many more to serve the thousands of older people of Canada.

The National Council of Jewish Women sponsors a number of weekly workshops providing occupations for retired men. The things they produce are usually given for use in community projects, and this makes the men feel they are still contributing to community life. The Soroptimist Clubs have done commendable work in this field. One outstanding contribution is that of giving scholarships so that social workers can learn more about the science of aging and how to treat it.

The recreational and educational projects for older citizens which have been tried out in different places are numerous; I could not even list all of those about which I have read. The reason why communities in Canada are slow in organizing projects, most of which are started locally, is that we do not have sufficient knowledge about what has been done by other people who have been faced with problems similar to ours. Older countries have met these problems earlier, and it might well be helpful to us to know what they have done.

It is imperative that more publicity be given to the experiments which have already been tried, and the satisfying results in happiness and improvement of physical and mental health for older citizens. If these things were known, more of our communities would, undoubtedly, copy them or adopt them to their own local situations. The Canadian Welfare Council has recently set up a committee whose terms of reference include acting as a clearing house for general reports on this subject.

The necessity of making the problems regarding aging population widely known, has been recognized and faced in many countries. Various methods have been adopted to meet this need. In the United States a National Conference on Aging was held in Washington, in 1950, under federal auspices. Since then there has been, under the Federal Security Agency and its successor, the Department of Health, Education and Welfare, a Committee on Aging and Geriatrics.

State governments have recognized the problem and have set up committees and commissions to make surveys and do educational work. The best known is that of Senator Thomas Desmond of New York State. Other states doing work in this field include Michigan, Rhode Island, Florida, California, North Carolina. I have read reports of these bodies, but not of those in other states.

The problem is so universal that three international gerontological congresses have been held. The last one, held in London in July 1954, was attended by representatives from more than fifty countries, so it is evident that interest in this matter is widespread.

Honourable senators, our own national problem in this field is one that we will have to solve, and its solution will require the combined efforts of governments at all levels as well as the help of our many voluntary agencies and service groups. Part of our difficulties lie, I think, in the lack of understanding of the nature and scope of the problem and the lack of knowledge concerning the financial assistance that really is available to assist in solving certain aspects of the problem.

With regard to the employment problem of the older worker, we need to develop a much better understanding of this question among employers and organized labour, and especially among the public at large.

A great deal has already been done by the Department of Labour in pointing up the nature of employment problems of the older worker and in dispelling a lot of misunderstanding concerning his abilities and disabilities. Much remains to be done, both within and outside the Government, before we can solve this very stubborn problem. I think it is only by making employment opportunities available to older workers that we can ensure a greater economic gain for the country as a whole and a more effective and happy life for our senior citizens.

In this country, of course, a large sector of older workers find themselves in a position where they have adequate housing and satisfactory health and welfare services to meet their individual needs, but a very large group in our population—which group will probably increase in size as our population ages—have not satisfactory housing accommodation nor adequate provision for health care and certain other welfare services. The needs of this group are considerable, particularly in

view of the large number of people involved, and it will certainly tax the ingenuity of governments—federal, provincial and local—as well as of voluntary agencies, to make even minimum provision for their housing and social welfare.

It would appear, honourable senators, that the most urgent need at this time is to focus attention on the nature and scope of this problem and to cultivate a better understanding of ways and means in which some of these difficulties can be solved.

A number of possibilities come to mind: for example, it might be possible to create interest in and draw attention to this question through the establishment of a parliamentary committee to consider the aspects of provision for old age security other than maintenance, in the same way that, in 1950, the Joint Parliamentary Committee of the Senate and House of Commons on Old Age Security considered the problem of old age pensions in regard to maintenance.

Another possibility might be the establishment of a Commission on Aging, such as has been established in many of the American states. These bodies have permitted legislators at State level and other interested persons and groups to assess the problem as it affected their own particular State and to come to some decision as to how they would meet it.

Again, while governments have a real responsibility in this area I do not think it can be denied that there is a governmental responsibility—it is traditional in Canada for voluntary agencies to spearhead movements for improvement in welfare in new fields and to carry an important share in the development of the necessary welfare services.

The Canadian Welfare Council, which is a co-ordinating agency, gives leadership in non-government fields and seems to be the focal point for advancing study and promoting publicity of a non-government nature. This work the Council, through its Committee on the Aging, would gladly do in this field, but at present it is hampered by a lack of funds to permit the employment of a full-time staff to carry on the work of a committee. Its progress, therefore, would be very slow as it would have to depend upon what its members and others could do in their spare time. One tangible way of helping the council to make progress would be to provide sufficient funds to enable the committee to operate efficiently. If our government is not prepared to take a lead itself by appointing a parliamentary committee or a commission to study this matter, and to hold meetings at which publicity would be given to the problem, financial assistance to the Canadian Welfare Council would be a token of the Government's interest in this matter.

Honourable senators, I have taken the privilege of asking to have placed on your desks a pamphlet on aging entitled *Everyone grows old*, prepared by the Canadian Welfare Council. It is just off the press, and I hope you may find it interesting.

We all agree, I am sure, with the statement by Professor Notestein, which I read to you earlier, that the increase in our span of life is a "triumph of civilization". But, honourable senators, this "triumph" will be a defeat unless we see that every person in Canada gets the most he or she possibly can out of the added years, for of what value is this "triumph" if these added years are to be empty and meaningless?

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Vaillancourt, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 144 to 154, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck moved the second reading of the following bills:

Bill L-3, an Act for the relief of Barbara Norma Demaine Davies.

Bill M-3, an Act for the relief of Reta Muriel Hadden Moffit.

Bill N-3, an Act for the relief of Meta Avard Wheatley Griffin.

Bill O-3, an Act for the relief of Emma Melite Latvaityte Vairogs.

Bill P-3, an Act for the relief of Marie Jeanne D'Arc Marcelle Bernier Lemieux.

Bill Q-3, an Act for the relief of Lois Audrey Jemima Patch Howell.

Bill R-3, an Act for the relief of Dorothy Izenberg Lenetsky.

Bill S-3, an Act for the relief of George Reilly Hunter.

Bill T-3, an Act for the relief of Donald William Downie.

Bill U-3, an Act for the relief of Rita Barlatti Devlin.

Bill V-3, an Act for the relief of Ruby Kitts Shea.

Bill W-3, an Act for the relief of Margaret Pearl McNamara Rowlatt.

Bill X-3, an Act for the relief of Mabel Kinghorn Marshall.

Bill Y-3, an Act for the relief of Shirley Norah Farrar Mizener.

Bill Z-3, an Act for the relief of Jane Schubert Clark Bernard.

Bill A-4, an Act for the relief of Irene Joan Fabian Jefford.

Bill B-4, an Act for the relief of Lois Silby Walker Torunski.

Bill C-4, an Act for the relief of Lillian Dorothy Menzies Drennan.

Bill D-4, an Act for the relief of Henry Edwin Lasnier.

Bill E-4, an Act for the relief of Elsa Kremer Ellmaurer.

Bill F-4, an Act for the relief of Christine Bennie Kelly Mooney.

Bill G-4, an Act for the relief of Shirley Patricia King Craddock.

Bill H-4, an Act for the relief of Nomi Meijerowicz Goldenstein.

Bill I-4, an Act for the relief of Edith Dora Hyndman Ross.

Bill J-4, an Act for the relief of Irene Annetta Thomas Bromby.

Bill K-4, an Act for the relief of Arthur Edmund Oliver.

Bill L-4, an Act for the relief of Joseph Zawiski.

Bill M-4, an Act for the relief of Mary Jagiello Kaczynski.

Bill N-4, an Act for the relief of Eleanor Honor Connolly Sutcliffe.

Bill O-4, an Act for the relief of Marie Laurenza Suzanne Bolduc Hawkins.

Bill P-4, an Act for the relief of Daniel Joseph MacLean.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, February 9, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill L-3, an Act for the relief of Barbara Norma Demaine Davies.

Bill M-3, an Act for the relief of Reta Muriel Hadden Moffit.

Bill N-3, an Act for the relief of Meta Avard Wheatley Griffin.

Bill O-3, an Act for the relief of Emma Melite Latvaityte Vairogs.

Bill P-3, an Act for the relief of Marie Jeanne D'Arc Marcelle Bernier Lemieux.

Bill Q-3, an Act for the relief of Lois Audrey Jemima Patch Howell.

Bill R-3, an Act for the relief of Dorothy Izenberg Lenetsky.

Bill S-3, an Act for the relief of George Reilly Hunter.

Bill T-3, an Act for the relief of Donald William Downie.

Bill U-3, an Act for the relief of Rita Barlatti Devlin.

Bill V-3, an Act for the relief of Ruby Kitts Shea.

Bill W-3, an Act for the relief of Margaret Pearl McNamara Rowlatt.

Bill X-3, an Act for the relief of Mabel Kingborn Marshall.

Bill Y-3, an Act for the relief of Shirley Norah Farrar Mizener.

Bill Z-3, an Act for the relief of Jane Schubert Clark Bernard.

Bill A-4, an Act for the relief of Irene Joan Fabian Jefford.

Bill B-4, an Act for the relief of Lois Silby Walker Torunski.

Bill C-4, an Act for the relief of Lillian Dorothy Menzies Drennan.

Bill D-4, an Act for the relief of Henry Edwin Lasnier.

Bill E-4, an Act for the relief of Elsa Kremer Ellmaurer.

Bill F-4, an Act for the relief of Christine Bennie Kelly Mooney.

Bill G-4, an Act for the relief of Shirley Patricia King Craddock.

Bill H-4, an Act for the relief of Nomi Meijerowicz Goldenstein.

Bill I-4, an Act for the relief of Edith Dora Hyndman Ross.

Bill J-4, an Act for the relief of Irene Annetta Thomas Bromby.

Bill K-4, an Act for the relief of Arthur Edmund Oliver.

Bill L-4, an Act for the relief of Joseph Zawiski.

Bill M-4, an Act for the relief of Mary Jagiello Kaczynski.

Bill N-4, an Act for the relief of Eleanor Honor Connolly Sutcliffe.

Bill O-4, an Act for the relief of Marie Laurenza Suzanne Bolduc Hawkins.

Bill P-4, an Act for the relief of Daniel Joseph MacLean.

The motion was agreed to, and the bills were read the third time, and passed, on division.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

(Translation):

Hon. Cyrille Vaillancourt: Honourable senators, my first words in rising will be to pay tribute to our gracious Sovereign. May God protect her and her family, and give her a reign of peace!

May the Queen Mother, who visited us lately and by whose charm we were captivated, live a long and happy life!

To the Governor General, who, with such remarkable dignity, represents the authority in our country, I express my heartfelt greetings.

To our distinguished Speaker, I extend my very best wishes.

To the Leader of the Government (Hon. Mr. Macdonald) I can think of no other wish than that he should long direct our discussions and keep forever his friendly smile. May I congratulate him upon his appointment of the senator from Montarville (Hon. Mr. Godbout) to assist him. My best wishes to our Leader and to his assistant.

(Text):

I wish many more years to the honourable Leader of the Opposition (Hon. Mr. Haig), so that he may continue to tell us often, with

the enthusiasm of youth, about his wonderful city of Winnipeg. May his criticisms always be of a constructive nature.

And now, may I say a few words concerning the mover of the Address, the honourable senator from Victoria (Hon. Mrs. Hodges). The city of Victoria is known as the city of flowers. Well, we have among us the prettiest flower, which is not by any means on the verge of wilting.

Hon. Senators: Hear, hear.

Hon. Mr. Vaillancourt: At what age does one become old, I wonder? One may be old at 20. I know people of 20 who are old because they no longer believe in the future; they are pessimists who see nothing good or beautiful around them: they are old because there is no love, no ideal, no beauty in their hearts. But I know people of 80 who are still young, young with all their hopes, their faith in life, young because their hearts are filled with love and devotion toward their compatriots and their country.

In other words, one may be young at 80 and old at 20.

Hon. Senators: Hear, hear.

Hon. Mr. Vaillancourt: The mover of the Address, the honourable senator from Victoria, has shown us how to stay young. She illustrated this best when she expounded the potential economic development of her province.

And concerning the honourable senator from Fredericton (Hon. Mrs. Fergusson), may I say that after listening to the splendid speech delivered by our honourable colleague last night I know why she was selected by the Canadian Welfare Council as Chairman of its very important Committee on Aging.

Hon. Senators: Hear, hear.

(Translation):

Hon. Mr. Vaillancourt: The seconder of the Address, who comes from my own section of the country and who is utterly fearless, has raised a most interesting point with regard to the whole social economy of the nation when he spoke of housing.

Social security is one of our most popular topics. But can social security be provided unless the family is made secure at the same time? One of the surest ways of ensuring family security is to see that every family has its own home. I hope some day we will realize that therein lies one of the greatest factors of security and prosperity for the nation. That is why I sincerely hope that the Housing Act, and section 35 thereof in particular, will be approved in my province as soon as possible.

Taxes have been discussed, and the Leader of the Opposition has said that they are too high. I would not say that taxes are too high, but I agree with him that they are very high. Is it not better, however, to have high taxation so as to keep our economic life going and at the same time to organize the defence of our country? Most assuredly, if we fail to organize our defence and tomorrow our enemies realize our weakness, the outcome is easy to predict. We will then be required to pay a much heavier tax, the tax of blood, of bondage and of slavery. Is that what we want? I do not think so.

Some years ago, I visited one of the smaller centres of our province in order to attend a series of lectures given by well-informed personalities. On a Sunday afternoon, hundreds of people congregated at the meeting place to take part in a forum on the theme of inflation, deflation, taxation and unemployment insurance. At the end of the discussion an honest fisherman rose and said: "Tell me, is it better to pay taxes, have an income and work as we do today, or to go back to the conditions which prevailed in 1932-35?" The question required no answer and the audience broke into applause. It seems to me that that good man's conclusion was wisdom itself. When the wheels stop turning, there are no taxes to pay, but it is better to pay taxes with the money you earn than not to pay any and starve.

The Leader of the Government has informed us that a committee will be appointed to study seriously and thoroughly what concrete means can be taken to stop the traffic of narcotics. As honourable senators know, that is one of the Communists' means of propaganda, for they hope in this way to weaken Western nations. They seek to spread the use of these drugs to the four corners of the world because they weaken men physically as well as mentally. They would thus undermine the very basis of all Christian culture.

I congratulate our Leader upon this step. But I would ask him to extend the scope of his inquiry so as to find some way of putting a stop to another kind of narcotic, as nefarious as the first. I mean licentious literature and all the crime comics which are about to pervert our youth and will tomorrow cause the moral and spiritual downfall of our nation.

Over the past few years, and especially in the last few months, I have seen these filthy sheets appearing weekly and reporting the lewdest crimes, especially sexual crimes. These pocket books or digests explain in detail every kind of debauchery. An effort is made to awaken in the hearts of our young

people every perverted sexual instinct, to place man's intelligence at the service of organized vice, and to lower him to a level below that of the beasts which, at least are guided by their instinct. Marriage, moreover, is degraded; it is no longer considered as the union of two bodies, of two hearts and of two souls.

And when I see editors and printers thriving on such a display of vice, I wonder if they are not paid by the devil's own henchmen, who are bent on destroying Western democracy. There is no escaping it, tomorrow we will have anarchy, and confusion. The unbridled pursuit of pleasure can not serve as the foundation for an institution such as the family, the basic cell of society, where any normal social life is born.

Let not marriage be debased, for it associates man to God's creative work and, for that reason, it is a worthy and sacred institution.

Mr. Leader, why could not this inquiry bear on both these narcotics? For both these drugs are about to pervert and destroy our young people.

(*Text*):

Honourable senators, I should like to say a few words now about national unity, which is becoming more and more desirable for the welfare and the greatness of our country. Above all, I wish for this unity, and I hope that everyone in this chamber wishes for it too and acts accordingly, but I regret to say that some people in either places act to the contrary.

Nobody in Quebec requires that English-speaking Canadians should speak French. However, the fact is that some of them learn French. Good! I am pleased to say that in the province of Quebec a good many of the people speak both French and English. This bilingualism enables the French-speaking and English-speaking citizens to have a better understanding of one another. Is it possible to bring about such an understanding by telling the people of the minority group in Canada that they have no rights? I would point out that the minority group has been in this country for over 350 years, and during 150 of those years it had the hardest kinds of work to do as pioneers. Both majority and minority groups have rights, but at this time I wish to point out some facts about the minority.

Honourable senators must recall that on two or three occasions the people belonging to the minority group in this country saved Canada for the British Empire; because had it not been for their courage and loyalty Canada would not now be a part of the Commonwealth.

Insults and other such acts will not obtain the national unity so much desired. Majority and minority in Canada may speak two different languages; but both love their country and live together harmoniously and peacefully. An orchestra is formed of many instruments, and they produce harmony only in so far as each performer plays the right notes.

Jules Méline, a French statesman who, as honourable senators know, was Minister of Agriculture in France at the end of the last century and during World War I, gave a striking and clear definition of the fundamental role played by agriculture in the national economy, and of the interdependence which exists between the major sectors of economic activity: agriculture, manufacturing industry, commerce and finance. He compared national prosperity to a tree whose roots are agriculture, and whose stem and branches are industry and commerce. If the roots suffer and are not treated properly, poor circulation of the sap develops in all parts of the tree, it is slowed down, the leaves fall, the branches dry up, the tree loses its value and becomes sterile or useless. The prosperity of agriculture is essential to the prosperity of the national economy.

Our agriculture is undoubtedly the most important basic industry of Canada, notwithstanding the prodigious industrial expansion of our country during the last fifteen years. Although we do not yet have the official and complete figures for 1954, we can assert, without any risk of error, that the financial income of Canadian farmers has considerably decreased since 1951, when it reached its peak in the history of the country: $2,812 million. In 1953 it was down to $2,731,200,000. The figures for the last three months of 1954 have not yet been made public; those for the first nine months of 1954 are considerably lower than the corresponding ones for 1953. The federal Bureau of Statistics has temporarily estimated the financial income of Canadian farmers for the year 1954 at $2,408,600,000, which is a decrease of 12 per cent from 1953, in which year the income was already 15 per cent lower than in 1952.

It is plain that the position of Canadian agriculture has worsened during these last years. The index of prices paid farmers for their produce has constantly decreased since 1952. From 274·5 in 1952, it went down to 247·6 in 1953; in September 1953, it was 227·3, and it has continued to decrease ever since. Although we do not yet know the complete figures for 1954, in September of that year it was set at 227·3.

A first fact which nobody will deny: the income of our Canadian farmers was lower

in 1954 than in 1953; and lower in 1953 than in 1952. This is true also of the United States, where the net income of farmers has constantly decreased since 1951, and in the proportion of 14 per cent from 1951 to 1954.

A second fact which is equally true: the prosperity of agriculture is necessary and essential to the prosperity of industry and commerce as well as to the general economic prosperity of the country. The more prosperous that agriculture is, the greater are the possibilities that all branches of the national economic life will also know an era of increasing prosperity, or at least of economic and social stability.

Agricultural income must remain at the same level, and even increase, if we wish to maintain and increase the general economic prosperity and social welfare. A reduction of agricultural income soon brings about a decrease in industrial purchases, and also a decrease in production; unemployment results therefrom, and if it spreads it may cause an economic slump with its ensuing social problems. In the present world situation we cannot afford a serious economic depression. Necessary measures must be taken to maintain Canadian agriculture at its highest level of prosperity, which is the basis and the essential condition of a healthy and progressive national economy.

In pleading for agriculture, my purpose is to defend the interests of the whole nation. Social classes, as well as the various sectors of economic life, are interdependent; therefore, they must co-operate to bring about the common prosperity of the country. The Canadian government proved on several occasions, through its legislation, that it clearly understands the economic and social solidarity existing between the agricultural and industrial domains, particularly when it enacted the Agricultural Prices Support Act, which has rendered invaluable services to the whole of the Canadian nation, although it has cost very little so far: from 1946 to March 1954, a little higher than $80 million.

Nevertheless, some people claim it is a sound policy that agricultural products should be sold at a lower price and be allowed to stabilize at a lower level. To support their thesis, they say that Canadian farmers are already well paid, that they enjoy their fair share of the national income, and that stabilization of the prices of agricultural products at a lower level than that of 1951—when the prices were at their peak—would result in reducing to a certain extent the general cost of living in this country. To those individuals, I may reply that I think such assertions are not confirmed, but refuted by the facts. If we restrict our figures to statistics covering the last thirty years, we find that the agricultural population—which, according to the national census, formed 28 per cent of the Canadian population in 1921, 22·5 per cent in 1931, and 20·2 per cent in 1951—received during that period of time an average of only 10 per cent of the national income. According to national accounts in Canada, the income and expenditure figures for 1926-1950 and 1950-1953 establish that in 1953 the net income per person living on Canadian farms amounted to $565, whereas in the same year the net income per person not living on farms amounted to $1,382. This comparative survey, covering a period of approximately twenty-five years previous to 1953, established the fact that in 1933 the net income of persons living on farms was as low as $32 per person. There is nothing amazing about that, for we were then at the lowest point in the economic depression. When the farmer cannot sell his produce, or sells it at a ridiculously low price, he can no longer buy anything, and consequently there is a slump in trade and industry; it means chronic unemployment, and an economic and social crisis, such as we experienced in the years 1930-38.

A comparison of the net incomes of Canadians living on farms and of those not living on farms during the years 1928-1953, shows that the net income of those living on farms amounts generally to half the income of persons not living on farms, and that during a period of economic depression farm income soon drops to a low level. It also shows that during the depression of the early 1930's the net income of persons not living on farms also decreased, but more slowly, and that in 1933, in the darkest days of the depression, it was still twelve times more than the net rural income in Canada. As a matter of fact, in 1933 the average net income of persons not living on farms amounted to $407—the lowest level reached by this class during the depression—whereas the net income per person living on farms went down to $32.

Farmers, therefore, must be very careful whenever they make any purchases for their farms; as far as possible they should avoid buying on the instalment plan; and before making any large loans for the purchase of agricultural equipment such as high-priced tractors, they must seriously consider the matter, for they might have to repay the loans with devaluated money. If the income of non-farmers decreases very slightly or not at all, while the net income of farmers goes down to a great extent, this means that industrial salaries remain at a constant level, that the cost of industrial production remains almost as high as before, and that consequently the cost of the goods which farmers must purchase out of a much lower income

will also remain at a high level or will not go down to any appreciable extent.

Furthermore, we know that this reasoning is based on facts. Data obtained in a study made in the United States, by economist Gardiner C. Means, points to the unfavourable position of agriculture during a period of economic regression. For ten groups of products whose price variations he computed against the decrease in production for the years 1929-32, and a decrease of 6 per cent in agricultural production, the prices of agricultural produce went down 63 per cent; while the cost of agricultural implements suffered a decrease of only 6 per cent against a production decrease of 80 per cent. In other words, during an economic regression agricultural prices go down considerably and at a quick tempo; whereas, on the other hand, prices of industrial products show a relatively slight and slow rate of decrease, and then farmers must pay for their purchases with devaluated money.

Canadian farmers, I repeat, should be cautious about investing money on their farms, and should as far as possible avoid purchasing goods on the instalment plan or borrowing money for purposes of mechanization of agricultural equipment. The many who have incurred debts would be well advised to reduce them as soon as possible if they do not wish to be compelled, in the event of an increasing agricultural economic regression, to pay their debts with devaluated money or to abandon to their creditors pieces of equipment on which they have already paid considerable sums of money. In the past few years requests for new loans have become more numerous and urgent despite the fact that it is evident that agriculture is not as prosperous as formerly. Instead of trying to borrow in the face of such economic contingencies, would it not be more advisable to avoid new loans and endeavour to pay our debts?

As to the influence of agricultural prices on the cost of living, it is unfair to claim that what the Canadian farmers now get for their produce helps to maintain the cost of living at an excessively high level. On this point, a distinction must be established between the price the consumer pays for agricultural products and the portion of the consumer's price actually received by the farmer. To show how false the claim is, let us look at some figures which show the proportion of the consumer's dollar that the farmer really gets for his products. The August 1954 number of the *Agricultural Economist* contained a compilation covering twelve agricultural products, for the years 1949 to 1953, inclusive. In 1953, out of each dollar spent by the consumer the producers of natural milk received 53 cents; potato growers, 41 cents; raisers of first-grade cattle, 58 cents; butter producers, 77 cents; and so on.

From those figures honourable senators will realize the margin between the prices paid by the consumers and those paid to the farmers. Yet in 1953, the income from the sale of agricultural products, $413 million, and from the sale of cattle, $775 million, amounted to approximately half the total agricultural income, $2,731 million.

Before passing judgment on the influence of agricultural prices upon the high cost of living, is it not therefore very important to consider the spread between the prices paid to producers and the prices exacted from consumers?

Honourable senators, I have explained to you, the economic problem of the nation, as I understand it, particularly the agricultural economic problem, in order to prove to you that we can never do too much for the agricultural class, because the basis of our national prosperity rests upon that class.

Some economists—like Malthus, in the nineteenth century, and others who are members of UNESCO— have wondered whether in the year 2000 we shall produce enough to feed the human race. If things continue going as they are at present we certainly shall not produce sufficiently, not because of an excessive increase in population, but because not enough people will be engaged in production. The land will be deserted; and then we shall be better able to understand the great truth which René Bazin has expounded in his excellent novel intituled *La Terre Qui Meurt*—"The Dying Land". If the land dies the people will die, and the nation will die, because of a lack of food, for a hungry people is ripe for revolution. But, on the other hand, if the farming class is stable, the nation and the world will be stable.

With our present means of production there is no danger of the human race lacking sufficient food. We can increase a hundred fold our agricultural production, but in order to do so, we must have workers. Therefore, let us organize the life of our farmers in such a way that they will be happy to live on their land, and that their sons also will be happy to remain on the land; let us act in such a way that another book may be written, but this time a book of life, which could be intituled *Le Blé Qui Leve Sur La Terre Qui Vit*—"The Rising Wheat On The Living Land".

Hon. Senators: Hear, hear.

Hon. George H. Barbour: Honourable senators, first of all I want to join those who have already spoken in this debate in congratulating the mover (Hon. Mrs. Hodges)

and the seconder (Hon. Mr. Tremblay) of the Address, not only upon the fine material of their speeches but also upon the splendid manner in which they were delivered.

The Speech from the Throne announced that there would be a meeting of the Prime Ministers of the Commonwealth in London in the month of January. I am sure I speak for all honourable senators when I say how proud we are to have had men of the stature of our Prime Minister and our Secretary of State for External Affairs to represent us in London at this conference.

Hon. Senators: Hear, hear.

Hon. Mr. Barbour: We are, I am sure, in agreement with the sentiment expressed by the London *Evening News* that few who have been presented in recent years with the Freedom of the City of London have merited the honour more than Mr. St. Laurent.

Hon. Senators: Hear, hear.

Hon. Mr. Barbour: We are glad, I am sure, to welcome him back to Canada today.

In the Speech from the Throne it is stated that the construction of a new ferry to operate between Prince Edward Island and Nova Scotia would be undertaken early in the present year. This is indeed welcome news for the people of Prince Edward Island, even though it is long overdue. From the time of Confederation transportation has been one of our troubles, and it still is our No. 1 problem. We have at the present time operating between Borden and Cape Tormentine one of the finest icebreaker-ferries in the world. It is a large boat, designed to carry passengers, automobiles and railway freight cars. During the summer months this large ferry has to make the crossing day and night in order to avoid traffic congestion, and even then long lines of automobiles are often waiting for their turn to go across. I think it would be the part of wisdom for the Department of Transport to provide a ferry designed to transport passenger automobiles and trucks only, a boat that could be built for not more than one-third as much as the icebreaker cost, and which could be operated, I am sure, at one-third its cost. Such a boat would carry as many motor cars as the larger ferry does, and as a result we would get many more years of service out of the larger ferry.

For quite a number of years the Canadian National Railways and the Department of Transport kept the rate for trucks on the ferry so high that it was really prohibitive. I suppose their idea was to get as much business as possible for the railway. In 1939 another ferry commenced operating between Wood Island, P.E.I., and Caribou, N.S. That ferry carried trucks more cheaply, so we were able to get a reduction in the rate on the car ferry, and this has been very important to our farmers and fishermen. All the fresh fish is now moved in trucks.

Before Confederation there was no railroad on the island, and I believe that construction of a railway was one of the deciding factors in bringing Prince Edward Island into Confederation. The railroad is still there, of course, but it has now lost the largest part of its passenger business. After dieselizing the island section of the railway first, the Canadian National are planning now to take off all the passenger trains except one between Charlottetown and Borden, at which point connection is made for the mainland. That is the way things have gone, and it is not much wonder, because the trains are so much slower than automobiles On the island there are no two points that I know of between which you cannot go and return in a car in the time that it takes the train to go one way.

I have noted lately that the running time of trains between Montreal and Vancouver is to be cut by eleven hours one way, and by fourteen, I think, the other way. I will tell honourable senators the time it takes to travel between Charlottetown and Moncton by the Canadian National. We leave Charlottetown at 7 a.m., and leave Moncton for Montreal at 2.10 p.m. The elapsed time amounts to seven hours and ten minutes. Then on the return trip we arrive at Moncton at 9.50 a.m. and at Charlottetown at 6.10 p.m., an elapsed time of about eight hours. The trip by automobile from Moncton to Charlottetown is roughly 100 miles, and the drive can be made easily in two and a half hours, plus one hour on the ferry.

It is not greatly to be wondered at that so much passenger traffic has gone to the Maritime Central Airways that the railroad has been left with very few passengers.

A good deal has been said by representatives of labour about the existence of hard times and unemployment. In a cold country like Canada, with a very heavy snow-fall, it is difficult to have everybody working continuously. But I do not think it can be said that conditions are so bad when, according to returns, at the end of 1954 deposits in our banks reached a total of $5,218 million, an increase of $462 million on the previous year. This is not a bad achievement for a country of 15 million people.

One disturbing feature of our national life is the prevalence of automobile accidents. In 1951, the last year for which I have been able to get the record, this type of accident caused 2,686 deaths, injuries to 41,691 people, and total damages of $162,157,978. I think the Senate would render a service to Canada if

it set up a committee to try to determine the causes of so many casualties. I believe—for one thing—that big trucks which when loaded weigh around 20,000 pounds should not be permitted to run on two-way highways at speeds of fifty miles and more. On a railroad track that speed is high enough; yet in many places large transport trucks move along the highways at fifty to fifty-five miles an hour, and when they get on a grade, are dangerous to passenger cars which try to pass them.

In some respects—two, particularly—Prince Edward Island has changed very little since Confederation. The rural population still constitutes about three-fourths of the whole population. Many of our young people leave the island for other parts of Canada and the United States. There are 41,151 people in the age group between one year and 19 years, but only 31,515 between the ages of 35 and 69; so, assuming that one-half of the latter are females, the working population in that age group is only 15,756.

The remarks made yesterday by the honourable senator from Fredericton (Hon. Mrs. Fergusson) as to the need of providing work for citizens over 65 years old hardly apply to Prince Edward Island, where most elderly people live on the farms and work as long as they can. In the St. Peter's district is a medical man who is 96 or 97 years old,—

Hon. Mr. McIntyre: He is 98.

Hon. Mr. Barbour: —and last year he was attending to his practice and driving his own car.

In looking over some official reports I noticed that last year the Prince Edward Island Government provided for public relief and welfare nearly $2 million, as against similar expenditures of not more than $35,000 only a few years ago. With this provision, plus family allowances, old age security payments, widows' pensions, and the rest, I think it can be said that our people are being fairly well taken care of.

But for the fact that I was served with a summons, I would not have occupied any of the time of this house. However, not only has this summons been served on me, but I was warned that very likely other senators would get similar treatment. I know that most members of this honourable body were never served with a summons in their lives, so they may be relieved to know that they will not be compelled to answer within eight days, but will have a little longer to attend to it. My copy reads as follows:

1855—CHARLOTTETOWN CENTENNIAL—1955

Summons to a Person Charged With an Offence

City of Charlottetown
County of Queen's
Province of Prince Edward Island
Canada

To Senator G. H. Barbour
of
Ottawa, Ontario.

Whereas, you have this day been charged and information laid in Charlottetown aforesaid before the undersigned, on behalf of the Charlottetown Centennial Committee, for that you the said G. H. Barbour have not visited the said City of Charlottetown, in the County of Queen's, Province of Prince Edward Island, for some time,

These are therefore to command you, in the name of the Charlottetown Centennial Committee, to be and appear before me, during any of the months of June, July, August or September, 1955, or before such old friends as shall then be there, to answer to the said charge, and be further dealt with according to law. Herein fail not.

Given under my hand and seal, this 1st day of September A.D. one thousand nine hundred and fifty-four at the City of Charlottetown aforesaid.

J. David Stewart
Mayor

On behalf of the Charlottetown
Centennial Committee.

Hon. Senators: Hear, hear.

Hon. Mr. Barbour: Perhaps honourable senators will receive a copy of this summons through the mail. There will be street dancing and other gay festivities to mark the Charlottetown Centennial. At this time I would personally extend a very warm welcome to honourable senators to come along and participate in the celebrations. And may I add that all who come to Charlottetown should be sure to visit the Confederation Chamber there. Among other places, I would recommend a visit to the excellent beach at Cavendish, and the nearby house "Green Gables," which was once the home of the famous author Lucy Montgomery.

Hon. Senators: Hear, hear.

Hon. Stanley S. McKeen: Honourable senators, in rising to take part in this debate I should like to deal with a subject referred to by the honourable Leader of the Opposition (Hon. Mr. Haig) when he spoke on this motion. He said that we were not getting the best possible service from the United Nations, and he proceeded to make a suggestion to the Government, through the Leader of the Government in the Senate (Hon. Mr. Macdonald).

I had thought that the procedure at the United Nations was better known, but just in case it is not I wish to take a little time this afternoon to explain that what is going

on there now is the same as when the honourable Leader of the Opposition was a delegate.

As honourable members are no doubt aware, the Senate of Canada has been represented at the United Nations by quite a few senators, including His Honour the Speaker (Hon. Mr. Robertson) and a highly-esteemed former Speaker (Hon. Mr. King). We have also been represented by the honourable Senators Lambert, Turgeon, Wilson, Hugessen, Isnor, Haig, Howard, and myself.

One of my most stimulating experiences at the last United Nations Assembly was seeing delegate after delegate stand up in the Economic Committee room and express gratitude to the United Nations for its technical assistance to their under-developed countries. This technical aid, they declared, demonstrated to their peoples that the United Nations did more than debate, pass resolutions and make reports. It was, they said, a live and forceful implement for helping them to answer their needs and realize their aspirations.

It is the disagreements of United Nations delegations which make the headlines. But equally significant, to my mind, is the fact of virtually complete agreement among those same delegates on the value of technical assistance. I am sure that the honourable senator from Wellington (Hon. Mr. Howard) can report that this was the fact during the last session of the United Nations.

Here is one procedure followed by the Canadian party at the United Nations. At 9 o'clock each morning all the Canadian delegates, observers and alternates, whether they be members of the Government or the Opposition in the House of Commons or the Senate, meet in a conference room. Each delegate makes a report as to what happened in the committee he was serving on the day before, and all the members discuss what attitude should be taken. Canada's Department of External Affairs is represented at the United Nations by a permanent staff, which is in constant communication with Ottawa, conveying the different viewpoints back and forth. When I was there these discussions took place every morning before the sessions started, and it did not matter whether you were a Government or Opposition supporter, you had just as much to say as anybody else in these discussions. The honourable senator from Wellington has told me that this procedure was followed last year, just as it was when the Leader of the Opposition was one of our representatives.

Honourable senators, I have spoken about the differences of opinion that arise at United Nations meetings. It must be remembered that not sixty but eighty countries are represented on the Committee on Technical Assistance. In other words, there are twenty countries that are not members of the United Nations as such but are participants in the technical assistance program of the United Nations. That was the case last year, but I am not sure whether the number has been increased this year. Perhaps my honourable friend from Wellington could supply me with that information.

Hon. Mr. Howard: The number has been increased by five.

Hon. Mr. McKeen: These eighty-five countries are all contributing something to the program in either a financial or technical way. It is the purpose of the committee to raise the standard of living all over the world. In order to keep Canada's standard of living at a high level we must have export markets for our goods, and one of the best long-term ways to protect our present status is to help raise the standard of living in other countries. Just the other day I read a press item about the amount of paper that is produced and used in Canada, and the report referred to the amount of paper that could be used in China if the people of that country used paper cups as we do in Canada. Just this one small item would possibly treble the demand for the world's supply of paper.

This technical assistance program is popular with every country in the world, because it represents action speaking louder than words and because the impact of that action is felt at community levels, where we have to get in order to keep our way of life, as opposed to the communistic system.

The under-developed countries of the world want more of this aid. To the advanced Western countries, such as Canada, they say in effect: "You speak much of the need to raise the world's standard of living, to increase democratic freedoms and achieve political stability. Well, this is one way you can help us to do it—by technical assistance."

Sometimes we are tempted to resist increased support for this great United Nations program, by recalling the size of our military defence costs. But the sums involved are very small by comparison. In fact, Canada's contribution last year amounted to less than the cost of one modern bomber. There was no increase made in our contribution this year. Last year the United States' contribution was kept at about $13 million, but this year I do not know whether it will be up or down or remain the same. The budget is operated about half a year behind time. Therefore the technical assistance program for this year has not been finally approved yet, but it looks

as though their requirements will amount to some $25 million to $27 million. That seems to be a very small amount to contribute towards raising the standard of living all over the world.

Under this program the countries themselves supply part of the financial aid, and quite a bit of the resources. Last year, owing to lack of UN funds for technical aid, the under-developed countries received only one-fourth of the help they would have been prepared to use. This means, in effect, that the United Nations is condemning many of its less fortunate members from using their own resources to the fullest extent. Each outlay on expert advice and service by the United Nations Technical Assistance Administration and related UN agencies is matched, often many times over, by local capital or other investment in a particular project. Consequently, lack of aid or diminution of it slows down investment by countries in their own improvement.

For the information of honourable senators, may I say that the Secretary-General of the Technical Assistance Program is a Canadian, Hugh Keenleyside, who at one time was with the Department of External Affairs, and prior to his present appointment was Canadian Ambassador to Mexico.

The Technical Assistance Program, under the aegis of the UN, is a collective and co-operative effort in sharing skills for mutual gain. It carries no partisan overtones such as sometimes jar national pride. It is a program which speeds a country's own efforts to make significant advances in behalf of its own people. This is why so many nations measure the intentions of industrially advanced nations with the technical-assistance ruler. We must understand this fact to appreciate the importance of the UN program to our own country's welfare.

It is the view of Secretary-General Dag Hammarskjold that UN economic and social work around the world has more significant reality than the political resolutions of the General Assembly. Certainly, there can be no argument that evolution is preferable to revolution. And technical aid provides the base for evolution towards democratic objectives.

Let us examine the program in operation, and see how this is so.

There are today nearly 1,800 men and women working, under UN auspices, in some fourscore countries and territories. One-third of them are specialists on training missions under UN fellowship grants. Two-thirds are experts sent on missions by the UN Technical Assistance Administration or one of the specialized agencies, such as the Food and Agriculture Organization or the World Health Organization. Between 60 and 70 nationalities are represented in this corps, which right now includes about 50 Canadians. Their activities touch the basic concerns of the people they aid and consequently affect the outlook of those people and the society in which they live.

Housing, industry, food, social welfare, health, education, transportation, productivity—these are the central concerns of the peoples of the world and of the UN program.

A UN expert recently recorded the sad fact that Neolithic houses, discovered at the bottom of a Swiss lake, were more comfortable and efficient in their day than most 20th century housing in Asia. He expressed the view that the political future of Asia may very well turn on what is done about housing and food. Whether or not his view is correct, it is an observable fact that most governments of the region are using every UN facility to give a sound basis to their housing efforts and to speed them up. As in many other phases of development, the main effort is to organize in such a way as to use the main asset of the region—under-employed labour.

It is staggering to the Western mind how much partially-used manpower there is in the East. Our industrial societies shudder when unemployment approaches 5 per cent, but studies of Asia suggest that most countries in that area could give up one-half to two-thirds of their rural population without cutting crop yields. Technical assistance experts are aiding governments to utilize that labour in a way that is similar to the Nova Scotian system, which allows owner-builders of houses to count their labour as capital investment. A similar system is in operation in Hull, and it is also followed by the Newfoundland co-operatives.

The rest of the problem is organizing and financing a flow of such materials as are not at hand, and providing such skilled direction as may be necessary to supervise and assist community house-building.

In this connection, it might be worth noting that UN experts have pointed to a considerable business opportunity for the developer of a chemical antiseptic that would serve as a binder for thatching. More people in the world live under thatch than any other kind of roof. Most thatched roofs have to be replaced every four years, because of infestation and deterioration.

I would recommend that manufacturers of shingles and other building materials help to raise Eastern living standards. Then they would find a good market in Asia for British Columbia shingles.

Hon. Mr. Howard: And galvanized iron!

Hon. Mr. McKeen: Yes, and galvanized iron.

In relation to food, UN technical assistance covers a wide scope. It includes protection of plants and animals against disease, discovery of water resources, fish farming for proteins, crop selection, river control and use, population movement into lands newly freed from malaria, use and care of heavy machinery imported to uproot growth too heavy for local methods, and battling the recurrent locust plague. Victory for the locusts has meant famine in the past. But co-ordinated international attacks against the locusts in the past two years have done much to reduce crop damage. The present level of control efforts, however, has not been sufficient to stop the spread of the plague into thirty countries and territories. There are still uncontrolled breeding areas, and swarms sometimes escape even from areas that are thought to be under control. Air-to-air combat has been introduced, and in an experiment last fall, planes sprayed a new chemical on a swarm of locusts that covered thirty square miles and was so dense it could be seen sixty miles away. The swarm was wiped out. This feat led several countries involved to train pilots for their own services, with the result that this year the locusts should get real air battle.

I tell this story because it involves a vast area and because the locust control measures are a distinct by-product of the Technical Assistance Program. By utilizing facilities, the menace can be attacked by joint efforts rather than piecemeal. Equipment, specialists, and locust poison are moved across national boundaries. Previously, a country would try to control the locusts single-handed, but it was found that the pests were breeding in other countries as well. A much better job is now being done by international control. The strategic points across which these movements are made are identified by the Food and Agriculture Organization. All countries benefit, since the size of the attack on the home country is reduced.

The Food and Agriculture Organization staffs a similar regional locust control centre in Central America. It reports that $100,000 spent regionally now achieves better results than $1 million used to when the countries confined themselves to national efforts.

Increasing of food supplies depends, in many cases, on changing the entire living pattern of the growers. In some such cases, all the UN agencies work together under a program described as "fundamental education". Under this rather formidable label experts pool and co-ordinate community efforts to get across ideas on sanitation, water supply, control of pests, new crops, new handicrafts and local industries, co-operative marketing, literacy, etc.

Such a project is under way in an area of Ceylon. In passing, I must say that in Ceylon we have both the UN Technical Assistance program and the Colombo program, which is the Commonwealth plan, working together. Eight hundred years ago an invading army destroyed the area's intricate irrigation system of 5,000 lakes and canals. Jungles moved in to replace a once-lush rice granary. The cultural level sank.

Ceylon began, twenty years ago, an effort to recapture the area. When the UN Technical Assistance program came into being, she called for international help. A fundamental education centre was set up and its influence started fingering out into many fields.

Today, in that area men who never saw a book before are reading crop manuals which the Centre prepared and taught them to read. Boys are excitedly demonstrating to their fathers the value of controlling snails in their rice paddies and using new, improved seed strains. Many of the boys have been allotted small demonstration plots, given them by their fathers under a Junior Paddy Club plan organized by one of the technical assistance experts. Mobile libraries and film strips teach women more healthful methods of food preparation and how to protect their families against intestinal and other diseases. Soap is now being used because technical assistance experts devised a way to make it with local supplies.

I should like to note, incidentally, that these UN experts frequently find themselves in rather trying situations. Two of those in Ceylon were reported in the Ceylon *Daily News* as having been chased by a herd of wild elephants while making their rounds with one of the mobile libraries. They jumped into their jeep and managed to outdistance the elephants only to have their road blocked by wild buffaloes which forced them into a ditch. Fortunately, they escaped with minor injuries, but undoubtedly they were badly scared.

Increased productivity, another major concern of underdeveloped countries, is approached from many technical assistance angles. One is health. Indonesia gained 2½ billion man-hours of labour by having one million of her people cured of yaws, a crippling skin disease. Malaria control measures in Greece added 30 million man-hours of labour to that country's farms.

In the industrial field, the introduction of new techniques pays off. Some Israeli factories, with UN technical aid, have doubled their output without the addition of a man or machine. As the result of a brief visit by a UN specialist, production in every steel rolling mill in Pakistan has increased by 40 per cent.

Some of these examples may seem peripheral to the main problems of underdeveloped economies. But we must remember that economies are made up of people and shaped by people. Since most of the world's people live in small villages, they are for the most part influenced by those things which touch them at the community level.

Furthermore, the UN is also engaged in major and fundamental aid projects. For example, the Technical Assistance Administration is providing the international staff for a regional training center in railroad traffic control, now operating at Lahore, Pakistan.

This training program grew out of a tour of rail operations in Europe and the United States made by regional rail specialists under Technical Assistance fellowships. Now a number of governments have contributed life-size switches, electronic-control systems and the like to the Centre. Increasing the productivity of present trackage and rolling stock is cheaper and faster than double-tracking Asiatic rail lines, 90 per cent of which are single-tracked. A comparable process is under way in mechanizing Asiatic inland water transport.

A basic need for economic progress in Bolivia is government stability, that country having averaged one revolution every two years for more than a century. Here we see a remarkable UN test-tube in the field of development. In addition to receiving the usual technical experts, the Bolivian government, at the suggestion of the UN Technical Assistance Administration, has employed non-Bolivian experts in government posts to strengthen the services on which economic life depends. These men exercise authority in that government, subject of course to cabinet control. Bolivia is enabled to pay them through a UN grant which covers part of their salaries.

On the basis of advice from this international team, the Government has undertaken land and monetary reforms that required considerable political courage. The Government's tenure has already exceeded the average of two years—I think it is now four years. This experiment is expected to prove an important guide in aiding other underdeveloped countries with similar needs.

The co-ordinated efforts of technical assistance within a country can be the key to unlocking a nation's potential when its people are already tackling their own problems. For example, let me sketch a profile of U.N. aid in Indonesia.

On February 1, 1954, the Technical Assistance Administration had in that country twenty-four experts, of ten different nationalities. Two were Canadians, working in the fields of migration and demography. Other basic fields being serviced were public administration, budgetary control, industrial development, agricultural resources, natural resources generally, national income, housing and labour relations.

In addition, there were experts working in small industries, glass manufacture, ceramics, cotton textiles, leather processing, building materials and starch processing. The corps also included a mechanical engineer, a chemical engineer, and a motor-vehicle maintenance man.

Sixteen men from the International Civil Aviation Organization were helping Indonesia to integrate her 3,000 islands by air communication and transport. The World Health Organization had fourteen specialists working on yaws, malaria, insect control, a nutrition institute, sanitation, maternal and child health, and a tuberculosis centre. In the educational field, five UNESCO experts were helping with the organization of primary, secondary and general educational services. The International Labour Organization was doing a related job in vocational training, occupational health and labour statistics. And from the Food and Agriculture Organization had come specialists in crop production, agricultural economy, forestry, and land and water use.

Altogether there were more than three-score U.N. experts on the spot. In addition a dozen Indonesians were studying abroad as U.N. fellows, another twenty-one had completed such training opportunities and more were scheduled to start on them.

Indonesia, like most countries making sizeable use of U.N. facilities, has a resident representative of the Technical Assistance Board whose job it is to co-ordinate the inter-agency program and U.N. relationships with the Colombo Plan, Point Four and other national programs. This eliminates duplication of effort and stretches each dollar to the maximum.

The success of UN technical assistance is attested by the tributes I mentioned earlier. Indeed, it is the program's success that makes the people who have profited from it want more. And so should we, for we profit too by helping to direct the pace and the nature of change in the world. This is a direct move towards peace throughout the whole world.

We cannot escape the fact that the world is changing. This is due, in considerable measure, to the technological development we in the West initiated. How this movement evolves will be influenced greatly by the extent to which the under-privileged nations feel that we, the more fortunate ones, are concerned about their needs. They are in revolt against hunger, homelessness, ignorance and injustice because they have learned from us that these evils are not necessary.

This is why we appreciate the UN Technical Assistance Program. It is the reason nearly one hundred countries and territories have asked for aid on projects involving more than 3,000 experts and an equal number of training opportunities since the program began.

The 1954 total of pledges to the UN Technical Assistance Program was, as I mentioned, $24 million. This money is provided by the eighty countries, Canada's share being $1·5 million. The countries receiving aid will, as I have indicated earlier, more than meet this amount in local expenditures in addition to being also contributors to the fund themselves. An indication of the relationship may be seen in Pakistan, which has had 245 experts in the past four years working on projects on which Pakistan itself is spending $800 million.

The wide demand for more UN Technical Assistance reflects a growing concern for human welfare as well as for economic progress. Our Canadian appropriation should reflect the same awareness of the humanitarian aspect of this enterprise. And it should be made in fuller reflection of the gain to Canada from association with countries increasingly able to buy our goods, to meet our needs and march with us towards the fulfilment of our common human aims.

The good that the United Nations is doing in this connection is extensive. True, we need peace in the world so as to have time to carry this program to its conclusion. This is possibly a hundred-year program at least, and unless we lay the foundation well the program will never be completed. I feel that our Government, along with all other "have" countries, should contribute to the greatest possible extent, because, after all if we can help to feed and clothe the under-developed countries they are not going to worry about communism.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Connolly, the debate was adjourned.

DIVORCE PETITIONS

REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 155 to 168, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck moved the second reading of the following bills:

Bill Q-4, an Act for the relief of Berthe Montpetit Goupil.

Bill R-4, an Act for the relief of Joseph Albert Roland Archambault.

Bill S-4, an Act for the relief of Evelyn Held Schulman.

Bill T-4, an Act for the relief of Antoni Dmysz.

Bill U-4, an Act for the relief of Eunice Levine Yelin.

Bill V-4, an Act for the relief of Joyce Hodkin Gilhooly.

Bill W-4, an Act for the relief of Pauline McDonald McDerment.

Bill X-4, an Act for the relief of Velma May Robinson Macaulay.

Bill Y-4, an Act for the relief of Mary McDonald Gauthier.

Bill Z-4, an Act for the relief of Andrew Henry Pytel.

Bill A-5, an Act for the relief of James Wong, otherwise known as Yon Hong Ark.

Bill B-5, an Act for the relief of Ruth Nathan Finkelman.

Bill C-5, an Act for the relief of Richard Robert Tomlinson.

Bill D-5, an Act for the relief of Sheila Elsie Clarkson Flintoft.

Bill E-5, an Act for the relief of Joseph Edouard Alexandre Brunelle.

Bill F-5, an Act for the relief of Ruth Evans Silver.

Bill G-5, an Act for the relief of Mania Rissman Neftin.

Bill H-5, an Act for the relief of Lucien Gagnon.

Bill I-5, an Act for the relief of John William Newton.

Bill J-5, an Act for the relief of Rita Forest Leblanc.

Bill K-5, an Act for the relief of Marcelle Topping Paradis.

Bill L-5, an Act for the relief of John Edward Foran.

Bill M-5. an Act for the relief of Evelyn Woolls Gallagher McDougall.

Bill N-5, an Act for the relief of Edward Satel.

Bill O-5, an Act for the relief of Mollie Litvack Rabinovitch.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, February 10, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PRIVATE BILL

ROMAN CATHOLIC EPISCOPAL CORPORATION OF PEMBROKE—FIRST READING

Hon. Charles L. Bishop presented Bill A-6, an Act respecting The Roman Catholic Episcopal Corporation of Pembroke.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Bishop: With leave, next sitting.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill P-5, an Act for the relief of Nora Elizabeth Wolverson Powell.

Bill Q-5, an Act for the relief of Hazel Miller Clark.

Bill R-5, an Act for the relief of Zofia Janina Hurny Slesicki.

Bill S-5, an Act for the relief of Carmen Cortez Leigh Pitt.

Bill T-5, an Act for the relief of Paraskevy Moshonas Moshonas.

Bill U-5, an Act for the relief of Mary Lee Wilson Couttie.

Bill V-5, an Act for the relief of Giacinta Villarosa Colucci.

Bill W-5, an Act for the relief of Irene Dora Baker Pearson.

Bill X-5, an Act for the relief of Gisela Kunz Cobel.

Bill Y-5, an Act for the relief of Aline Rousseau Laporte.

Bill Z-5, an Act for the relief of Dorothy Arlin Wintrobe.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, with leave of the house, I move that when this house rises today it stand adjourned until Tuesday next at 8 o'clock in the evening.

The motion was agreed to.

CANADIAN NATIONAL RAILWAYS

NEW HOTEL IN MONTREAL—INQUIRY STANDS

On the notice by Hon. Mr. Reid:

That he will inquire of the Government:—

1. Have any arrangements been entered into by the Canadian National Railways for the leasing, when completed, of the new Canadian National Railways hotel in Montreal?

2. If so, to whom, or what company will take over the management of the hotel when completed, and

(a) is the lessee a Canadian concern?

3. Under what terms is it proposed to lease the hotel and what safeguard or guarantees are being taken for the fulfilment of the terms proposed in the lease·

Hon. Mr. Macdonald: Stand.

Hon. Mr. Reid: Honourable senators, I wonder if I could ask when I may expect an answer to this question. I hope the Government will answer it.

Hon. Mr. Macdonald: I have not yet received the information. As soon as I receive it I will give it to the house.

Hon. Mr. Reid: You can tell them I am worried about it.

The inquiry stands.

RUSSIAN PROPOSAL FOR PARLIAMENTARY VISITS

On the Orders of the Day:

Hon. R. B. Horner: Honourable senators, before the Orders of the Day are called I would like to inquire of the Leader of the Government (Hon. Mr. Macdonald) if any plans have been made regarding the proposed visits by members of the Soviet to our parliamentary institutions. I see from a dispatch in the Toronto *Globe and Mail,* under the heading "Parliamentary visits proposed by Reds", that the Kremlin has suggested that legislators of the world make personal appearances and even speeches in each other's parliaments. I am very much interested, and I would like to ask the Leader what action, if any, will be taken on this suggestion.

If I may be permitted to add a few words, I would say that during the greater part of my life I have been a member of rural councils, school boards, and so on, and doing business with people who came from the various countries forming part of the U.S.S.R. I am firmly convinced that the

vast majority of people in those countries are just as desirous as we are to escape the burden of military preparedness, and as anxious as we are for peace. I think the suggestion that has been made is a wonderful one, and I hope that Canada will be among the first to extend an invitation to Russian legislators for an exchange of visits.

Hon. Mr. Macdonald: The matter which the honourable senator from Blaine Lake (Hon. Mr. Horner) mentioned has not officially come to my attention.

Hon. Mr. Roebuck: Honourable senators, this is a very good instance of an occasion when the honourable gentleman might well have moved the adjournment of the house —I believe that is the procedure—so that others might say something on the same subject. I mention that only in passing, because so often—

Hon. Mr. Macdonald: If I may interrupt the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) I would point out that Order No. 2 on today's Order Paper is for resumption of the debate on the motion for an Address in reply to the Speech from the Throne, and under that order it is open to any honourable senator to discuss the subject which has been mentioned.

Hon. Mr. Roebuck: Not if a senator has already spoken in the debate. The procedure mentioned is perhaps rather like burning down a house to roast a pig.

Hon. Mr. Macdonald: If I may again interrupt, I would point out that even though honourable senators have already spoken on the motion, some member could move an amendment, which would enable any honourable senator to speak on this subject. I fully agree with the honourable senator from Toronto-Trinity that the subject should be considered, and I am merely pointing out that under our rules there is a procedure whereby it can be discussed.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill Q-4, an Act for the relief of Berthe Montpetit Goupil.

Bill R-4, an Act for the relief of Joseph Albert Roland Archambault.

Bill S-4, an Act for the relief of Evelyn Held Schulman.

Bill T-4, an Act for the relief of Antoni Dmysz.

Bill U-4, an Act for the relief of Eunice Levine Yelin.

Bill V-4, an Act for the relief of Joyce Hodkin Gilhooly.

Bill W-4, an Act for the relief of Pauline McDonald McDerment.

Bill X-4, an Act for the relief of Velma May Robinson Macaulay.

Bill Y-4, an Act for the relief of Mary McDonald Gauthier.

Bill Z-4, an Act for the relief of Andrew Henry Pytel.

Bill A-5, an Act for the relief of James Wong, otherwise known as Yon Hong Ark.

Bill B-5, an Act for the relief of Ruth Nathan Finkelman.

Bill C-5, an Act for the relief of Richard Robert Tomlinson.

Bill D-5, an Act for the relief of Sheila Elsie Clarkson Flintoft.

Bill E-5, an Act for the relief of Joseph Edouard Alexandre Brunelle.

Bill F-5, an Act for the relief of Ruth Evans Silver.

Bill G-5, an Act for the relief of Mania Rissman Neftin.

Bill H-5, an Act for the relief of Lucien Gagnon.

Bill I-5, an Act for the relief of John William Newton.

Bill J-5, an Act for the relief of Rita Forest Leblanc.

Bill K-5, an Act for the relief of Marcelle Topping Paradis.

Bill L-5, an Act for the relief of John Edward Foran.

Bill M-5, an Act for the relief of Evelyn Woolls Gallagher McDougall.

Bill N-5, an Act for the relief of Edward Satel.

Bill O-5, an Act for the relief of Mollie Litvack Rabinovitch.

The motion was agreed to, and the bills were read the third time, and passed, on division.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. John J. Connolly: Honourable senators, in the first place I should like to congratulate the mover of the Address, the

honourable senator from Victoria (Hon. Mrs. Hodges). To the Senate chamber, to Parliament and to the country, the honourable lady gave a thorough and encouraging review of the economic conditions and prospects in the province of British Columbia. And when opportunity coexists with the great natural beauty of British Columbia, we must conclude that that province is surely favoured by Providence—

Hon. Mr. McKeen: Hear, hear.

Hon. Mr. Connolly: —as well as with a new and eloquent advocate of its potentialities.

(Translation):

I would like to congratulate also the honourable senator from Lauzon (Hon. Mr. Tremblay), and to tell him how much pleasure I derived from hearing his first speech in this house. His knowledge of the problems of government reflects his long and useful experience in Parliament. His contribution to the debates of the Senate is in line with our best tradition. His admirable mastery of both languages is for us all a source of pleasure and inspiration.

(Text):

Honourable senators, in part the Speech from the Throne stated:

> While there is hopeful evidence that the increasing strength of the free world has lessened the likelihood of aggression, the terrible destruction that war would bring to North America and indeed to all mankind has been magnified by the increase in the number and effectiveness of atomic and thermonuclear weapons and the means of delivering them.
>
> . . . while the resources of diplomacy must never be neglected in the search for peace, the efforts of the free nations in building their deterrent forces must be maintained.

To further this policy, the Government also announced that it would continue to support the United Nations, that it had accepted its responsibility for the armistice commission in connection with the settlement of the war in Korea, that would continue to support the Colombo Plan and that it would continue to honour its obligations under the North Atlantic Treaty Organization.

It may be useful at this juncture to review some aspects of the defence policy of Canada over the past ten years. It will be ten years this summer since the war in Europe and in Asia ended. The period has not been one of global war comparable to the previous six years. In those six years death, destruction and well-nigh dissolution were rained upon combatants and civilians both in Asia and in Europe, and at the end of the period new atomic weapons struck terror into the hearts of people everywhere. But if the past ten years have not been a period of global war, they have not been a period of idyllic peace. The decade has been described as an era of cold war. Certainly, it has been an era of rather cold peace. There have been isolated active hostilities like Korea, and threats of more active hostilities in nearby areas in the Far East. There have been pacts between iron curtain countries and countries on the fringe of the curtain which bode no good to the peace of the world. There has been sporadic trouble in other places. Even a casual look at the expenditures undertaken by the Canadian Government for the present fiscal year shows how far removed we are from peace. This year the total Government spending will be $4,390 million, and 43 per cent of this figure, or $1,889 million, will be for defence.

Just a few days ago we concluded a debate in this chamber on the advisability of admitting the Republic of West Germany to membership in the North Atlantic Treaty Organization. I think the debate which was conducted here on that occasion was a memorable one. The argument, that to negotiate successfully with the Russians, the Western powers must negotiate from strength, was, I think, irresistible in the form in which it was put by most senators who participated in the debate. After hearing the speeches made by the senators from Churchill (Hon. Mr. Crerar) and from Inkerman (Hon. Mr. Hugessen), I thought that to complete the record it might be useful to have something said in this debate which would set out what has been done and what is being done in this country to build up the strength from which negotiations must be conducted. I think for this purpose it might be useful to look, first, at the financial aspects of the armed truce which has obtained over the ten-year period now ending; second, to inquire as to what these gigantic expenditures have produced; and, third, to determine if the accomplishment promotes and has promoted the best interests of Canada.

I may say that my remarks will contain nothing new. They are based upon available records, but the material, perhaps, will be assembled in a manner somewhat different from what is usual. One could find it in speeches made in the House of Commons by ministers of the several departments responsible for this program.

It may be useful to review the extent of the defence expenditures since the end of the war in the background of the Canadian economy as reflected in our gross national product.

Just before the war our gross national product was $5¼ billion. By 1950, five years after the end of hostilities, it was $15½ billion. At the present time it is over $24 billion.

In the year before the war, Government spending on defence was $34 million. In 1944-45, which was the highest year of war expenditures, it was $2,938 million. By 1950, five years after the war, it had fallen to about $385 million. This year it will be $1,908 million.

Let me give the proportion of defence expenditures in these years in terms of gross national product. In 1938 the defence expenditures were much less than one per cent of the gross national product. In 1950, five years after the war, it was 2·3 per cent; and this year, ten years after the war ended, the Government will spend on defence, nearly 8 per cent of the money represented by the gross national product.

With the permission of the house I should like to place on *Hansard* a table giving this information which, I think, might make a perusal of my remarks a little more easily understood. Also with the permission of the house I should like to place on *Hansard* a further table showing Government expenditures for the services, defence research and mutual aid for the eight fiscal periods beginning with 1946 and ending with 1954. The total spent for defence in this period of so-called peace is over $7 billion—

Hon. Mr. Haig: Mr. Speaker, on a point of order, may I ask whether the honourable senator from Ottawa West (Hon. Mr. Connolly) has the unanimous consent of the house to place these tables on our record?

Some Hon. Senators: Yes.

Hon. Mr. Haig: I did not hear consent being given.

The Hon. the Speaker: Hearing no dissent, I indicated to the honourable senator from Ottawa West that in my opinion he had the consent of the house.

Some Hon. Senators: Carried.

Hon. Mr. Haig: But, Mr. Speaker, I did not hear Your Honour ask whether the consent of the house had been given.

The Hon. the Speaker: I did not ask. As I say, there being no dissenting voice, I indicated to the honourable senator that he had consent.

Hon. Mr. Haig: Honourable senators, I object to this procedure. I do not think we should allow a private member to place any such tables on *Hansard* unless they are official documents issued by the Government or a department—by the Bureau of Statistics, for instance, or the Department of Finance. In my experience in this house no other tables of this kind have ever been placed on *Hansard* in the manner now proposed. It may be that I am wrong in that view, but I do not think so.

Hon. Mr. Farris: The honourable senator can read the statement.

Hon. Mr. Haig: Of course he can read it, if he wants to, and if he does so, it becomes his own statement. To place it on the record in the manner he has suggested would make this material look like an official pronouncement, and I do not think our practice ever intended to allow that.

I dislike being the only one to object to this procedure, honourable senators, but I do not want to see an undesirable precedent established. It is quite all right for the Leader of the Government (Hon. Mr. Macdonald) to place a statement on the record, since the government is responsible for such a statement. There is considerable difference of opinion as to the estimates, and we have never in this house had a full opportunity to discuss the finances of the government in any one year since I have been here.

Hon. Mr. Beaubien: Oh, yes, we have.

The Hon. the Speaker: Honourable senators, I assume that the tables which the honourable senator wishes to place on the record are his own, and I can see no reason for excluding them.

Hon. Mr. Haig: Mr. Speaker, may I speak further to this point? If we grant permission in this instance we shall thereby establish a precedent, which later on may be cited by some other senator desirous of having perhaps less accurate information placed on the record. I may be alone in my stand, but I do not propose to allow an undesirable precedent to be established.

Hon. Mr. Macdonald: Honourable senators, it occurs to me that if the honourable senator from Ottawa West explains that the statements which he wishes placed on the record were prepared by himself from official statistics, the house might allow them to go in. But it should be made perfectly clear that the statements are from official statistics.

Hon. Mr. Roebuck: Honourable senators, may I speak to this matter, on a point of order? I am rather inclined, and with great respect, to differ with my friend the honourable Leader of the Opposition (Hon. Mr. Haig). Undoubtedly the honourable senator from Ottawa West has the right to read into the record the figures in the statements.

Hon. Senators: Yes.

Hon. Mr. Roebuck: All he has asked is that in order to save the time of the house he be allowed to place the statements on *Hansard* without reading them figure by figure.

While the honourable leader opposite is careful, as he should be—and I give him credit for that—in trying to prevent the establishment of a bad precedent, I am concerned about the right of a member of this house to place on *Hansard* a statement of his own. He needs no authority higher than himself to do so, and we accept his figures because he gives them to us; he does so from his seat in this house, with the responsibility of a member of the house.

Hon. Mr. Howard: That is right.

Hon. Mr. Roebuck: Therefore, I think nothing should be done that would prevent him from achieving his aim, namely, to include as part of his speech a statement which he does not read in detail, but which we may read later at our leisure.

I think the honourable senator from Ottawa West is within his rights, and that to sacrifice those rights would not be in the interests of any member of this house.

Hon. Mr. Haig: Mr. Speaker, in view of the remarks just made by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), I object to these statements being placed on the record.

Hon. Mr. Roebuck: Then the honourable senator must read them word by word.

Some Hon. Senators: Read them.

Hon. Mr. Haig: I did not propose to go that far, but the senator from Toronto-Trinity challenged my opinion.

Hon. Mr. Connolly: Honourable senators, may I say that in the figures I have supplied so far, I have given information for certain years only, and I thought it might be of convenience to honourable senators if the figures for some other years were also available on the record.

In proposing, as I did, to place this information on *Hansard*, with the consent of the house, I did not think I was creating an undesirable precedent. I may say that these figures were taken in part from the report of the Department of National Defence for the year ending March 31, 1953, and they can be supported from reliable sources. However, as I believe my speech is clear enough without the addition of this information, I will withdraw my request. May I continue?

Hon. Mr. Macdonald: Honourable senators, may I make just one observation, and perhaps the honourable Leader of the Opposition will reconsider his stand?

I realize that the honourable senator from Ottawa West must have the unanimous consent of the house to place the tables on *Hansard*. However, if he makes it clear that they contain figures which he has gathered and that they appear in an official statement issued from a department of the Government, I wonder whether the honourable leader opposite might in this instance consent to their going in. I think the statements contain considerable information which might be useful to the house. It is information which the honourable senator has gathered, and to avoid his taking up the time of the house in reading all these items we should, I feel, unanimously consent to the placing of it on the record so that we can review it. We may or may not accept it as correct, but I think we would all like to see it. I agree to some extent with the honourable Leader of the Opposition, but when an honourable senator says he has prepared tables which he would like to appear in *Hansard*, I think we should consent.

Hon. Mr. Haig: Honourable senators, I thank the honourable Leader. He has made a gentlemanly and very fair appeal, and I cannot refuse to accede.

In order that there may be no misunderstanding, perhaps I should tell the house what started me on this line of thought. I do not like to see so many senators reading speeches. Some of them may say to me: "That is all right for you, Mr. Haig, because you can make a speech without reading it—in fact you are a better speaker than you are a reader". That is what my honourable friend from Blaine Lake (Hon. Mr. Horner) tells me all the time; he says, "You are a good speaker but a very poor reader, and it is no wonder you do not read your speeches". I do not think that anybody who reads a speech speaks from the heart in the same way as he would if he were speaking directly. I believe that most people in this country feel we ought to make our speeches from the heart and not read them off a piece of paper. Anybody can get a ghost writer to prepare his speeches for him, but of course I do not suggest that was done in this case. I know the honourable senator from Ottawa West (Hon. Mr. Connolly), and I know that he writes his own speeches. But I do not like the practice of reading speeches at all, and it is getting worse in this house.

Honourable senators, as the honourable Leader of the Government has suggested, I will withdraw my opposition as long as the honourable senator from Ottawa West makes it clear that the figures he intends to submit have been prepared by himself.

Hon. Mr. Connolly: Honourable senators, I have already made it clear that these are figures I have gathered from official sources, but they are figures on which I have built the argument which I propose to make today. If honourable senators will consent, I will only be too pleased to put these tables on the record.

The Hon. the Speaker: Has the honourable senator the unanimous consent of the House to do so?

Hon. Senators: Agreed.

The tables referred to are as follows:

CANADIAN DEFENCE REPORT

DEPARTMENT OF NATIONAL DEFENCE

Comparison of Expenditures

(Millions of Dollars)

Fiscal Year	GNP at Market Prices	Government Expenditure	Defence Expenditure	Defence Expenditure as a % of Government Expenditure	Defence Expenditure as a % of GNP
1938–39	5,233*(a)*	534·4	34·4	6·4	0·65
1949–50	16,900	2,449	385	15·7	2·3
1950–51	19,000	2,901	782	26·9	4·1
1951–52	21,900	3,733	1,415	37·9	6·5
1952–53	23,500	4,337	1,882	43·3	8·0
1953–54	24,200	4,390	1,805	41·1	7·5
1954–55	24,200	4,460*(c)*	1,908*(b)*	42·8	7·9

(a) GNP for 1938 calendar year.
(b) Appropriations.
(c) Budgeted expenditure.

Fiscal Year	Navy	Army	Air Force	DRB and Development	Mutual Aid	Total D.N.D. Expenditures
	$	$	$	$	$	$
1946–47	64,848,288	215,503,886	99,267,176	4,089,868	—	387,611,688
1947–48	42,942,029	80,697,172	55,455,329	6,024,019	—	195,999,201
1948–49	44,649,773	101,823,251	90,196,790	16,032,519	—	268,804,813
1949–50	73,399,656	135,739,583	136,375,960	22,388,829	—	384,879,008
1950–51	99,849,081	211,779,075	230,553,393	23,415,331	195,417	782,457,272
1951–52	182,371,218	424,028,509	601,972,759	35,394,101	126,416	1,415,473,862
1952–53	260,295,546	516,057,265	768,040,774	42,989,368*	235,053	1,882,418,468
1953–54	266,261,105	401,166,396	740,640,371	40,806,893	309,232	1,805,914,922
	1,034,616,696	2,086,755,147	2,722,502,352	191,140,928	866,118	7,123,559,234

Hon. Mr. Connolly: Honourable senators, it may be curious to observe that in this fiscal year 1954-55 more money will be spent on defence than was spent in the fiscal year 1945, which was a war year.

I have extracted some figures from a publication called Canada's Defence Program 1954-55 to show the division of the defence expenditures in the present fiscal year. Personnel costs are 21·3 per cent; procurement of equipment 42·3 per cent; operations and maintenance 21·2 per cent; construction 9·2 per cent; civil salaries and wages 6 per cent.

We are all aware that the basic problem for the Government of Canada today is to relate the size of this defence program to Canada's ability to support it. This means that defence spending must be related to the development of the resources of the country and to the economy of the country as a whole. Economy in all departments of government and on all levels of government, as these have been discussed in this chamber and in the Senate's Standing Committee on Finance, plays a most important part in these considerations. Moreover, the defence program must be one which we can maintain for a period of years without overtaxing our economic strength. This is a matter of concern to all of us at home but, since the defence program which we have undertaken is a joint one, conducted with other countries in NATO, the same basic economic problem confronts those other countries. If the North Atlantic Treaty Organization is to be a successful deterrent to aggression, none of the member countries should overreach themselves in their spending for defence. I will have something to say a little later about the importance which the NATO organization itself attaches to this consideration. It is vital to the issue if the strength from which NATO countries are to negotiate or to defend themselves is not only armed strength but economic strength as well.

This is the background of cost of the defence effort of Canada. Obviously the cost is enormous. In our last four fiscal periods we have spent more on defence than all of the government spending on all accounts in the present fiscal year, which amounts to $4,390 million. When 43 cents of every tax dollar goes for defence, the taxpayer must be assured that the expenditure is wise and the money is not wasted.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly: It is natural therefore to ask what Canada is getting for this money.

At present the Navy has an active strength of nearly 19,000, the Army of nearly 49,000, and the Air Force of nearly 49,000. The total active strength of our forces is, therefore, 117,000 personnel, and the target, I am informed, is 120,000. This is a considerable drop from the peak enrolment of the war period for the year 1944-45. At that time the Navy strength was over 92,000, the Army strength was over 577,000, and the Air Force 174,000, the total number in the services that year having been 844,000 personnel, or more than seven times the present over-all strength. I do not here discuss the size of the reserve forces which play a part in the present defence organisation.

I am informed that the total number of aircraft of some twenty types now in service with the RCAF is some 2,800. In the past six months the Royal Canadian Navy had an average of 59 ships in commission.

The employment of these forces has varied with the requirements of the times. In the first period under the NATO organization the requirement was to build up defensive strength in Europe. This country has twelve squadrons of the Air Force involving some 5,000 men and 300 planes in the European sector. The role of the Navy in the NATO organization has been to assist in supporting the supply line between Europe and North America. The role of the Army has been to supply the ground forces now so highly mechanized. The first Canadian infantry brigade group is now in Europe and its complement is some 6,000 personnel. In addition to the European commitment Canada accepted a commitment in Korea which involved the employment of all three services. It goes beyond saying that the contribution made there was in the highest of the high traditions of Canada's armed forces. Some 2,000 personnel still are in Korea.

Honourable senators will remember the visit paid to Ottawa last June by General Gruenther, the Supreme Commander in charge of NATO forces in Europe. He then spoke in glowing terms of the value of Canada's assistance in his Command.

The Minister of National Defence spoke in the House of Commons on January 28 last, and he indicated there a change in emphasis in planning within the NATO organization. If the build-up of strength in Europe and the maintenance of the life-line on the North Atlantic was the first target; the second, and now almost as important as the first, is continental defence in North America. This shift in emphasis, he said, has arisen from the emergence of improved Russian thermonuclear weapons and of the capacity of the Russians to deliver these weapons against this continent. Warning lines of extensive chains of radar stations are now imposed upon the NATO strategists for the defence

of North America and with them goes all of the organization, especially in air power and costly communications, required to utilize these radar chains to the full.

In this context it is perhaps useful to observe the remarks of Field Marshal Lord Montgomery in a lecture he gave to the Royal United Services Institution in Britain in October, 1954. This is what he said:

> The Air is coming to the front as the decisive arm. This is going to introduce difficult problems, and in solving them do not let us bother unduly about the colour of our uniform,—khaki, dark blue, light blue.

To paraphrase this great Army Leader, it now appears to be an accepted element in defence strategy to employ the various units of the armed services together as a defensive or offensive force with closely knit liaison under a supreme strategic commander. Co-ordinated or combined operations which were so successfully used in the late war are now a commonplace for overall defence planning.

I may say that Canada recognized this need some time ago. The unification of the Department of National Defence under one Minister was one step in this direction. I am informed there is a tri-service policy in effect within the Department for administrative matters as well as for supply, personnel and related problems. The combined training afforded by general service colleges is another, and the training programs within the services has followed the same pattern.

If I have the unanimous consent of the house I would like to place upon *Hansard* another table, which sets out the proportions in which Canada's defence dollar is distributed among the various branches of our armed services. A perusal of the table will show that for the past five years Canada's defence spending on her air arm has been increased, with the exception of one year, in proportion to the spending on the other arms. I think it would be a matter of convenience for honourable senators to have this information, and of course I place it on *Hansard* on my own responsibility.

Hon. Senators: Agreed.

The table is as follows:

Defence Dollar

Fiscal Year	Navy %	Army %	Air Force %	Defence Research & Development	(a) Other	Millions of Dollars
1947-48	21·8	41·1	28·2	8	1	196·0
1948-49	19·2	37·7	32·3	6	4·8	268·8
1949-50	19·1	35·3	35·4	5·8	4·4	384·9
1950-51	15·2	24·8	32·0	3	(a) 28	782·5
1951-52	14·7	28·5	41·8	2	13	1,415·5
1952-53	13·3	27·2	37·6	2·1	19·8	1,882·4
1953-54	14·0	25·0	41·1	2·1	17·8	1,839·7
(b) 1954-55	15·7	23·6	41·0	2·5	16·8	

(a) "Other" from 1950/51 on includes substantial amounts for contributions towards military costs of NATO and Canada's Mutual Aid.
(b) Estimates figures.

Hon. Mr. Connolly: Canada is well prepared, I think, to accept the proposals of Lord Montgomery.

Honourable senators will remember too that the issue of the unification of the defence forces was a hotly contested problem in the Congress of the United States some years ago. It would now appear to be an accepted pattern.

I cannot attempt to explain fully the high cost of maintaining now forces much smaller than those in being at the peak of the late war. Only a detailed examination of the department's estimates with the appropriate officials present to explain them can really do that job. But it might be helpful to honourable senators were I to give some examples.

One F-86 Sabre Jet costs about $400,000. One CF-100 All Weather fighter costs about $900,000. The great fighter used in World War II, the Hurricane, cost about $50,000. Recently in the United States it was estimated that it cost that country about $120,000 to train a jet pilot. I believe that the cost of this training in Canada is somewhat less, but we can be assured that it is still very high. To operate aircraft of the power of these jet machines, ground forces and air field facilities of new and greater magnitude are required. These are built at greater overall costs and are now being built with

dollars of less value than were available before World War II, and perhaps less valuable than dollars that were available during the war.

The Navy is building the most modern destroyer escorts it can devise in shipyards on both coasts and in the St. Lawrence area. Some honourable senators may have visited some of these naval shipyards; if so, they know how fully justified I am in making that statement. The Navy is also modernizing its frigates and mine sweepers with the idea of providing a fast, powerful fleet for convoy duty and to meet the challenge—the terrific challenge—of the new submarine. Turbines are being built in this country and, with the development of new fighting and naval equipment, the costs of all these vessels, whether they are built in Canada or elsewhere, have mounted greatly since the building program of the war came to an end. A mine sweeper now costs about $5 million. The average cost of a comparable vessel built during the war was $1.7 million. The Navy has eight of these in commission, and six building. In commission also the Navy has eight destroyer escorts, nine frigates, two training cruisers and a light fleet carrier.

The cost of providing the Army with its mechanical requirements and its new weapons for the atomic age has increased likewise. Today, I am informed, a Centurion tank costs about $150,000.

So much for the defence forces. I think, however, I should say a word about NATO. The Secretary General of NATO, Lord Ismay, has recently published a book on the history of the present set-up of the fourteen country alliance. While Lord Ismay considers NATO to be revolutionary in its conception, as we do, he thinks it essential to our defence requirements and to the defence requirements of the Western world.

I shall not attempt to outline either the political or the military organization of NATO, but perhaps I should say that one of its problems has been to evolve a formula for expressing accurately the relative capacity of each country to bear defence burdens, and to study the points of special strain in the economy of each country. How successfully this can be done is one thing, but the fact that the problem is receiving continued attention is reassuring. In 1949 NATO had about twelve divisions, 400 aircraft and a proportionate number of naval vessels. Today the NATO forces number some 100 divisions, both active and reserve, and the air forces and the navies have increased proportionately both in numbers and in quality.

I note with satisfaction that extensive liaison on the military level is maintained by this country on its own account with the United States and the United Kingdom in particular, and with many other countries as well.

I shall make no extended reference to the substantial mutual aid program which Canada has conducted since 1950 and upon which she has spent over $1,100 million. This has been part of the defence expenditure and is related to the NATO program. Armament, ammunition, aircraft engines, transport vehicles, communications equipment, and aircraft, as well as training facilities in Canada, have been accorded to countries like Belgium, Denmark, France, Italy, Holland, Portugal, Turkey and others. I say little, however, about other efforts made to promote peace and the means whereby peace can be maintained by our active participation in the work of the United Nations and by our contributions to the Colombo Plan. There has been criticism of the allegedly small extent of Colombo Plan participation by Canada. The contributions which have been made—and I know we all approve of them—have been worthy ones and have been deeply appreciated by the recipient countries, but again the question of our ability to pay must always engage the active attention of those who are concerned with maintaining the strength of our economy—and that includes every member of our Parliament. We cannot afford to overstep our defence spending or our mutual aid spending.

I believe the Defence Research Board, which was established in 1946, merits mention. It has particular regard for the best employment of Canadian resources in defence and for the unique defence requirements of this country as a North American nation. It co-operates closely with similar boards in the United States and in the United Kingdom. In the past five years we have spent $187 million or more for this work. The Board is under the direction of an eminent scientist, Dr. O. M. Solandt.

When Mendes-France spoke in Ottawa to the Canadian Club last fall he singled out for special praise the importance of Canada's contribution in the field of atomic energy. Honourable senators will recall the very informative discussion by Mr. W. J. Bennett, President of Atomic Energy of Canada Limited, and of Eldorado Mining & Refining Limited, before the Banking and Commerce Committee of the Senate last session. He discussed not only the defence aspect of the program but as well the peaceful or civilian uses of atomic energy. The atomic energy program, of course, is in addition to the

defence expenditures. The report of the company has already been circulated to the members of this house and a perusal of that report will show not only the parliamentary appropriation of over $8 million last year, but other aspects of the company's financial undertaking.

In passing may I make this additional observation. The magnitude of our defence expenditures over the past decade has been very great. I think, however, that we must realize the contributions it has made to the strengthening of our economy. Through the Department of Defence Production, just as through its predecessor, the Department of Munitions and Supply, impetus has been given to the development of industrialization here, to the establishment of new plants and plant facilities, and to the development especially of new skills. These have been essential for defence purposes, but they have also added greatly to the economic power of the country. During the past four or five years the total new private and public investment in Canada has represented some 22 to 25 per cent of the gross national product. At the present time it is estimated that some 25 per cent of the total investment in durable physical assets like new plant, housing, machinery and equipment, is devoted to outlays on strategic resource development, including hydro-electric power, petroleum, natural gas, minerals, pulp and paper, and chemicals. Support for this statement can be found in the budget papers attached to the House of Commons *Hansard* of April 6, 1954.

In view of the high level of debate we had in this chamber on the West German Treaty, it would be tedious were I to elaborate on the third branch of this speech—namely, the justification of this country's defence effort this year and for the past decade. We cannot shut our eyes to the fact that behind the iron curtain men are at work, resourceful in the pursuit of their ambition and ruthless in their methods. Physical science has given to them, as it has given to us, weapons of a terrifying character; weapons which can destroy the materials of our ancient civilization, force which can disperse our cultural heritage. Scientific progress is a great achievement for a people, but of itself it exercises no influence of control or moderation. Technology must be modified by morality, or the people perish. Government cannot legislate morality. It can legislate defence. It can legislate for war. Morality must spring from the minds of the people. It must be based upon a sound ethic. But in the interests of self-preservation, and perhaps of the preservation of the human race, we must be prepared, with those who think as we do, to defend ourselves.

Hon. Senators: Hear, hear.

Hon. W. D. Euler: Honourable senators, the subject of my observations this afternoon has not been mentioned in this debate, and I realize that what I shall say may be quite controversial. Perhaps that will be a good thing, if it leads to a further discussion of a vitally important matter.

My sole purpose in taking part in this debate is to voice my concern—and I believe the concern of many Canadian citizens—at the newly announced policy of our neighbours to the south with regard to what might be termed "the Formosa question"—a policy which carries within it, I believe, the risk of war, which in this atomic age might mean the destruction of civilization as we know it. And I hope that the Canadian Government, as well as the British Government, will set their faces against it.

Although I am a great admirer of the United States—as I believe all Canadians are—I am inclined to think we are just a little too prone to follow their lead on too many occasions; in other words, that we are a sort of tail to their kite. Upon second thought, perhaps that is not a very good metaphor, because the tail of a kite at least influences the course of the kite, and I think that Canada's influence upon United States' policies is practically negligible. If I wished to give an example, I would say this: I believe Canada would have followed the example of Great Britain—or acted on her own initiative—in recognizing China diplomatically, had it not been that she feared the displeasure of the United States.

Thus to criticize the policy of a friendly country may, by some, be regarded as an interference in what is none of our business; but today, with the world as it is, the business of almost any country, in an international sense, is the business of every other country. I say that for this reason: If as a result of the policy which it has announced the United States got into a war with China and a general war ensued, Canada would almost inevitably be drawn into it. True, we might perhaps delay for a while our entry into a war started by the United States, or in which the United States took part, just as they delayed their entry into the previous two wars.

What is the situation with regard to this policy of which I speak? The President threatens military action if Red China attempts to occupy the coastal islands or Formosa. I read in a magazine the other day that the

United States has been on the verge of war within the last ten months—I need not give instances—and that it has been only through efforts of the President himself that the country did not get into war. He now seems to have reversed his position.

Many of us well know that some of the leading statesmen in the United States have advocated the dropping of bombs immediately—I think on either China or Russia—for the purpose of starting a "preventive" war.

I remember that when World War I was near at hand I did not believe it would really happen, for I did not think the world was foolish enough to go to war. But it did. When World War II became imminent, I said, "Surely the world has learnt its lesson, and will not repeat the folly." Well, the world did go to war again, and we know the condition it was left in when hostilities ceased. This time, I hope I am wrong when I say, in reverse, that I fear that out of this policy of the United States there is a risk of another war getting started.

I was talking with some of my colleagues last evening, and we discussed this matter of the danger of war. One of them said, "There is no danger of China going to war; she is afraid to go to war against the United States". Then something, perhaps in the nature of a simile, came to my mind. I am not a poker player myself, but I think I am right in saying that the game was invented in the United States. Possibly my friend across the way could tell me if that is so. The American people are good at poker, but there is just a possibility that the United States is starting a poker game with the wrong people, as so often has been the case.

The world forgets that the China of today is not the China of 25 or 50 years ago, when she was weak, disunited, corrupt, after having been exploited for years by the Western nations. China today is united as never before. She feels her power and thinks she is backed up by Russia. It was reported in this morning's papers, I believe, that Russia has stated that she is behind her ally, China.

Whether we like it or not, we have to reckon with that situation.

China, having driven Chiang Kai-shek off the mainland, is convinced that she is entitled to incorporate as part of China the islands along the coast and Formosa as well, for without a doubt these islands inherently belong to China. She believes that intervention by the United States is interference in China's affairs; that is, in what she regards as a civil war. That being her sincere conviction, is it not possible that she will persist in her efforts to take possession of what she naturally regards as her own? Then, if the United States carries out the policy proclaimed by the President, the United States will start a shooting war; possibly Russia will come to the assistance of China—and there will be another world war, with all that an atomic war portends, a suicidal world war in which we ourselves will become involved, for we will not be able to escape it.

I cannot understand why the United States is so insistent upon Formosa. I sat in a theatre the other day and saw projected on the screen a picture of President Eisenhower, who stated, among other things, that Formosa was necessary for the security of the United States. With all due respect to the head of a great nation, I thought that was a most far-fetched statement. Formosa is 10,000 miles away from the United States, on the other side of the world. It is entirely unnecessary for the United States to have possession of Formosa in order to prevent China, or Russia, from using that island as a jumping-off place, if you like, to make an attack on Australia or any other country. China can launch an attack from the mainland. To try to substantiate the position that the United States needs Formosa for that purpose would be like saying that for her own security she ought to have possession of the island of Newfoundland, or Vancouver Island or perhaps the Queen Charlotte Islands. Similarly, Russia might say that if the United States needs an island 10,000 miles away from her borders, when she already has Russia ringed about with airports, then for her protection Russia ought to have possession of Cuba or some other island near the United States.

Hon. Mr. Reid: But Great Britain still believes she should hold on to Gibraltar.

Hon. Mr. Euler: Yes, but two wrongs do not make a right, nor are the two situations quite comparable. The point I have been trying to make is, that if the United States thinks this is the time at which communism should be arrested, I would say she is a little bit late. Further, it is my conviction that communism will never be stopped by acts of war.

Perhaps I have not expressed myself clearly, but my further point is that whether or not we believe that China has a valid claim upon these islands, the challenge to her involves a risk for which the possession of Formosa cannot even remotely compensate.

I have with me an article from the last issue of *Life* magazine which states clearly what an atomic war in these days would mean. I would like to quote from it, and I hope the honourable Leader of the Opposition (Hon. Mr. Haig) will not think I am reading

my speech. The article, which includes a statement by General MacArthur, whom we all know, begins in this way:

On his 75th birthday last week Douglas MacArthur made perhaps the most eloquent address of his eloquent career. His subject was war and the necessity of abolishing it. He traced the history of this evil old institution from David and Goliath to the modern "triumph of scientific annihilation." War has so developed, he said, that nobody can win one any more. . .

So why start one?

I continue reading:

"Science has clearly outmoded it as a feasible arbiter." He then went on to list the glorious results if war could in fact be abolished—"the greatest advance in civilization since the Sermon on the Mount."

And further:

"Must we fight again before we learn? When will some great figure in power have sufficient imagination and moral courage to translate this universal wish—which is rapidly becoming a universal necessity—into actuality?" . . . "We have had our last chance. If we will not devise some greater and more equitable system, our Armageddon will be at our door."

And there was this editorial comment:

Now MacArthur is not only quite right, but in very good company in repudiating modern war. The Pope agrees: "a war of annihilation", he has said, "is not permitted for any reason whatsoever." Eisenhower agrees: "this horror must not be."

I fear he has gone back a little in his attitude.

Churchill agrees: it "would leave us victorious, but victorious on a heap of ruins." Adlai Stevenson agrees: "no physical peril greater than atomic war has confronted mortal man since the Flood." Even Malenkov agrees: "a new world war would mean the destruction of world civilization."

We can get no higher authority for what atomic war would mean. In view of these declarations, I say we should avoid even the slightest risk of getting into a holocaust which would destroy the world.

Perhaps it is not necessary to read further, but may I include these words:

Thus the novelty of MacArthur's speech was not in what he said, but in how and when he said it. He said it in a way that placed the blame on men in office: "The leaders are the laggards. The disease of power seems to confuse and befuddle them."

The reading of that article should bring home again to senators the enormity of atomic war, the serious results it would have, and the fact that we art not justified, for the sake of the possession of Formosa, to take the risk of throwing Canada into a war. If we support the policy proposed by the United States, we are literally playing with fire, small as the risk may be in the minds of some people. I realize that the United States has taken a position from which national pride will make it difficult for her to retreat. We can only hope that China will not take up the challenge, and that, if she does, both parties will come to their senses before it is too late.

On motion of Hon. Mr. Pratt, the debate was adjourned.

The Senate adjourned until Tuesday, February 15, at 8 p.m.

THE SENATE

Tuesday, February 15, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE AND MATRIMONIAL CAUSES BILL

FIRST READING

Hon. W. M. Aseltine presented Bill O-6, an Act respecting Divorce and Matrimonial Causes.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Aseltine: Wednesday, February 23.

GRAIN SHIPMENTS AND FREIGHT RATES

NOTICE OF INQUIRY

Hon. Gordon B. Isnor: Honourable senators, before the Orders of the Day are called I desire to ask the following questions of the Leader of the Government:

What is the average cost per bushel of shipping grain from
(a) Winnipeg;
(b) Head of Great Lakes;
to Liverpool via
(a) Vancouver;
(b) Montreal;
(c) Halifax;
(d) Churchill?

2. What amount of grain was shipped in the current year of 1954 through each of the routes (a), (b), (c) and (d)?

Hon. Mr. Macdonald: I shall endeavour to get the information for the honourable gentleman. I am sure he does not expect me to have it on hand at this moment.

Hon. Mr. Isnor: It would be in order to treat it as a notice of inquiry.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—DEBATE CONTINUED

The Senate resumed from Thursday, February 10, consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. Calvert C. Pratt: Honourable senators, I would like to speak at this time to the motion for an Address in reply to the Speech from the Throne.

First, may I offer a word of congratulations to the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) upon their very fine presentation to the House of the various matters arising out of the Speech.

The Speech covers a very wide range of duties of Parliament, both as applying to matters of provincial interest and those of national concern. At the beginning of these remarks, I would particularly like to refer to the meeting of the Commonwealth Prime Ministers, which has just concluded in London. During the period of those meetings the world was shaken by events which were not anticipated when the meetings were proposed. The importance of these events can only be appraised as time goes on. It was singularly fortunate that the leaders of our Commonwealth of Nations were together and able to consider the momentous issues that with dramatic suddenness commanded world attention. It is gratifying that Canada has reached a place of high recognition in world affairs, and we have every reason to be grateful for the self-sacrificing services of our representatives. I am sure that the high honour which was paid to the Prime Minister of Canada recently by the great City of London, in recognition of his valued and devoted service, finds a grateful and appreciative response from all the people of Canada.

Some Hon. Senators: Hear, hear.

Hon. Mr. Pratt: I am sure that feeling prevails irrespective of race, creed, or political affiliation.

These are indeed serious times. Things that happen today may be causing, even in the near future, repercussions of a magnitude which no one today can estimate. This is a time, honourable senators, for balanced thought and speech, and for balanced planning and effort. It is a time for right perspectives. If we become too absorbed in local issues, and allow them to dominate our thinking, we can lose the opportunity to render our full measure of constructive aid in this world of misunderstanding and conflict. Similarly, if we pass up the obvious duty to resolve our local difficulties, and fail to plan and legislate for the progress and advancement of our people in every part of Canada, we deprive ourselves of a solid foundation for contributing unitedly to the advancement of justice and freedom throughout the world.

We are indeed fortunate that in Canada tradition, practice and the outlook of our people safeguard us from being torn asunder by extreme and fanatical approaches to

national and social problems such as we observe in so many places throughout the world.

I think the Speech from the Throne preserves a balance which is commendable. It emphasizes the great part that Canada is playing in the council of the nations, and, while it strikes a note of world responsibility, at the same time it covers a wide range of needs at home.

I have spoken before in this house of the need for greater encouragement to the fishermen of my province; in fact, it is probable that every time I have spoken I have mentioned one phase or another of the fishing industry. The Speech from the Throne anticipates legislation to provide facilities for loans to fishermen similar to those provided for farmers by the Farm Improvement Loans Act. While the appropriate time to comment in detail will be when the bill comes before us for second reading, I would like to say now, however, that the general conditions applying to fishing are so vastly different from those applying to farming, which that Act is designed to serve, that I really do not think the same pattern will work for the fishing industry and particularly not in Newfoundland.

The farm loans are made through the chartered banks, and a maximum amount of any one loan is $4,000, with the banks being guaranteed by the Government up to 10 per cent of the total amounts that are loaned. In other words, all the loans are pooled and 10 per cent of the total pool is guaranteed. That is as I understand it. I presume the limit of $4,000 was fixed because of the purchases of farm implements and such like, but I think that loaning facilities with a maximum of $4,000 would be of very little use where deep sea fishing boats are employed. Investment in the industry has been turning more to the larger and expensive craft.

Another aspect I would mention is that the fishermen of Newfoundland are scattered in a thousand settlements over perhaps 4,000 miles of coastline. The areas most prominently engaged in fishing are not well provided with connecting roads.

There are, I think, forty-five branch banks in the province, and only a small number of those are situated where such service is most needed to help the fishing industry. Prospective borrowers will no doubt get to the banks, but it will be almost impossible for bank managers and inspectors to be in touch with the borrowers for the purpose of overseeing their collections and supervising their security. I feel certain there will not be the coverage which the fishermen should get. I do not know what the feasible approach is, but it seems that some guarantee to a loan board under the auspices either of the provincial government or some other agency with personal contact and inspection facilities, will be the more practical means. There is no use in building up people's expectations of assistance of that nature unless it is made available in a widespread and practical manner. Perhaps in areas other than Newfoundland such a plan as used by the farmers may be feasible in the fishing industry, but if so it is simply another case of Newfoundland requiring special treatment for special circumstances. As I have pointed out on other occasions, Newfoundland is an area for special consideration in many matters because geography, history and other factors have made it so.

Hon. Mr. Haig: May I interrupt the honourable senator to ask whether the Government guarantee to the banks is not 15 per cent rather than 10 per cent?

Hon. Mr. Pratt: As I understand it, the Government guarantees 10 per cent of the loans.

Hon. Mr. Haig: My understanding is that it guarantees 15 per cent.

Hon. Mr. Pratt: If I am wrong in that respect, I stand to be corrected.

Last week I listened with great interest to the honourable senator from Kennebec (Hon. Mr. Vaillancourt) speak of the great value to Canada of the agricultural industry. It is indeed of great importance. All the primary production industries must have watchful care and guidance and, where essential, varying forms of assistance. Fisheries is the one production industry more than any other that until recent years has been in the background. Science has only lately come into this sphere of activity. It was the earliest industry in North America established from Europe and perhaps the most neglected. The honourable senator spoke of the great future need for increasing food production because of increasing populations. I cannot think of any means of food supply which should be more carefully guarded and progressively developed than the fisheries around our coasts. The great fishing centre of the Grand Banks of Newfoundland, as well as the areas along the coasts of Newfoundland and Labrador, are amongst the most prolific sources of food with rapid reproduction in the world. Unfortunately, the most precarious condition in the industry today in Newfoundland arises from the difficulty of holding the fishermen to their occupation. By reason of low returns, particularly in the salt fish industry which occupies most of the Newfoundland fishermen, the younger men are

leaving, and those remaining are mostly the fathers and grandfathers. There can be only one result to that drift if it is allowed to continue. It must be remembered that once fishermen abandon fishing they are gone to stay. The fishing industry is one that can only recruit from those who are born of the sea.

One anomaly that is apparent today and is voiced by fishermen on every hand is that the labourer on the land who handles the product of the fisherman's venturesome life at sea gets unemployment insurance when he is laid off work, but the fisherman himself, who is restricted by nature to a seasonal occupation, receives no unemployment insurance when he is laid off. Fishermen in consequence of this become discouraged, feel they are treated unfairly and lose interest in their vocation. I know there are great difficulties in working out a plan to fit their circumstances, that is, if we endeavour to apply a formula which is set up for the use of citizens in entirely different circumstances. On the deep sea fishing boats some of the crew might be employed on wages and qualify for insurance, others might be employed on wages augmented by shares and presumably would also qualify for unemployment insurance. The vast majority of fishermen in Newfoundland however, are their own employers.

I have no cut and dried plan to submit, but it may be useful to present some views which should be kept in mind by those who will be working on the problem, which I sincerely hope they will find some way of solving.

Fishermen should be encouraged to develop their own independence and own their boats, while at the same time they should have available to them a social security measure in the nature of unemployment insurance or some near adaptation of it. There would have to be some method of determining the number of days which a self-employed fisherman actually has worked in a given period. The length of a fishing season for the purpose of such a measure should be determined in advance of the fishing season for different areas. It varies with different areas. Nothing should be done to reduce the incentive for fishermen to take other work in the off season. Of most importance is it that there be the incentive for fishermen to work for the greatest possible production and for the longest period of fishing.

We are thinking in terms of insurance, unemployment insurance. No one needs to be reminded that insurance is an averaging out of risks and losses paid for within the range of total premiums collected. With unemployment insurance, the employees who are most constantly at work contribute most to those who are laid off. Ordinarily, there is of course the employer's contribution, which in the case of self-employed fishermen will be lacking.

It seems to me the approach—and I know serious study is being given to this now and representations are being made by our province—will have to be made by starting with a voluntary plan. Premiums could be paid by authorized deductions from payments for fish delivered to purchasers who will be responsible for turning in the collections. Perhaps what might ordinarily be an employer's contribution could, in cases where there is no employer, be paid as an assistance allowance by the Government; or alternatively, if it were feasible an export tax on certain types of fish exports might be made for the purpose of rounding out the contributions to the fund. Newfoundland at one time had a small export tax on fish for a somewhat similar purpose. To get something practical started it might indeed have to be inaugurated as a joint insurance and assistance plan, and not simply as insurance in the accepted meaning of that term.

I wish indeed I could offer something more concrete and complete but the matter requires careful study and consultation between those most directly concerned, namely, the representatives of the fishermen and the departments of Government. I feel very strongly that the fishermen need the encouragement of some such measure of security so as to hold them in the industry.

I would personally like to have seen in the Speech from the Throne a statement of policy with regard to the encouragement of more freedom of trade between the nations of the world. I refer to the lightening of tariffs, the stabilization of currencies, and so forth. No reference whatever is made to the necessity for continued effort in the removal of trade barriers. It will be regrettable if that ceases to be a major policy of our Government. I know, of course, that we have a policy. I know it is being pursued through various agencies and channels. Such policy, to be effective, must reach right down to the very core of our economic problems, not only here but over the world and must be incessantly and constantly pressed.

Canada has a place to fill as a world leader in the moulding of opinion, both at home and abroad. It is here that balanced thought and balanced action are required. We cannot afford to ignore our own requirements, neither can we afford to heed all the demands of all our industries and of all sections of our population. If we were to take seriously all the cases for tariff protection from all the

industries and agencies which are circularizing, members of Parliament we would find ourselves in a tight pocket of the world and—worse than living by ourselves—we would starve by ourselves. The greatest things of life are acquired by sacrifice. It is true we must apply that thought in moderation and with care, but it is a factor in human life, and always will be. We must give if we are to receive.

I for one feel that we have not done enough in this country to cultivate wider understanding and improved trading relations with our neighbours to the south. I know how tariff-protection-minded they can be, as we can be also. We should constantly be trying for a closer economic policy of mutual benefit. We should be preaching it so as to reach down to the average citizen, and they on the other side of the border should be encouraged to do the same. Here again, if I may say so, we need balanced thought and balanced effort. We need more balance in our approach to this subject than we seem to have here.

One sometimes hears this subject discussed in Parliament and outside—everywhere, in fact—as though we had to decide between Commonwealth affiliations and loyalties and American associations and neighbourliness. To my mind that is sheer nonsense, and it does an immense amount of harm. Unfortunately there appears to be throughout the world a growing misunderstanding and misrepresentation of the motives of America. It is becoming increasingly prevalent in countries that are near and dear to us; and this, I consider, is a world misfortune. It is true that it does not come out prominently on top official levels, but it is increasing on the street level—if I may put it that way—which is more important.

Now I don't think there is any fear that Canada will be drawn into adverse feeling against our neighbour, but there is a danger of our going along in a neutral position. There is no place for neutrality marked out by a boundary across this continent. There is only a place for the cultivation of mutual helpfulness and understanding and for more recognition that from benefits which are mutual come the greater good.

I do not say that we should go along with our neighbours hand in hand in all matters. Even their states differ, as do our provinces, in policy and outlook. That, however, does not lessen the need and value of our working together toward the closest possible understanding, both in the sphere of foreign responsibilities and of what I might term interdomestic matters.

I would like for a moment to comment on the remarks of the honourable senator from Waterloo (Hon. Mr. Euler), who was the last preceding speaker in this debate. I really think some of the things he said have not helped in the mutual understanding which is so essential. Knowing the honourable senator, I am sure he spoke his honest convictions, as he has a right to do, and with the deep feeling and desire to see what is the best and wisest course to pursue. As reported in *Hansard*, he used the words:

> Then, if the United States carries out the policy proclaimed by the President, the United States will start a shooting war.

These words of the honourable senator were, I assume, his interpretation of the professed fears of Communist China.

Hon. Mr. Euler: That is exactly what the President said.

Hon. Mr. Pratt: I don't agree with that interpretation. And, without taking anything out of its context, I think it will help to clarify that issue if I quote from President Eisenhower's message to Congress of January 24, 1955, as reported in the New York *Times* of January 25:

> The most important objective of our nation's foreign policy is to safeguard the security of the United States by establishing and preserving a just and honourable peace. In the Western Pacific a situation is developing in the Formosa Straits that seriously imperils the peace and our security.

Another quotation from the same address:

> In the interest of peace, therefore, the United States must remove any doubt regarding our readiness to fight, if necessary, to preserve the vital stake of the free world in a free Formosa, and to engage in whatever operations may be required to carry out that purpose.

Still further, and finally, I would quote:

> Again I say that we would welcome action by the United Nations, which might, in fact, bring an end to the active hostilities in the area. This critical situation has been created by the choice of the Chinese communists, not by us. Their offensive military intent has been flaunted to the whole world by words and by deeds. Just as they created the situation, so they can end it if they so choose.

Now that policy was overwhelmingly endorsed by the Congress of the United States. The House of Representatives proved that by a vote of 409 to 3, and the Senate by a vote of 85 to 3. It is my conviction that if war breaks out over the Formosa question the blame will lie, not with the United States but with the government of Communist China.

The United States has issued a warning, not in order to threaten war but in order to maintain peace—to maintain peace by making it absolutely plain to the Chinese Government that aggression against Formosa and the Pescadores will mean war with the United States.

In other words, without that warning the Chinese Communist Government could precipitate a major war by attack, in the mistaken belief that her aggression would not be taken seriously. If she does attack now she will be the aggressor in a major war, and she knows it. The fact that those islands are ten thousand miles away, as the honourable senator put it, does not, as far as I see, greatly affect the case. Australia, New Zealand, The Philippines—to mention a few of what I might term "near home areas"—are just as far away geographically. Distance on the map doesn't mean much today.

Science—and it may be for the ill fate of the world—has eliminated distance as a factor in human relations. Whether we like it or not we are unable to travel country roads any more to avoid the crowds.

It wasn't so many years ago that the great criticism of the United States in some areas of the world stemmed from what was regarded as its policy of isolationism. It is ironical that its abandonment of that policy and its active pursuance of a policy of participation in world affairs is now the cause of growing prejudices in the same areas of the world.

Without attempting in any degree to present more than the most elementary facts in the matter of Far East policy, I would like to say the United States has adopted a conciliatory attitude as compared with the bellicose attitude of the Peiping Government. The United States has bent over backwards, in my opinion, to avoid war out there in the East, if possible. First, by its influence, Chiang was induced to surrender the Tachen Islands to Peiping, and then the United States rendered assistance to the Nationalist Government to evacuate the islands. Then again, and what was most important, the United States voted in the Security Council for the New Zealand resolution to invite Communist China to participate in a United Nations debate to discuss ways and means of establishing a cease fire agreement in the Formosa area and of finding a peaceful solution to the Formosa question. That was on January 31, but the invitation was rejected by China on February 3—notwithstanding that Russia as well as America allowed it to go through.

I have just been reading the report which the honourable senator from Cariboo (Hon. Mr. Turgeon) gave to this house on February 8, 1951, on the work of the Canadian Parliamentary Delegation—of which he was a member—to the General Assembly of the United Nations just previous to that time. It would be well worthwhile for all of us to refresh our minds on the conditions then prevailing at the height of the Korean issue by reading that most comprehensive and enlightening report by the honourable senator.

To show how true to present pattern ran the attitude of the communist Government at that time, I quote from the statement of the honourable senator:

> Acting as head of the Canadian delegation, Mr. Pearson presented a motion, which was adopted by the General assembly, to set up a committee to study the question of what group should represent China in the General Assembly; that is, whether the representatives of Nationalist China or Communist China should be recognized.

The quotation follows on:

> But the Chinese communist group refused to meet this committee.

The same attitude has been repeated time and time again. As I see it the alternatives are: Is the world to be allowed to be dragged into a war on a flood tide of appeasement, which will whet the appetite of the aggressor, or isn't it better for the whole world to know where in such extreme cases the border lines of peace and war are, also where the defences are, but above all pray and hope and work without ceasing for understanding and reconciliation of the difficulties?

Honourable senators, I have referred in this talk to the benefits of more intimate association with our neighbour to the south. I have tried to indicate how they can extend and make even more valuable our loyalties in the British Commonwealth. Now that doesn't mean we have to go along just as a mouthpiece for the United States. Such an attitude would not be useful nor dignified. Neither is the often repeated expression of fear of falling under American domination useful or dignified. To my mind such an expression is sheer folly. I think it reveals an individual weakness of thought and I certainly hope it is not a national attitude.

Yes, honourable senators, our Commonwealth relations, our Australia and New Zealand members out there in the East particularly, will be helped in these times by the growth of the greatest possible degree of understanding between us and the United States.

May I close by mentioning a personal incident which I feel will be of interest as illustrating a growth of friendliness. Last year I spent a few days at Atlantic City, and while there I noticed the press announcing "Canadian Day". It puzzled me, but not for long, for I received and accepted an invitation to attend the ceremony of hoisting the American and Canadian flags in a public square of the city. It was done in a thrilling ceremony, with a band playing national music of both countries. I was then asked to attend a luncheon with many other Canadians. The big banquet hall was filled with guests. The

mayor of the city spoke of the significance of "Canadian Day", and quite unexpectedly I was asked to receive the honours of the occasion on behalf of Canada and was presented with a key to the city, symbolic of their hospitality.

I found that "Canadian Day" is an annual event in that city. I was told some other places observe it also. In my response to the honour I said I hoped the example of Atlantic City in having an annual "Canadian Day" would spread throughout the entire United States and that we on our side in every city and town of Canada would have an annual "Our American Neighbour Day". It is an idea that I hope will spread widely through both countries. The example would do good, far beyond the bounds of the American continent. There is no other way, honourable senators, to resolve international difficulties than by cultivating international friendships.

Hon. Senators: Hear, hear.

Hon. A. B. Baird: Honourable senators, this is the first time during the present session—perhaps fortunately—that I have risen to express my opinions and to discuss the very important matters that are before us.

Quite naturally, I believe that the defence program that has been suggested will have the full approval of the Canadian people, who, after all, are nobody's slaves—and have no desire to ever become slaves.

I have listened with a certain amount of pleasure to the speeches by honourable senators on the motion for an Address in reply to the Speech from the Throne, and particularly to the definite tone of approval that has permeated the entire discussion as to our defence program. However, somewhat to my amazement, I have also listened perforce to what has sounded to me like suggestions of appeasement.

I have a vivid memory of former appeasements, particularly that of Munich, which as we well know did not prevent Great War II.

Although it is a matter of record that our friends in the United States were very slow to take up arms in both Great War I and Great War II, I well remember a cartoon—I think it was published originally in St. Louis—which was reproduced far and wide. Like all good cartoons it was very simple. It merely showed Mr. Chamberlain's umbrella staked across the road, but the caption read, "They shall not pass".

Now we are asked, sixteen years later, to repeat the appeasement performance. An article has been quoted to us from *Life*—a magazine definitely noted, not for its sane pronouncements, but rather for its picture propaganda directed to men and women who, even if they cannot read or understand, can look at pictures. On the other hand, I have taken some trouble to find out exactly what the intelligent Press has to say on the subject and on the pronouncements of President Eisenhower himself. Many people will agree with me when I say that I believe the communists will keep trying to add peoples and territory to their empire by internal subversion, as long as their efforts are profitable, as they have been both in Europe and Asia. The United States and its allies, on the other hand, will keep trying to counter these tactics by perfecting their system of alliances and by helping underdeveloped countries.

The Formosa crisis provides a good example of what the President's basic thinking and policies are designed to do. It looks to me as if he is playing for a stalemate in Formosa. He hopes, by moving up his air and naval strength, to make it impossible for the Chinese communists to launch a successful attack on the island. In the meantime he will do everything in his power to work for peace through diplomatic channels. And I, for one, pray to God that his efforts will be crowned with success.

Honourable senators, I believe those words are a true estimate of what is happening, and I for one must refuse to agree to or have any part in another appeasement program which in fact could be as disastrous as that of Munich.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Aseltine, the debate was adjourned.

PRIVATE BILL

ROMAN CATHOLIC EPISCOPAL CORPORATION OF PEMBROKE—SECOND READING

Hon. Charles L. Bishop moved the second reading of Bill A-6, an Act respecting The Roman Catholic Episcopal Corporation of Pembroke.

He said: Honourable senators, The Roman Catholic Episcopal Corporation of Pembroke was incorporated by chapter 105 of the Statutes of 1884, under the name of The Roman Catholic Episcopal Corporation of Pontiac.

The only amendment to the original Act of Incorporation is contained in chapter 108 of the Statutes of 1899, where the name of the corporation was changed to that of The Roman Catholic Episcopal Corporation of Pembroke.

The corporation's purpose in requesting the present amendment is to enable it to give its guarantee to bodies like religious organizations, institutions, schools or school boards and the like. Frequently, such organizations, operating in the diocese, and with the approval

of the Episcopal Corporation, require support for financing their enterprises in the manner contemplated by the amendment. Section 2 of the bill is designed to give the corporation these powers of guarantee. A later part of section 2 is a provision which will by retroactive operation permit the Episcopal Corporation to guarantee certain financing already accomplished by a school board.

There is a parliamentary precedent for giving retroactive effect to a statute in a similar case in "An Act Respecting the General Synod of the Church of England in Canada and the Missionary Society of the Church of England in Canada", which may be found in the Statutes of 1951, chapter 34, section 7. This, of course, was approved by this house.

The other provisions of section 2 and the provisions of section 3 of the bill are designed to facilitate and bring up to date the procedure of the corporation in the management of its temporal affairs, and they deal with the appointment of committees, the passing of by-laws and the like.

These provisions are similar to the provisions contained in "An Act to Incorporate the Catholic Episcopal Corporation of Whitehorse", Statutes of 1945, chapter 48.

If the bill should receive second reading, I shall move that it be referred to the Committee on Banking and Commerce. The representatives for the Episcopal Corporation will be available then to supply the committee with whatever additional information it requires.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Bishop, the bill was referred to the Standing Committee on Banking and Commerce.

DIVORCE BILLS

SECOND READINGS

Hon. Mrs. Fergusson, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill P-5, an Act for the relief of Nora Elizabeth Wolverson Powell.

Bill Q-5, an Act for the relief of Hazel Miller Clark.

Bill R-5, an Act for the relief of Zofia Janina Hurny Slesicki.

Bill S-5, an Act for the relief of Carmen Cortez Leigh Pitt.

Bill T-5, an Act for the relief of Paraskevy Moshonas Moshonas.

Bill U-5, an Act for the relief of Mary Lee Wilson Couttie.

Bill V-5, an Act for the relief of Giacinta Villarosa Colucci.

Bill W-5, an Act for the relief of Irene Dora Baker Pearson.

Bill X-5, an Act for the relief of Gisela Kunz Cobel.

Bill Y-5, an Act for the relief of Aline Rousseau Laporte.

Bill Z-5, an Act for the relief of Dorothy Arlin Wintrobe.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Aseltine: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, February 16, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Ross, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill B-6, an Act for the relief of Hazel Irene McKay Puttee.

Bill C-6, an Act for the relief of Demetra Denis Varverikos Kotsos.

Bill D-6, an Act for the relief of Therese Deschamps Pare.

Bill E-6, an Act for the relief of Beatrice Edith Paige Bouchard.

Bill F-6, an Act for the relief of Sheila Edith Emily Little Staniforth.

Bill G-6, an Act for the relief of Elias Helakos, otherwise known as Louis Childs.

Bill H-6, an Act for the relief of Albina Legault Desjardins.

Bill I-6, an Act for the relief of Maia Piibe Paul.

Bill J-6, an Act for the relief of John Russell Watt.

Bill K-6, an Act for the relief of William Watson Southam.

Bill L-6, an Act for the relief of Marie Joyce Kane Grant.

Bill M-6, an Act for the relief of Anton Josef Cermak.

Bill N-6, an Act for the relief of Myriam Micheline Weil Goldschmied.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Ross: With leave, next sitting.

FARM LOANS

GOVERNMENT GUARANTEE TO BANKS

On the orders of the day:

Hon. Mr. Pratt: Honourable senators, before the Orders of the Day are proceeded with I should like to make an explanatory statement with reference to a point that came up last night when I took part in the debate on the Address.

In referring to the Farm Improvement Loans Act, which was amended in 1953, I said that the banks are guaranteed by the Government up to 10 per cent of the total amounts that are loaned. The honourable Leader of the Opposition (Hon. Mr. Haig) then suggested that the Government guarantee was 15 per cent. Not having a copy of the act before me, I conceded that my honourable friend might be right. Now I have a copy of the act, as amended in 1953, and in order to keep the record straight I will read the new section 4(1):

> The minister is not liable under this act to pay to a bank, in respect of losses sustained by it as a result of farm improvement loans made by it during any of the periods set out in subsection two, a total amount in excess of ten per cent of the aggregate principal amount of the guaranteed farm improvement loans made by the bank during that period.

Hon. Mr. Haig: Honourable senators, what the honourable gentleman says is correct, but I would like to point out that there are in existence two acts having to do with farm loans. Under the Farm Improvement Loans Act, which authorizes loans on building improvements and so on, the Government guarantee to the banks is limited to 10 per cent. But under another act, which I think covers farm machinery, I understand the Government guarantee is 15 per cent. I have written to a bank for detailed information in this matter, and when I receive it I will raise the point again, on a question of privilege. If it is proved that I am wrong I shall be glad to acknowledge the fact.

DIVORCE BILLS

THIRD READINGS

Hon. Mrs. Fergusson, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill P-5, an Act for the relief of Nora Elizabeth Wolverson Powell.

Bill Q-5, an Act for the relief of Hazel Miller Clark.

Bill R-5, an Act for the relief of Zofia Janina Hurny Slesicki.

Bill S-5, an Act for the relief of Carmen Cortez Leigh Pitt.

Bill T-5, an Act for the relief of Paraskevy Moshonas Moshonas.

Bill U-5, an Act for the relief of Mary Lee Wilson Couttie.

Bill V-5, an Act for the relief of Giacinta Villarosa Colucci.

Bill W-5, an Act for the relief of Irene Dora Baker Pearson.

Bill X-5, an Act for the relief of Gisela Kunz Cobel.

Bill Y-5, an Act for the relief of Aline Rousseau Laporte.

Bill Z-5, an Act for the relief of Dorothy Arlin Wintrobe.

The motion was agreed to, and the bills were read the third time, and passed, on division.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

The Senate resumed from yesterday consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. W. M. Aseltine: Honourable senators—

Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: I thank honourable senators for the encouragement they have given me. It took me some time to make up my mind whether I should take part in this debate, but finally I came to the conclusion that as there are so few of us on the Opposition side of the house, perhaps I should say something.

Honourable senators, I am not going to congratulate the mover (Hon. Mrs. Hodges) and the seconder (Hon. Mr. Tremblay) of the motion, because I am afraid that if all of us congratulated them it might go to their heads and destroy their usefulness in this chamber. However, I wish to say that in my opinion they conducted themselves in a very creditable manner and as ably as those who have followed them.

A few days ago the honourable senator from Waterloo (Hon. Mr. Euler) made what I think was a very courageous speech. Of course, he had every right to express the views that he expressed at that time; certainly the Senate provides facilities to all honourable members for the expression of their views. I had fully intended to reply to the honourable gentleman, but in view of the remarks made yesterday by the honourable senator from St. John's West (Hon. Mr. Pratt) and the honourable senator from St. John's (Hon. Mr. Baird), I do not feel that I need say anything on this matter.

Hon. Mr. Euler: That is a great relief to me.

Hon. Mr. Aseltine: By my concurrence in the remarks of the honourable senators from Newfoundland my position will be understood, and I need not commit myself further.

I should like to thank the honourable senator from Prince (Hon. Mr. Barbour) for his invitation to all senators to visit Prince Edward Island this summer and to attend the centennial celebrations at Charlottetown. The "summons" from the mayor which the honourable gentleman read out to us, was a neat bit of advertising. I read it again in *Hansard* with much interest.

May I take advantage of this opportunity to remind the house that just fifty years ago Saskatchewan ceased to be a part of the Northwest Territories and became a province. This summer my province will be celebrating its golden jubilee, and I would extend to my friend from Prince and to all other honourable senators from outside the province a very cordial invitation to come along and join with us at that time. I might add that we have not yet found it necessary to use a form of summons to compel anyone to attend, but if it becomes necessary we will no doubt do so. At any rate, I trust that some honourable senators from the central and eastern provinces will make the trip west and give us the pleasure of showing them around Canada's great wheat-growing province.

Another event to take place this year in Saskatchewan is the Dominion play-offs for the Macdonald Brier Canadian Curling Championship trophy, at the Regina rink during the first week in March. My honourable leader (Hon. Mr. Haig), who is Chairman of the Board of Trustees of the organization, will be attending. I of course would like to attend too, but he tells me that I should stay here and look after things in the Senate during his absence. I hope he will have a good time at the games and come back in better shape than ever.

When the honourable Leader of the government (Hon. Mr. Macdonald) spoke in this debate he said that the total number of people employed in the week ending December 11, 1954, was 5,167,000. The honourable senator from Blaine Lake (Hon. Mr. Horner), during his speech in the debate, questioned that figure and suggested that if it was correct it must include self-employed persons. I took the trouble to secure the breakdown of those figures, which honourable senators will find in Table 5 of the December issue of *The Labour Force,* a publication of the Dominion Bureau of Statistics. It is as follows:

Self employed	999,000
Unpaid family workers	214,000
Paid workers drawing salaries or wages	3,954,000
	5,167,000

Hon. Mr. Reid: Have you any idea how the Bureau of Statistics obtains those figures?

Hon. Mr. Aseltine: Do not ask me. The other day I passed the new Dominion Bureau of Statistics building, located in Tunney's Pasture, and noticed that it was a very large, imposing place, so full of people that perhaps they counted themselves in the statistics.

Hon. Mr. Reid: They were able to tell us how many balloons were manufactured in Canada last year.

Hon. Mr. Aseltine: Another subject I wish to touch on at this time is the amount of income tax paid by the farmers of the Dominion of Canada. That has long been a pet subject of mine. I brought it up on two previous occasions, and I showed that in 1950 the wealthy potato growers of Prince Edward Island altogether paid only $5,000 in income tax, and that the farmers of the Province of Quebec paid only $50,000. I wondered how that could be, and so I followed up the subject again this year to see if there was any improvement. I stated previously that the western farmers, who pay most of the income tax collected from Canadian farmers, wanted to know why this is so. They felt that either the other farmers were not taxed sufficiently or that the western farmers were over-taxed. Honourable senators will understand that they had no objection to paying the tax, but they wanted to make sure that other farmers were being taxed accordingly.

I know the senator from Kennebec (Hon. Mr. Vaillancourt) will say that in the East the farms in general are small and the farmers do not make much money, and that is why they do not have to pay much income tax. I was surprised to hear him say the other day that the average yearly income of all Canadian farmers was only $565.

However, there has been some improvement in the matter of taxation of farmers since I gave the house figures previously. The taxes paid by farmers in the various provinces for the taxation year 1952, the latest year for which figures are available, as given in *Taxation Statistics* 1954, were as follows:

Newfoundland	nil
Prince Edward Island	$ 70,000
Nova Scotia	40,000
New Brunswick	66,000
Quebec	233,000
Ontario	2,647,000
Manitoba	1,707,000
Saskatchewan	13,268,000
Alberta	8,350,000
British Columbia	1,075,000
	$27,456,000

The total income tax of $27,456,000 paid by all the farmers of Canada is relatively small in comparison with the huge amount that is collected from the whole country. This bears out to some extent the statement by the honourable senator from Kennebec that the income of farmers was considerably lower than the income of industrial workers and other people.

From these figures it is evident that the farmers of the three prairie provinces pay six times as much income tax as all the rest of the farmers put together; and that those in Saskatchewan, who pay $13,268,000, contribute almost half the total income taxes received from Canadian farmers.

Hon. Mr. Euler: They should not make so much money!

Hon. Mr. Vaillancourt: May I ask the honourable senator a question? It is very hard to make a fair comparison between people engaged in the same occupation but living in different places. For instance, one cannot, I suppose, compare a large city chain store with a little store in the country.

Hon. Mr. Aseltine: What is the question?

Hon. Mr. Vaillancourt: Farmers in New Brunswick, Prince Edward Island and elsewhere down east who cultivate a little land, are in a different position from the large farmers of Saskatchewan.

Hon. Mr. Aseltine: That is not the question. I understand the honourable senator's argument; I have heard it before; and I appreciate his viewpoint. I think one of the reasons why farmers in the West pay so much more than farmers elsewhere is, not that they make so much more money, but that they are checked up more carefully than are farmers in other parts of Canada.

Some Hon. Senators: Oh, oh.

Hon. Mr. Aseltine: I am told that some fifty revenue officers—we call them tax inspectors—are continually moving around the province of Saskatchewan. Of course, when a farmer sells a load of grain, it goes to the Wheat Board, whose officials have a record of the transaction; so the revenue officer finds out exactly how much income the farmer has received, and taxes him accordingly.

Hon. Mr. Euler: Perhaps these people need a little more watching!

Hon. Mr. Aseltine: I wish the department would send some of our fifty inspectors to Ontario, Quebec and other provinces to see what they could find down there.

We on the prairies are very much concerned about the present high level of taxation. Fifteen years ago I paid a tax of twenty-five cents an acre on my farm lands.

Hon. Mr. Haig: The municipal tax.

Hon. Mr. Aseltine: The tax per acre is now about one dollar. In the towns the tax levy has risen to around seventy mills on the dollar. We have to pay income tax, sales tax, luxury tax, and all the rest. I do not know just where these things are going to stop, but if the small crop we had in 1954

is followed by another small one this year, we will not be able to pay our taxes. Federal demands should be kept to the minimum, but from past experience I fear that this is too much to hope for.

Another feature of income tax I would like to stress is the effect of the so-called arms-length clauses of the act. At the time of their adoption, when they were fully explained in this chamber by the honourable senator from Toronto (Hon. Mr. Hayden), some of us took strong objection to these provisions. As far as the western farmer is concerned they are not working out very well. Let me give an example. Suppose an elderly farmer, say, between 65 and 70, who wants to retire, sells his machinery and equipment to his son. As the parties are not at arm's length, the deal is scrutinized very carefully. The son, let us say, has depreciated the value of the machinery so purchased to the amount he paid for it. Then the income tax officer comes along and says: "You cannot do that, you are not at arm's length; the depreciated value of that machinery is the value it had when you bought it." Taught by the experience of his neighbour, what does the next farmer do? He hauls his machinery to the local implement agent, who purchases it, and turns round and sells it to the son, so avoiding the arm's length provision. It should not be necessary to go to all that trouble. The same procedure operates when a farmer sells his land to his son or some other relative. There is no way of fixing the value for purposes of taxation.

Many people who have contemplated doing that kind of thing have consulted me to find out how they could protect themselves. "Well," I said, "the director of income tax will not help you; he won't tell you whether the deal you propose would be approved; that is, whether he thinks you have got enough for your land. All you can do is get affidavits from real estate men and others as to the value of your property, and you should hold those affidavits, maybe for years, because you cannot tell when some official may come along and say: "This was a deal not at arm's length; the land was sold for less than its value, and you must pay gift tax on the difference." I should like to see some method evolved whereby a farmer or other person who makes a deal not at arm's length can be sure that it will "stand up" and be approved by the taxation authorities of this country. I recall a recent case where a son made a deal—a *bona fide* deal—with his father, who was retiring, to buy his equipment. After six years the transaction was reopened by the department, which took exception to the amount of the depreciation, with the result that the party in question has to pay about $5,000 in additional income tax. If, however, the father had sold the equipment to a local dealer, who in turn had sold it to the son, it would have been treated as an ordinary sale, and depreciation would have been admitted on the basis of the amount paid for the equipment.

That is all I have to say at the moment with regard to income tax.

The Succession Duty Act is soon to be revised. In my opinion it is too complicated and too difficult to administer. I doubt whether many members of this chamber are familiar with that statute. It provides an exemption from succession duties on any estate under the value of $50,000. In other words, no tax is levied if the net value of an estate does not exceed $50,000. On the other hand, if the net value of the estate exceeds $50,000—whether it be just $51,000 or $52,000—the tax applies to the whole amount; but no matter what the amount of the duty is, the department always leaves the estate at least $50,000. I should like to see the act amended so that no tax would be levied on the first $50,000 of an estate, for most of the estate goes to widows and children anyway. I feel that the first $50,000 should be absolutely tax free.

It must be remembered that we are living in a period of inflation, and the Canadian dollar will not buy any more today than would 50 or 60 cents a few years ago. On that account the exemption of $50,000 is not large enough. In my opinion, it should be increased to $75,000, and I hope that when the Government studies the question it will see fit to extend the exemption to this amount.

Honourable senators, I was appointed to this chamber to represent the wheat growers of the West, and I never feel that I have made a proper or complete speech until I have said something about wheat.

Hon. Mr. Haig: Hear, hear.

Hon. Mr. Aseltine: Last month the honourable gentleman from Peterborough West (Hon. Mr. Duffus) gave the house a fine address on Red Fife Wheat. Since that time I have read his speech with great interest. I have also read a recent article in the magazine *Lifetime Living* which gives a complete story about wheat, and some of the remarks I am going to make now have been extracted from that article. I am not claiming them as my own.

The story of wheat is the story of civilization. One acre out of every seven of cultivated land on the earth is sown to wheat. Wheat occupies more space on the earth's surface than do rice and corn, and there are 15,000 known strains or different kinds of

wheat. Wheat is the most drought-resistant cereal plant known to man. Incidentally, that is my own assertion, for that has been my experience through many years of farming and growing wheat in Saskatchewan. Some people have asked me, "Why don't you raise cattle or grow oats and barley and go into mixed farming?" and my reply has been that if you cannot grow wheat you cannot grow these other grains. Despite the fact that the Palliser Triangle enjoys only about seven or eight inches of rainfall in a summertime, we farmers of that area are able to grow a pretty good crop of wheat. I am not speaking about fringe areas to the north or in Manitoba where barley, oats and other grains are grown, or about places where there is a greater rainfall. The farmers of the Palliser Triangle would go into bankruptcy in a short time if they went into mixed farming on a big scale.

Wheat, which as I have said is the most drought-resistant cereal plant that we know of, ripens from the Poles to the Equator, from sea level to even the 11,000-foot Himalayan slopes. One or more varieties of wheat will grow successfully in the hottest and coldest of civilized countries and in some of the driest.

A large quantity of wheat is grown in Canada, and not a single moment passes but wheat is being marketed or harvested in some part of the world. For example, wheat is grown in North Africa, Egypt, Turkey, the Balkans, Belgium, India, and so on. Except for France, which has been a wheat exporter from time to time, most of these countries do not grow more than enough wheat for their own needs, and sometimes not enough; and it is to such countries that exporting countries like Canada, the United States, Australia, and the Argentine look for markets for their surplus wheat supplies.

I learned from the article in *Lifetime Living* that bread as we know it was accidentally discovered by a baker in Egypt some 5,000 years ago. Prior to that time the people mixed flour with water or milk, and baked something like pancakes. It was not known that dough would rise, until one day this baker happened to leave some moist dough exposed to some microscopic air-borne yeast. When he returned he found that the dough had started to rise, and when he took it out of the oven he had, instead of one small pancake, the equivalent of about half a dozen loaves of bread. From then on the people of the world baked bread as we know it today.

Wheat created farms and cities. We always say out West that our farmers built Winnipeg.

Hon. Mr. Howard: There is no doubt about that.

Hon. Mr. Aseltine: There would not have been any Winnipeg had it not been for the farmers and the wheat growers of the Prairie Provinces. I am told that it takes eight square miles of uncultivated land to support one hunter, but the same eight square miles of land, when ploughed and cultivated and sown, are capable of supporting 6,000 people. I hope that I am not boring my audience.

Hon. Senators: Go on.

Hon. Mr. Aseltine: I have some more information that might be of interest. It is acknowledged that wheat is vital to the economy of not only Western Canada but of the whole nation. When we have a good crop and are able to sell it the Western farmers can buy machinery, clothing and the other things they need to live, and thus the whole country prospers. In the West farmers could not get along without machinery, and we could not have produced these great crops of wheat if it had not been for the invention of the McCormick reaper. Prior to that time harvesting was done laboriously by hand, either with the scythe or the sickle. Sixty-four man hours used to be required to harvest one acre, but the McCormick reaper does the same amount of work in two and a half hours.

When I was in Italy, a year and a half ago, I found that farmers were using the old method of harvesting, and that in a field of about an acre there would be from ten to twenty people at work. The women were using a little sickle to cut the wheat, and they were tying up the sheaves with stalks of wheat. Between the cities of Rome and Florence, all along the coastal plain, we saw only one binder and one tractor.

I want to make some remarks now about the different types of wheat, and the difficulties that had to be overcome by cerealists, government officials and others. The first enemy that wheat farmers had to contend with was the Hessian fly. It was followed by the sawfly, the cutworm and the wireworm. Drought and frost have always been destructive. Now we have rust to contend with. At the turn of the century the Hessian fly destroyed practically all of the crops of the United States year after year. A man by the name of Mark Carleton happened to notice that certain Mennonite farmers had good crops, so he went to see them, and found out that they had got their wheat from Russia. He went to Russia, brought back samples of wheat from the Russian plains, and started to distribute the samples to farmers throughout the United States, with the result that

crops were much better. Then he went to Siberia, and brought back a hardy variety of Durum wheat, which he distributed to the farmers of North Dakota, and from that grew up the macaroni industry in the United States.

We have all heard about the important work done by David Fife. The story I was told was not exactly the same as that told by the honourable senator from Peterborough (Hon. Mr. Duffus). My version may be absolutely wrong, but I will relate it as I heard it. I understood that Red Fife wheat had its origin in this way: A Scotsman, standing on the docks in Glasgow, watching a ship unloading wheat from Poland, caught a hat full of the wheat out of the spout, and sent it to David Fife in Ontario. Perhaps from now on the stories of the honourable senator from Peterborough and mine will be the same. David Fife, not knowing this was winter wheat, sowed it in the spring, and all died except one or two stalks. They were saved and from them he developed this great strain of wheat which became known as Red Fife, which for many years was responsible for giving the farmers of Ontario—and also, in the early days, the farmers of Western Canada—good crops of wheat. Although it was a good producer, it was a late variety and therefore subject to frost.

William and Charles Saunders started to work to find a type of wheat that would ripen a week or so earlier. Through a letter received from a missionary in India they learned of a strain of wheat which grew and ripened 11,000 feet up on the Himalayan mountains. Charles got samples of that grain, known as Hard Red Calcutta, brought it to Canada and started to experiment by breeding it with Red Fife. He had a long, hard struggle, and at one time, in 1903, he was down to one stalk, which fortunately he was able to save. From that stalk he developed the favourite strain known as Marquis wheat, which ripened six days earlier than Red Fife, and was also a heavy yielder. In spite of what my friend from Blaine Lake (Hon. Mr. Horner) or anybody else may say, the West really grew up on Marquis wheat. I grew it myself for twenty years, until the thirties, when rust started to develop, and from that time we grew a strain known as Thatcher wheat, which was developed in North Dakota and later brought to this country. Most of us have been growing Thatcher wheat right up to the present time. But during the last two years a new form of rust, known as 15-B, has attacked the wheat crops in Western Canada. It blows in with a southeast wind from the United States. The spores come from the barberry bush. Last year the southeast winds blew for three months almost steadily, carried the spores into Manitoba, Saskatchewan and Alberta, and practically destroyed the whole of our crops. At any rate, it was the poorest crop we have grown in the last twenty years.

To go back a little, I find in the records this statement, that a man by the name of McMurachy, at McConnell, Manitoba, not long ago went into a field of badly rusted wheat and found one stem that was not affected. He gave the straw to his daughter, and she lost it somewhere in the field, but after a search they found it. He then turned it over to a cerealist, who crossed it with Exchange and Redman and produced what we now know as Selkirk, which is almost, though not entirely, a rust-resistant strain. I saw some of it growing last summer, and although it had some rust on the leaf it had none on the stem. I am told by my honourable leader that in Manitoba Selkirk produces as much as thirty bushels to the acre. On the other hand, Thatcher wheat which we are growing on better land in Saskatchewan, produced only about ten bushels to the acre, and that is feed wheat.

My honourable leader also showed me a letter from a friend who said he had 3,000 bushels of Selkirk wheat and could not sell it in Manitoba, because the farmers there had no money—which is perhaps a little hard to understand. Of course he could not sell it across the border in the United States, for that would contravene the regulations of the Wheat Board. I suggested that if the Manitoba grower put an advertisement in the Rosetown *Eagle* he would have no trouble selling his wheat up there.

Hon. Mr. Hugessen: In spite of the income tax?

Hon. Mr. Aseltine: I am not suggesting that we have reached that stage yet, although before I conclude my remarks my honourable friend will understand that we are rapidly approaching it.

The farmers in the Prairie Provinces have for the most part been prosperous up to the present moment, because in the years 1950, 1951, 1952 and 1953, they had big crops, and a surplus was built up. The quota system of marketing came into effect, and no matter how close a farmer lived to a town or an elevator he had no advantage over the farmer who lived ten or twenty miles away; each farmer in those years was given a quota of two, four or perhaps five bushels per acre. In 1954 the total quota issued to the farmer was seven bushels, which did not give him an opportunity to market much wheat and forced him to fall back on his reserves. However,

he had been able to market a considerable quantity of 1953 wheat the previous year, and this enabled him to borrow money at the bank.

The 1954 crop was badly rusted, gave a light yield and graded very low. The initial payment on feed wheat is 80½ cents per bushel. With the four-bushel quota now in effect, a farmer cannot obtain much money by selling at 80½ cents. For instance, if he has a 160-acre farm—and under the quota system he must take into account his whole cultivated acreage—he would be able to market only 640 bushels, which would yield him slightly over $500. Under those circumstances, the farmers in my part of the country are something like the farmers referred to by the honourable senator from Kennebec (Hon. Mr. Vaillancourt)—their income is going down and they are getting hard up. However, I hope their income never falls to the low figure my honourable friend mentioned.

That, briefly, honourable senators, is the history of wheat growing which I wished to bring to the attention of the house.

I should like to register an objection against the practice of the Government, the newspapers, the grain companies and the wheat pools of estimating the wheat crop yield about the first of July each year. Last July, while we were being flooded out by rain and the southeast winds were blowing in the rust spores, I for one was certain we would have no crop at all. But just at that time out came the monthly reports from the Government, the newspapers, the grain companies and pools stating that Western Canada generally was going to have another 600 million bushel crop. What happened? While prices were prevented from sagging by reason of the controls in force, the importing countries quit buying wheat. They decided that if Western Canada was to have another 600 million bushel crop, when there was still a surplus from 1953, and even from 1952, they would not buy at that time. They did not buy, and the farmers have not sold much wheat.

While in Winnipeg in September, I talked with one of the big grain companies who sends out such reports, and their first question to me was, "What is your estimate of the wheat crop?" I replied, "I would first like to know what your estimate is". They gave me their figure, which was below the Government estimate by 100 million bushels or so. I said "You are just 100 million bushels too high", and they laughed at me. They pointed out that they had reports from their elevator agents all over the country. Well, it was not very long until the company came out with its final report, and their estimate then was considerably lower than mine.

I object to these reports being sent out too early in the year before an accurate estimate can be made. They only serve to harm the whole grain trade seriously.

Hon. Mr. Macdonald: Would the honourable senator care to give an estimate now for the coming year, on soil conditions?

Hon. Mr. Aseltine: I am not that good a prognosticator.

Hon. Mr. Macdonald: But you have had a lot of experience.

Hon. Mr. Aseltine: I will say this, that we have had plenty of moisture. Although we have not had a heavy snowfall, all the low spots in Western Canada are still full of water from last year's rains, and we do not think we will suffer from lack of moisture. If we can combat the 15-B rust we might have another good crop.

These crop reports, about which I have been talking, frequently contain erroneous information. We have been told that right now there is a surplus of some hundreds of millions of bushels of wheat which have not been marketed. To a large extent that information is wrong. My understanding is that there is practically no old wheat in the province of Manitoba or in the eastern part of Saskatchewan. While in the area from which I come there is considerable, the quantity is nothing like what we are led to believe it is. I noticed that the Winnipeg *Free Press*, in its issue of January 31 last, admitted that the grain on the farms had been overestimated by 61½ million bushels.

Hon. Mr. Horner: You can double that figure.

Hon. Mr. Aseltine: As the honourable senator from Blaine Lake (Hon. Mr. Horner) says, that is just about half of the over-estimate. My estimate is that there are not now any more than 200 million bushels of wheat in storage on the farms awaiting delivery to the elevators.

I would call the attention of honourable senators to an article in yesterday's Montreal *Gazette* which gives quite a complete story of the present wheat situation. According to that dispatch, in the 1952-53 crop year Canada sold 392 million bushels of wheat; and in 1953-54—that is, from August 1, 1953 to July 31, 1954—she sold 288 million bushels, a decrease of 100 million bushels. The article goes on to say that there is some improvement in sight for this year, but the predicted increase in world wheat exports of 5 per cent over the previous year will not help Canada very much, because her exports would still be not more than those of the previous year, 288 million bushels. To support this the

Gazette cited figures showing that from August 1 to December 31 last year Canada exported 117,200,000 bushels of wheat, or 4 million bushels less than the quantity sold in the corresponding period in the previous year, whereas during the same time the United States had an increase in exports of 20 million bushels.

I am hoping that we will be able to sell all of our surplus wheat at a fair price. Our price is away below that in the United States. On February 8, 1955, the price of wheat at Portal, North Dakota, was $2.25\frac{3}{4}$ per bushel; and just across the border at North Portal, Saskatchewan, it was $1.23. The price of $1.23 was for No. 1 wheat, and represented the initial payment only. The Wheat Board makes additional payments from time to time which, after deductions for transportation and other charges, may net the farmer a selling price of $1.50 or $1.60.

Hon. Mr. Horner: There is storage.

Hon. Mr. Aseltine: Storage has to be deducted before the final figure to the farmer is arrived at.

We are sorry that apparently the British market has been lost—perhaps not entirely, but to some extent—and we hope that it will be regained. We would press the Government to take all steps possible under the circumstances to recover that market, because if there is no market for this wheat the effect upon the economy of Canada will be very depressing.

For the information of honourable senators, I would say that right now in addition to wheat stored on the farm, totalling 200 million bushels, the country and terminal elevators are full, and there is still more stored in box cars and in the holds of ships tied up on the Great Lakes until spring. Honourable senators can see that we still have a lot of wheat, possibly more than we can sell, and I therefore press the Government to take whatever steps are possible, not only to regain the wheat market with Great Britain but to sell to Japan, the Orient and all other countries where it is possible to find a market for our wheat.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Howard, the debate was adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, February 17, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PETITIONS FOR PRIVATE BILLS

INQUIRY

On presentation of petitions:

Hon. Mr. Haig: Honourable senators, at this time I should like to ask the Leader of the Government (Hon. Mr. Macdonald) whether this is not the last day for the receiving by the Senate of petitions for private bills.

Hon. Mr. Macdonald: I must admit that during the comparatively short period I have been a member of the Senate I have not examined our Rules with respect to the time limit for receiving petitions for private bills. I have left this matter to others, and therefore I am not in a position to answer my honourable friend's inquiry.

Hon. Mr. Haig: My information is that today is the last day for the filing of petitions. If that is so I want to be assured that no further divorce petitions will be accepted.

Hon. Mr. Macdonald: I am sure that the Clerks at the Table are familiar with the rules, and if this is the last day for filing they would not be empowered to receive further petitions after today without a direction from this house.

Hon. Mr. Haig: That is correct.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I beg to move that when this house rises today, it stand adjourned until Tuesday next at 8 o'clock in the evening.

The motion was agreed to.

CANADIAN NATIONAL RAILWAYS

NEW HOTEL IN MONTREAL— INQUIRY AND ANSWER

Hon. Mr. Reid inquired of the Government, pursuant to notice of January 25:

1. Have any arrangements been entered into by the Canadian National Railways for the leasing, when completed, of the new Canadian National Railways hotel in Montreal?
2. If so, to whom, or what company will take over the management of the hotel when completed, and (a) is the lessee a Canadian concern?
3. Under what terms is it proposed to lease the hotel and what safeguard or guarantees are being taken for the fulfilment of the terms proposed in the lease?

Hon. Mr. Macdonald: The Canadian National Railways advise as follows:

1. The new hotel at Montreal will not be leased. Canadian National Railways, on November 8, 1954, signed a management contract with Hilton of Canada, Limited.
2. See answer to No. 1.
3. The management contract covers the operation of the new hotel based on a carefully developed formula covering a percentage division of profits after payment of all costs of operation. Adequate legal safeguards are contained in the contract.

SPEECH FROM THE THRONE

ADDRESS IN REPLY ADOPTED

The Senate resumed from yesterday consideration of His Excellency the Governor General's Speech at the opening of the session and the motion of Hon. Mrs. Hodges, seconded by Hon. Mr. Tremblay, for an Address in reply thereto.

Hon. Charles B. Howard: Honourable senators, at the outset of my remarks may I be permitted to join with those who have preceded me in congratulating the mover of the Address in reply to the Speech from the Throne, the honourable senator from Victoria (Hon. Mrs. Hodges). I wish to congratulate not only the honourable lady herself, but the Province of British Columbia upon having sent such an illustrious personage to join the galaxy of representatives of that province who were already in this house.

Hon. Senators: Hear, hear.

(Translation):

Hon. Mr. Howard: I hold in high esteem the senator from Lauzon (Hon. Mr. Tremblay), who seconded the reply to the speech from the throne. When I was a youngster, I had the good fortune of living with his family at St. Malachie, where his father was our manager and I know I met then one of the worthiest French Canadian families that I have ever known. I rejoiced when my colleague was elected to represent the riding of Dorchester in the House of Commons, where I sat with him, and even more so when he was appointed to the Senate. He started at the bottom of the ladder and he has made his own way to the position he occupies today. I congratulate him upon his speech and upon his success.

Hon. Senators: Hear, Hear.

(Text):

Hon. Mr. Howard: I wish now to say a few words, with which I am sure everyone in this house will agree, by way of congratulating the Speakers of the Senate and House of Commons upon the splendid reception held in this building in honour of the Queen Mother during her visit last November. Never

in my thirty years of parliamentary life have I seen a ceremony better arranged and carried out.

Hon. Senators: Hear, hear.

Hon. Mr. Howard: I should also like to thank our good friend the honourable Leader of the Government (Hon. Mr. Macdonald), and also the Prime Minister, for having named me as a delegate to the United Nations during the past year. I am sure all members of this house join me in the hope that in the very near future the Western European Union will become a *fait accompli.*

May I also say a word or two about the Honourable Lester B. Pearson, the Secretary of State for External Affairs? It is sometimes not considered proper to praise people while they are living, but after my experience with Mr. Pearson at the United Nations last year I want to say that we have in him a man of whom all Canadians can rightly feel proud. He knows nearly everybody connected with the United Nations, comprising some sixty member nations. He is a diplomat of rare talents, and a gentleman in the true sense of the word. In short, wherever he goes he is an outstanding representative of Canada.

Hon. Senators: Hear, hear.

Hon. Mr. Howard: Honourable senators, the Speech from the Throne this session contains something of interest to every single Canadian citizen, in whatever stratum of life he may be. However, I intend to confine my remarks to three of the subjects dealt with in the Speech.

The first of these is the United Nations, concerning which the Speech says:

> Our country continues to give full support to the United Nations. The Canadian delegation took an important part in the deliberations of the recent meeting of the General Assembly in New York. It is earnestly hoped that the adoption of the resolution on disarmament introduced in the political committee by the Canadian delegation may lead to agreement on an effective system of international safeguards.

The second part of the Speech which I will discuss reads as follows:

> During the summer arrangements were completed to permit the navigational facilities of the St. Lawrence River to be enlarged and a hydro-electric project to be undertaken in the International Rapids section.

The third subject to which I will refer is the National Housing Act, 1954. It is not necessary for me to quote what the Speech says on this.

Now, dealing with the United Nations, I will begin by reading from the remarks made at the opening of the General Assembly by Canada's Secretary of State for External Affairs:

> This is the ninth year in which we have come together from all corners of the world to discuss and try to solve international problems in the hope which is not realized often enough that by doing so we may ease international tensions and promote human progress.
>
> The United Nations like other human institutions is developing its own traditions, its own techniques. It has had its successes and its failures. Perhaps a disproportionate amount of attention has been devoted to the latter, which are indeed not so much the failure of the United Nations as an institution as of the peoples and Governments which make up its membership.

As honourable senators know, the United Nations has been in existence for nine years. When our good friend the Leader of the Opposition (Hon. Mr. Haig) was a delegate to the General Assembly its meetings were held some miles out of the city of New York, but during the last four years the meetings have taken place in the new building that is the permanent home of the United Nations.

The site for the building was donated by John D. Rockefeller, Jr. It was valued on the assessment roll of the City of New York at $6 million, though it was in probably one of the worst sections of the city. At that time it was occupied by a number of buildings, and these were torn down. The land extends from 48th Street to 42nd Street and from First Avenue right to the East River; and to avoid interruption of the view and traffic congestion, the East Side Drive passes under the buildings. Also, through traffic has been taken off First Avenue: it goes underground at Forty-first Street and emerges at Forty-ninth Street. Consequently traffic in front of the United Nations Buildings is mainly confined to United Nations business. The United States Government considered that from a world standpoint it was important that the meetings of the United Nations should take place in the United States—a view with which I entirely agree—and therefore it loaned to the United Nations $65 million for the construction of the present buildings. As some of you know, these premises consist of the auditorium or assembly hall, the conference building, and the quarters for the Secretariat. Some countries made donations towards the construction of these buildings. Canada provided, at a cost of $75,000, the special nickel alloy entrance doors situate at the north end of the building. So those who go as visitors to United Nations headquarters enter and leave by doors which our country has donated. There are 3,000 people in the employ of the Secretariat, which, as is generally known, is headed by the Secretary-General, Dag Hammarskjold. At the present

time the membership consists of sixty countries. Twenty-one others have applied for admission. Because the members of the Security Council other than Russia would not consent to admission to the United Nations of North Korea, Mongolia, and other Communist countries, Russia placed a veto on the entry of Italy, Japan and some other states. Therefore none of the twenty-one countries has been admitted. It rests with the Security Council to recommend for or against the admission of any applicant nation, and only in the Security Council may Russia or any of the "Big Five" exercise the power of veto. Otherwise the various issues are settled on a straight majority vote basis.

This year when President Eisenhower proposed his disarmament and atomic energy programs, a move was at once made to refer the proposals to the Security Council; but this move was blocked by a majority vote and the proposals were dealt with on their merits in the General Assembly. Had they gone to the Security Council the power of veto would have been applied.

As a member of the "Big Five", China has a seat on the Security Council, but it so happens that Formosa China holds the seat, and Red China will not have anything to do with the United Nations until Formosa China is kicked out. It is a question whether Formosa China or Red China should occupy the seat allotted to China. My personal view is that both should be given seats. I certainly would not kick out the Formosa Chinese, and I would not block admittance of Red China.

Hon. Mr. Lambert: May I interrupt my honourable friend to ask him whether the term "Formosa Chinese" is now being used at the United Nations to describe the Nationalist Chinese?

Hon. Mr. Howard: That is right. I have used the term "Formosa Chinese" to be sure that we do not confuse Nationalist China with Red China.

The Security Council consists of eleven members, five of whom hold permanent seats. These are the "Big Five"—the United States, the United Kingdom, Russia, France, and China. The remaining six member nations are elected for two-year terms by the General Assembly and are not eligible for immediate re-election. Canada served two years on the council but is not a member at present. Another Commonwealth country is serving on the council now.

The Security Council meets whenever required to consider a threat of peace; for example, its members have recently been called together to discuss the Formosa and Red China problem.

The Economic and Social Council of the United Nations consists of sixteen members, all of which are elected. Canada has also served a term on this council, but is not at present a member. This council meets two or three times a year.

The United Nations has many specialized agencies, the most important of which include the World Health Organization, the International Labour Organization, and the Food and Agriculture Organization. These agencies operate independently in their own fields but have working agreements with the United Nations. Canada belongs to all of them.

It might be said that there are five branches to the United Nations: the Security Council, the Economic and Social Council, the General Assembly, the five Committees, and the Secretariat.

Each nation is entitled to send five representatives and five alternates to each session of the General Assembly, the purpose being that every nation should be represented on each of the five committees. I shall elaborate on this later.

Canada's delegation to the Ninth Session of the United Nations last year, was headed by the Honourable Lester B. Pearson, as Chairman, and the Honourable Paul Martin, as Vice-Chairman. An accomplished bilinguist, Mr. Martin had a fine way of getting on with some of the adversaries we ran across. Our other delegates were D. M. Johnson, permanent Canadian representative to the United Nations in New York; G. D. Weaver, Member of Parliament for Churchill; Lucien Cardin, Member of Parliament for Richelieu-Vercheres; Mrs. K. G. Montgomery, Edmonton; Charles Stein, Q.C., Under-Secretary of State; K. P. Kirkwood, then of the Department of External Affairs and now Canada's Ambassador to Egypt; Stuart Hemsley, of the Department of External Affairs, and myself.

Earlier in this debate the honourable Leader of the Opposition (Hon. Mr. Haig) suggested that Canada should be represented at the United Nations meetings by members of all Opposition parties as well as by members of the party in power. Last year, the Government invited all parties to name parliamentary observers to be attached to the Canadian delegation, and the following attended as such: T. H. Ross, M.P., Andre Gauthier, M.P., A. R. Lusby, M.P., J. L. MacDougall, M.P., all of the Liberal party; Roland Michener, M.P., of the Progressive Conservative party; A. B. Patterson, M.P., of the Social Credit party; and M. J. Coldwell, M.P., and Clarence Gillis, M.P., of the C.C.F. It is my opinion that the number of observers

should be increased to include five senators and at least twenty members of the House of Commons.

Hon. Mr. Lambert: Hear, hear.

Hon. Mr. Howard: I would also suggest that each year new observers be sent, so that as many Members of Parliament as possible will be able to see at first hand what goes on at the United Nations. Sometimes members of the Senate and of the House of Commons find difficulty in handling certain questions, even though we can all speak the same language. We may differ in our way of thinking, but when we are unable to agree upon something we can at least agree to disagree. But the United Nations is made up of sixty nations, whose representatives speak a great variety of languages, and when you walk into a lounge room and hear one group talking French, another English, another Chinese, another Spanish, and so on, you begin to realize that it is very much more difficult for them to arrive at a common understanding of things than it is for us. In the United Nations quite a conglomeration of peoples have got together to try to do business, and it takes plenty of time to iron out the many difficulties, especially when each committee strives for unanimity in its reports, which must go to the General Assembly for approval. In the General Assembly any single person can disagree with a committee report and, by a two-thirds majority vote, the report can be thrown out. Incidentally, this did not happen last year.

Honourable senators, I want to pay tribute to our staff at the United Nations. I have never met a brighter and better informed group of young men than the Department of External Affairs officials who make up that staff. It was the practice for all members of the Canadian party to meet each morning in the common room at the Beekman Tower Hotel, where a representative of each committee would give a report on what had happened the preceding day. By this means we were kept completely posted as to what was going on in the various committees; and whether you were an observer or a delegate you had the right to express your opinions and offer suggestions.

I want to pay tribute also to the delegates who went to the San Francisco conference nearly ten years ago. At that time the representatives of Canada—my friend the honourable senator from Kootenay East (Hon. Mr. King), who is sitting right in front of me now; the Prime Minister, the Right Honourable Louis S. St. Laurent, who was then Minister of Justice; the Honourable Lester B. Pearson, Mr. M. J. Coldwell, M.P., and the late Gordon Graydon, M.P.,—did a splendid job in helping to create the United Nations Organization.

Hon. Mr. Macdonald: Hear, hear.

Hon. Mr. Howard: I hold in my hand the agenda of last year's General Assembly, containing sixty-seven items. The agenda allots certain items to seven committees of the Assembly: First Committee, Political; Second Committee, Economic—on which I was chairman of the Canadian delegation; Third Committee, Social and Humanitarian; Fourth Committee, Trusteeship and Non-self-governing Territories; Fifth Committee, Administration and Budget; Sixth Committee, Legal; and a Special (*ad hoc*) Committee, which is usually set up each year to share the political work.

I have before me a list showing the assessments of member countries. The annual net budget of the United Nations is about $40 million. Each country except the United States is assessed in proportion to its national income. The United States, however, which might pay more than half the budget if strictly assessed according to its national income, is limited to 33⅓ per cent of the budget, because it was decided that no nation should pay too large a share. In business, that method is known as a "cut-off". Of course, if more nations could be admitted to the United Nations the cost of each country's contribution would be reduced.

Hon. Mr. Isnor: Who determined that cut-off, the United Nations or the United States? I believe it was the United States which decided that no country should contribute beyond 33⅓ per cent, was it not?

Hon. Mr. Howard: That is right. It was thought at the time that if the United States were allowed to contribute its full proportion of about fifty per cent of the total cost, it would have too much to say in the affairs of the United Nations, and for that reason the cut-off of 33⅓ per cent was stipulated.

Hon. Mr. Euler: Are not some of the countries in arrears?

Hon. Mr. Howard: None at the present time.

In 1955 Canada will be paying 3·63 per cent of the United Nations' budget, or roughly $1,400,000. The U.S.S.R. pays 15·08 per cent, or more than four times as much as Canada. The United Kingdom pays 8·85 per cent. Thus, Russia pays almost twice as much as the United Kingdom. It might be of interest to honourable senators to know that the Canadian payment averages just over ten cents per year for each citizen. The percentages given do not include contributions

made through the United Nations to voluntary programs of relief and assistance to under-developed countries, to which all the countries pay as much or as little as they wish. Canada has a very good record of voluntary contributions. For example, so far Canada has paid $7¼ million to the United Nations Korean Reconstruction Agency, approximately $3½ million to the United Nations Agency for Palestine Refugees, nearly $9 million to the United Nations Children's Fund, and $3,400,000 to the United Nations Technical Assistance Program for Under-developed Countries. The Technical Assistance Program was dealt with by the honourable senator from Vancouver (Hon. Mr. McKeen) the other evening.

Hon. Mr. Horner: May I ask the honourable senator a question? Do the figures for Russia include the Ukraine and all the Soviet Socialist Republics?

Hon. Mr. Howard: The percentages do not include the amounts of money contributed to the various relief organizations. The money which Canada has paid, in most cases, has been used for the purchase of supplies in Canada for shipment to other countries.

Honourable senators will be interested to know why Canada stands so high in the estimation of other nations. We are apt to boast about our country—our people and our natural resources, and all the good things we possess. It is natural for the people of any country so richly endowed to do so. However, there is a very special reason for Canada's position in world affairs today. Any country dominated or controlled by another is likely to be aroused to antagonism, even if the controlling country is doing its best to help. For instance, Great Britain has done a wonderful job in raising the standard of living of countries under her control, but a feeling of antagonism has sometimes been shown toward her. Canada has never controlled any other country, and that fact has put us in a preferred light in the eyes of the other Commonwealth countries. The United States, on the other hand, has incurred disfavour—but for only one reason; that is, jealousy. Of the sixty nations comprising the UN, let us not forget that fifteen are "donor" nations and forty-five are "taker" nations. It is not surprising therefore, that it is hard to get agreement among them all on some of the most important questions at issue. There can be no doubt that while the United States has been very liberal, the under-developed countries are highly jealous of that country.

Let me relate an incident that illustrates Canada's favoured position. When the question of disarmament arose at the United Nations, Russia proposed that it be referred to the Security Council, and that proposal was voted down. Then the United States and the other "donor" nations had a conference to decide which country should sponsor an acceptable resolution. The United States representative said that if he did so, some other countries would not like it. The United Kingdom representative felt that he was in a similar position. Finally, it was agreed that if Canada was chosen as sponsor, the resolution would "go over." As a matter of fact, it did "go over." Canada sponsored the resolution, and when the question was put to a vote, Russia voted with us for the first time in the nine years that the United Nations has been in existence.

Turning briefly to the East Asian situation, may I say to my honourable friend from Waterloo (Hon. Mr. Euler), that I disagree entirely with the thoughts he expressed here a few days ago. I concur in what was said by the honourable member from St. John's West (Hon. Mr. Pratt) and the honourable member from St. John's (Hon. Mr. Baird). Honourable senators, we must try to understand the thinking of the East Asian people. They do not think as we do, and for that reason we cannot deal with them on the same basis as we can with, shall I say, the Christian nations. But any country that has the necessary money and power behind it can deal with the East Asians, for they understand force and nothing else.

I think the whole world should congratulate the President of the United States, who went before both houses of the Congress and secured almost unanimous approval to move the Seventh Fleet in between Formosa and Red China in order to prevent either side from starting to fight. That was one of the most progressive steps towards peace in our time.

Some Hon. Senators: Hear, hear.

Hon. Mr. Howard: With the force that is now being displayed, I think we shall be able through diplomatic channels to get an agreement for peace.

To my way of thinking, there are three main causes of war: narrow nationalism, differences of religion, and differences of language. Until my recent visit to the United Nations I had not realized the far-reaching effect of religious and language differences. As honourable senators know, I come from a section of Canada where the population is for the most part made up of English Protestants and French Catholics. In that area each group has every respect for the religion of the other; and we understand each others' language and get along very well together. But the situation is entirely different when

we get into world affairs, involving some 150 languages, perhaps twenty of which are spoken at the United Nations, although only some five of them are translated.

The greatest preventives of war, in my opinion, are the strength of the United Nations, diplomacy, and the power we have developed through NATO countries, which I might call the "donor" countries. I am sure that the honourable senator from Waterloo (Hon. Mr. Euler) will agree that when he holds trump cards in a bridge game he can play much more comfortably than when he is holding poor cards. In other words, if you have power behind you, you can negotiate with other countries more easily than if you lack power.

Hon. Mr. Euler: I don't play bridge very well even when I hold good cards.

Hon. Mr. Howard: I should like to mention some of the problems which I encountered while at the United Nations, and which will no doubt be met with by future delegates. I would mention first the Cyprus question. As honourable senators know, Great Britain was the protector of the Suez Canal since its construction nearly ninety years ago; she stood as a bulwark of strength and fair play, and allowed free access to the canal by ships from every nation of the world. But she was obliged to withdraw from Egypt, and ceased to be a protector of the Canal Zone. With the change of events she found it necessary, in her own interests and that of the world generally, to establish a base as close to the canal as possible so as to meet possible trouble in the future. Consequently, Britain took control of Cyprus, an island with a population of about 200,000 Moslems and 300,000 Greeks. The Greeks wanted to have the British withdraw and the island turned over to them. Now, Cyprus, situated as it is off the coast of Lebanon and Palestine, is a long way from Greece and still farther from Great Britain, but is the closest point at which Britain can locate a base to protect the Suez Canal. I mention that to illustrate the type of serious problem that comes before the United Nations for its decision.

Another question which demanded our serious thought was that of West New Guinea. As honourable senators know, that country has been a protectorate under Dutch control for many years. It has been developed to the stage where its people now have an improved standard of living, but it is not advancing fast enough to suit them and they would like to get free of Dutch control. Australia objected to the proposal, because it would like West New Guinea to remain with Dutch Indonesia, and to join, shall I say, the Indonesian group.

The committee of which I was a member discussed at some length the functions of SUNFED—the Special United Nations Fund for Economic Development of underdeveloped countries. We all know that when money is borrowed by an individual it sometimes becomes difficult, for any number of reasons, for him to meet even his interest payments, and when pressure is used to force collection it creates hard feelings. The same thing applies to nations. In some instances we have advanced money to a certain country, and because of a decline in exports or a drop in the price of the products of that country it has been unable to meet its interest payments. Incidentally, a couple of cases of that type are being considered at the present time. As I have said, any attempt to force the collection of arrears soon creates hard feelings.

It was suggested by some of the forty-five "taker" countries that inquiry should be made to find out whether the "donor" countries would be willing to participate in interest-free loans to "taker" countries which were willing to help themselves. Of course many difficulties can arise in such transactions. For instance the borrowing country might not permit repayment to the lending country at the time agreed upon. It was argued, and rightly so, that money used to raise the standard of living in under-developed countries would create a market for products of Canada, the United States and other advanced countries. That was a serious question which involved the time of the committee for six weeks.

It should always be remembered that despite the fact that the United States contributes 33⅓ per cent of the United Nations budget, she has no more to say than a small country such as Yemen. Incidentally, when I walked into the United Nations Assembly I noticed on a desk a card bearing the name "Yemen", a country I had never heard of. I consulted the map and learned that it is a small kingdom in Arabia, situated not far from the Red Sea. That little country, as I say, has its voice, just as have the bigger countries, in the business of the United Nations. When the General Assembly opens, each nation has a right to speak, and very often one has to listen for days to representations made by one country. Fortunately, any delegate has only to turn a switch at his seat to get a simultaneous translation in his own language of a speech being made in a foreign tongue.

I have perhaps tired honourable senators by my lengthy remarks about the affairs of the United Nations, so I will turn to my next topic, the St. Lawrence Seaway development.

In speaking of that great development we hear many people say that it should have

been started years ago. No doubt that is true, but let us face the isue. We have 2,200 miles of continuous waterway from the Strait of Belle Isle to the head of the Great Lakes, in the heart of Canada and the United States, yet because of the lack of development of a sixty-five mile section in the St. Lawrence River it has not been possible to have through shipping for deep-sea vessels. But in discussing the project today, we should remember that every great work that has been achieved in Canada—such as the construction of the Canadian Pacific and the Canadian Northern railways and the development of the West—has been undertaken in a period of prosperity. With the growth of the iron ore mining now going on in Ungava and the kudos that Canada is getting from it, and with the construction of the St. Lawrence Waterway, I firmly believe that we shall continue to enjoy the prosperity that we have had during the past ten years, and that for once—and perhaps from now on—it will be prosperity that was not created by a war. I therefore congratulate the Government on having undertaken the great seaway project, and on being successful in having the United States join with us. An undertaking of such magnitude at this time will greatly improve the employment situation in Canada.

Honourable senators, may I conclude with a few words concerning the housing situation. Without being in any way boastful, I may say that years ago I had the idea that it would be a great thing for Canada if more people owned their own homes. However, the down payment was the big obstacle. At that time a $5,000 house could not be built without an initial payment of at least $1,500 or $2,000. I had the idea that if a prospective home-builder was known to be reliable, a down payment was not necessary. After all, in the business of my honourable friend from Waterloo (Hon. Mr. Euler), and to some extent in my business, the moral risk is an element to be considered above any other. I have made it a rule that if a man has been employed for five years on the same job, and is getting a certain salary, he must therefore be rated as steady and a good worker. The houses that I built were financed by money borrowed from a trust company at 7 per cent interest. Today, thirty years later, we are almost at the same stage, except that the Government is handling the situation. Out of the fifty houses that I built, only two were turned back, and in each case because the breadwinner took sick and died and his family were unable to continue the payments.

If I were again to undertake the building of houses I would require—and I say this by way of a suggestion to the Government in connection with its housing developments—a self-liquidating insurance policy covering the balance of the payments. Then if a home-owner were to die at any time after moving into his house and before he had fully paid for it, the balance owing would be paid by the insurance company. The amount of the risk would decrease annually until the home was paid for either by the home-owner, if he lived, or, if he did not, by the insurance company. Make no mistake, honourable senators, the housing legislation brought in by the present Government and administered by the Central Mortgage and Housing Corporation, including the methods of financing, constitutes some of the most beneficial legislation ever enacted. However, I was sorry when I read in the press yesterday that the interest rate on mortgage loans had been lowered to only 5¼ per cent instead of to 5 per cent. Construction of homes creates employment, and increases the number of home-owners, and is thereby a deterrent to communism. It would be difficult to overestimate the importance of all this to Canada at the present time.

Hon. Senators: Hear, hear.

Hon. Mr. Isnor: Would the honourable senator be good enough to enlarge on the statement he made regarding payments by Russia to the United Nations' budget? He stated that Russia paid four times as much as Canada. I wonder if that is so in fact. Can he give us the basis of assessment of the various countries?

Hon. Mr. Howard: The contribution by a country to the United Nations' budget is based on its gross national income and total population. For example, Canada's gross national product last year amounted to $23 billion, and our contribution was based on that income. I gave the house Canada's percentages, which in dollars and cents last year amounted to $1,400,000, or an equivalent of 10 cents per person per year.

Hon. Mr. Isnor: Is it not a fact that Canada's contribution or assessment is the largest *per capita* of any member of the United Nations?

Hon. Mr. Howard: That may be true, because the basis of calculation is the total population and national income. A country with a high population and a low gross national income naturally would pay less *per capita* than is paid by Canada, which has a high national income and a low population.

Hon. Mr. Lambert: Will the honourable senator permit a question? Am I right in assuming that the percentage he has reported for Russia this year is a considerable increase over what it was four or five years ago.

My impression is that Russia's contribution to the United Nations was very much below what one might have expected in view of her population and wealth. When I was at the United Nations in 1947—if I may enlarge for a moment—Canada contributed something like 3.4 per cent of the total budget, and today it is 3.6 per cent. In addition we paid our share for the special agencies and special causes to which the honourable senator referred. I think it is still true that Russia is not paying a fair proportion of the United Nations' budget in relation to her total population and national wealth.

Hon. Mr. Howard: I have given the house all the information that I possess on this matter.

The motion was agreed to, and the Address was adopted.

The Hon. the Speaker: Ordered that the said Address be presented to His Excellency the Governor General by such members of this house as are members of the Honourable the Privy Council.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Ross, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill B-6, an Act for the relief of Hazel Irene McKay Puttee.

Bill C-6, an Act for the relief of Demetra Denis Varverikos Kotsos.

Bill D-6, an Act for the relief of Therese Deschamps Pare.

Bill E-6, an Act for the relief of Beatrice Edith Paige Bouchard.

Bill F-6, an Act for the relief of Sheila Edith Emily Little Staniforth.

Bill G-6, an Act for the relief of Elias Helakos, otherwise known as Louis Childs.

Bill H-6, an Act for the relief of Albina Legault Desjardins.

Bill I-6, an Act for the relief of Maia Piibe Paul.

Bill J-6, an Act for the relief of John Russell Watt.

Bill K-6, an Act for the relief of William Watson Southam.

Bill L-6, an Act for the relief of Marie Joyce Kane Grant.

Bill M-6, an Act for the relief of Anton Josef Cermak.

Bill N-6, an Act for the relief of Myriam Micheline Weil Goldschmied.

The motion was agreed to, and the bills were read the second time, on division.

THIRD READINGS

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Aseltine: With leave, I move the third reading now.

The motion was agreed to, and the bills were read the third time, and passed, on division.

PETITIONS FOR PRIVATE BILLS

ANSWER TO INQUIRY

Hon. Mr. Macdonald: Honourable senators, may I be permitted to revert to the question which was raised by the honourable Leader of the Opposition (Hon. Mr. Haig) with respect to the last day for submission of petitions for private bills? I have had an opportunity of looking up the rules ;and I find that Rule 110 provides that:

> Petitions for private bills shall only be received by the Senate if filed with the Clerk of the Senate within the first six weeks of the session.

I have been in touch with the Clerk, and he informs me that, as the Leader of the Opposition suggested, this is the last day for receiving these petitions.

Probably honourable senators will be interested in the latter part of the rule, which states:

> . . . no motion for the suspension of this standing order shall be entertained unless a report has been first made by the Committee on Standing Orders recommending such suspension.

UNITED NATIONS BUDGET

CONTRIBUTIONS OF MEMBER STATES

On the motion to adjourn:

Hon. John T. Haig: I would ask the indulgence of the house to make a statement: if anyone objects, I shall have to sit down. I suggest to the honourable senator from Wellington (Hon. Mr. Howard), following the remarks made by the honourable senator from Ottawa (Hon. Mr. Lambert) and the honourable senator from Halifax-Dartmouth (Hon. Mr. Isnor), that on Tuesday the house should be given an authoritative statement of the exact contributions to the budget of the United Nations for the current fiscal year by Russia, Canada, the United Kingdom, the United States, and other member countries. In 1946 I was present at the United Nations Assembly, where I took the place of Mr. Bracken, who was sick, as a member of the finance committee. I recall that the representative of Brazil, a very able financier, presented the various figures and facts as to these payments, which are based on the total production of the member states. At that time

Canada paid more than Russia. There should be no question of the correctness of the figures presented to the house on this matter.

Hon. Mr. Howard: May I answer?

The Hon. the Speaker: If the house agrees.

Some Hon. Senators: Agreed.

Hon. Mr. Howard: I am one hundred per cent in agreement with the honourable Leader of the Opposition that we should be sure our figures are right, but I hope he does not suspect that I got them out of the air or out of a hat. They were given to me in writing from the Department of External Affairs.

Hon. Mr. Haig: All I ask the honourable senator to do is to inform the appropriate departmental officials that this question has been raised and, on their authority, to assure us that the figures he quoted are correct.

The Senate adjourned until Tuesday, February 22, at 8 p.m.

THE SENATE

Tuesday, February 22, 1955

The Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker in the Chair

Prayers.

Routine proceedings.

DIVORCE STATISTICS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce: Honourable senators, I beg to present a number of petitions for divorce, and I will use the opportunity to give some figures which may perhaps be of interest.

As honourable senators are aware, the time for filing petitions expired on February 17. The number actually filed up to that date was 472, considerably more than when I made my previous report. Up to the present moment we have heard and recommended 207 petitions; two have been rejected, five have been withdrawn, four have been partially heard, and 254 are now pending.

I may say that an additional 35 petitioners have published notice of intention, but as no petitions have yet been filed by them their cases will not come before us at the present session.

Hon. Mr. Vien: May I ask the honourable gentleman if he has statistics with respect to the number of divorce applications being heard by the provincial courts?

Hon. Mr. Roebuck: I do not have such statistics with me.

Hon. Mr. Vien: Are such records kept?

Hon. Mr. Roebuck: Yes, the statistics are available. Had I anticipated the question, I would have come prepared to answer it. If the honourable gentleman would care to put an inquiry on the Order Paper. I am sure the information can be provided.

DIVORCE PETITIONS

REPORTS OF COMMITTE

Hon. Mr. Roebuck presented the reports of the Standing Committee on Divorce, Nos. 169 to 205, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

INTERNATIONAL TRADE

NOTICE OF MOTION

Hon. A. Neil McLean: Honourable senators, with leave of the Senate I beg to move:

That the Standing Committee on Canadian Trade Relations be empowered to inquire into and report on:

1. What, in their opinion might be the most practical steps to further implement article 2 of the North Atlantic Treaty whereby the signatories to that document agreed that: "They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them."

2. That notwithstanding the generality of the foregoing, the committee be instructed and empowered to consider and report upon how, in their opinion,

(a) any project for developing economic collaboration specifically between the countries which are signatories of the North Atlantic Treaty, can be co-ordinated with the trade policies of other countries of the free world;

(b) any project for developing economic collaboration between the countries which are signatories of the North Atlantic Treaty, might have the same degree of permanence that is contemplated in the twenty year military obligation under article 5 of the treaty whereby "the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all".

3. That the committee be empowered to extend an invitation to those wishing to be heard, including representatives of agriculture, industry, labour, trade, finance and consumers, to present their views, and that the committee also be empowered to hear representatives from business interests or individuals from any of the NATO countries who might wish to be heard.

4. That the committee be empowered to send for persons, papers and records, and to secure such services as may be necessary for the purpose of the inquiry.

I may say honourable senators that this is exactly the same motion I placed before the house last year, and it was adopted unanimously. That is the reason I am presenting it to the Senate tonight without notice. If there is any objection I will be very glad to have it considered as a notice of motion.

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to agree with this motion?

Hon. Mr. Haig: A notice of this motion should have been given.

The Hon. the Acting Speaker: It stands as a notice of motion for Thursday.

PRIVATE BILL

BONAVENTURE AND GASPÉ TELEPHONE COMPANY—FIRST READING

Hon. Mr. Bouffard presented Bill P-6, an Act respecting The Bonaventure and Gaspé Telephone Company Limited.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Bouffard: With leave, tomorrow.

PRIVATE BILL

LONDON AND PORT STANLEY RAILWAY COMPANY—FIRST READING

Hon. Mr. Taylor presented Bill Q-6, an Act respecting The London and Port Stanley Railway Company and the Corporation of the City of London.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Taylor: Thursday next.

LIBRARY OF PARLIAMENT BILL

SECOND READING

Hon. Norman P. Lambert moved the second reading of Bill B, an Act to amend the Library of Parliament Act.

He said: Honourable senators, last June, just before prorogation, at a meeting of the Joint Committee of both houses on the Library of Parliament a resolution was unanimously adopted recommending that at the next session the Government should introduce a bill to amend the existing Library of Parliament Act in order to effect certain changes in the internal organization and set-up of the library. The bill before us tonight, Bill B, is almost a literal reflection of the Joint Committee's recommendation of last June. On June 23 that recommendation, as embodied in the report of the Joint Committee tabled by His Honour the Speaker, one of the Joint Chairmen of the committee, was unanimously concurred in by the Senate; and on the same day the same report was concurred in by the House of Commons.

There is nothing complicated about this bill, but in order to simplify its background I should like to place on record the recommendation to which I have just referred. It reads as follows:

> That at the next session of Parliament, the Library of Parliament Act be amended so as to have only one Librarian in charge of the whole Library from such time as one of the present Joint Librarians may retire; it being understood that there shall be an Associate Librarian who shall be required to possess the full and practical knowledge of the official language which is not that of the Librarian for the time being, and that the Librarian should be alternately English speaking and French speaking according to the unwritten rule which has always been observed for the Speakership and elsewhere.

As I have said, that recommendation was unanimously concurred in and adopted by both houses.

The bill is composed of four clauses. Clause 1 provides for appointment of a Parliamentary Librarian and an Associate Parliamentary Librarian. I think I am right in saying that provision for the use of official languages has never been spelled out in any statute in exact detail; and so the wording of the Joint Committee's recommendation was much more specific than is the wording of this bill. But the intention is, as I understand it, to follow the conventions of Parliament under which the equality of the two official languages is recognized. Whenever the mother tongue of the Librarian is English, that of the person appointed to be Associate Librarian will be French, and *vice versa*.

Honourable senators, the bill really makes no other change in connection with the operation of the Library, which is carried on under rules and regulations agreed upon jointly by the Speaker of the Senate and the Speaker of the House of Commons, supported and concurred in, wherever possible, by the Joint Committee of both houses on the Library.

The final clause of the bill, clause 4, provides that this act shall not come into force until a vacancy occurs in the office of either the General Librarian or the Parliamentary Librarian. At the present time there is a General Librarian as well as a Parliamentary Librarian, each having equal powers. This bill seeks to eliminate that duplication, and in the interests of efficiency of administration seeks to establish one head Librarian, and an Associate Librarian, whose functions are set forth in the bill.

Honourable senators, with that explanation, I suggest and recommend that this bill be given second reading.

Hon. Mr. Roebuck: Could the honourable senator give us any report on the library as things now stand? What is the news from the library?

Hon. Mr. Lambert: In answer to the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), I may say that the report of the Joint Committee of both houses on the Library of Parliament was tabled in this chamber on June 22, 1954, and in the House of Commons on the following day. This report was generally and unanimously concurred in. The report was brief, and the second clause, which I have read, is the only one that has any bearing on the bill now before the house.

Hon. Mr. Reid: Honourable senators, I am sorry indeed that I was unable to attend the meeting of the joint committee the other day. I would like to ask the honourable

gentleman from Ottawa (Hon. Mr. Lambert) a question regarding the library, and perhaps not directly related to the bill itself. My question is this: At the meeting was any information given as to when we might expect the library to be finished? I ask that because I am told that these Parliament Buildings took three years to build, and it looks to me as if the renovation of the library alone will take three years.

Hon. Mr. Lambert: In reply to my honourable friend, I can only say that at the committee meeting last June, just before prorogation, this very question was brought up, and owing to grave delays, which were increased by the unfortunate collapse of the floor, it was estimated that it would be a year and a half before the work could be completed and the books transferred from the temporary quarters to the renovated library. At a meeting of the same joint committee last week that question was brought up again, and the best advice that could be given to the committee was the same as that expressed last June, namely, that completion would not be possible for a year and a half.

Hon. Mr. Haig: Honourable senators, may I ask if it would not be advisable to have this bill referred to the Banking and Commerce Committee, so that certain persons could be asked to come and give us the information we require? I do not think we should be tied down to a report of a committee which we only partly control. If anyone were to ask me when the library would be finished, I could not tell him, from what I have heard tonight. If the proper persons were called before our Banking and Commerce Committee they could answer the question put by the honourable senator from New Westminster (Hon. Mr. Reid), and inform the rest of us as well.

Hon. Mrs. Wilson: Honourable senators, I attended the committee meeting last week, and I regret to say that I was the only senator present, although many other senators are members of the committee. I understood from a report presented at the meeting that the library would be ready in January 1956; but of course, with the usual delays, it might not be possible to move back into the library before April of that year.

Hon. Mr. Lambert: I should like to comment on the request of the Leader of the Opposition (Hon. Mr. Haig). This is a Government bill, and if the Leader of the Government (Hon. Mr. Macdonald) wishes to grant the request of my honourable friend and have this bill referred to the Banking and Commerce Committee, or any other committee, I would be agreeable; but personally I do not think it should be necessary to do so, in view of the information that was given and the full opportunity that the members of this house had to study the subject last June. The representation of the Senate on the joint committee of both houses was then able to acquaint itself intimately with what was going on. To refer the bill to committee now would in my opinion be just needless repetition, and I think the Senate should confront itself with things that are more necessary at this time.

Hon. Mr. Horner: Honourable senators, I understood my honourable friend from Ottawa (Hon. Mr. Lambert) to say that at the meeting of the committee held last week it was estimated that the library would not be completed for still another year and a half. I hope the committee will not keep on estimating the library will take a year and a half to complete. I am reminded of the fellow who was running along a road and at every turn thought he was getting close to his destination. But when he made the turn he always found that he still had farther to go than what he had first thought was the total distance.

Hon. Mr. Lambert: May I suggest that the question when the library will again be occupied is quite out of order in connection with this bill. If such information is sought, the answer can definitely be obtained by having an inquiry placed on the Order Paper, for I am quite sure that the Leader of the Government (Hon. Mr. Macdonald) would be only too glad to get that information from the Department of Public Works.

Hon. Mr. Isnor: Honourable senators, I do not intend to refer to the repairs to the library or the report of last June. The bill makes mention of the Speakers of the two houses, but I understand that in recent years the library was to a great extent under the jurisdiction of the House of Commons. I would like to ask the honourable senator from Ottawa (Hon. Mr. Lambert) under what department or minister the Library of Parliament operates at the present time.

Hon. Mr. Lambert: Since I have had anything to do with the joint committee, as a humble member of it, along with other members appointed from this house, the Speakers of both houses have been joint chairmen, and they have assumed the responsibility of preparing the agendas of all the meetings and of having a complete hearing of the views on any subject which came up for consideration by the committee.

As far as ministerial responsibility is concerned the Library of Parliament has always been responsible, through this source, to the office of the Prime Minister. There is no

change in that status today. The minister who attended the last two meetings as a liaison officer between the Library and the Prime Minister's office has been the Honourable J. W. Pickersgill, Minister of Citizenship and Immigration, who is also directly responsible for the National Library as well. In brief, my answer to the honourable senator is that the Prime Minister's office is responsible for the affairs of the Library of Parliament, and that the Minister of Citizenship and Immigration is the liaison minister between the two.

Hon. Mr. Haig: Honourable senators, I have asked a question, but I have not yet spoken on this subject. May I first say that I am surprised that the honourable senator from Ottawa (Hon. Mr. Lambert) should object to this bill being referred to a committee.

Hon. Mr. Lambert: I merely said that it was for the Leader of the Government to say whether or not it should be referred.

Hon. Mr. Haig: My point is that any member of the house may ask that a bill be referred to a committee. If the Leader of the Government objects and the majority of the house are behind him, that is the end of it; but throughout my experience here, whenever an honourable member has asked that a bill be referred to committee, the Government have always agreed. And why should they not agree in this case? They have nothing to fear!

It is of some concern to our people to see the functions of the library scattered around in various buildings, and the library building apparently now no nearer completion than it was a year ago. For my part, I should like to have the Librarian come and tell us why it is necessary to have a Chief Librarian and an Associate Librarian. I am sure he has good reasons for the proposals, but a committee of this house should hear them.

I would certainly have objected to the joint committee's report being passed by this house last session if certain information had been before us at that time. Since an explanation was not given then I now ask the Government to allow this bill to be referred to a committee. If they do not wish to accede to that request, I cannot force them to do so.

I think that the Senate, of all bodies, should examine this bill in every detail. We in this house are not so busy that we cannot do it. Indeed, the cry outside the chamber is that we do not do enough, while in the chamber it is that we have nothing to do. Yet, when I ask the sponsor of this bill to have it referred to a committee, he replies that that is unnecessary. I am not a member of the Joint Committee on the Library, as is the honourable senator from Ottawa, and I do not have the detailed information which he has. With his extensive knowledge and experience, he is undoubtedly better qualified than I to judge as to the needs of the library. However, in my humble opinion, the reconstruction work is taking a long time, and I would like to ask what is happening in the meantime. I happen to know that there is quite a campaign on to have something done with respect to the handling of newspapers and periodicals which come to Parliament. That matter has come to my attention because it affects me personally, and I have a right to know of it.

I would remind honourable senators that it is now only the middle of February and the end of the session is some months off. Therefore, we have no need to hurry our consideration of any subject that comes before us. If, for instance, the honourable senator from New Westminster (Hon. Mr. Reid) wants to obtain some information about the library, by all means give him a chance to ask for it. If there is a good reason for what is being proposed in this bill, let us hear that reason.

Hon. Mrs. Fergusson: May I ask the honourable senator who moved second reading of the bill (Hon. Mr. Lambert) if the Parliamentary Librarian and the Associate Parliamentary Librarian are appointed by the Civil Service Commission, as I presume the rest of the staff are.

Hon. Mr. Lambert: Honourable senators, I do not wish to evade the question that has been asked, but I should like to point out that the appointment of personnel to the library or any place else does not concern us in our consideration of this bill. That is a responsibility of the executive branch of Parliament and of the Government. The bill provides a desirable and advisable change in the set-up of the Library of Parliament, namely, that there be one head instead of two. The Chief Librarian will ordinarily be in charge, and the Associate Librarian will act in his place when the Chief Librarian is ill or absent for any other reason.

Hon. Mr. Vien: Honourable senators, there are two classes of persons employed in the Library of Parliament. The Librarians have the status of deputy ministers, and as such are appointed by order in council and do not come under the Civil Service Act; all other employees of the library function under the Civil Service Commission.

Hon. Mrs. Fergusson: Thank you. That is what I wanted to know.

Hon. Mr. Lambert: I am sorry I did not fully answer the question asked by the honourable senator from Fredericton (Hon. Mrs. Fergusson). I should like to say that the library personnel is composed of thirty-five

temporary clerks appointed jointly by the Speakers of the two houses and twenty-seven permanent civil servants who come under the Civil Service Act. That is, of a total staff of sixty-two, twenty-seven come under the Civil Service Commission, and the rest do not.

Hon. Mr. Macdonald: Honourable senators, I did not understand the honourable senator from Ottawa (Hon. Mr. Lambert) to say that the bill could not be referred to a committee, but rather that he saw no reason for doing so since the purposes of the bill were set forth clearly in the bill itself.

Hon. Mr. Lambert: And that the report of the joint committee was adopted last session.

Hon. Mr. Macdonald: I do not see how the question of when the library building will be finished comes up for consideration under this bill. Certainly the bill does not provide funds for completion of the building, nor has it anything to do with that. I quite agree with the honourable senator from Ottawa, that the bill sets forth its purposes quite clearly and it is not necessary to refer it to a committee.

I shall inquire from the Department of Public Works when it is expected that the library will be finished, and give this information to the house tomorrow.

The Hon. the Acting Speaker: Honourable senators, the question is on the second reading of Bill B, an Act to amend the Library of Parliament Act. Is your pleasure to adopt the motion?

Some Hon. Senators: Carried.

Hon. Mr. Haig: On division.

Hon. Mr. Paterson: On division.

The motion was agreed to, and the bill was read the second time, on division.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Reid: Next sitting.

Hon. Mr. Haig: I would point out, honourable senators, that without the consent of the house it cannot receive third reading tomorrow, and I refuse to give my consent.

The Hon. the Acting Speaker: Thursday.

Hon. Mr. Macdonald: Honourable senators, by Thursday I shall endeavour to have information from the Department of Public Works as to the possible date of completion of the library, and any other general information I can get on the matter.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, February 23, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CRIMINAL CODE

JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW—CHANGE IN COMMONS MEMBERSHIP

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved, that a message be sent to the Senate to acquaint their Honours that the name of Mr. Johnston (Bow River) has been substituted for that of Mr. Shaw on the special joint committee of both houses of Parliament appointed to inquire into and report upon the questions of capital punishment, corporal punishment and lotteries.

LIBRARY OF PARLIAMENT

QUESTION OF PRIVILEGE

Hon. W. Ross Macdonald: Honourable senators, on a question of privilege, it has come to my attention that in a news broadcast today with reference to the Library of Parliament Bill, it was stated in part as follows:

Under the new establishment there would be one Librarian in charge, with an associate. The bill provides that when one of the two current joint librarians retires, the remaining one becomes the Chief Librarian and a new appointment is made representing the other official language as associate.

General Librarian now is Felix Desrochers, who is expected to retire soon. The present Parliamentary Librarian is F. A. Hardy, who would become the new Chief Librarian.

May I point out that I do not know of any reason for believing that Mr. Felix Desrochers is expected to retire soon. A short time ago the other librarian, Mr. F. A. Hardy, was very ill and it was expected that he would be the librarian to retire first. So it is not known which of the two will retire first.

Hon. Mr. Reid: Nor who will die first.

Hon. Mr. Macdonald: Nor who will die first. That would be a compulsory retirement.

Then the report goes on to say:

Hardy's assistant, R. M. Hamilton, a veteran of the library staff, would not move up, however, because of the language division defined in the new bill.

May I also say that the new bill does not define the language division though, as the honourable senator from Ottawa (Hon. Mr. Lambert) explained, it is expected there will be a language division. But it is not set forth in the bill.

Then the report goes on:

Guy Sylvestre, Desrochers' assistant, who would be in line for the Associate Librarian's job, is a newcomer to the staff and was formerly Mr. St. Laurent's private secretary. Under the bill he would become the new Associate Librarian when Desrochers retires, moving up ahead of Hamilton.

Well, there is no provision whatever in the bill that either Hamilton or Sylvestre would move up. The bill provides that when one of the present librarians retires the remaining librarian will then be the Parliamentary Librarian and an Associate Librarian will be appointed by the Government. This report suggests that the bill is being presented so that Sylvestre can automatically move up to be the Associate Librarian. There is nothing in the bill to that effect, and nothing can be read into the bill to that effect. It is all surmise whether the next Parliamentary Librarian will be of the French language or of the English language. The bill has not been drawn up or contemplated or presented to this house with a view to appointing any one person of either language or who held any former position to the position either of General Librarian or of Associate Librarian.

Hon. Mr. Haig: May I ask the honourable leader a question? Would it not have been nice if we had had that information in the Banking and Commerce Committee this morning? I think it would have been very nice. I want to say right now, on a question of privilege, that I feel very keenly the rebuff the house gave me last night. I will not get over it quickly. I have a bad disposition, I admit, and in future I am going to try to see that everybody in this house sticks to the rules.

Hon. Mr. Lambert: Speaking to the point of privilege, I think the honourable leader on this side—

Hon. Mr. Haig: My honourable friend also cannot speak on the same matter of privilege.

The Hon. the Speaker: The honourable Leader of the Opposition (Hon. Mr. Haig) spoke to a question of privilege, and I assume that, with the consent of the house, the honourable senator from Ottawa (Hon. Mr. Lambert) may also speak at this time.

Hon. Mr. Lambert: I ask the privilege of being allowed to refer to the report to which the honourable Leader of the Government (Hon. Mr. Macdonald) has alluded on a point of privilege. A great disservice has been done to this house, and to the public as well, by this, the most mischievous, false and garbled

report that has come to my notice since I have had anything to do with Parliament. The report is completely unfounded, and has nothing to do with anything which was said in our debate last night. It is a diabolical attempt to misrepresent what was said here last night. It is completely unfair to my honourable colleague, the Leader of the Opposition (Hon. Mr. Haig), because it implies that he opposed the bill on the ground that its purpose was to catapult to the top position in the Library a former private secretary of the Prime Minister of this country. In past years a report of this kind would have been sufficient basis, in the other house, for the writer to be summoned to the Bar of the house and asked for an explanation of the matter. I personally repudiate the report, for which the British United Press is responsible, root and stem, and I would expect my honourable leader who represents the government in this house to do the same, because, as I have said, there is not a word of truth in it. Today it will be broadcast from twenty-seven private stations whose news service is furnished by the British United Press. The reporter of that press service was in the gallery last evening, recording our proceedings. These objectionable statements have already been made over the radio; they will go also to the newspapers which use the B.U.P. service; and undoubtedly before this time tomorrow some of my honourable friends will have had the doubtful pleasure of reading these misstatements in public print. So I trust that they will understand my feelings and will share at least some of the indignation which prompts me now to refer to this matter.

PRIVATE BILL

ROMAN CATHOLIC EPISCOPAL CORPORATION OF PEMBROKE—REPORT OF COMMITTEE

Hon. Mr. Farris, for Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill A-6.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill A-6, intituled: "An Act respecting The Roman Catholic Episcopal Corporation of Pembroke", have in obedience to the order of reference of February 15, 1955, examined the said bill, and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Bishop: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

VICTORIA INSURANCE COMPANY OF CANADA—FIRST READING

Hon. Mr. Farris (for Hon. Mr. Hayden) presented Bill B-8, an Act to incorporate Victoria Insurance Company of Canada.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Farris: With leave, next sitting.

PRIVATE BILL

CALEDONIAN-CANADIAN INSURANCE COMPANY—FIRST READING

Hon. Mr. Farris (for Hon. Mr. Hayden) presented Bill C-8, an Act to incorporate Caledonian-Canadian Insurance Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Farris: With leave, next sitting.

PRIVATE BILL

ROYAL ARCHITECTURAL INSTITUTE OF CANADA—FIRST READING

Hon. Mr. Farris (for Hon. Mr. Hayden) presented Bill D-8, an Act to consolidate and amend Acts relating to The Royal Architectural Institute of Canada.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Farris: With leave, next sitting.

SUBSIDIES ON FEED GRAINS

ANSWER TO INQUIRY

Hon. J. Adelard Godbout: Honourable senators, I have been requested by the Leader of the Government (Hon. Mr. Macdonald) to give a word or two of explanation in answer to an inquiry by the honourable senator from New Westminster (Hon. Mr. Reid) concerning the reduction in assistance given by the Federal Government on transportation of feed grains from the three Prairie provinces to other parts of Canada. The payment of these subsidies was, I imagine, Government policy for the purpose of inducing farmers in other than the Prairie provinces to buy surplus grain for which there was no export market. An order in council was passed this year to reduce the assistance, and I think the reduction was justified. As is well known, there is a surplus

of grain in the Prairie provinces, but there is now a large movement of feed grain from those three provinces to the rest of Canada.

The reduction in subsidies is based on new freight rates to different parts of the country, and the Maritime provinces will in future receive the same assistance as in the past. The assistance to the provinces of Quebec and Ontario on feed grains will be reduced by $1.50 per ton.

Until the Order in Council became effective, British Columbia received higher subsidies than eastern provinces did on the transportation of feed grains from the Prairie provinces, for the special purpose of developing her dairy farming, poultry production and hog breeding operations. Under the new arrangement, after the deduction of the federal subsidy, the part of the freight rates payable by the farmers of the Maritime provinces, Quebec, Ontario and British Columbia will be the same, namely, $5.

The purpose of the original subsidies has been achieved, namely, that of moving surplus grain from the Prairie provinces to other parts of Canada. True, the reduction in assistance seems to bear more heavily on British Columbia, but, as I have said, that province formerly received more generous assistance, for the reason I have stated.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE ADJOURNED

Hon. W. M. Aseltine moved the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

He said: I crave the indulgence of honourable senators while I attempt to explain this rather important bill. At the outset may I say that I am not unaware of the fact that in this chamber there are a number of honourable senators who are absolutely opposed to divorce in any form. I appreciate their view, but I should like to point out that this is not a bill having to do with the institution of divorce. We have divorce in this country, and have had for many years. The bill now before us has to do with the grounds which the courts of our country shall consider to be grounds for the dissolution of marriage. Therefore, during the debate I should like honourable senators to keep in mind that we are discussing whether the grounds for divorce should be extended, and not the principle of divorce.

This bill would be twofold in its effect. As honourable senators know, in Canada we really have no general law of divorce of our own except that which we have adopted from the English law. We have, however, passed two or three statutes dealing with divorce, which statutes I shall discuss later. If Parliament passes this bill it will constitute the divorce law for the dominion of Canada. That would be one effect.

The second effect would be this: that in addition to the present ground for divorce, namely, adultery, there would be three other grounds, which I shall discuss at greater length later in my remarks.

I should perhaps give honourable senators and the public at large some historical background of this subject. I would refer honourable senators to the explanatory notes opposite page one of the bill, most of which I should like to incorporate in my speech, so that members of the public who read the report in *Hansard* will have these facts before them. These explanatory notes are as follows:

The only courts in Canada to which the Act applies are the courts which *now* have jurisdiction to decree divorce.

A court in Prince Edward Island has had that right since 1835 as the term "divorce" was then understood.

A court in Nova Scotia has had that right since 1758.

A court in New Brunswick has had that right since 1791.

No court has that right in Quebec.

A court in Ontario has had that right since 1930.

A court in Manitoba has had that right since 1870.

Courts in Saskatchewan and Alberta have had that right since 1905. Before then the right was inchoate in the N.W. Territories. Hence the right of Saskatchewan and Alberta, although these provinces were only formed in 1905, is to the divorce law of England as of 1870.

A court in British Columbia has had that right since 1858.

No court has that right in Newfoundland.

Prince Edward Island now exercises its right under its own act of 1835 by virtue of section 129, B.N.A. Act.

Nova Scotia, under the same authority, now exercises its right under its own act of 1866.

New Brunswick also operates under its own preconfederation act of 1860.

Ontario operates under dominion act, chapter 85 of the Revised Statutes of 1952.

Manitoba, Saskatchewan and Alberta operate under the terms of the respective acts of 1870 and 1905 which erected them into provinces. The Judicial Committee of the Privy Council has confirmed their right, which extends to the divorce law of England as of 1870.

British Columbia—

This is a somewhat peculiar situation.

—yet operates under a proclamation of Governor Douglas made in 1858, which, it has been held, extends to that province the divorce law of England as in force in 1858.

I should like, honourable senators, to present some further historical background. It will be remembered that prior to 1857, when the English divorce law was passed, divorce applications were made to the Ecclesiastical Courts, which had sole control over such matters, and granted divorce *a mensa et*

thoro—that is, from bed and board. A petitioner who was successful in obtaining a judgment of this kind from the Ecclesiastical Courts was then obliged to sue the adulterer in court for damages; and if he succeeded in securing a judgment for damages he made a petition to the House of Lords for a decree. That was the procedure prior to 1857.

However, the Matrimonial Causes Act, which was passed in England in 1857, provided for only one ground of divorce, namely adultery. Under that act a woman could not secure a divorce from her husband unless besides proving adultery she could also prove cruelty on the part of her husband. It was not until the present century that women were placed on the same footing as men as regards grounds for divorce.

That law of England remained in effect until 1937, in spite of the fact that a Royal Commission which was set up in 1908 to investigate the whole matter of divorce recommended to the British Parliament in 1912 that in the future adultery should not be the only ground, but that there should be four additional grounds.

Hon. Mr. Reid: May I ask the honourable senator how residents of Ontario secured divorces before 1930?

Hon. Mr. Aseltine: In 1930 Parliament conferred divorce jurisdiction upon the Supreme Court of Ontario, and since then Ontario has been carrying on under that act.

Hon. Mr. Haig: And before that, Ontario residents came to Parliament to petition for divorce.

Hon. Mr. Aseltine: Yes. Prior to 1930 all divorces granted to residents of Ontario were parliamentary divorces.

The next step in Britain was the Matrimonial Causes Act of 1937, which was introduced by Colonel A. P. Herbert. Many senators have no doubt read his book *Holy Deadlock*, which illustrated better than anything else I ever heard of the farce that persisted in Britain as regards grounds for divorce prior to the passing of that act. It was the public reception of this book which encouraged him to introduce his bill in 1937. I would like to read the preamble to that bill:

> Whereas it is expedient for the true support of marriage, the protection of children, the removal of hardship, the reduction of illicit unions and unseemly litigation, the relief of conscience amongst the clergy, and restoration of due respect for the law, that the Acts relating to marriage and divorce be amended: . . .

The bill did not meet with any serious opposition in either house of Parliament. It was approved by members of the House of Commons and of the House of Lords, including bishops, and by others.

Hon. Mr. Dupuis: Would the honourable senator qualify the word "bishops"?

Hon. Mr. Roebuck: Bishops of what denominations?

Hon. Mr. Aseltine: I think they were Anglican bishops. I will read later from a statement made by the Lord Bishop of Birmingham to the House of Lords, to illustrate what I have been trying to say.

I would like to point out to honourable senators at this stage that the British North America Act, section 91, gives the federal Parliament full jurisdiction over marriage and divorce. In 1925 Parliament passed an act which gave the wife the same grounds for divorce as the husband. In 1930 the Divorce Jurisdiction Act was passed, and under that act if a husband has deserted his wife for two years or more and has acquired domicile in another province she may sue him for divorce, provided that immediately prior to the desertion he was domiciled in the province in which the proceedings are commenced. Also in 1930 Parliament passed the statute which gave Ontario the right to set up its own divorce court.

As I said before, Canada has enacted very little divorce legislation of its own. This Act of 1925 and the Acts of 1930 are the only ones which deal with divorce law at all in this country.

Now I come to another historical fact. In 1938 the late Senator McMeans introduced into this house a bill entitled the Divorce and Matrimonial Causes Bill. If I remember correctly, I seconded the motion for second reading of the bill. I suggest that during the continuance of the present debate, honourable senators should read the debate on that bill. It will be found between pages 84 and 346 of the Senate *Hansard* of 1938. Other matters also are dealt with between those pages, but I am just indicating the opening and closing pages of the debate.

That bill was introduced on March 8, 1938, and the debate on the motion for second reading took place on March 15 and 16. Quite a number of senators who are here with us today participated in the debate. There was the honourable senator from Vancouver South (Hon. Mr. Farris), the honourable senator from Ottawa (Hon. Mr. Lambert), the honourable senator from Blaine Lake (Hon. Mr. Horner), the honourable Leader of the Opposition (Hon. Mr. Haig), the Right Honourable Arthur Meighen, the late Senator McMeans and many others.

Hon. Mr. Haig: The late Senator Dandurand took part also.

Hon. Mr. Aseltine: Yes.

Hon. Mr. Macdonald: You are mentioning some who are not still with us.

Hon. Mr. Aseltine: That is so. I did not intend to include any who are not with us today.

On March 16, 1938, the bill was given second reading in this chamber, by a vote of forty to twenty-nine, and was then referred to a special committee. I may say that if the present bill should receive second reading I shall propose that it be referred not to a special committee, but to the Committee on Banking and Commerce, by which matters of law are usually dealt with.

The special committee reported the 1938 bill without amendment. There followed quite a long debate, which resulted in the return of the measure to the special committee for further consideration. The committee proposed certain amendments, which were adopted by this chamber on May 11. Thereupon, on the motion of the then junior senator from Winnipeg who is now the Leader of the Opposition (Hon. Mr. Haig), the bill was considered in Committee of the Whole, on May 12, and a number of amendments were adopted. Third reading was given to the bill on May 18, and it was sent to the House of Commons late in June.

Hon. Mr. Macdonald: Was the bill then passed by this house substantially the same as that which the honourable senator is presenting today for second reading?

Hon. Mr. Aseltine: The bill now before the chamber is an almost exact reproduction of that which passed this chamber on May 18, 1938. A little later I will explain why so long a period has elapsed between the two measures.

I have already stated that the bill went to the House of Commons. It did not obtain second reading there, but was killed on June 14, just prior to prorogation. In my opinion it did not receive adequate consideration at that time.

Hon. Mr. Euler: Was there a division in the House of Commons?

Hon. Mr. Aseltine: I understand that, following a very brief debate, the honourable member for Fort William, Mr. Dan McIvor, moved that the bill be not then read the second time but be read the second time six months later, and his motion was adopted.

Hon. Mr. Roebuck: Was there a division?

Hon. Mr. Aseltine: I do not remember, but I think there was a division.

Hon. Mr. Euler: I am pretty sure that the bill did not get much consideration, because I was there and I do not remember it.

Hon. Mr. Aseltine: The honourable Leader of the Government (Hon. Mr. Macdonald) asked whether this bill is similar to the one which was passed by this house in 1938. I stated that it is in effect a reproduction of that bill, and I said I would explain why no attempt was made since then until the present time to bring it again before this house. It will be remembered that in 1939 we entered World War II, which lasted until 1945; that, following the close of hostilities, a number of matters of great importance, including reconstruction, needed attention. I decided to delay action on this matter until these other problems had been dealt with. But I do not think it should be put off any longer.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Aseltine: Copies of the bill were distributed on Saturday last, and, I believe, will be found by honourable members on their desks.

First I would refer to section 3:

(1) This act shall apply to and in those provinces of Canada wherein there are now constituted and maintained courts of divorce and matrimonial causes having jurisdiction to decree dissolution of marriage, and to and in such provinces only.

(2) In each of such provinces this act shall apply to and confer jurisdiction upon the court described in subsection one of this section (subsequently in this Act termed "the court") and to and upon that court only.

The application of this bill is restricted to provinces which have divorce courts, so that it would not apply either to Newfoundland or to Quebec. There is no attempt to impose divorce laws on any person or province that objects to divorce.

Hon. Mr. Vien: Would the honourable senator allow me a question? According to section 2, paragraph (a),

"Court" means any of the courts described in section three and includes a judge of such court.

And subsection (2) of section 3, which the honourable senator has just read, states:

In each of such provinces this act shall apply to and confer jurisdiction upon the court described in subsection one of this section . . . and to and upon that court only.

Is there not redundancy in that wording?

Hon. Mr. Aseltine: Section 2 is the definition section, I do not think there is any redundancy.

Hon. Mr. Farris: In any event, that could be straightened out in committee.

Hon. Mr. Macdonald: I do not wish to interrupt the honourable senator too frequently, but I think we should clear up as

many points as possible as we proceed. I am just asking for information. Will the provisions of this bill, if enacted, not apply to petitions for bills of divorce which are presented to parliament?

Hon. Mr. Aseltine: I am advised by the Law Clerk of the Senate that they would not. These provisions will apply only to those provinces which have courts within the meaning of the act, and Parliament is not a court in that sense.

Hon. Mr. Macdonald: Then do I understand the honourable gentleman to say that if this bill should become law an application to Parliament for divorce could be granted only if adultery were established?

Hon. Mr. Aseltine: I do not say that, for Parliament has the power to grant a divorce on any ground or on no ground at all.

Hon. Mr. King: And to receive divorce petitions from any province?

Hon. Mr. Aseltine: Yes.

Hon. Mr. Macdonald: As a result of his years of experience would the honourable gentleman expect that, if this legislation is enacted, petitions for divorce to Parliament on the grounds set forth in the bill would obtain approval of Parliament?

Hon. Mr. Aseltine: Parliament has had the right since 1867 to grant divorces on any ground, but has never exercised that right. I think, therefore, that there would be no change whatsoever in that respect if this bill became law.

Hon. Mrs. Hodges: May I ask the honourable gentleman a question?

Hon. Mr. Aseltine: Certainly.

Hon. Mrs. Hodges: Section 2(b) reads:

> "Cruelty" means legal cruelty as now interpreted and construed by the High Court of England in divorce and matrimonial causes.

Could the honourable senator give us a definition of legal cruelty as it is defined in the High Court of England?

Hon. Mr. Aseltine: I shall be coming to that.

Hon. Mrs. Hodges: I thought that as my honourable friend was dealing with section 3 it would be an appropriate time to give the house this definition.

Hon. Mr. Aseltine: I shall deal with it when I come to it.

Hon. Mrs. Hodges: Thank you.

Hon. Mr. Aseltine: I may say that that definition of cruelty was adopted in 1938, after a long debate in this house, for it was impossible to define cruelty in words that might or might not fit every case. Will that explanation do for the moment?

Hon. Mrs. Hodges: For the moment, yes.

Hon. Mr. Aseltine: I would refer honourable senators to section 5(1) which reads:

> No petition for divorce shall be presented to or entertained by the court until a period of three years shall have elapsed since the date of the marriage unless the court, upon application made in accordance with rules of court, shall otherwise allow.

That is a new feature, and I do not know that it pertains anywhere in the world at the present time, except in Great Britain. There is, however, one exception. If the ground on which the divorce is sought is adultery, the petitioner would not have to wait for three years following the celebration of the marriage.

Hon. Mr. Macdonald: Why was a three-year period chosen rather than some other number of years?

Hon. Mr. Aseltine: I do not know that. The object was to prevent hasty marriages which might result in hasty divorces, and some period of time had to be fixed. Furthermore, I believe that was the number of years stated in the British act and that we followed suit in this country.

Hon. Mr. Macdonald: I suppose that is the reason, that it is the period fixed in the British act.

Hon. Mr. Aseltine: Yes.

Hon. Mr. Euler: There is no such provision in effect in Ontario at the present time, is there? A couple married in Ontario last year, say, could apply for a divorce without waiting for the expiration of the three-year period, could they not?

Hon. Mr. Aseltine: Certainly.

Hon. Mr. Euler: Would this bill change that situation?

Hon. Mr. Aseltine: It is a new departure.

Hon. Mr. Haig: It provides for a longer period.

Hon. Mr. Macdonald: I understood my honourable friend to say that if adultery were set forth as a ground the three-year period would not apply.

Hon. Mr. Aseltine: Yes, that is right. I would point out that section 5(6) provides:

> This section shall not apply in the case of a petition for divorce on the ground of adultery.

But it applies in every other case, and the court would take every factor into consideration before it would make any order allowing the petitioner to proceed with his case.

Honourable senators, section 6 of the bill is the important section, for it sets forth the grounds upon which a petition for divorce may be presented either by the husband or the wife. The old ground of adultery is set forth in subsection (1) (a). Subsection (1) (b) provides a new ground, namely, where the husband or the wife has deserted the petitioner without cause for a period of at least three years immediately preceding presentation of the petition. Subsection (1) (c) provides another new ground, namely, that the respondent, since the celebration of the marriage, has treated the petitioner with cruelty. Finally, subsection (1) (d) provides a third new ground, namely, that the petitioner's spouse is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition.

In brief, if this bill is passed it will provide four grounds for divorce: first, adultery; second, desertion for three years; third, cruelty; and fourth, incurable unsoundness of mind.

Hon. Mr. Burchill: I dislike to interrupt the honourable gentleman—

The Hon. the Speaker: The honourable senator may do so only with permission.

Hon. Mr. Burchill: If I have my honourable friend's permission, I would like to ask a question.

Hon. Mr. Aseltine: Certainly.

Hon. Mr. Burchill: My honourable friend has spoken about the English procedure and has told the house that Colonel Herbert introduced a bill in 1937; but we have not been told whether that bill was passed and, if so, what provisions it made with respect to grounds for divorce. Would my honourable friend mind giving the house that information?

Hon. Mr. Aseltine: I will answer the honourable senator in this way: I remember distinctly that when the 1938 bill was drawn up by the Law Clerk of the Senate, Mr. O'Connor, we had been discussing the law of England as it stood after the act of 1937 was passed. We then decided to have an act of our own which, if possible, would not make reference to the law of any other country, and we instructed the Law Clerk to draw up a bill and to make the grounds the same as those in England.

Hon. Mr. Burchill: What are the grounds in England?

Hon. Mr. Aseltine: The same as are contained in this bill.

The honourable senator from Vancouver (Hon. Mr. McKeen) has reminded me that the bill provides for a ground which I did not mention. That is a ground for a petition by a wife only. It is to be found in section 6(2), which reads:

> A petition for divorce may be presented by the wife to, and it may be entertained by, the court, on the ground that her husband has, since the celebration of the marriage, been guilty of rape, sodomy or bestiality.

Hon. Mr. Macdonald: Would the honourable senator mind referring me to the clause in the bill which states, as I understood him to say, that where adultery is the ground an action may be commenced before a period of three years has elapsed since the date of the marriage?

Hon. Mr. Aseltine: That is to be found on page three of the bill, section 5(6).

Hon. Mr. Macdonald: Thank you.

Hon. Mr. Aseltine: Certain provisions are set out in section 8, which I do not intend to read, giving the court power to dismiss a petition where there is unreasonable delay in proceeding with the petition, or cruelty towards the other party of the marriage, or where the petitioner also has committed adultery, or where wilful neglect or misconduct has conduced to the adultery or unsoundness of mind or desertion, as the case may be, that is pleaded. Those are just safeguards which the court has discretion to consider on the hearing of any case which comes before it.

Hon. Mr. Macdonald: Does the word "cruelty" mentioned in section 8 mean corporal cruelty?

Hon. Mr. Aseltine: When the bill was introduced in 1938 nobody was able to give a definition of cruelty, because we had had very little litigation in this country where cruelty had been alleged. After a long debate, and after long consideration of the question in committee, the committee decided on the definition which appears in section 2(b) of the present bill:

> "Cruelty" means legal cruelty as now interpreted and construed by the High Court of England in divorce and matrimonial causes.

There was considerable argument at that time as to whether the word "now" should be inserted or not, but the clause was finally amended and the word "now" was inserted. So that no matter what might happen in England in the future to change our ideas of the definition of cruelty, the term would mean only what it was construed to mean at that time by the High Court of England in divorce and matrimonial causes.

Hon. Mr. Macdonald: Can the honourable senator tell me if the proceedings of that committee were printed?

Hon. Mr. Aseltine: I do not think they were; in fact, I am sure they were not.

Hon. Mr. Haig: No, the proceedings of the committee were not printed.

Hon. Mrs. Wilson: May I ask the honourable senator if one of the bills introduced did not specify habitual drunkenness as a ground for action? I have a recollection that it was included as a ground.

Hon. Mr. Aseltine: No, it was not included.

Hon. Mrs. Hodges: It was considered, though, was it not?

Hon. Mr. Aseltine: It was included in legislation of some other countries—Australia, New Zealand and the United States—but not in this bill. The present bill introduces only three new grounds, and then it goes on to deal with "presumption of death." Certain provinces have a law with respect to the presumption of death, and others have not. It was thought that the question of presumption of death should be included in this bill, so that if the bill is passed the one law on this matter will apply to all provinces.

Hon. Mrs. Hodges: Would the honourable senator permit a repetition of my question? What is the British definition of legal cruelty?

Hon. Mr. Aseltine: I cannot tell you.

Hon. Mrs. Hodges: Well, it is very difficult to judge this—

Hon. Mr. Aseltine: It is legal cruelty as interpreted by the High Court of Justice in England. All kinds of cases involving cruelty have been tried, and I would not attempt to define the term. If we had been able to do so, it would have been defined in the bill.

Hon. Mrs. Hodges: In the bill it is used in a rather broad sense.

Hon. Mr. Bouffard: Does it mean that each senator will have to define it for himself?

Hon. Mr. Aseltine: No; the courts will have to define it .

Hon. Mr. Reid: May I be permitted to ask a question, following the question put by the honourable senator from Victoria (Hon. Mrs. Hodges)? If this bill were passed in its present form, would the courts of this country be in duty bound to follow the decisions of Great Britain in regard to cruelty?

Hon. Mr. Roebuck: Yes.

Hon. Mr. Aseltine: As they exist at the time this bill is passed, if it is passed.

Hon. Mr. Haig: It will become the law here then.

Hon. Mr. Aseltine: Yes, it will become the law here then.

Hon. Mr. Horner: The judge in each court would do the interpreting?

Hon. Mr. Macdonald: And the courts here would be bound by that interpretation.

Hon. Mr. Bouffard: On the basis of those decisions as they exist today?

Hon. Mr. Aseltine: As they exist today.

The bill also deals with judicial separation, avoidance and alimony. Then there are three sections under the heading of "General", the first of which sets out that clergymen shall not be compelled or bound to remarry persons where a former marriage has been dissolved and one of the parties has a former husband or wife still living. Section 16 deals with domicile when a husband deserts his wife.

Honourable senators, as I said earlier, if the bill is passed and becomes law we shall have a divorce law of our own.

Unless I am compelled to do so, I shall not go into the sections under the heading "Avoidance". A debate on the question in this house lasted for several hours, and as a result these clauses were redrafted and amended in their present form.

The objects of this bill are the same as those of the English act. I submit to honourable senators that the bill if passed will prevent hasty marriages, for under the proposed change in the law no divorce petition from either spouse could be heard, unless adultery is alleged, within three years after the celebration of a marriage. As I have said, this is a new departure which applies nowhere else in the world but in England. The addition of three new grounds for divorce would, I think, be of considerable benefit to the poorer classes. Honourable senators who have served on the Divorce Committee of this house know that adultery is perhaps one of the weakest grounds for divorce, because not in one case out of fifty is there actually an eye-witness to the commission of adultery.

Hon. Mr. Haig: It is presumed.

Hon. Mr. Aseltine: In a great many cases brought before the Divorce Committee desertion is the true ground for the break-up of the marriage; but since desertion is not a ground for divorce the petitioner has in some manner or other to try to produce evidence showing that adultery probably has been committed. In my opinion, a large number of cases in which there has been a long separation, desertion could easily be proved and

there would be no necessity for one party to commit adultery or to bring false evidence indicating that adultery has been committed.

Hon. Mr. Hugessen: May I ask my honourable friend a question? What precisely does he interpret to be the meaning of paragraph (b) of section 6 (1), which uses these words "has deserted the petitioner without cause"? Surely there must be some cause for the desertion, however ridiculous or trifling it may seem. As that paragraph is at present worded, it means nothing.

Hon. Mr. Roebuck: Does it not mean without justification?

Hon. Mr. Macdonald: Or without cause on the part of the petitioner?

Hon. Mr. Hugessen: It may have that meaning, but it does not say so.

Hon. Mr. Aseltine: If for instance a woman is deserted by her husband who takes up with another woman, she may not be able to prove adultery but she can prove desertion.

Hon. Mr. Hugessen: Yes, but the husband no doubt had a cause for deserting her.

Hon. Mrs. Hodges: Not necessarily.

Hon. Mr. Aseltine: My honourable friend from Inkerman (Hon. Mr. Hugessen) is going a little too far.

Hon. Mr. Hugessen: I am quite serious. The honourable senator from Rosetown (Hon. Mr. Aseltine) is introducing a bill which must mean something, and I am suggesting to him that the paragraph I have mentioned, as drafted, means nothing whatever.

Hon. Mr. Aseltine: If that provision is not satisfactory to the committee to which this bill is referred, it can be amended. I am unable at the moment to suggest what better words could be used in a redrafting of it.

Hon. Mr. Macdonald: I think the honourable senator intends the words to mean that desertion has taken place without cause on the part of the petitioner.

Hon. Mr. Aseltine: That is what I thought they meant.

Hon. Mr. Roebuck: Do they not simply mean desertion without justification?

Hon. Mr. Aseltine: Yes.

I was dealing, honourable senators, with ways in which the objects of the bill would be attained, and I had suggested three. In the fourth place, the increase in the number of grounds for divorce would give greater power to the courts to inquire into collusion, connivance and condonation. In the fifth place, the bill would clarify the law with respect to presumption of death, and in other matters incidental to marriage and divorce. That is all I wish to say on that phase of the subject at the moment.

I should like to read to honourable senators the words of the Lord Bishop of Birmingham spoken in the House of Lords on the second reading of the English bill, in 1937. I may say that the bill was supported by clergymen, lords and commoners, and received a large majority in both houses.

Hon. Mr. Vien: Would the honourable gentleman please give the page from which he proposes to read from the records of the House of Lords?

Hon. Mr. Aseltine: I do not have before me the official records of the House of Lords. Instead, I shall read from a previous speech I made in this house, as recorded in our *Hansard* of 1938, at page 89, in which I quoted the words of the Lord Bishop.

Hon. Mr. Macdonald: For my own information, may I ask the honourable senator if I correctly understood him to say that all the bishops and all the clergymen voted for the bill?

Hon. Mr. Aseltine: No; I said the measure was supported by clergymen, lords and commoners.

Hon. Mr. Macdonald: And I suppose it was opposed by some of them too.

Hon. Mr. Aseltine: I do not intend to imply that all the clergy had supported the bill, but I say it was supported by a large majority of the members of both houses.

On that occasion the Lord Bishop of Birmingham said:

> I intend to vote for the second reading of this marriage bill. There is in my opinion nothing in it which can encourage our people to regard marriage lightly. It is, I am convinced, a careful attempt to bring our marriage law into harmony with opinions now held by an overwhelming majority of enlightened Christian people in this country. One of the great merits of the bill, as it seems to me, is that it will promote morality by lessening the number of irregular unions among working people. I hope that it will lessen the number of collusive divorces among our fellow-citizens of less narrow means. Some legislation as to divorce is urgently needed at the present time, for people generally—is it not so?—are made profoundly uneasy by present circumstances. It seems to me that the bill is carefully balanced. No practical alternative to it has been proposed.

May I interject at this point that in Scotland desertion has been a ground for divorce for more than three hundred years.

Hon. Mr. Macdonald: Desertion for how long, three years?

Hon. Mr. Aseltine: I do not know, but in general desertion has been regarded as a ground for divorce for more than three hundred years. Surely no one would say that

an undue number of the homes of Scotland have been broken up because desertion has been included in the law as a ground for divorce during all that time.

I want to give an example of what happens in this country right now. Let us take the case of a soldier who married a girl in England. The girl either refuses to come to Canada with him or, if she comes to Canada and does not like things here she returns to England and refuses to live with her husband in Canada. That is desertion, no matter how you look at it. In England, there is a law whereby she can get a divorce from her Canadian husband after three years of living apart. She gets it on the grounds that the husband has deserted her, but the poor husband in Canada, notwithstanding that divorce granted in England, is still tied to his wife because her English divorce does not release him.

Hon. Mr. Macdonald: You are sure of that, are you?

Hon. Mr. Aseltine: That is my understanding. I took it up with a lawyer in Scotland and that is the understanding I have of it.

Hon. Mr. Stambaugh: I know that is a fact. I know of a case very similar to that.

Hon. Mr. Aseltine: Well, I have one case of that kind in my office right now. The wife, living in Scotland, is taking action for divorce there, and we have come to the conclusion that the husband will not be released and will not be able to remarry in this country, because so far as he is concerned the divorce will not be binding on him.

Hon. Mr. Farris: I think it is well recognized that the only divorce legally recognized in this country is one granted in accordance with the law as to the husband's domicile.

Hon. Mr. Haig: Yes.

Hon. Mr. Aseltine: That is one reason why I would like to see desertion included in this bill as a ground for divorce.

Furthermore, I should say that there are at least 20,000 cases of deserted spouses in this country. Some people claim that there are as many as 50,000, but I think that estimate is a little high. I could cite other cases. For instance, about twenty years ago a man in Western Ontario was married and he and his wife lived together for about a year, and then she left him and went to California. He has no evidence that she may have been unfaithful to him and he has been living a lonely life ever since. He has met somebody else whom he is anxious to marry but he cannot do so. I could go on and give many other examples. Since 1949 I have kept a file on this subject; in fact, at the present moment I have three files, each about three inches thick, containing letters received from people all over Canada, and I should say that 99 per cent of them are in favour of what I am trying to have enacted by this bill.

I said before that the only ground for divorce in Canada at the present time is that of adultery, but there is one exception to that. In Nova Scotia cruelty is recognized as a ground for divorce, but I do not know that cruelty is defined in the Nova Scotia statute; I think its interpretation is left to the court. In the United States of America divorce is granted on many grounds for divorce, including the ones mentioned in this bill.

Hon. Mr. Roebuck: Or on no grounds at all.

Hon. Mr. Aseltine: I took the trouble, for the information of honourable senators, to find out what the grounds for divorce are in New Zealand. At present there are eleven grounds for divorce in that country, as follows:

(i) Adultery.

(ii) Wilful and continuous desertion for upwards of three years.

(iii) That the respondent has for four years or more been an habitual drunkard, and has either left his wife without means of support or habitually been guilty of cruelty towards her; or, being the petitioner's wife, has for a like period been an habitual drunkard, and has habitually neglected her domestic duties and rendered herself unfit to discharge them.

(iv) Conviction, and sentence to imprisonment for seven years or more for attempting to commit the murder of, or wounding or doing bodily harm to, the petitioner or any child of the petitioner or respondent.

(v) Conviction of the murder of a child of the petitioner or respondent.

(vi) That the respondent is a person of unsound mind and is unlikely to recover, and has been confined as such in New Zealand or in any British country for a period or periods not less in the aggregate than seven years within the period of ten years immediately preceding the filing of the petition.

(vii) That the respondent is a person of unsound mind and is unlikely to recover, and has been continuously a person of unsound mind for the period of seven years immediately preceding the filing of the petition, and during the final three years of the said period of seven years has been confined as such in an institution in New Zealand or in any British country.

(viii) Failure on the part of the respondent to comply with a decree of the court directing the respondent to return to the petitioner and render conjugal rights.

(ix) Separation for three years pursuant to an agreement for separation made between the parties.

(x) Separation for three years pursuant to a decree of judicial separation or to a separation order made by a magistrate, or to any decree or order of any country to the effect that the parties are not bound to live together.

(xi) That the respondent, being the husband of the petitioner, has been guilty of rape, sodomy or bestiality since the celebration of the marriage.

Some time ago I had occasion to inquire what the law was in Sweden, and I found that in that country divorces are granted by agreement. If the parties cannot get along

together they just enter into an agreement and submit it to the proper court, which will make an order separating the parties for a time; and later if they cannot agree to cohabit once more the court makes a final order and distributes the property between them in accordance with the laws of Sweden in that respect.

What I am asking the Senate to do seems to me not such a very serious matter after all, when you consider the grounds that exist for divorce in other countries. In the circumstances, the fact the bill proposes three additional grounds should not disturb anybody at all. I think passage of the bill would tend to make people in Canada much happier and would not, as some would lead us to believe, be a cause of breaking up of homes. In my opinion, our divorce law is antiquated.

Some Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: A man on the street said to me the other day that Canada is 500 years behind the times. I said to him that we are not 500 years old, and he replied that what he meant to say was that we are away behind the times in our divorce law, and that some revision is necessary.

I have received many letters. Honourable senators will pardon me if I read one, a very short one. Dated February 18, 1955, and addressed to me at the Senate here, it says:

My dear Senator:

May I wish you the best of luck in your efforts to bring a sane divorce bill to the people of Canada?

The writer has been waiting since 1929 for such a measure in order to relieve himself of a domestic tangle caused by War No. 1. So here's wishing you God-speed and may the good Lord bless you in your efforts.

I have received many, many letters of that kind.

Hon. Mr. Vien: For the purposes which the honourable senator has in mind would it be sufficient if the provinces which have divorce courts were given jurisdiction to determine the causes for divorce?

Hon. Mr. Aseltine: That is a constitutional question, on which I do not want to commit myself.

Hon. Mr. Vien: In 1930 we made the divorce law of England applicable to the province of Ontario. Instead of having the divorce law of a province governed by English law, could not the province concerned be empowered to enact its own laws?

Hon. Mr. Aseltine: I understand the honourable senator's point, and it is worthy of consideration.

Hon. Mr. Vien: May I be allowed another question? Included among additional grounds for divorce specified in section 6 is, that the respondent "has since the celebration of the marriage committed adultery". What if the offence has been condoned and the couple have resumed cohabitation?

Hon. Mr. Aseltine: Oh, well, that is part of the law of divorce.

Hon. Mr. Vien: Not in the bill.

Hon. Mr. Aseltine: Everybody knows what "condonation" means. It means forgiveness, taking the party back, resuming cohabitation as man and wife. All those acts would be condonation.

Hon. Mr. Macdonald: See section 7, subsection (1).

Hon. Mr. Roebuck: A provision as to condonation is in the bill.

Hon. Mr. Vien: Then that is all right.

Hon. Mr. Aseltine: Several organizations for the reform of divorce law have been formed in Canada. One, in the province of British Columbia, has been in existence since 1942. It is called "The Divorce Reform League of British Columbia", and its objects are as follow:

1. The addition of the following grounds for divorce:

(a) The desertion by a spouse of the petitioning spouse without cause for a period of at least three years immediately preceding the petition for divorce.

(b) The treating with cruelty by a spouse of the petitioning spouse.

(c) Incurable unsoundness of mind of a spouse after continuous care and treatment for a period of at least five years immediately preceding the petition for divorce.

(d) Reasonable grounds for supposing that a spouse is dead.

(e) Habitual commission of criminal acts by a spouse.

One of the members of this association, which has been active since 1942, is Rev. C. Bernard Reynolds, M.A., B.D., formerly for many years a lecturer at the Anglican Theological College of British Columbia. He wrote a book, "Canada's Need for Divorce Reform". I presume that some honourable members have seen and read it.

I attended the annual meeting of the Canadian Bar Association which was held in Winnipeg last September. There was a discussion of the subject of divorce on the last day of the meeting, and although some delegates thought that the association should not pass any resolution on this subject, a resolution was presented and was passed by quite a large majority. The motion was presented and supported by the Bar Association of British Columbia; and whether or not the

convention was the right place for such a resolution to be discussed and adopted—I think it was—there is no doubt that the matter can be properly studied and dealt with in the Senate of Canada. I should like to read an extract from the resolution:

Be it resolved:
That Parliament grant to the courts in British Columbia, Saskatchewan and such other provinces and territories as desire it, power to dissolve marriages upon the following grounds (in addition to those already available) and being grounds adopted in England in 1937:
(a) Desertion without cause for at least three years;
(b) Cruelty; and
(c) Incurable insanity which has required care and treatment for five years.

I spoke on that resolution—

Hon. Mr. Macdonald: That is why it was passed.

Hon. Mr. Aseltine: —in fact, I was the last speaker; and I then said that if the convention passed the resolution I should feel obligated to bring before the Senate at the next session a bill embodying its recommendations. That is one of the chief reasons why I am here today.

Hon. Mr. Macdonald: Which provinces desire the passing of the bill?

Hon. Mr. Aseltine: I cannot answer that specifically. I know that a vote was called, and I assume the vote was 5 to 1 in favour of this resolution. Representatives from nearly every province were present.

Hon. Mr. Macdonald: Representatives of the Bar Associations of the provinces which desired it?

Hon. Mr. Aseltine: Yes, from the provincial Bar associations to the general meeting of the dominion Association.

Hon. Mr. Beaubien: May I ask my honourable friend a question? Suppose that those provinces which have courts within the meaning of the act wanted to enlarge the scope of the grounds for divorce, could they do so without coming to Parliament?

Hon. Mr. Aseltine: Oh, no. The federal Parliament has full and total jurisdiction.

Honourable senators, to illustrate the trend of thinking amongst Canadian adults I would refer you to a report of a Gallup Poll of Canada on this subject. Sometimes Gallup Polls give an accurate reflection and sometimes they do not, but frequently they are almost right. This report claims that 75 per cent of Canadian adults want the following additional grounds for divorce: infidelity, desertion, insanity, physical cruelty, drunkenness, mental cruelty and inability to get along. Of course, the last three grounds are not mentioned in my bill at all.

Honourable senators, I have talked longer than I intended. I should like to close by expressing the hope that this bill will be considered very carefully by the Senate and that it will be sent to a committee of this house. We pride ourselves on being an independent body. We also pride ourselves on our good sense, judgment, knowledge and experience in legislation and other matters, and I think this legislation is a challenge to the Senate to take some action. I hope that we shall forget our politics and everything else and give this legislation the consideration it merits.

Some Hon. Senators: Hear, hear.

Hon. Mr. McIntyre: Do not the provinces have the right to pass their own divorce laws?

Hon. Mr. Aseltine: No. The Parliament of Canada has full and total jurisdiction in this matter.

Hon. Mr. McIntyre: Except for Quebec and Newfoundland, the provinces now have courts within the meaning of this bill.

Hon. Mr. Roebuck: May I ask the honourable gentleman from Rosetown (Hon. Mr. Aseltine) a question? He has dealt fully with the various grounds for divorce under this bill, but has said nothing with regard to the section headed "Presumption of Death". At the present moment the Criminal Code allows a person to remarry after his or her spouse has been absent for a period of seven years.

Hon. Mr. Aseltine: The law does not allow it; it is just that there can be no conviction for bigamy.

Hon. Mr. Roebuck: It is the same thing.

Hon. Mr. Farris: The second marriage is not validated.

Hon. Mr. Roebuck: That is what I was about to say. If a spouse has been absent for seven years without the other spouse knowing where he or she is and without receiving any communication—

Hon. Mr. Macdonald: I think there has to be a presumption of death.

Hon. Mr. Roebuck: There is a presumption of death. That is the basis of the provision, although not so expressed. The absent party is presumed dead and if the deserted person marries seven years or more after the disappearance of his or her spouse there cannot be a conviction for bigamy.

Hon. Mr. Aseltine: That is correct.

Hon. Mr. Roebuck: There is a clause in this bill to which no reference has been made.

Hon. Mr. Aseltine: Yes, I referred to it.

Hon. Mr. Roebuck: I did not hear any reference to it.

Hon. Mr. Aseltine: I said that one of the objects of the bill was to unify the law in all the provinces with respect to presumption of death. For instance, Alberta, British Columbia and Saskatchewan have their own acts, but they are all different. The idea is to make one law applicable to the whole of Canada's marriage and divorce.

Hon. Mr. Roebuck: Do I understand that if this bill becomes law and a presumedly dead husband or wife appears à la Enoch Arden, he or she is no longer married?

Hon. Mr. Aseltine: Certainly.

On motion of Hon. Mr. Gershaw, the debate was adjourned.

DIVORCE PETITIONS

REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 169 to 205, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, in division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck: May I now present the following divorce bills based on the committee reports that have just been concurred in:

Bill R-6, an Act for the relief of Olga Mailkowski Hocaloski.

Bill S-6, an Act for the relief of Mary Evelyn Martinson Ross.

Bill T-6, an Act for the relief of Donald Muir Langton.

Bill U-6, an Act for the relief of Albert Ritchot.

Bill V-6, an Act for the relief of Annie Esther Vetter Meister.

Bill W-6, an Act for the relief of Carmen Lister Lees.

Bill X-6, an Act for the relief of Dawn Elsie Coles Ekers Bowen.

Bill Y-6, an Act for the relief of Marion Murray Redburn.

Bill Z-6, an Act for the relief of Anna Pearl Lingo DesMarais.

Bill A-7, an Act for the relief of Phyllis Geraldine Brown McLean.

Bill B-7, an Act for the relief of Eva Lilly Ware Deslauriers.

Bill C-7, an Act for the relief of Agnes Rose McKiernan Popadick.

Bill D-7, an Act for the relief of Rosalind Elaine Beinhaker Katz.

Bill E-7, an Act for the relief of Louis Kenneth Laurin.

Bill F-7, an Act for the relief of Eva Amelia Richardson Keyton.

Bill G-7, an Act for the relief of Francois-Xavier Lange.

Bill H-7, an Act for the relief of Aline Pelland Myre.

Bill I-7, and Act for the relief of Roscoe Winston Percy Soule.

Bill J-7, an Act for the relief of June Patricia Potter Cashman.

Bill K-7, an Act for the relief of Paul-Emile Roland Boisclair.

Bill L-7, an Act for the relief of Kathleen Swanson Butler.

Bill M-7, an Act for the relief of Freda Lutsky Perzow.

Bill N-7, an Act for the relief of Susie Earle Young.

Bill O-7, an Act for the relief of Joseph Willie Walter Stonehouse.

Bill P-7, an Act for the relief of Alexander Jakobszak.

Bill Q-7, an Act for the relief of Margaret Thomson Kelso Midlick.

Bill R-7, an Act for the relief of Pansy Joy Cowen Kirby.

Bill S-7, an Act for the relief of Isabel Taylor Page Kingsley.

Bill T-7, an Act for the relief of Dorothy Winnifred Patricia Lawson Disken.

Bill U-7, an Act for the relief of Annie Kofman Liebman.

Bill V-7, an Act for the relief of Harry Elsworth Allton.

Bill W-7, an Act for the relief of Desire Cherry Szabo.

Bill X-7, an Act for the relief of William Edward Shanassy.

Bill Y-7, an Act for the relief of Fernand Seguin.

Bill Z-7, an Act for the relief of Joanna Florence Ritchie Leinonen.

Bill A-8, an Act for the relief of Joseph Telesphore Origene Dragon.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be placed on the Order Paper for second reading?

Hon. Mr. Roebuck: With leave, next sitting.

PRIVATE BILL

BONAVENTURE AND GASPÉ TELEPHONE COMPANY—SECOND READING

Hon. Paul H. Bouffard moved the second reading of Bill P-6, an Act respecting The Bonaventure and Gaspé Telephone Company Limited.

He said: Honourable senators, this bill is much more a matter of fact than the one we have just heard about.

Hon. Mr. Horner: But not so interesting.

Hon. Mr. Bouffard: On the other hand, it will not take so long to explain.

This bill has to do with a telephone company which was incorporated in 1907, and which does business in the counties of Gaspé and Bonaventure in the province of Quebec and in the counties of Restigouche and Gloucester in the province of New Brunswick.

When the company was incorporated its authorized capital stock was $100,000, and provision was made whereby this could be increased by an additional $150,000. Since its incorporation the company has doubled the number of its subscribers, but there has been no increase in its authorized capital stock. Needless to say, it is absolutely necessary for the company to increase its capital stock now if it wishes to improve its facilities and extend its services.

At the present time, the company has committed itself to an additional expense of $800,000 over the period of the next four years. One of the main purposes of the bill is to ask Parliament for authority to increase the authorized capital to $2 million, and to divide this into shares of a par value of $25 each. The par value of the present shares is $100, and the proposal is that existing shareholders will receive new shares in the proportion of four for one. The proposed changes will make it easier for the company to finance its operations and to get new capital.

The bill also provides the name of the company in French as well as in English. The reason for this is that the company does business in both the provinces of New Brunswick and Quebec.

A further effect of the bill is to change the date of the annual meeting, which at present is fixed for the first Thursday of September in each year. The bill repeals section 8 of the act of incorporation and thereby makes the date of the annual meeting conform with the company's fiscal year, which ends on December 31.

The bill would also give effect to the company's desire that amalgamation and acquisition or sale of property may be carried out with the consent of the majority of the shareholders, and under the supervision of the Board of Transport Commissioners. Since the present Act was passed, Parliament has given the Board of Transport Commissioners jurisdiction over telephone companies. The bill provides that all matters pertaining to this company shall come within the jurisdiction of the board.

Finally, the bill would give the company the right to furnish radio and television services and other improved means of communication, in line with the right enjoyed by other companies.

Honourable senators, I fail to see anything in this bill that is outside of the powers of any other telephone company, but if the bill is accepted by this house and read a second time, I will move that it be referred to the Committee on Transport and Communications for more detailed study.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Bouffard, the bill was referred to the Standing Committee on Transport and Communications.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, February 24, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine Proceedings.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 206 to 214, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

LIBRARY OF PARLIAMENT

RECONSTRUCTION

Hon. W. Ross Macdonald: Honourable senators, on Tuesday evening last I undertook to obtain information as to when the reconstruction of the Parliamentary Library will be completed. Upon inquiry I find it was originally intended that the reconstruction would be sufficiently near completion to allow of the use of the library in the fall of 1955. However, the condition of the structure, particularly the walls and the upper portion of the building, and including the whole of the roof, has necessitated a great deal more rebuilding than was at first supposed to be necessary. In consequence it is now anticipated that the contractor will have completed his work about a year from now, around the month of April, 1956, and that by that time the Librarian and his staff can move from their present quarters in the House of Commons reading room to the library proper. It is estimated that to have all the books replaced in the library, and the reorganization completed, will require another six months. This additional time for the reorganization of the library, once the Librarians and their staffs are installed there, is accounted for by the fact that it was necessary to store many of the books elsewhere than in this building.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators. I beg to move that when this house rises today it stand adjourned until Tuesday next at eight o'clock in the evening.

The motion was agreed to.

INTERNATIONAL TRADE

COMMITTEE EMPOWERED TO CONDUCT INQUIRY

Hon. A. Neil McLean moved:

That the Standing Committee on Canadian Trade Relations be empowered to inquire into and report on:

1. What, in their opinion might be the most practical steps to further implement article 2 of the North Atlantic Treaty whereby the signatories to that document agreed that: "They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them."

2. That notwithstanding the generality of the foregoing, the committee be instructed and empowered to consider and report upon how, in their opinion,

(a) any project for developing economic collaboration specifically between the countries which are signatories of the North Atlantic Treaty can be co-ordinated with the trade policies of other countries of the free world;

(b) any project for developing economic collaboration between the countries which are signatories of the North Atlantic Treaty, might have the same degree of permanence that is contemplated in the twenty year military obligation under article 5 of the treaty whereby "the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all."

3. That the committee be empowered to extend an invitation to those wishing to be heard, including representatives of agriculture, industry, labour, trade, finance and consumers, to present their views, and that the committee also be empowered to hear representatives from business interests or individuals from any of the NATO countries who might wish to be heard.

4. That the committee be empowered to send for persons, papers and records, and to secure such services as may be necessary for the purpose of the inquiry.

The motion was agreed to.

NARCOTIC DRUG TRAFFIC

SPECIAL COMMITTEE APPOINTED TO CONDUCT INQUIRY

Hon. W. Ross Macdonald moved:

1. That a special committee of the Senate be appointed to inquire into and report upon the traffic in narcotic drugs in Canada and problems related thereto.

2. That the said committee be composed of the Honourable Senators Baird, Burchill, Gershaw, Grant, Hayden, Hawkins, Hodges, Horner, Hugessen, Leger, McDonald, McIntyre, Quinn, Reid, Stambaugh, Turgeon, Vaillancourt, Veniot and Woodrow.

3. That the committee be empowered to send for persons, papers and records.

4. 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.

He said: Honourable senators, for some time there has been a growing awareness, both among members of this house and the public at large, of the need of an examination of the law restricting the sale and the distribution of drugs and narcotics. This need was emphasized in the Senate last year during the debate on Bill K-13, an Act to amend the Opium and Narcotic Drug Act, and that

debate quite properly received wide publicity. Early in the present session, when speaking on the Address in reply to the Speech from the Throne, I stated that I proposed to suggest to the Senate that a special committee of this house should be set up to inquire into this problem. Accordingly, I am now moving the motion which is before us for deliberation.

(*Translation*):

During the debate on the Address in reply to the speech from the throne, the honourable senator from Kennebec (Hon. Mr. Vaillancourt) had a word of praise for me and I wish to thank him sincerely for his kindness.

He stressed the evil effect of obscene literature on our youth. I am fully in accord with him, but I do not think that the matter can be discussed at the same time as the subject of drugs which should be looked into by a special committee. Hence, I have not included obscene literature in my motion which deals solely with an inquiry into the narcotic drug traffic.

(*Text*):

From certain reports which have appeared from time to time in the press, the impression might be gained that the problem of the sale and distribution of drugs and narcotics is out of hand. In fact, this is far from the case. In the year ending March 31, 1954 the actual number of cases of arrest reported by the Royal Canadian Mounted Police was only 12 more than in the year 1953. The figures are: in 1953, 495 arrests, and in 1954, 507 arrests. In mentioning these figures, I would remind honourable senators that the number of arrests must be related to our total population of about 15 million people. Of course, the figure for the current year is not yet available, as our fiscal year ends on March 31, but I am reliably informed that there is a reduction from last year's figure.

Before proceeding to discuss the problem itself, I wish to remind honourable members that in undertaking this work we should be primarily concerned with devising ways and means of controlling the actual traffic of drugs and narcotics, as this is a federal responsibility. The treatment of drug addicts is a matter which, of course, falls within the ambit of provincial jurisdiction. Nevertheless, it may be, and we certainly hope, that out of the findings of this committee may emerge not only recommendations to the federal Government respecting control, but also many helpful suggestions which the provincial Governments might possibly find of some assistance in facing the phases of the drug problem falling within their jurisdiction.

I said earlier that last year the R.C.M.P. had reported 507 arrests. The estimated number of persons in Canada addicted to the use of narcotics is approximately 3,000; and while the majority of them are located on the West coast in and about the city of Vancouver, the problem is a very real one in the large centres of Toronto, Montreal, Hamilton, Windsor, Winnipeg, Edmonton and Calgary. There is very little or no problem in the Maritimes, and as we all know it is virtually unknown in the rural areas.

Drug addicts may be broken down largely into three classes. First, there is the addict who suffers from a chronic medical disease and requires the administration of drugs. A man or woman in this class is not really an addict in the ordinary sense of the word, because the drugs are administered legally and the dosage is supervised by medical authorities. These people are not a problem for enforcement authorities. The second group comprises certain professional personnel who have ready access to narcotics and find them helpful in facing their problems. These are very few in number, and really do not require anything more than a passing mention. The third group, and the one which causes the authorities in this country most concern, comprises those who do not need drugs for any medical condition. It is recognized, however, by social and medical authorities that drug addicts are, for the most part, mentally disturbed and emotionally insecure people. They are people who have had such problems as broken homes, or who face difficult personality factors, or within whose experience a number of other elements have contributed to making them drug addicts.

It will be seen, therefore, that the solution of the drug problem requires, in addition to the criminal law enforcement feature, all possible suitable measures for removing the cause of the addiction and for effecting treatment and rehabilitation. It is not enough merely to imprison these people, if the causes of the addiction have not been removed or to some extent reduced, for they will become addicts again almost immediately upon discharge from an institution.

A great many drug addicts are primarily social and community problems. It must be admitted, unfortunately, that many of them have never been responsible and useful members of the communities in which they have lived. Because each one of them represents an individual problem, it is difficult to outline a program for the treatment of addicts generally. However, from time to time a variety of proposals have been made including the provision of free drugs in a limited quantity for the addict. Some people suggest that if this plan were adopted the crime of robbery, which is so prevalent in

certain parts of Canada, and which many addicts commit in order to obtain money for the purchase of drugs, would possibly be done away with or greatly lessened. However, I may say that the experience of this country and others is that this plan has not proved as successful as had been hoped. In fact, it has often resulted in worse and more problems than it was intended to reduce or eliminate, and the authorities strongly oppose it.

There is in this country a belief that the man who traffics in drugs pursues a deliberate policy of recruiting unaddicted persons, particularly those in the teen-age group, in order to provide himself with a larger clientele. However, the enforcement officers in our country do not support that view, and I also find that it is not generally supported by our officials. I was interested to read an article on this subject by R. E. Curran in the January 1955 number of the *Canadian Bar Review*, beginning at the bottom of page 126 and continuing to page 127. The article reads:

> The reported prevalence of drug addiction among school attending juveniles and teen-agers in other countries has caused the situation in Canada to be most carefully examined. There is, however, no evidence here of drug addicition among this group. The records of convictions of persons under the age of twenty-one for narcotic offences show that almost invariably they were not attending school and, moreover, had long records of juvenile delinquency and were well known to the enforcement authorities before they became addicted to the use of drugs.

Honourable senators will therefore see that the work of the committee will largely be to consider the causes of this unfortunate problem with which this country is faced, to hear expert witnesses and to determine in what way the Government can make its most valuable contribution in resolving this unfortunate condition. The report of this committee, based upon an objective, cautious and factual assessment of the problem, may well become a document of the utmost importance and have far-reaching consequences in helping to found policy upon which the successful solution of this problem can rest.

I am sure that honourable senators who are not members of the committee will attend its meetings whenever possible and give every possible support to the members of the committee in carrying this important project to a successful conclusion. And may I add that thereby this house will make a very valuable contribution to the welfare of our country.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable senators, I first want to congratulate the Government on bringing in this resolution. I think I can say without fear of contradiction that it is the most important item we have had on our program so far this session. I want to pay my sincere respects to the honourable senator from Victoria (Hon. Mrs. Hodges) and the honourable senator from New Westminster (Hon. Mr. Reid). I do not know what effect their remarks had on other members of this house, but they made me realize as I had never realized before the seriousness of this problem. If good comes out of the work of the committee these two members can take a good deal of credit in their quiet moments for having urged consideration of this matter.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: Now, I think there is no more important contribution—and I say this advisedly after long experience in this chamber and in other legislative places—I think there is no more important contribution that this house can make to the welfare of Canada than a proper investigation of this whole problem from start to finish. Let us spare no effort, nor time, nor expense, in getting at the facts of the matter. The result of this committee's proceedings will, I am sure, compare very favourably with that which accrued some years ago from the work of a committee of this house on the income tax problem. Certainly if we can help the law enforcement officers of this country to get at the causes of and to eradicate the illicit peddling of drugs it will go down in history as one of the great achievements of the Senate; and the people of Canada will be more grateful for this achievement than for anything else we have done in a long time.

Now, honourable senators, there is a little sidelight that I would like to focus on this committee. As you all know, I come from the province of Manitoba. Well, apparently my province must be considered to have no drug addiction problem, for not a single senator from Manitoba has been named to the committee. And Manitoba is the only province not represented in the proposed list of members.

Hon. Mr. Howden: Anyone who thinks we have no drug addiction problem in Manitoba does not know the facts.

Hon. Mr. Haig: Quite so. I know about the problem, as a lawyer. What I am pointing out now is that not a single senator from Manitoba has been named to the committee.

Hon. Mr. Macdonald: Honourable senators, I am sure that the omission drawn to our attention by the honourable Leader of the Opposition is an oversight. It is an important one, though. I would second an amendment if the honourable Leader of the Opposition

moved one, that the honourable senator from St. Boniface (Hon. Mr. Howden) be added to the committee.

Hon. Mr. Haig: He is the best representative from Manitoba that we could have on that committee, and I would heartily move an amendment to that effect.

Now, to come back to the general subject. I hope the committee will devote a good deal of time to this inquiry, because a very distressful situation exists in this country today. Whether what they write is true or not, a number of magazines published in this country are carrying articles to the effect that the present trouble in Vancouver, outside of the trouble that ordinarily exists in a seaport, arises out of a struggle between two powerful elements to control the illicit drug traffic in that city. They are fighting it out for the purpose of determining who will control the illicit drug market in British Columbia. It is rather startling that a periodical would even suggest that such a condition of affairs exists, and I feel as did the honourable senator from Victoria (Hon. Mrs. Hodges) when she said she would like to see the higher-ups hanged. I agree with her, and I will promise to be there when she does the hanging. It is terrible what can happen to people who become victims of the illicit drug traffic.

In my home town of Alexander, Manitoba, when I was a boy, a very able practising doctor, a graduate of Edinburgh University, an honours man, had this dreadful habit of taking drugs, and the results were simply awful. Even with all his ability and training he could not resist the temptation, and he would break down every three or four months.

The proposed committee, with the addition of the honourable senator from St. Boniface (Hon. Mr. Howden), is a good one. It will render a service that we will all be proud of. I for one will give every assistance within my power that the committee can ask for, and will do all I can to make its study of this problem as thorough as possible. Some senators while attending meetings of this committee may miss meetings of other committees, but on any such occasions we will try to arrange to have their views given expression to before those other committees. Let us give this committee on the narcotic drug traffic a wide open field in which to make a real contribution towards solving the problem.

Hon. Mr. Horner: Honourable senators, I would just like to ask a question of the Leader of the Government (Hon. Mr. Macdonald). He mentioned a figure of three thousand known addicts in Canada. Surely there are more than that. I noticed in the press a statement that there are two thousand known addicts in the city of Vancouver alone. I should think that, for the whole of Canada, ten thousand would be nearer the mark.

Hon. Mr. Macdonald: My information comes from a very good source. The honourable senator from Blaine Lake (Hon. Mr. Horner) says there are two thousand addicts in Vancouver. He may be right: I am not sure of my figures in that respect. I know that there are a great many drug addicts in Vancouver. But the estimate of three thousand for all Canada comes from a very reliable source.

Hon. Mr. Crerar: Honourable senators, I wish to direct a question to the honourable leader, because in one respect his resolution is a little ambiguous. Its purpose is to set up a committee to inquire into and report upon the traffic in narcotic drugs. There is a traffic in narcotic drugs which is perfectly legal: manufacturers sell to wholesalers; wholesalers sell to drugstores and hospitals, and drugstores supply doctors. I take it the intention is, not that the committee shall probe and inquire into these activities, which are perfectly legal, but rather that it shall direct its attention to the illicit or illegal traffic in drugs.

Hon. Mr. Macdonald: The reason for not limiting the inquiry in the way the honourable senator suggests is that, as he says, there is a legal form of traffic in these drugs, namely through doctors and drugstores. But I think the committee might like to follow that up to find out how the supplies are obtained from drugstores. Presumably the distribution is carried on legally: I am not suggesting anything to the contrary, but possibly there may be some illegality in the way of connivance. From time to time, as I mentioned it before, proposals have been made to widen the legal basis of sale. These suggestions are not approved by the experts with whom I have spoken. No doubt that matter also will come before the committee.

Hon. Mr. King: The honourable senator from Churchill (Hon. Mr. Crerar) has referred to the legal trade in drugs through the medical profession, but I do not favour the exclusion of this matter from the inquiry. As I understand it, there is in existence an international agreement relating to manufacture and sale by manufacturers. I believe we should try to arrive at some plan to more effectively control the international sale of drugs and enable proper supervision of distribution from the manufacturing centres. If this business could be controlled internationally, I believe the sale of drugs in Canada and in the world at large could be limited through proper safeguards. One of the most

important things this committee could do is to impress upon the world at large the serious effects which the indiscriminate sale of certain drugs has in general, not merely in the city of Vancouver. Years ago, when I was in New York, the drug traffic was rampant there, and today it is operating in all the large cities. So I hope the committee will do something to impress upon our own nation and other countries the necessity for proper control of manufacture and sale.

Hon. Mr. Beaubien: May I briefly explain to the honourable Leader of the Opposition (Hon. Mr. Haig) why no representative of Manitoba was nominated for the committee. I had something to do with the selection. The member for St. Boniface (Hon. Mr. Howden) was not nominated because he is very busy in the Divorce Committee; and he will be even busier next session if the bill introduced yesterday by the honourable senator from Rosetown (Hon. Mr. Aseltine) passes into law. I understand that another Manitoba senator, the senator from Provencher (Hon. Mr. Beaubien), is occupied with duties which prevent him from acting on this committee. If at any time any honourable senator who is not on the committee desires to be appointed to it, all he need do is to notify the honourable Government Leader (Hon. Mr. Macdonald) or myself, and it will not be long before his name is added.

The Hon. the Speaker: Honourable senators, it is moved in amendment by the Honourable Senator Haig, seconded by the Honourable Senator Macdonald, that the name of the Honourable Senator Howden be added to the list of members of the special committee.

The amendment was agreed to.

The Hon. the Speaker: The question, honourable senators, is on the motion as amended:

1. That a special committee of the Senate be appointed to inquire into and report upon the traffic in narcotic drugs in Canada and problems related thereto.
2. That the said committee be composed of the Honourable Senators Baird, Burchill, Gershaw, Grant, Hayden, Hawkins, Hodges, Horner, Howden, Hugessen, Leger, McDonald, McIntyre, Quinn, Reid, Stambaugh, Turgeon, Vaillancourt, Veniot and Woodrow.
3. That the committee be empowered to send for persons, papers and records.
4. 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.

The motion, as amended, was agreed to.

LIBRARY OF PARLIAMENT BILL

ORDER FOR THIRD READING STANDS

On the Order for the third reading of Bill B, an Act to amend the Library of Parliament Act.—Hon. Mr. Lambert:

Hon. Mr. Haig: Honourable senators, I have been asked by one honourable member of this house to request that this motion shall stand until Tuesday next. The honourable senator from Ponteix (Hon. Mr. Marcotte) cannot be here today, and he would like to speak on the third reading. If he could have that privilege I would appreciate it very much.

Some Hon. Senators: Agreed.

The Hon. the Speaker: The order stands.

PRIVATE BILL

LONDON AND PORT STANLEY RAILWAY COMPANY—SECOND READING

Hon. William H. Taylor moved the second reading of Bill Q-6, an Act respecting the London and Port Stanley Railway Company and the Corporation of the City of London.

He said: Honourable senators, this bill probably requires a brief explanation on second reading, and I have been requested by the Corporation of the City of London to make this explanation to the Senate.

The London and Port Stanley Railway Company was incorporated in 1853, some fourteen years before Confederation. By 1903 this small railway of 24·5 miles ran from the City of London, Ontario, through St. Thomas to Port Stanley, a lakeport on the north shore of Lake Erie. The sidings and terminals extended about forty-seven miles.

The financing of this line of railway was guaranteed by a bond issue from the municipalities through which the railway passed, but by 1903 the City of London had become the holder of all the bonds issued for the construction of the railway. The railway has never been able to pay any bond interest or any part of the principal, all of which is long overdue.

In 1913 the City of London entered into an agreement with the London and Port Stanley Railway Company to take over the operation of the railway for ninety-nine years from January 1, 1914. The Statutes of Canada, 1914, Chapter 96, confirmed the lease and authorized the city to carry on the railway operation by electricity or steam, and either by itself or by a statutory agent to be known as the London Railway Commission.

Under the terms of the lease the cost of electrification was to be a lien and charge against the railway company. In 1954 the city's investment by way of bonds, accrued interest on bonds and for electrification was in the neighbourhood of $7 million, which is acknowledged to be greatly in excess of the value of the railway. The city also by this time had acquired over 95 per cent of the outstanding shares of the company. The

city is the company's only creditor, and by reason of the charge against the assets for outstanding bonds and for electrification the shares have no possible value.

In order to simplify the operation of the railway and to enable the city to plan for the future, an agreement was entered into on January 10, 1955, between the railway company and the city for the transfer of all the company's assets to the city, in consideration of the city releasing the company from its obligations to the city.

Honourable senators, the purpose of the proposed legislation is to confirm this agreement and to make such other amendments in the legislation as have become necessary because of the transfer of the assets of the railway to the city as owner. I might review the sections of the bill very briefly.

Section 1 confirms the agreement. Section 2 is necessary because in the interests of economy it may be decided to operate the railway by diesel power instead of electricity or steam, as provided in the earlier legislation.

Section 3 is necessary in order to correct an omission in earlier legislation which failed to provide as to qualifications or disqualifications of commissioners of the London Railway Commission.

Section 4 is necessary to more clearly define the powers of the London Railway Commission. Section 5 is necessary because the Railway Act, while providing for the sale of the assets or undertakings of railway companies, does not contain legislation specifically covering a railway owned by a municipal corporation. If at a future time it appeared desirable to lease or sell the railway operation, section 5 would provide the machinery.

Section 6 of the bill provides for the machinery to end the corporate existence of the London and Port Stanley Railway Company. The company has no debts or liabilities except to the City of London, and on parting with its assets there is no need to continue the existence of the company.

Honourable senators, I believe that is a general explanation of the bill in principle. If the bill is given second reading I will move that it be referred to the Standing Committee on Transport and Communications, and I have an assurance that the solicitor for the City of London is prepared to appear before the committee to provide honourable senators with any information they wish.

Some Hon. Senators: Hear, hear.

Hon. Mr. Isnor: Would the honourable gentleman be good enough to inform us, in respect to section 2 of the bill, whether the railway is at present being operated by steam and, if so, from whom it procures its coal? I am wondering from what part of the country the coal is obtained.

Hon. Mr. Taylor: In 1913 the line was electrified. Prior to that time the railway had an agreement with interests in Cleveland, Ohio, to supply the coal by boat service across Lake Erie. The railway was able to obtain its coal from this source much more conveniently and cheaply than from anywhere else. If the railway continues to operate, it is hoped that diesel power will be used.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Taylor the bill was referred to the Standing Committee on Transport and Communications.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. F. W. Gershaw: Honourable senators, first, I wish to congratulate the honourable senator from Rosetown (Hon. Mr. Aseltine) on bringing this bill before Parliament, and also to commend him for his great contribution as Chairman of the Committee on Divorce for so many years.

I am voting for the second reading of this bill, because I believe the present practice in regard to divorce is not the best that can be devised. I have listened to the evidence in about a thousand divorce cases, and I am firmly convinced that some couples obtain divorce in Canada who should not be divorced, and that others who cannot obtain divorce should, in the interests of all concerned, be able to do so.

In 1912, a royal commission which was appointed in England for the purpose of studying this whole problem, reported as follows:

> Divorce is not a disease, but a remedy for a disease. Homes are not broken up by the courts but by the causes referred to.

This indicates that homes are hopelessly broken up before the parties ever come to the divorce courts.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Gershaw: The report goes on to say:

> No law should be so harsh as to lead to its common disregard. No law should be so lax as to lessen the regard for the sanctity of marriage.

What is harsh about our present divorce practice? Simply this, that no matter how intolerable the marriage life of the spouses may be, no matter how horrible the example to the children in their tender years, no matter how acute the suffering, there is no release unless the crime of adultery, or the crime of perjury, is resorted to. Honourable senators, I suggest that adultery is a crime, although not so recognized by the laws of our country. It is so regarded by the law in the province of New Brunswick. It is rather shocking to see men and women stand in the witness box and, under oath, without a blush or without emotion volunteer the statement that they had committed adultery. I feel strongly that adultery should be a crime according to our laws. It is, indeed, a moral crime. If it were a crime by law, there would be fewer co-respondents, and not so many hotel-room cases brought before the divorce committee.

We all sincerely regret the breaking up of family life. The family, of course, is the foundation of our society, and children are our greatest national asset. We realize that everything possible should be done to prevent a family from breaking up. Instruction should be given to young people about the sanctity of marriage, and if friction occurs a proctor or some wise counsellor should attempt to bring the parties together. However, this malady does exist in our midst, and we must take a realistic view of the matter, because it is right before us. I say that it is an obligation on the part of this High Court of Parliament to take whatever steps its members feel should be taken in the interests of those involved in homes that are wrecked. In undertaking that obligation, should not the real reason for failure in a marriage be considered and inquired into? Of course, adultery is one disaster; but other disasters also come to the home, and I think that they, too, should receive careful consideration throughout Canada.

It has been said, from time to time, that divorce cases are hastily considered and carelessly recommended by the Divorce Committee. That is not so. When a petitioner comes before the committee, the committee is careful to make sure, first, that the marriage occurred and that it was a legal marriage. Domicile is then determined, and that is a very important factor. The committee then makes sure that the offence alleged is proven beyond doubt. More than one witness is required for proof. Every accused person has the opportunity of clearing his or her honour. Money is provided, if necessary, for a woman defendant who wishes to come and plead her case. Notice of the time and place of the hearing is issued, so that all the parties will know about it. The chairman, or judge, makes sure that no collusion, connivance or condonation exists. In cases where it seems that unduly heavy expense to the parties is involved, the usual parliamentary fee of $210 may be reduced to as low as $75 or $50. It will be seen, therefore, that every opportunity is given for a case to be heard and to ensure that the real facts of the case are brought out. A recommendation for divorce by one of our committees is almost always unanimous.

Honourable senators, I have mentioned those facts to indicate that if this bill is passed—because I believe it will be passed at some time—the same care as in the past will be taken to provide justice in these domestic tragedies. Lawyers who appear before the committee carry out their duties very well, but no member of a committee is influenced by the pleading of a lawyer, because no pleading is permitted. Each member of the committee must make up his or her own mind.

May I say here, honourable senators, that no member who hears evidence in these cases does so without having an urge to do the very best possible for those involved in a family break-up. There is something about the atmosphere that impresses one and creates a desire to do one's duty and help the innocent in homes that are blighted.

Honourable senators, I think that some urgent consideration should be given to those unhappy cases for which at present there is no relief, so that people will not find it necessary either to pretend to commit adultery or to actually commit adultery in order to get a divorce.

Generally speaking, the bill before us simply suggests three new grounds for divorce. The first with which I will deal is cruelty. Everyone knows that in some homes in this country women are treated with great cruelty and receive violent beatings from time to time. This may come from hatred, bad temper, cruel mentality, or from one or more other causes. For that reason, I think that the plea of cruelty should receive some consideration. It may be difficult to give a legal definition of cruelty, but I would say that the ground should not be mental cruelty, or incompatibility, nor should the offence be flimsy or frivolous. Perhaps the ground of cruelty should be constituted not by a single offence, but rather by repeated acts of inhuman treatment whereby a woman lives in constant danger of bodily injury or death. Then, surely, some relief should be given.

I hope that in committee "cruelty" will be sufficiently well defined so that we shall not have to rely for its interpretation on judgments of the Hight Court of England.

The second ground, that of desertion, when it is complete and permanent, might well be considered a cause for divorce. I do think, however, that absence for a term of three years is too short a period to constitute desertion within the meaning of the bill.

The third suggested ground, that of mental illness, is one to which I have given a great deal of thought. Married couples are bound together in sickness and in health, and the term "insanity", as used in the bill, is a sickness of the mind. I believe, however, that insanity should constitute a ground for divorce only in extreme cases. To illustrate, may I cite such a case?

About thirty years ago a couple, then about twenty years of age, were married. After a baby girl was born to them the mother became hopelessly insane and was committed to a mental hospital, where she still is. She never knew that she had a child; she never recognized her husband again; she has no mentality whatever. Her husband looked after the girl until, in her late twenties, she married. He, now in his early fifties, wishes to marry again, but he cannot do so.

That seems to me to illustrate the type of extreme case to which I referred, involving hopeless insanity. It is quite well defined in the bill, and I think shoud be accepted as a ground for divorce.

I turn now to the subject of avoidance. Section 12, on page 6 of the bill, reads in part as follows:

> Subject to section 13 . . . a marriage shall be voidable by the court on the grounds . . .
> (b) that either party to the marriage was at the time of the marriage . . . subject to recurrent fits of insanity or epilepsy.

The word "insanity" is pretty well hedged around with qualifications so that no hasty action would likely be taken. But, in the case of avoidance, I think the term "epilepsy" should be more carefully defined. There are, as honourable senators know, many forms of epilepsy: For instance, grand mal, petit mal, Jacksonian seizure and psychical disturbance. Some of them are curable, and nearly all can be controlled. It is my hope that the committee to which the bill is referred will see fit to recommend some amendment to this section.

Honourable senators, I feel the introduction of this bill is a good thing, and I hope that when it does become law, if it does, it will contribute to the wellbeing of Canada and the increase of human happiness.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mrs. Hodges, the debate was adjourned.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill R-6, an Act for the relief of Olga Mailkowski Hocaloski.

Bill S-6, an Act for the relief of Mary Evelyn Martinson Ross.

Bill T-6, an Act for the relief of Donald Muir Langton.

Bill U-6, an Act for the relief of Albert Ritchot.

Bill V-6, an Act for the relief of Annie Esther Vetter Meister.

Bill W-6, an Act for the relief of Carmen Lister Lees.

Bill X-6, an Act for the relief of Dawn Elsie Coles Ekers Bowen.

Bill Y-6, an Act for the relief of Marion Murray Redburn.

Bill Z-6, an Act for the relief of Anna Pearl Lingo DesMarais.

Bill A-7, an Act for the relief of Phyllis Geraldine Brown McLean.

Bill B-7, an Act for the relief of Eva Lilly Ware Deslauriers.

Bill C-7, an Act for the relief of Agnes Rose McKiernan Popadick.

Bill D-7, an Act for the relief of Rosalind Elaine Beinhaker Katz.

Bill E-7, an Act for the relief of Louis Kenneth Laurin.

Bill F-7, an Act for the relief of Eva Amelia Richardson Keyton.

Bill G-7, an Act for the relief of Francois-Xavier Lange.

Bill H-7, an Act for the relief of Aline Pelland Myre.

Bill I-7, an Act for the relief of Roscoe Winston Percy Soule.

Bill J-7, an Act for the relief of June Patricia Potter Cashman.

Bill K-7, an Act for the relief of Paul-Emile Roland Boisclair.

Bill L-7, an Act for the relief of Kathleen Swanson Butler.

Bill M-7, an Act for the relief of Freda Lutsky Perzow.

Bill N-7, an Act for the relief of Susie Earle Young.

Bill O-7, an Act for the relief of Joseph Willie Walter Stonehouse.

Bill P-7, an Act for the relief of Alexander Jakobszak.

Bill Q-7, an Act for the relief of Margaret Thomson Kelso Midlick.

Bill R-7, an Act for the relief of Pansy Joy Cowen Kirby.

Bill S-7, an Act for the relief of Isabel Taylor Page Kingsley.

Bill T-7, an Act for the relief of Dorothy Winnifred Patricia Lawson Disken.

Bill U-7, an Act for the relief of Annie Kofman Liebman.

Bill V-7, an Act for the relief of Harry Elsworth Allton.

Bill W-7, an Act for the relief of Desire Cherry Szabo.

Bill X-7, an Act for the relief of William Edward Shanassy.

Bill Y-7, an Act for the relief of Fernand Seguin.

Bill Z-7, an Act for the relief of Joanna Florence Ritchie Leinonen.

Bill A-8, an Act for the relief of Joseph Telesphore Origene Dragon.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

The Senate adjourned until Tuesday, March 1, at 8 p.m.

THE SENATE

Tuesday, March 1, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

SPEECH FROM THE THRONE

ADDRESS IN REPLY—MESSAGE OF THANKS FROM HIS EXCELLENCY

The Hon. the Speaker informed the Senate that he had received a message from His Excellency the Governor General, reading as follows:

The honourable the Members of the Senate:

I have received with great pleasure the Address that you have voted in reply to my speech at the opening of Parliament. I thank you sincerely for this Address.

Vincent Massey.

MACPHAIL MEMORIAL

INVITATION TO ATTEND UNVEILING CEREMONY

The Hon. the Speaker: Honourable senators, I have received a communication from the Speaker of the House of Commons in these words:

Ottawa, March 1, 1955.

Honourable Wishart McL. Robertson,
Speaker,
The Senate,
Ottawa,

Dear Mr. Speaker,

The Commissioners of Internal Economy and the members of the House of Commons generally have asked me to invite you and all honourable senators to attend the unveiling ceremony of the Macphail Memorial which has been fixed for Tuesday, March 8 next.

You will find, enclosed, copy of the announcement that I will make at 2.30 this afternoon.

Sitting arrangements on the floor of the House of Commons for honourable senators will be similar to those which were made on similar occasions in the past.

I trust that many senators will be able to be present.

With best personal regards.

Yours sincerely,
L. René Beaudoin.
Speaker.

Encl.

The enclosed copy of the announcement to the House of Commons reads as follows:

I am pleased to announce that the date of the unveiling of the Macphail Memorial has been fixed by the Internal Economy Committee for Tuesday, March 8, 1955.

It was on March 8, 1922, that the late Agnes Campbell Macphail, elected member for the constituency of Grey South East at the general elections held on December 6, 1921, took her seat in the house, the first woman to do so.

Honourable members will recall that on June 8, 1954, I communicated the recommendations of the Commissioners of Internal Economy which were as follows:

(a) that to commemorate this historic event, a bronze bust of the first woman member, Miss Agnes Macphail, be placed on a pedestal in the vicinity of the Chamber of the House of Commons; and

(b) that, for this purpose, the bronze bust of Miss Agnes Macphail, offered by her two sisters, be gratefully accepted.

On Tuesday, March 8 next, it is proposed to adjourn the House at 5 p.m.

Honourable senators and members are invited to gather in this chamber at 5.30 p.m. to hear the tributes which will be paid to the late Miss Macphail.

Miss Macphail's close relatives have been invited to attend the ceremony on the floor of the House.

When the speeches are concluded, Mrs. Meredith Reany and Mrs. Hugh Bailey, sisters of Miss Macphail, will proceed to the south west corridor to declare the Macphail Memorial officially unveiled.

The public is invited to attend.

EXPORTATION OF POWER AND FLUIDS AND IMPORTATION OF GAS BILL

FIRST READING

A message was received from the House of Commons with Bill 4, an Act to regulate the exportation of power and fluids and the importation of gas.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Macdonald: With leave, next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 215 to 224, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill E-8, an Act for the relief of Dorothy Katherine Beattie Gunston.

Bill F-8, an Act for the relief of Ellis Hamilton.

Bill G-8, an Act for the relief of Joan Shirley Davies Marchand.

Bill H-8, an Act for the relief of Joseph Leon Gilles D'Avignon.

Bill I-8, an Act for the relief of Mary Ritchie Fleming Benjamin.

Bill J-8, an Act for the relief of Doris Wagner Arkin.

Bill K-8, an Act for the relief of Lena Robitaille Barre.

Bill L-8, an Act for the relief of Antonio Michetti.

Bill M-8, an Act for the relief of Joseph Andre Roland Roy.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be placed on the Order Paper for second reading?

Hon. Mr. Roebuck: With leave, next sitting.

CRIMINAL CODE

JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW—CHANGE IN SENATE MEMBERSHIP

Hon. Arthur L. Beaubien moved, with leave:

That the name of the Honourable Senator Tremblay be substituted for that of the Honourable Senator Bouffard on the Joint Committee on Capital and Corporal Punishment and Lotteries; and

That a message be sent to the House of Commons to inform that house accordingly.

The motion was agreed to.

TOURIST TRAFFIC COMMITTEE

ADDITION TO MEMBERSHIP

Hon. Arthur L. Beaubien moved, with leave:

That the names of the Honourable Senators Fergusson and Hodges be added to the list of senators serving on the Standing Committee on Tourist Traffic.

The motion was agreed to.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill R-6, an Act for the relief of Olga Mailkowski Hocaloski.

Bill S-6, an Act for the relief of Mary Evelyn Martinson Ross.

Bill T-6, an Act for the relief of Donald Muir Langton.

Bill U-6, an Act for the relief of Albert Ritchot.

Bill V-6, an Act for the relief of Annie Esther Vetter Meister.

Bill W-6, an Act for the relief of Carmen Lister Lees.

Bill X-6, an Act for the relief of Dawn Elsie Coles Ekers Bowen.

Bill Y-6, an Act for the relief of Marion Murray Redburn.

Bill Z-6, an Act for the relief of Anna Pearl Lingo DesMarais.

Bill A-7, an Act for the relief of Phyllis Geraldine Brown McLean.

Bill B-7, an Act for the relief of Eva Lilly Ware Deslauriers.

Bill C-7, an Act for the relief of Agnes Rose McKiernan Popadick.

Bill D-7, an Act for the relief of Rosalind Elaine Beinhaker Katz.

Bill E-7, an Act for the relief of Louis Kenneth Laurin.

Bill F-7, an Act for the relief of Eva Amelia Richardson Keyton.

Bill G-7, an Act for the relief of Francois-Xavier Lange.

Bill H-7, an Act for the relief of Aline Pelland Myre.

Bill I-7, an Act for the relief of Roscoe Winston Percy Soule.

Bill J-7, an Act for the relief of June Patricia Potter Cashman.

Bill K-7, an Act for the relief of Paul-Emile Roland Boisclair.

Bill L-7, an Act for the relief of Kathleen Swanson Butler.

Bill M-7, an Act for the relief of Freda Lutsky Perzow.

Bill N-7, an Act for the relief of Susie Earle Young.

Bill O-7, an Act for the relief of Joseph Willie Walter Stonehouse.

Bill P-7, an Act for the relief of Alexander Jakobszak.

Bill Q-7, an Act for the relief of Margaret Thomson Kelso Midlick.

Bill R-7, an Act for the relief of Pansy Joy Cowen Kirby.

Bill S-7, an Act for the relief of Isabel Taylor Page Kingsley.

Bill T-7, an Act for the relief of Dorothy Winnifred Patricia Lawson Disken.

Bill U-7, an Act for the relief of Annie Kofman Liebman.

Bill V-7, an Act for the relief of Harry Elsworth Allton.

Bill W-7 an Act for the relief of Desire Cherry Szabo.

Bill X-7 an Act for the relief of William Edward Shanassy.

Bill Y-7, an Act for the relief of Fernand Seguin.

Bill Z-7, an Act for the relief of Joanna Florence Ritchie Leinonen.

Bill A-8, an Act for the relief of Joseph Telesphore Origene Dragon.

The motion was agreed to, and the bills were read the third time, and passed, on division.

PRIVATE BILL

VICTORIA INSURANCE COMPANY OF CANADA—SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill B-8, an Act to incorporate Victoria Insurance Company of Canada.

He said: Honourable senators, this bill is in the usual form for the incorporation of a company, and is similar to many others that have come before us. The purpose of the company seeking incorporation in this instance is to conduct various types of insurance in this country, under the name of Victoria Insurance Company of Canada.

The substantial shareholder of the company would be the Insurance Company of Turin, Italy. I am advised that the companies associated with the parent operation in Italy enjoy high standing in the fields of insurance and finance in the northern part of that country.

The bill, which is not unusual in any of its aspects, provides for an authorized capitalization of $1 million—the amount usually asked for in such instances—a subscribed capital of $500,000, and a paid up capital of $360,000 before the company is permitted to carry on certain named types of insurance business, the principal ones being fire and casualty.

The bill also provides for substantial additions to capital in each year for a period of five years; and further, that additional amounts of capital must be subscribed before the company may venture into those classes of business set out in subsection 2 of section 7.

Honourable senators, I have dealt with the more important aspects of the bill, and if additional information is required it can be secured when the bill is considered in committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hayden, the bill was referred to the Standing Committee on Banking and Commerce.

PRIVATE BILL

CALEDONIAN-CANADIAN INSURANCE COMPANY—SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill C-8, an Act respecting Caledonian-Canadian Insurance Company.

He said: Honourable senators, this is another bill by which certain persons are seeking to be incorporated for the purpose of carrying on the business of insurance in Canada. I am sure the very sound of the name of the proposed company will strike a responsive and supporting chord in many of the honourable senators present.

Hon. Mr. Reid: Don't make me blush!

Hon. Mr. Hayden: And may I for that purpose emphasize the name by which the company desires to be known in the conduct of its business in Canada—Caledonian-Canadian Insurance Company.

The Caledonian Insurance Company of Edinburgh is an old and very well-known insurance company. It has been carrying on business for, I think, 150 years, and for at least seventy years in Canada. Up to the present the business in Canada has been carried on by what is known as Caledonian-American Insurance Company, with the management being provided by the Caledonian Insurance Company of Edinburgh.

If this bill is approved by Parliament, a separate Canadian company will be set up under the name, Caledonian-Canadian Insurance Company, and that company will carry on the classes of business in Canada prescribed by this bill; and in addition the bill provides that it will take over the present operations carried on by the Caledonian-American Insurance Company.

Honourable senators will note that the bill contains the usual provision with respect to capital: authorized capital, $1 million; subscribed capital, $500,000; and, in this case, paid-up capital of $400,000. In other aspects this is the usual form of bill for purposes of this kind. If the Senate sees fit to approve the bill on second reading I will move that it be referred to committee, where any questions in the minds of honourable senators can be answered.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hayden, the bill was referred to the Standing Committee on Banking and Commerce.

PRIVATE BILL

ROYAL ARCHITECTURAL INSTITUTE OF CANADA—SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill D-8, an Act to consolidate and amend Acts relating to The Royal Architectural Institute of Canada.

Hon. Mr. McKeen: Is that title approved?

Hon. Mr. Hayden: Yes. If the honourable senator wishes, we can have some discussion on that point.

This bill is for the purpose of amending and consolidating statutes which up to the present time have governed the operations of The Royal Architectural Institute of Canada. Before any question is raised about one of the words in the title, may I say that the Royal Architectural Institute of Canada was originally incorporated by statute of the Parliament of Canada in 1908. At that time it was known as "The Architecutural Institute of Canada". There were subsequent amending statutes, one passed in 1912, another in 1929. These facts, I think, establish not only a precedent but a sort of hoary antiquity for the title under which the institute operates, for it was in 1912, by virtue of the amending statute, that the name was changed to "The Royal Architectural Institute of Canada". So the problem which may be lying somewhere forward or back of the minds of some honourable senators since their promiscuous reading of the past week has not the foundation it might otherwise have.

The purpose of this bill is to amend and also to consolidate the three statutes under which this organization has functioned. The institute is a body superimposed so to speak on the governing bodies of architects in the various provinces of Canada. These organizations are provincially incorporated, and this bill like the act under which the institute operates, does not interfere with or intrude in any way upon the powers of the provincial organizations in relation to their governmental functions or with the practice and the schooling related to the profession. In order to qualify for membership in the Royal Institute an applicant must be a member of what is called a component association. This component association is the provincial organization and the governing body within the province in its particular field.

Time teaches, and sometimes educates, and as a result of this process the objects as originally stated have been redrafted and broadened to satisfy the concept of what should be the Institute's function today. Also it has been wisely decided to introduce more flexibility into the methods whereby persons can become members of the Royal Institute; and instead of placing a fixed formula in the statute, a more elastic formula, which may be varied by regulation, is proposed.

The Institute is ambitious, as all organizations should be if they are to go along and get anywhere. Years ago provision was made to limit the funds which it could accumulate and hold in expectation of the day when it might erect a building proper and suitable to house its activities. At that time the estimate of an adequate sum was $200,000. Now its members feel—and I do not know any group in a better position to know—that this sum would not produce the kind of edifice which would be worthy of their occupancy; and it is proposed to vest the Institute with authority to set aside and hold for building purposes a larger amount, namely, $500,000.

Briefly, these are the purposes which it is sought to accomplish, and the respects in which earlier legislation is amended, by this bill. Otherwise the purpose is to consolidate existing legislation.

If the bill should receive second reading I shall move to send it to committee.

Hon. Mr. Farris: In a general way, what are the objects of the bill?

Hon. Mr. Hayden: The objects, which are set out very generally in the bill, are to promote a better relationship between not only the component associations and other architectural groups with which an affiliation exists—for instance, in other countries—but also to endeavour by education and other appropriate means to set higher standards for the architectural profession and activities incidental to it.

The bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hayden, the bill was referred to the Standing Committee on Miscellaneous Private Bills.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from Thursday, February 24, the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. Nancy Hodges: Honourable senators, I should like first to congratulate the sponsor of this bill on his courage in bringing it in. Apparently it requires courage, as I notice that seventeen years have passed since a similar bill was introduced. Also, may I congratulate the honourable senator who seconded the bill on his able presentation of his views on the subject.

I want to make it quite clear at the beginning that I am supporting the principle of this measure. It may be that some of us will take exception to small details, but these matters can be hammered out in the committee to which, I am sure, the bill will be referred.

But let me make it equally clear, honourable senators, that my support of this bill does not mean that I believe in divorce. I do not believe in divorce. I am against it; but one has to be practical and realistic. One hears it frequently said that an ideal marriage is made in heaven. But when one has lived as long as I have, and has served on our Divorce Committee, as I have, for even a short time, one is forced to the conclusion that a good many marriages are made far from that place, in another place; and when I say "in another place", honourable senators, I do not mean the House of Commons.

Some Hon. Senators: Oh, oh.

Hon. Mrs. Hodges: As I said before, one has to be realistic. I agree with the honourable gentleman from Medicine Hat (Hon. Mr. Gershaw) that divorce is not the cause of broken homes, for homes are broken long before the husband and wife get to the divorce court. We all know—at least, anyone who has served on the Senate Divorce Committee knows—that under our present laws adultery is the only recognized cause for divorce, except in the province of Nova Scotia. At this juncture I want to say that I am not advocating easier divorce, by any means. I think that broadening the grounds for divorce would not mean easier divorce, for frankly I do not think there is any easier way of getting a divorce than under our present law, which merely requires proof or so-called proof of a single act of adultery.

I should like to say without any reflection upon anybody connected with the Divorce Committee or the work of the committee that at times I have suspected there have been stage settings of a certain kind to permit divorce being achieved. As honourable senators know, adultery is one of those causes concerning which one usually has to accept circumstantial evidence, since it is very seldom that the parties are actually caught in the act. In my estimation the divorce laws of our country tend to be brought into disrepute by present practices which recognize marital infidelity as the only ground for obtaining divorce. To illustrate what I mean, I would refer honourable senators to an article appearing in the Montreal *Gazette* of February 19 of this year. It is date-lined Ottawa, Februry 18, and reads as follows:

> Last Nov. 24 two Montreal private detectives were sentenced to 15 months when convicted in Ottawa for trying to set up a phony love nest to gather evidence for a divorce case.
>
> Maurice Pichette, 36, and Paul Santerre, 35, were convicted of attempting to fabricate evidence and of operating as private detectives in Ontario without a licence. They pleaded guilty to the latter charge and were fined $200 apiece.

Apparently they were convicted on the latter charge but not on the former. The report goes on:

> They were arrested after police alleged they installed a 25-year-old Ottawa waitress in a hotel room here and then tried to arrange a rendezvous between her and a city man. The intended victim became suspicious, however, and police kept the rendezvous instead. The waitress was fined $50.
>
> Passing sentence, Magistrate Glenn E. Strike said: The waitress gave evidence that she was to go into the hotel room, muss up the bed, open a bottle of liquor and make the situation appear as she said, "bad", before the private detectives walked in. An innocent man caught in such a trap might suffer greatly.

Honourable senators, that illustrates what I mean when I say that our present system of recognizing adultery as the only grounds for divorce leads to easy divorce. I want to make it quite clear that I am not condemning all private detectives or all divorce cases brought before the Divorce Committee. It would be utterly absurd to do so, but this practice of depending on marital infidelity alone as a ground for divorce lends itself to what I would call shady testimony.

As I said before, I am not advocating easier divorce. But I am glad to see that the bill introduced by the honourable senator from Rosetown (Hon. Mr. Aseltine) makes provision for divorce on the additional grounds of cruelty, desertion and incurable insanity. I am particularly pleased that the bill stipulates that no petition for divorce on any of these grounds shall be entertained until a period of three years shall have elapsed since the date of the marriage. I am also glad to note that where incurable insanity is alleged as a ground, it will be necessary to prove that the respondent has been under continuous treatment for at least five years.

The reason why I am pleased that the bill includes incurable insanity as a ground—and this is particularly what I want to speak about tonight—is that I know a number of instances where incurable insanity has created a great deal of hardship and suffering in homes. And when I say incurable insanity I mean just that. The science and study of mental illness have advanced to such a point that there is very little likelihood of someone who is in fact sane being called insane. That may have been a possibility a few years ago, but the possibility has passed now, because most of our institutions—and I am speaking particularly of those in British Columbia—have advanced to such a scientific point that many people who once might have been considered hopelessly insane are, after appropriate treatment, cured and discharged.

I should like to read to honourable senators a letter I received from a woman in Victoria.

It was sent to me on December 16, 1953, the date that I was appointed to the Senate Divorce Committee. It reads:

> Dear Madam: May I bring to your attention and also those members at Ottawa concerning myself and husband, as he has been confined to a mental hospital since the year 1926. We were married in 1922 in Victoria, B.C. I have two daughters, the oldest one was not three years of age . . .

That was at the time the husband went to the institution.

> . . . and the baby at that time was four months old. Now they are both married and I have three grandchildren. I myself am now 51 years old in May. At the time that my husband was first confined to the mental hospital he was working in Colfax, California. Myself and children were still in Victoria, B.C., and I had a letter from the doctor at Stockton State Mental hospital that my husband had a positive case of syphilis which he must have contracted while in the U.S.A. as I had several tests of myself here and both I and the children did not have it.
>
> I have tried to get a divorce here, but as the lawyer says cannot prove adultery as to him having committed it and contracting syphilis although we had a very short time of married life together as he was working in California most of the time. My husband did go out with other women in Victoria right from the start of our marriage. He also did not send me any expense money to live on while he was away and I had to get groceries and milk for the babies from what was then known as the "Friendly Help" in Victoria. Later I went to the Chief of Police, John Fry, in Victoria and he contacted police in California and my husband sent me ten dollars per week until he was confined to mental hospital. Later he was returned to British Columbia and is in Colquitz Mental Home.

I would point out that the Colquitz Mental Home is an institution for the criminally insane and the incurably insane.

> I myself hope that something can be done for such people placed in my position. Surely we are entitled to a few years of happiness, and some security, by being given the chance to marry again, as I wish to marry again a man I met several years ago. Surely something can be done about the divorce law, or are we still living in the dark ages? I myself was born in Victoria, lived here all my life, but the more I sit and think about some of our laws the more disgusted I get with our law-makers. I myself think that it is laws like ours that drive people to do things that otherwise they would not. My health at present is not of the best, as a few years back I worked all night at nursing, then did my own work at home, and looked after the two girls. So, Mrs. Hodges, all I ask is that something can be done and soon, I hope, for everyone placed in the same position as myself.

This lady signs her name, but adds at the foot of the letter:

> For the happiness of my family, I hope my name will not be used in public.

Honourable senators, I maintain that a woman who has lived like that for thirty years, under conditions beyond her control, should be entitled to some redress. If she had not been a decent woman she would have gone off and lived with the other man whom she met a few years ago. Why should she be penalized for being a decent woman? Why should that woman not have redress from what is obviously an unhappy marriage, when other people can get a divorce by going out and simulating—yes, simulating—an act of adultery? I feel that in the interests of fair play and justice people like her should be entitled to relief.

I know that some honourable senators will say, "Oh, if we start doing that sort of thing, there will be no end to it." But in these days of stress and world tension and—we may as well face it—the lowering of moral standards, a great many people are not prepared to do as this decent woman is doing, but are likely to say, "Well, I can't get along with my husband, so I will get along with another man." Until we do something to broaden our divorce laws we shall continue to contribute to the number of people who are determined to—let us be perfectly frank and call it by the right name—"live in sin."

Honourable senators, I am not going to say any more. I did not intend to speak at any length, but I wanted to put forward this point about which I feel so strongly, and to make it clear that I will support the bill when the time comes to do so.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Barbour, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 206 to 214, dealing with petitions for divorce.

Hon. Mr. Roebuck moved that the reports be concurred in.

The motion was agreed to, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, March 2, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

NARCOTIC DRUG TRAFFIC

COMMITTEE QUORUM REDUCED—AUTHORITY TO PRINT PROCEEDINGS

Hon. Thomas Reid, Chairman of the Special Committee appointed to inquire into and report upon the traffic in narcotic drugs, presented the report of the committee.

The report was read by the Clerk Assistant as follows:

The Special Committee appointed to inquire into and report upon the traffic in narcotic drugs beg leave to report, as follows:

The committee recommend:—

1. That its quorum be reduced to seven members.
2. That it be authorized to print 800 copies in English and 200 copies in French of its proceedings, and that Rule 100 be suspended in relation to the said printing.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Reid: With leave of the house, I move that the report be adopted now.

The motion was agreed to.

PRIVATE BILL

BONAVENTURE AND GASPE TELEPHONE COMPANY—REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill P-6.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications to whom was referred the Bill P-6, intituled: "An Act respecting The Bonaventure and Gaspé Telephone Company, Limited", have in obedience to the order of reference of February 23, 1955, examined the said Bill, and now beg leave to report the same with the following amendments:

1. Page 3, line 46: delete the word "ordinary"
2. Page 3, line 48; delete the word "ordinary"
3. Page 3, line 49: delete the word "ordinary"
4. Page 4, line 22: delete the words "either ordinary or perference, or both",
5. Page 4, lines 39 and 40: delete the words "ordinary stock" and substitute the following word therefor: "shares".

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hugessen: With leave of the Senate, I move that the report be concurred in now. Perhaps I should add that these amendments are all of a comparatively minor character, and merely improve the draftmanship of the bill.

The motion was agreed to, and the amendments were concurred in.

FURTHER AMENDMENTS CONCURRED IN

Hon. Mr. Hayden: Honourable senators, in the interests of good drafting, I would suggest that an expression which occurs three times in this bill be struck out. I am sure it would have been deleted in committee this morning if attention had been focused on the point. I discussed the matter with the honourable senator who sponsored the bill (Hon. Mr. Beaubien), and he agrees with me that the deletions should be made. In one part of the bill there is the expression "majority in value of the shareholders". What is meant is "majority of the shareholders."

In another place are the words "two-thirds in value of the issued ordinary shares"; and on the next page the words "two-thirds in value of the subscribed ordinary stock". All the shares are of the same value, so obviously what is meant is, respectively, "two-thirds of the issued ordinary shares" and "two-thirds of the subscribed ordinary stock".

Therefore I move, with leave, that the bill be further amended, as follows:

P. 1, line 21. Leave out the words "in value".
P. 3, line 48. Leave out the words "in value".
P. 4, line 39. Leave out the words "in value".

Hon. Mr. Bouffard: Honourable senators, the amendments proposed by the honourable senator from Toronto (Hon. Mr. Hayden) are perfectly agreeable. They will further improve the draftsmanship of the bill.

The motion was agreed to, and the amendments were concurred in.

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

Hon. Mr. Reid: Next sitting.

PRIVATE BILL

LONDON AND PORT STANLEY RAILWAY COMPANY—REPORT OF COMMITTEE—AMENDMENT CONCURRED IN

Hon. Mr. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill Q-6.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and communications to whom was referred the Bill Q-6, intituled: "An Act respecting The London and Port Stanley Railway Company and the Corporation of

the City of London", have in obedience to the order of reference of February 24, 1955, examined the said bill, and now beg leave to report the same with the following amendment:

Page 1, line 22: delete line 22 and substitute the following therefor: "the force and power of electricity, steam, oil, fuel or other energy".

The Hon. the Speaker: Honourable senators, when shall this amendment be taken into consideration?

Hon. Mr. Hugessen: With leave, now.

Honourable senators, the amendment which has just been read is of comparatively small import. The bill provides for the taking over and operation by the City of London of the London and Port Stanley Railway. One of the provisions in the bill was that the City of London could operate the railway by electricity, steam, oil or other fuel. In committee the observation was made that the possible use of atomic energy had been overlooked. The amendment is suggested, therefore, for the purpose of allowing the use of atomic energy, if it becomes necessary and possible.

The motion was agreed to, and the amendment was concurred in.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

Hon. Mr. Taylor: With leave, I move the third reading now.

The motion was agreed to, and the bill, as amended, was read the third time and passed.

PRIVATE BILL

PLAINS EASTERN PIPE LINES LTD.—
REFUND OF FEES

Hon. Mr. Wood: Honourable senators, with leave of the Senate I move:

That the parliamentary fees paid upon a proposed bill of the 1952 session of Parliament intituled "An Act to incorporate Plains Eastern Pipe Lines Ltd.", be refunded to Messrs. Stalker, Howard and Stalker, Montreal, Quebec, solicitors for petitioners, less the sum of $25 to apply on printing and other costs.

I might say that the petitioners paid $150 on account of parliamentary fees and did not proceed with the petition or the bill.

The motion was agreed to.

PRIVATE BILL

ST. MARY'S RIVER BRIDGE COMPANY

FIRST READING

Hon. Mr. Farquhar presented bill N-8, an Act to incorporate St. Mary's River Bridge Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Farquhar: Tuesday next.

LIBRARY OF PARLIAMENT BILL

THIRD READING

Hon. Norman P. Lambert moved the third reading of Bill B, an Act to amend the Library of Parliament Act.

Hon. Arthur Marcotte: Honourable senators, I will not make a speech. I will just say a few words. First of all I want to thank the honourable Leader of the Government (Hon. Mr. Macdonald) for the courtesy which he has shown to me in this matter. I thank him. I had a chat with him last night in which he told me that he was very anxious to have the bill voted upon this afternoon, and he asked me if I was ready to speak. I said I would try. Owing to unfortunate circumstances, honourable senators, I was denied the time necessary to get ready to present to you something worthy of you and, if I may say so, worthy of myself. As some of you know, I have been sick, very sick. For months my doctor has been urging me to keep away from this chamber. I said: "Doctor, do you want to kill me? It is not the role of doctors to kill patients. Let me go there. It is my home; I want to be with my friends; I want to be happy." Here is where I work; and I am not able to keep away from work. I am always here at eight o'clock in the morning; I leave at ten o'clock at night; I am busy all day. But this has nothing to do with the matter. The subject before us is very important, and I would have been only too pleased to gather my notes together and address you in a proper way. But I cannot do it. I am told to rest myself: I will rest myself.

The Hon. the Speaker: The question is on the motion for the third reading of Bill B, an Act to amend the Library of Parliament Act.

Hon. Mr. Marcotte: Hold a minute. I would like to have a recorded vote on this bill. I understand that five honourable senators must rise to ask for it.

Some Hon. Senators: Two.

Hon. Mr. Marcotte: My leader, will you stand up with me?

Hon. Mr. Haig rose.

The Hon. the Speaker: The bill has been read the third time, on division.

Hon. Mr. Marcotte: No, I want a recorded vote, not "on division". I want to know how honourable members vote.

The motion of Hon. Mr. Lambert was agreed to on the following division:

CONTENTS

Honourable Senators

Baird	Hodges
Barbour	Howard
Basha	Howden
Beaubien	Hugessen
Blais	Jodoin
Bradette	King
Bradley	Lambert
Burchill	Léger
Connolly	Macdonald
Crerar	McDonald
Dessureault	McGuire
Duffus	McIntyre
Euler	Reid
Farquhar	Roebuck
Farris	Ross
Fergusson	Stambaugh
Fournier	Taylor
Gershaw	Tremblay
Godbout	Turgeon
Golding	Veniot
Grant	Wilson
Hardy	Woodrow—44.

NON-CONTENTS

Honourable Senators

Haig	Paterson
Horner	Quinn—5.
Marcotte	

The bill was read the third time, and passed, on division.

WINNIPEG AND ST. BONIFACE HARBOUR COMMISSIONERS BILL

SECOND READING

Hon. Arthur L. Beaubien moved the second reading of Bill D, an Act to amend the Winnipeg and St. Boniface Harbour Commissioners Act.

He said: Honourable senators, this is a very short bill. The Winnipeg and St. Boniface Harbour Commission was incorporated by chapter 55 of the statutes of 1912, and the act was amended in 1938. At the present time the corporation consists of seven members: three appointed by the City of Winnipeg, two by the City of St. Boniface, one by the municipality of East Kildonan and one by the municipality of West Kildonan. These commissioners serve without remuneration.

Under the existing provisions of the act the quorum for the transaction of business is six. The corporation has reported that because the members have a variety of business interests it is frequently found impossible to arrange for attendance of the present quorum. In the circumstances, the Corporation is desirous of having its act amended to provide that the quorum shall be simply a majority of the members. This would place the corporation's attendance requirement on the same basis as that of the other harbour commissions.

The bill would amend the act in accordance with the request of the commissioners. If the bill receives second reading and any member of the house desires to have it referred to committee, I will move that this be done.

Hon. Mr. Reid: Honourable senators, I do not rise to object to the bill, but I should like to be clear as to whether the honourable senator from Provencher (Hon. Mr. Beaubien) said the number of commissioners was to be increased to seven, or that there are seven commissioners now.

Hon. Mr. Beaubien: There are seven now. The bill simply provides that a majority of the commissioners will constitute a quorum at business meetings. As I said before, the commissioners have various business interests to attend to besides their work on the commission, and frequently it is impossible to obtain the present quorum of members at commission meetings. Therefore it is desired to change the quorum, so that instead of a fixed quorum of six, the majority in attendance at a meeting will constitute a quorum.

Hon. Mr. Haig: I wish to assure the honourable senator from New Westminster (Hon. Mr. Reid) that no ships have been lost in the harbour since it was opened many years ago, and it is not expected that any will be lost there within the next few years, so it appears likely a quorum of four will be able to carry on the business. If an inquiry were made as to the volume of freight carried on the river, I think it would be found that about one boat of lumber passes down the river in a year, and the same boat returns next year.

Hon. Mr. Roebuck: I understood the honourable senator from Provencher (Hon. Mr. Beaubien) to say that a majority of the commissioners attending a meeting will constitute a quorum. What will constitute a quorum is not a majority of the commissioners attending a meeting, but rather a majority of the commissioners, is it not?

Hon. Mr. Beaubien: That is what I intended to convey to honourable senators, and I thought I had done so.

Hon. Mr. Roebuck: I wanted to be sure that I understood correctly.

Hon. Mr. Beaubien: What will constitute a quorum is simply a majority of the commission.

Hon. Mr. Roebuck: That is the point.

Hon. Mr. Beaubien: If a majority of the commissioners are present at a meeting, there will be a quorum.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Beaubien: Next sitting.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill E-8, an Act for the relief of Dorothy Katherine Beattie Gunston.

Bill F-8, an Act for the relief of Ellis Hamilton.

Bill G-8, an Act for the relief of Joan Shirley Davies Marchand.

Bill H-8, an Act for the relief of Joseph Leon Gilles D'Avignon.

Bill I-8, an Act for the relief of Mary Ritchie Fleming Benjamin.

Bill J-8, an Act for the relief of Doris Wagner Arkin.

Bill K-8, an Act for the relief of Lena Robitaille Barre.

Bill L-8, an Act for the relief of Antonio Michetti.

Bill M-8, an Act for the relief of Joseph Andre Roland Roy.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next siting.

DIVORCE PETITIONS

REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 215 to 224, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, March 3, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

INTERNAL ECONOMY

SECOND REPORT OF COMMITTEE CONCURRED IN

Hon. Norman McL. Paterson, Chairman of the Standing Committee on Internal Economy and Contingent Accounts, presented the committee's second report.

The report was read by the Clerk Assistant.

On motion of Hon. Mr. Paterson, with leave, the report was concurred in.

THIRD REPORT OF COMMITTEE CONCURRED IN

Hon. Mr. Paterson presented the third report of the Standing Committee on Internal Economy and Contingent Accounts.

The report was read by the Clerk Assistant.

On motion of Hon. Mr. Paterson, with leave, the report was concurred in.

FOURTH REPORT OF COMMITTEE CONCURRED IN

Hon. Mr. Paterson presented the fourth report of the Standing Committee on Internal Economy and Contingent Accounts.

The report was read by the Clerk Assistant.

On motion of Hon. Mr. Paterson, with leave, the report was concurred in.

FIFTH REPORT OF COMMITTEE CONCURRED IN

Hon. Mr. Paterson presented the fifth report of the Standing Committee on Internal Economy and Contingent Accounts.

The report was read by the Clerk Assistant.

On motion of Hon. Mr. Paterson, with leave, the report was concurred in.

CRIMINAL CODE BILL

FIRST READING

Hon. J. Adelard Godbout presented Bill O-8, an Act to amend the Criminal Code.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Godbout: With leave, next sitting.

ADJOURNMENT

Hon. Mr. Godbout: Honourable senators, I beg to move that when this house rises today it stand adjourned until Tuesday next at 8 p.m.

The motion was agreed to.

PRIVATE BILL

BONAVENTURE AND GASPE TELEPHONE COMPANY—THIRD READING

Hon. Paul H. Bouffard moved the third reading of Bill P-6, an Act respecting the Bonaventure and Gaspé Telephone Company, Limited, as amended.

The motion was agreed to, and the bill was read the third time, and passed.

WINNIPEG AND ST. BONIFACE HARBOUR COMMISSIONERS BILL

THIRD READING

Hon. Arthur L. Beaubien moved the third reading of Bill D, an Act to amend The Winnipeg and St. Boniface Harbour Commissioners Act.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill E-8, an Act for the relief of Dorothy Katherine Beattie Gunston.

Bill F-8, an Act for the relief of Ellis Hamilton.

Bill G-8, an Act for the relief of Joan Shirley Davies Marchand.

Bill H-8, an Act for the relief of Joseph Leon Gilles D'Avignon.

Bill I-8, an Act for the relief of Mary Ritchie Fleming Benjamin.

Bill J-8, an Act for the relief of Doris Wagner Arkin.

Bill K-8, an Act for the relief of Lena Robitaille Barre.

Bill L-8, an Act for the relief of Antonio Michetti.

Bill M-8, an Act for the relief of Joseph Andre Roland Roy.

The motion was agreed to, and the bills were read the third time, and passed, on division.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—
DEBATE CONTINUED

The Senate resumed from Tuesday, March 1, the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. George H. Barbour: Honourable senators, the honourable senator from Rosetown (Hon. Mr. Aseltine), the promoter of this bill, has a long and honoured experience in this chamber and in the Senate Divorce Committee. Also he has had in his own province an extensive practice in divorce cases, and, no doubt, has received many letters from married people who are separated and are looking for some source of relief. In his kindness, and from his genuine interest in people, he has sponsored the bill which is now before us.

I have every sympathy for married people who cannot get along together and find it necessary to separate; they may feel that it would be a bit of hell on earth to continue to live together. But very often the husband or wife sows the seed that eventually reaps a completely unhappy marital harvest.

An old institution, marriage is the foundation of everything that should be good, wholesome and holy. In my opinion, there is nothing on this side of heaven to equal the happy family home. I am sure that a parent who helps to create such a home would find much more enjoyment in the homecoming visits of his children than in having a seat in the Senate.

Some Hon. Senators: Hear, hear.

Hon. Mr. Barbour: Marriage is a red-letter day in the lives of most people, and its importance is also recognized by the press of our country. I hold in my hand the Social and Personal News page of this morning's edition of the Montreal *Gazette*. It shows several pictures, one being a portrait of an attractive mother with her four lovely children. Two other photographs show two fine looking young couples who are announcing the dates of their coming marriages. This is only one newspaper, but this kind of news is to be found in every paper throughout Canada, and it illustrates the importance of marriage and the home.

Honourable senators, I should like to turn now to the subject of divorce. I believe the sponsor of this bill (Hon. Mr. Aseltine), said that a similar bill was presented in this chamber in 1938, and although it was passed by the Senate it did not pass in the other house. However, we in Canada have got along fairly well since that time—our population has increased at a reasonable rate and our gross national product has trebled—and it is quite conceivable that we might be able to get along pretty well in the future without much change in our divorce law.

I should like to give the house a few statistics to show how the divorce rate in Canada has increased over the years. In 1900 there were only 11 divorces, distributed among the provinces as follows:

Prince Edward Island	0
Nova Scotia	1
New Brunswick	1
Quebec	1
Ontario	2
Manitoba	1
Northwest Territories	1
British Columbia	4
Total	11

Proceeding to the year 1917, we find there were still only 54 divorces during the year in the whole of Canada. But by 1952, the last year for which I have figures—which I procured from the *Canada Year Book* for 1954—the number had jumped to 5,562.

In Ontario, during the 19 years from 1900 to 1918, there were 166 divorces. In Quebec, from 1900 to 1929, there were 185 divorces.

The Senate Divorce Committee, when it rises tomorrow, will have dealt with 248 petitions this session.

Honourable senators, this bill, if passed, would in my opinion do nothing to prevent divorce. True, it would open the way to relief for some persons who, a great many feel, should obtain divorces; but at the same time it would open the way to many more divorces.

I think we are doing little or nothing to stop the main cause of the breaking up of homes, and that is excessive use of liquor. I want to read from an article in the Montreal *Gazette* of January 27 last:

> Liquor is becoming more and more the cause of domestic troubles, according to a senior Criminal Court judge who during one arraignment session yesterday was told by the wives of several accused that their husbands were "good men" when sober but "dangerous" when drunk.
>
> Judge T. A. Fontaine told *The Gazette* that at least 60 per cent of the crimes he had studied during the past few weeks had their roots in too much drinking.

The time has come when all Governments, provincial and federal, rely heavily on the sale of liquor. The last year for which I have national figures on this matter also is 1952. During that year the total value of the liquor

sold in all the provinces combined was $143 million. I also have a record of the liquor sales in New Brunswick for one year. In that province, which has a population of 536,000, the sales by the Liquor Control Board during the fiscal year ending March 31, 1954, amounted to more than $17 million, and the net profit was $6,464,150. It may be said that tourists buy a lot of this liquor. On the other hand, I think the record indicates that when the drinking people of a province leave it to visit another province or another country they continue to buy liquor.

Hon. Mr. Burchill: May I ask the honourable gentleman if he wishes to imply that the province of New Brunswick is worse than any other province?

Hon. Mr. Barbour: No, I do not. New Brunswick is the only province for which I have a record for 1954. Others may be as bad.

Honourable senators, this is a serious matter, because it appears that the sale of liquor is increasing from year to year.

There is another point that I wish to make. The Criminal Code, while it is wide in its scope, does not cover everything. For instance, a man who leaves his wife and gets "married" again, can be charged with bigamy and given a prison sentence. On the other hand, a man who leaves his wife and goes to live with another woman and raises a family, cannot be punished by any law that I know of.

Hon. Mr. Horner: Apparently you want that kind of thing to continue.

Hon. Mr. Barbour: No. On the contrary, I would like the Criminal Code to be amended so as to provide a penalty for that. If such an amendment were brought in, I would support it.

Honourable senators, I have been making decisions—not very hefty ones, perhaps—for more than 60 years. They have not all been good decisions, neither have they all been bad.

Hon. Mr. Aseltine: Better be careful!

Hon. Mr. Barbour: If my decision to oppose this bill is as good as one I made 48 years ago, I will be quite satisfied.

Some Hon. Senators: Hear, hear.

Hon. Mr. Barbour: Forty-eight years ago I felt that I could pretty nearly make a living for myself, and that it would be a poor woman who would not help a little, so I decided to get married, and my decision proved to be all right. I see some honourable senators in this chamber who made a similar decision several years before I did, and by their appearance, and from what I see of them, I believe that if the good Lord will leave them here they will be carrying on for another 50 or more years. But that is in the hands of Providence.

Honourable senators, I think that the public is not so much interested in what we say in this chamber as in what we do here. I assume that we are here for a purpose. We are our own masters.

In closing, I should like to quote some words of Sir Winston Churchill, who the other day, in looking forward in his own lifetime to peace in the world, said we should "never flinch, never weary, never despair."

Some Hon. Senators: Hear, hear.

Hon. James P. McIntyre: Honourable senators, it was not my intention to say anything today with respect to this bill. But, for reasons beyond my control, I have to leave Ottawa within about three-quarters of an hour, and as I will not be here when the bill is voted on I would like to make my position clear at this time.

I wish to congratulate my honourable friend from Prince (Hon. Mr. Barbour). He spoke about liquor, and although in his time he has had a good deal to do with it, I can safely say that he never drank a drop of liquor in his life. He was, however, Chief Preventive Officer for the Province of Prince Edward Island for many years, and in that position he did a splendid job.

On looking up the historical background of this divorce bill, I found that it was copied from a similar bill passed in 1937 by the British Parliament. If the British people think such a measure is a good thing, all well and good, but we are entitled to have the kind of legislation that we think best suits our people.

I listened with care to the speech made by my honourable friend from Victoria (Hon. Mrs. Hodges), and I was surprised to hear her say that, although she was opposed to divorce, she was supporting the bill. Well, honourable senators, if I was opposed to something, it would take a lot of persuasion to make me vote in favour of a measure that would extend it.

In my province we do not believe in divorce at all, but, as in most other provinces, we must deal with certain cases, and a divorce court has been set up. Now, if Parliament passed a bill such as this one, which would broaden and extend the grounds for divorce, it would, I believe, have the effect of doubling and perhaps trebling the number of cases brought before Parliament and the provincial courts.

Canada has been getting along very well under its present divorce law. As we all know, the cases in eight provinces are dealt with by provincial courts; and those from the other two provinces, Quebec and Newfoundland, are heard by a committee of this house and finally dealt with by Parliament.

I have every respect for the sponsor of this bill, the honourable senator from Rosetown (Hon. Mr. Aseltine), who in 1938 supported a similar bill in this house. That bill was passed here by a slim majority, just four votes.

Hon. Mr. Lambert: The motion for second reading carried by more than ten votes.

Hon. Mr. McIntyre: The records I looked at in the Library of Parliament showed that the bill was given third reading, on division, by a vote of 33 to 29. And among those who voted against it at that time were some six or seven honourable senators who are still in this house. After its passage here the bill was sent to the House of Commons, where Mr. Dan McIvor moved that it be given the six months' hoist, and his motion carried by a large majority.

I cannot forecast what may happen to the present bill, but I think the vote in this house will be close. As I have already stated, I will not be present when a vote is taken; and my chief purpose in speaking at this time is to say that if I were here I would vote against the bill. I might add that I tried to get an honourable senator to pair with me, but I was unsuccessful.

The honourable senator from Rosetown has every right to sponsor this bill, and if it fails to pass this time, he will be entitled to try again. I am reminded that the honourable senator from Waterloo (Hon. Mr. Euler) sponsored his bill with respect to margarine three times, and each time it was defeated. He was then able to place the subject-matter before the Supreme Court, and there he won out. Similarly, if this bill fails to pass at the present session, my friend from Rosetown may exercise his right to present it again.

Hon. John P. Howden: Honourable senators, I have made no preparations to speak today, but there are a few observations I wish to make to the house. First, speaking as a medical doctor, I am in accord with the principle of this bill—a view which would be shared by almost every doctor who has been faced with the misery and suffering of mismated couples. However, there are in the bill certain features that I cannot agree to. There seems to be some confusion about the rules as to the point at which we adopt the principle of a bill, but I have been told—I need not say by whom—that if the bill is given the second reading we cannot change it.

Hon. Mr. Roebuck: No, no.

Hon. Mr. Howden: I am just repeating what I have been told.

It is my view that epilepsy should not be included in this bill as a ground for divorce, because very many epileptics recover entirely, and it is not a permanent disease that persists from day to day. A man may have a seizure, be unconscious for perhaps fifteen minutes or a half hour, regain his senses and probably be all right for the next week, the next month or even for six months. The condition known as petit mal is a minor illness. For instance, while talking to a person so affected, you may notice that his face suddenly becomes set, he twitches a little bit, drops down, but gets up in a couple of minutes and is quite all right again. That is the extent of petit mal.

With respect to the inclusion of insanity in this bill, I hold the same view as I do with respect to epilepsy. There are many forms of insanity that have latent periods of unknown length, extending for weeks and months, when a person will be quite normal. There is also the condition known as senile dementia—a disease affecting people of my age and older—which causes persons to lose their mentality and become completely unintelligent. Now, to separate couples because one of them suffers from senile dementia would inflict unfair hardship, and this condition should not constitute a ground for divorce. For example, my own mother-in-law, one of the loveliest women in the world, lost her mentality, and we had to restrain her. Finally, after the death of my wife, and when I was a practising doctor, away from home a good deal and with only a maid in the house, it was necessary to commit her to an institution.

I have said what I had to say, honourable senators, namely, that I am against the inclusion in this bill of any reference to insanity and epilepsy.

Hon. Norman P. Lambert: Honourable senators, I had not intended to participate in this debate at this time, but after listening to the remarks of two of my colleagues from Prince Edward Island, whose hospitality it has been my good fortune to enjoy—even to the extent of travelling over some of the historic rum-running battlefields with which the honourable senator from Prince (Hon. Mr. Barbour) had to associate in his duties as Preventive Officer—I am impelled to make some reference to the subject now under discussion.

I do not think the problem of divorce, as it is reflected in this bill, has any relation

to the marriage unions which took place fifty, or even thirty or forty, years ago.

Most of us can look back quite a long time and visualize the conditions that prevailed in this country during the periods that my friend (Hon. Mr. Barbour) referred to when he spoke of those happy events. However, since that time Canada has become a "great" international power. We have been compelled to take our place and our part responsibly in two of probably the most serious wars that have been waged in the history of the world. In our contributions to those wars we have had to face the social problems that have followed in their wake—problems, by the way, which have followed in the trail of wars from the beginning of history.

My honourable friend from Prince (Hon. Mr. Barbour) has referred to the abuse of the liquor traffic as one of the reasons for this state of affairs. That abuse, I am free to say, is due as much as anything else to the restrictions that were imposed during the war periods and to the subsequent reaction upon their removal after the wars had ended. Accompanying that condition have come far-reaching dislocations in the social and economic life of our country which have been accountable, in my opinion, for a great deal of the incompatibility and unhappiness of ill-considered and ill-advised marriages. In other words, and this is my point, so long as society in this country or in any other country finds it impossible to avoid active participation in war in which the youth of the country is sacrificed, there is bound to be an aftermath of disrupted social conditions, with an accompanying trail of divorces. To deny these young people the right of having a second chance and of regaining the freedom which they have dreamed about, would, I think, be the very antithesis of our profession in this country of decent government and decent living conditions.

Some Hon. Senators: Hear, hear.

Hon. Mr. Lambert: I was a member of this house in 1938 and in a very modest way took part in the debate on the Divorce and Matrimonial Causes Bill which was submitted by the late Senator McMeans of Winnipeg, who was Chairman of the Senate Divorce Committee for a good many years. The debate on that bill was one of the best I have ever heard in Parliament, and if any members are interested in the subject at all I would recommend that they read it most carefully. It was approached with the greatest amount of seriousness and public spirit and it brought out the viewpoints of the ablest men in Parliament, and I think the results which followed in this chamber was a perfectly well justified conclusion of that discussion. While it did not reach its full fruition in the other house at that time, I believe it was a precursor of what may come in the near future.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Ross, the debate was adjourned.

The Senate adjourned until Tuesday, March 8, at 8 p.m.

THE SENATE

Tuesday, March 8, 1955

The Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker in the Chair.

Prayers.

Routine proceedings.

NATIONAL HARBOURS BOARD BILL

FIRST READING

A message was received from the House of Commons with Bill 181, an Act to amend the National Harbours Board Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 225 to 239, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill P-8, an Act for the relief of Ida Rose Amyot White.

Bill Q-8, an Act for the relief of Anne Gorin Seward.

Bill R-8, an Act for the relief of George Daniel van der Beek.

Bill S-8, an Act for the relief of Rhoda Beatrice Cree Denis.

Bill T-8, an Act for the relief of Roma Gisser Baron.

Bill U-8, an Act for the relief of Marie-Angeline Delledonne Salotti.

Bill V-8, an Act for the relief of Mary Black Guthrie.

Bill W-8, an Act for the relief of Albert Menard.

Bill X-8, an Act for the relief of Patricia Galley Berger.

Bill Y-8, an Act for the relief of Elizabeth Glencross Marcoux.

The bills were read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall these bills be placed on the Order Paper for second reading?

Hon. Mr. Roebuck: With leave, next sitting.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from Thursday, March 3, the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. George H. Ross: Honourable senators, the object of the bill under consideration is to widen the grounds for divorce in those provinces only in which the courts already have jurisdiction to grant divorce.

I propose to discuss briefly some problems relating to divorce.

First: I should like to see an additional section inserted in the bill before us to this effect:

> This bill shall not extend to or apply in any province unless and until the province requests it, whereupon the Governor General in Council would pass an order in council making it applicable in such province.

I believe my adopted province of Alberta would welcome it. On the other hand I doubt if my native province of Prince Edward Island would like to see its judges given the wider powers set forth in this bill; and there may be other provinces opposed to it. For these reasons I think the bill should be amended.

Secondly: "Cruelty" means legal cruelty as now interpreted and construed by the High Court of England in divorce and matrimonial causes. For my part I should prefer to see cruelty defined by statute. In the case of *Evans v. Evans,* some one hundred and fifty years or so ago, Lord Stowell said that in order to constitute cruelty in a matrimonial cause, the acts complained of must have caused "danger to life, limb or health, bodily or mental, or a reasonable apprehension of it." I think that definition is satisfactory, but if it is not, a definition should be inserted, so that it would not be necessary to refer to the English cases.

Thirdly, should a spouse be permitted to sue for divorce without leave? I do not think so. An application to sue might be heard in camera by a judge, a psychiatrist, a clergyman or some other competent person, or by

one or more of them, with both the husband and wife present, and a chief aim would be an attempt to reconcile the married couple. The trier would have before him the complete family record, and his decision would be made with family welfare in mind. If he gave the applicant permission to sue, a judge or a Senate committee could then hear the case as at present. If dissolution of the marriage were granted it would be for real reasons, not for trumped-up ones. If a spouse had to obtain leave to sue before commencing action by filing a petition with the Senate or in court I believe a great many cases would never come to trial, but would be settled in advance. If such a change were made, a bringing of the parties together by the trier in attempting to bring about a reconciliation should not defeat an action on the ground of condonation if it later appeared that the parties could not "make a go of it".

Fourthly: under court rules in many provinces, and under existing Senate rules, the co-respondent or person with whom the respondent or person with whom the respondent is alleged to have committed adultery must be named in the petition. This may be useful where the petitioner is claiming damages from the co-respondent. But as the petitioner does not claim damages in any petition for divorce brought before the Senate, the reason for the rule does not exist in petitions for divorce to Parliament. I think the rule should be changed and the co-respondent should not be named. I have seen different cases in which the co-respondent was a married person. His or her spouse learned of the adultery through the public record naming the co-respondent, and this resulted in another action for divorce. This practice increases divorce. We should do what we can to discourage divorce.

Furthermore, should the co-respondent be named in the petition or should his or her name be disclosed during the course of a trial, whether before a committee of the Senate or before a court? I think the hearing should be adjourned, and the co-respondent should be served with a copy of the petition and given a chance to appear to defend his or her character.

Fifthly: I would like to see divorce actions transferred from Parliament to the courts. I wonder if it would be satisfactory to do this by making domicile in divorce Canada-wide. At the present time it is province-wide. If we were to enact a statute making it Canada-wide, persons domiciled in Quebec or Newfoundland could sue for divorce in a court in another province which grants divorces.

In Canada, as in most civilized countries, it is a prerequisite to the exercise of jurisdiction to grant a divorce that the parties be domiciled in the country in which the court sits. A divorce obtained in a country other than the domicile of the husband, even though the respondent has submitted to the jurisdiction of the court by appearing and contesting the action, has no validity in Canada. (*Le Messurier* vs *Le Messurier, 1895 A.C. 517.*)

Hon. Mr. Euler: May I interrupt my honourable friend to ask a question?

Hon. Mr. Ross: Certainly.

Hon. Mr. Euler: Does my friend state that a divorce secured in the United States, for example, after the proper legal residence has been established, and the laws of that state have been complied with, would not be recognized in Canada? I do not think that is so.

Hon. Mr. Ross: If the plaintiff, say the husband, leaves Canada and establishes domicile in some state in the United States, he can sue for divorce in that state and, if it is granted, it will be recognized in Canada. But, unless he acquires a domicile before suing, the divorce has no validity in Canada.

Hon. Mr. Euler: That is the point I had in mind.

Hon. Mr. Aseltine: It is all a question of domicile.

Hon. Mr. Ross: As Canada was given by the British North America Act exclusive jurisdiction in marriage and divorce, excepting only the solemnization of marriage, and as domicile is such an important factor in the obtaining of divorce, lawyers throughout Canada were much surprised when the Judicial Committee of the Privy Council held, in the Cook case, *1926 A.C. 444,* that domicile in divorce is not Canada-wide, but province-wide only. The law officers of the Crown apparently considered domicile in divorce to be Canada-wide too, as since Confederation all statutes granting divorce refer to the parties as being domiciled not in a province, but in Canada. The words used are, "domiciled in Canada."

A province-wide domicile discriminates against women. Let me illustrate: A married couple domiciled in Newfoundland disagree. The husband may abandon his wife, go to Vancouver, and acquire a domicile in British Columbia for the express purpose of obtaining a divorce. On making his domicile in British Columbia, he can sue for divorce there. (*Baker* vs. *Baker,* 49 *Man.* 163). It is not often that a husband will abandon his wife

and go to another province for the express purpose of obtaining a divorce. But it is a common thing for a corporation to transfer employees from one province to another where a husband may acquire a domicile and sue for a divorce.

A wife cannot do that. Although her home, in the Newfoundland case to which I have referred, is still there, yet her domicile is in British Columbia, even if she has never been outside of Newfoundland. If she wishes to sue in the courts for divorce, she must go to British Columbia with her witnesses to bring her action or to defend any action brought against her for divorce. The only apparent exception is under the Divorce Jurisdiction Act 1930, which does not confer a separate domicile on a deserted wife, but only preserves any right of action which she may have had in the province in which she was deserted. As the courts of Newfoundland have no power to grant divorces, she is without remedy in the courts there.

Hon. Mr. Howden: Have we not jurisdiction here to recommend divorce in such a case?

Hon. Mr. Ross: Yes, of course.

Hon. Mr. Baird: In other words, the wife does not have to go to Vancouver.

Hon. Mr. Ross: If she wants to get a divorce in the courts she must go to Vancouver. Of course, she can come to Parliament if she prefers.

Hon. Mr. Fournier: Will the honourable gentleman permit me, with great respect, to put a question to him? Would he give us a definition of "domicile"? As long as we have no definite understanding of what domicile is, we are really not in a position to talk about it.

Hon. Mr. Ross: Domicile is the place where the husband chooses to make his permanent home without any intention of leaving it and making his home elsewhere.

Hon. Mr. Fournier: I do not wish to provoke a lengthy discussion on this point, but may I be permitted to pose a further question? Suppose a man whose wife and family live in Newfoundland, and whose business is located there, moves to Vancouver, does his domicile change from Newfoundland to Vancouver?

Hon. Mr. Ross: If he goes to Vancouver to spend a year, or to visit for a reasonably short time, his domicile will remain in Newfoundland, but if he intends to move to and live permanently in Vancouver, that will become his domicile.

Hon. Mr. Howden: If he goes to another place for six months, his domicile changes.

Hon. Mr. Ross: There is no definite period of time which affects domicile.

Hon. Mr. Fournier: A man may be in a place for as long as ten years and never have his domicile there, because he never had the intention of staying there.

Hon. Mr. Howden: How are we to know what is the intention of a person?

Hon. Mr. Fournier: That depends on the circumstances.

Hon. Mr. Ross: It is not time, but intention, that governs domicile.

We could carry out what was possibly the intention of the Fathers of Confederation and at the same time place women on an equal footing with men in divorce by making domicile Canada-wide. I realize that there are objections to it which will be apparent to all. For that reason I do not suggest that Canada-wide domicile be incorporated in the bill now before us. I have simply discussed it as a means of transferring divorce actions from Parliament to the courts which might be resorted to should applications for divorce continue to increase in the future as they have in the past.

I hope the bill now before us will receive second reading and be referred to a committee.

Hon. Charles B. Howard: Honourable senators, before I discuss the subject-matter under debate, may I be permitted to express, on behalf I am sure of every honourable senator in the house, our heartiest congratulations to the honourable senator from Ponteix (Hon. Mr. Marcotte) on having today reached his eighty-second birthday.

Hon. Senators: Hear, hear.

Hon. Mr. Howard: My remarks with respect to this bill, honourable senators, will be short.

In brief, the measure proposes to widen the grounds for granting divorce. I have listened to arguments from outstanding doctors and lawyers, all of them members of this honourable house, and I have listened as well to a discussion of the subject by politically minded people. In spite of all I have heard in favour of the bill, I would tend to take another view, based on the respect that a man must have for the marriage vows he takes when he marries.

Some Hon. Senators: Hear, hear.

Hon. Mr. Howard: I am sure each one of us remembers well the vow he took when he got married. This is the language of the vows:

> . . . to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health . . . till death us do part . . .

Every honourable senator could undoubtedly cite extraordinary cases where a husband whose wife has been bedridden for many years has taken care of her, even to dressing and feeding her, through a long period. For example, one of the leading members in the other house has suffered such an experience, and we all respect him for the way he has carried his burden.

Hon. Mr. Howden: May I ask the honourable senator a question? What are we, the members of the Divorce Committee, to do in cases where neither the husband nor the wife desires to respect the vows you have just referred to?

Hon. Mr. Howard: That is just too bad for them. But let us not forget that usually people do not enter into these vows lightly.

Hon. Mr. Howden: But what are we to do with people who have changed their minds?

Hon. Mr. Howard: I should like to go one step further, and refer honourable senators to St. Matthew, chapter XIX, verse 6 and also to St. Mark, chapter X, verses 6-9. May I make particular reference to verse 9, which reads:

> What therefore God hath joined together, let not man put asunder.

Hon. Mr. Reid: Read what the Bible says about adultery.

Hon. Mr. Howard: Honourable senators, I am opposed not only to divorce on the grounds proposed in this bill, which I intend to vote against, but I am opposed to divorce on any ground.

Some Hon. Senators: Hear, hear.

Hon. John J. Connolly: Honourable senators, like the honourable gentleman who has just taken his seat, I oppose the principle of this bill. Consequently, I too feel I must vote against it.

If the proposals of this legislation were implemented by Parliament, the divorce law of this country would be changed by adding three, and possibly four, new grounds for the severance of the marriage bond. For the reasons which I propose to outline to you, I think that such a change in our divorce law would be a retrograde step.

I can agree with the honourable gentleman from Medicine Hat (Hon. Mr. Gershaw) when he says that homes are hopelessly broken long before the consorts ever resort to the courts. It is a condition which leads to divorce that cries most loudly for a remedy in this country, and we all agree to that. Some of these have been pointed out by the honourable gentleman from Prince (Hon. Mr. Barbour) and the honourable senator from Ottawa (Hon. Mr. Lambert), and by other honourable senators. These conditions are a cancer in the body social. But I think also that divorce begets divorce, and that easier divorce begets more divorce. I think divorce is not only a symptom of a social problem; I think it can also be considered the cause of a social problem.

I will agree that there are grievous defects in the existing law and practice with reference to divorce in this country, but I think the remedy proposed should not activate another disease. I say also at once that Canadians generally want the lowest possible divorce rate to prevail in this country.

Some Hon. Senators: Hear, hear.

Hon. Mr. Connolly: Now it seems to me that the Senate of Canada should exercise the greatest of caution before it adopts the principle of this bill. In the first place, I doubt if Parliament as a whole has a mandate to pass it.

In 1938 a bill in almost identical terms was passed by this chamber but failed to get approval in the House of Commons. Since that time four general elections have been held in Canada and I think that no mandate for this type of legislation was given the Government elected at any of those elections.

There have been times in the history of the Senate when legislation from the House of Commons has not commended itself to a majority of this house. Examples are available to show that despite that situation the Senate has passed such legislation in the belief that a majority in the other place had a mandate from the country to pass it. But that is not the present situation. When this second chamber initiates legislation I believe we should be satisfied both that the legislation is for the betterment of the country as a whole and that the legislation carries a considerable measure of popular approval. I think those two tests were met in the margarine legislation and in the new Income Tax Act, to take but two recent examples. But I say they are not met here.

Now, honourable senators, I do not propose to found my argument against this bill upon any theological, doctrinal or dogmatic premise. but I do say at once that as Canada's Upper Chamber—a representative body and a body of great responsibility—the Senate cannot be unmindful of these factors. Church and state have a mutual interest in matters

of public policy affecting such fundamentals as the family, marriage, divorce, education, inheritance, crime and many other facets of life in society. Even the ancient patriarchal institutions of pre-Christian times—of the Hebrews, of the Greeks, the Romans with their idea of *paterfamilias* and *patria potestas*, and the Chinese too—testify to the fact that both the civil side and the religious side of life and society have a contribution to make to social problems. This view has been reinforced by the Christian dispensation. No responsible body of legislators can afford to ignore it, and I think that the Senate of Canada would not dream of ignoring it.

But before proceeding I would like to refer to and re-echo the words expressed here earlier in the session by the Leader of the Opposition, (Hon. Mr. Haig), when he commended the members of our Standing Committee on Divorce for the exceptionally high quality and the judicial character of the work they do. We all recognize that Parliament and the country are their debtors for the high capacity they bring to their deliberations and for the manner in which they discharge their duties.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly: The periodic reports that are made on the work of that committee by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) emphasize this, and I for one do hope he continues to present such facts to Parliament and to the country.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly: Unfortunately the work done by that committee has been subjected to unwarranted criticism from poorly informed quarters. I do hope that we always point out the importance and the value, particularly the judicial quality, of the work they do.

This session the committee is going to have to deal with some 475 cases; all of them involve domestic unhappiness, many of them involve tragedy. I know it is a very heavy burden for the members of that committee to sit as frequently and for as long hours as they do.

Frankly, I must say that I regret the circumstances which require so many capable members of this body to spend so much time and energy on that work which is of a judicial character. Members of the Senate are primarily legislators and I think, with all respect, I can say that if that time and that energy could be devoted to the more constructive work that this body can and does do, the country would be better for it.

Hon. Senators: Hear, hear.

Hon. Mr. Connolly: I would like to add this too, that I know the honourable gentleman who sponsors this bill and those who support it do so out of a deep conviction that it will improve the lot of Canadians generally. While I take the opposite position, I do respect their point of view.

Now, it might be helpful if I stated a few propositions which I consider to be fundamental to the argument I would like to make to this chamber. None of them are new.

The purpose of marriage is to beget and educate children. By entering the married state consorts assume a triple responsibility: first, to each other; second, to their issue actual or potential; and third, to society. And I say further that this responsibility is a personal responsibility and duty on the part of each consort.

But in my view divorce reverses the purpose of marriage. I think it completes family disorganization. I think it is the final demoralizer for the consorts and the children in the home.

The family is the true unit of the larger organization, which is society. And it is natural for men and women to live in society. Since divorce strikes at the family, the basic unit of society, divorce is alien to the welfare of society as a whole, and so in my view divorce offends against the natural law.

Apart altogether from the religious or the quasi-religious aspects of the divorce problem, I believe there are rational grounds for refusing this legislation, grounds which touch democratic considerations, grounds which touch sociological considerations and grounds which touch philosophical considerations.

The honourable gentleman from Rosetown (Hon. Mr. Aseltine) and others who support this measure have given some, and I know they can give many other, instances of unhappiness, of tragedy and of human suffering resulting from hopelessly broken homes. No one with a heart in his body can fail to sympathize with many of these cases. The tragedy of broken homes touches many people, and all of us know of pitiful cases.

But the general legislation passed by this Parliament, we must always remember, should not be framed for the relief of some individuals or classes. The common good of the country must be the governing factor. Victim cases we shall always have—cases in which otherwise sound general legislation creates not only inequities but at the same time unfairness. Anyone who has dealt with tax legislation knows how true this can be. But in domestic cases they are more personal and more poignant.

If legislative relief can be supplied without doing general damage, such relief is good legislation. The trial and error method is always part of our democratic legislative machinery. But we are not justified in providing relief for "victim cases", if the damage we do is inimical to the common welfare. I would even say that many of the people who would take advantage of these new grounds for divorce are not people whom those who support the bill would feel should be helped:—I mean, those willing to shirk marital responsibilities as readily as possible.

In our approach to this problem much can be learned from the experience in other countries. Since the beginning of the century there has been an increased easing in the divorce laws of many lands. This unfortunate trend has been reflected in a mounting rate of divorce, as the following figures will show. I take them from *Chambers' Encyclopedia*, vol. IV, page 565:

In the United Kingdom in 1912 the divorce rate was ·26 per cent of the marriages of that year. In 1946 it had risen to 8 per cent.

In the United States it went from 9·4 per cent in 1912 to 31 per cent in 1945.

In France the increase was from 4·6 per cent in 1912 to 9·7 per cent in 1946.

In Denmark the rate was 3·5 per cent in 1912, and in 1946 18·6 per cent.

Hon. Mr. Euler: May I ask: percentage of what?

Hon. Mr. Connolly: Of the number of marriages performed in the given years.

In Norway it was 6·9 per cent of the marriages performed in that country in 1912, and 15·1 per cent of those performed in 1945.

In New Zealand it was 2·2 per cent in 1912, and 10·6 per cent in 1946.

Hon. Mr. Aseltine: Is not that per thousand?

Hon. Mr. Connolly: No, it is the percentage of all marriages for the given year.

While I recognize that there are provisions in this bill which restrict divorce more than is the case in many jurisdictions in the United States, it may be useful to look at the divorce situation in that country. There the rate is higher than in any country for which I have been able to get figures.

Perhaps I might say something first about the grounds available for divorce in the various jurisdictions of the United States. In 48 States and in the District of Columbia divorce is granted upon proof of adultery—now the principal ground for divorce in Canada. In 44 jurisdictions in the United States divorce may be granted for cruelty; in 47 for desertion; in 43 for felony; and in 29 for non-support; and there are other grounds.

From the 1953 *World Almanac* I have secured the following figures as to the United States position:

Based on 1,000 population in 1890, the marriage rate was 9 and the divorce rate was ·5. In 1925 the marriage rate was 10·3, and the divorce rate was 1·5, or three times the rate in 1890. By 1950 the marriage rate per 1,000 of population was 11 and the divorce rate was 2·5, or five times the rate sixty years earlier.

Rates, however, can be misleading. Let us look at some figures.

In 1900 in the United States there were 709,000 marriages and 55,700 divorces; in 1925 there were 1,180,000 marriages and 175,000 divorces; in 1950 there were 1,667,000 marriages and 385,000 divorces. For the ten-year period from 1942 to 1951, 4,219,000 divorces were granted in the United States, an average of 400,000 divorces each year.

From *Whitaker's Almanac* I learn that just over 6,000 divorces were granted in the United Kingdom in 1938. This was the period when the divorce laws there were liberalized. In 1951 over 28,000 divorces were granted, and in 1953 the figure had risen to over 33,000. In this same period the population of the United Kingdom was 47½ million at its lowest and 50½ million at its height.

Hon. Mr. Reid: Did that increase of divorces result from the extension of the grounds for divorce?

Hon. Mr. Connolly: That, I think, is the fair inference.

Now as to Canada. The *Canada Year Book* for 1954 supplies reasonably accurate information about the position in this country. As the honourable senator from Prince (Hon. Mr. Barbour) has said, in 1900 there were eleven divorces granted in Canada: in 1952 there were 5,562. In the ten-year period from 1943 to 1952 over 57,000 divorces were granted in Canada. In Ontario the total went from just over 200 in 1930 to just over 2,200 in 1950. In British Columbia the level of divorce was 222 in the year 1930. and 1,377 in 1950.

I apologize if I have wearied the house with too many figures. I would not want to draw any unwarranted conclusions from these statistics. But the inference seems inescapable that there is a definite causal relationship between the numbers and rate of divorce in a country on the one hand and the liberality of its divorce laws on the other. It is true that the real causes of most divorces are deeper than the divorce laws. It does appear to be true, however, that the easier the access to the divorce courts and the more numerous the grounds for divorce, the greater are the

numbers and rates of divorce. In our own country the figures for Ontario and British Columbia seem to bear this out.

What are the effects of a high rate of divorce upon a country? We are concerned at times with the increase in juvenile delinquency, with the lowering of moral standards, with a demoralization in parts of our social structure. Without resorting to statistics again, it is fair to say that people concerned with crime prevention—the sociologists and the social workers—all condemn the increasing prevalence of divorce and they call it a major contributing factor to many of these undesirable social problems.

I wondered what the actual effect of divorce would be upon children, particularly in the United States, where there have been some very extensive studies made, and I found a report published by the Duke University Press, in Durham, North Carolina, in a periodical called *Law and Contemporary Problems*. The conclusions reached in that study were that from 150,000 to 200,000 children are affected by divorce each year in the United States. The peak year of divorce following the war—probably 1945 or 1946—its author claimed, would see as many as 300,000 children involved in divorce cases. With regard to the total number of children of divorced parents, the same writer gave the figure of 1,433,000 for the year 1940. It was admitted that this estimate probably errs below rather than over the actual number.

Several decades ago, when the divorce rate in the United States was much lower than it is in that country today, President Theodore Roosevelt was concerned with the problem which is now engaging our attention, and he said this:

> Easy divorce is a bane to any nation. It is a curse to society and a menace to home, an incitement to married unhappiness, an evil thing for men and a still more evil thing for women.

Admittedly we do not take our social philosophy from the leaders of the Russian state, but it may be of interest to record what has happened in that country in relation to divorce. Engels taught that the family was based upon economics, upon private property. The Communist Manifesto proclaimed, following Engels, that the family would disappear with capital. Even inheritance was abolished.

The Matrimonial Codes of Russia in 1918 and 1927 both taught that all children belonged to the state. This included women between the ages of 17 and 32. Church marriages were invalidated and the rights of husbands were abolished. Admittedly these doctrines promoted great extremes of free love and family destruction. *Izvestia* reported some figures in 1935. In 1934 in Moscow it was found that there were 57,000 births that year to 154,000 abortions. In the villages the figures were over 242,000 births and 324,000 abortions. It was also believed that in this period there were some seven million homeless children in the streets of the cities and towns, bent on thievery and crime of all kinds.

Not on any moral grounds but because the authorities recognized the danger to their state, the Journal of the Commissariat of Justice had to reverse the former proclamations on the family, and affirmed the perpetuity of the marriage bond. I am informed that in Russia today divorce is very difficult. That is the other extreme.

Mr. Walter Lippmann, the eminent American political scientist and philosopher, has recently published a book called *The Public Philosophy*. It contains many wise and valuable statements upon government in general, and I am sure that most honourable senators would read the book with great pleasure and satisfaction. Many of Lippmann's views bear upon the argument I make here. He asks the question: "Is there a public philosophy . . . a body of positive principles and precepts which a good citizen cannot deny or ignore?" Lippmann is convinced that there is; that it is known as the natural law and that it is the premise of the institutions of Western society. He traces it from the ancient world through the Romans to the Christians, and he finds it to be the basis of British and American constitutional order.

It is not a body of law which can be enforced in our courts. It is a way of looking at things. In the simple society of the 18th century the natural law provided the principles upon which the free states were founded. But in the 19th century the idea was abandoned to the reactionaries. Now, Lippmann says, this public philosophy unfortunately is gone. And he continues:

> And all that the defenders of freedom have to defend in common is a public neutrality and a public agnosticism . . . Modern men have a low capacity to believe in the invisible, the intangible, the imponderable . . . To repair the capacity to believe in the public philosophy it will be necessary to demonstrate the practical relevance of the public philosophy—much as the Roman lawyers worked out the *jus gentium*—
>
> —the law of the nations—
>
> and related it to the *jus naturale*
>
> —the natural law.

Lippmann admits that the public philosophy cannot be popular. But its warrant is that the results of rational and disciplined government will be good.

This is the argument with which I would associate myself in my approach to this bill. The liberalization of divorce law offends against the principles of the natural law because it attacks the natural basis of the social structure—the family, the home.

In 1905 Mr. G. K. Chesterton, the eminent English journalist, wrote these words:

> The vice of the modern notion of mental progress is that it is always something concerned with the breaking of bonds, the effacing of boundaries, the casting away of dogmas.

I think that is another way of saying what Lippmann concludes in his new book. For my part, I do not become too disturbed to learn that we in Canada are 500 years behind the times. Five hundred years ago the men from whom we inherit the institutions and traditions of our Western culture based it upon an appreciation of the natural law. We cannot have it both ways. We cannot ignore the natural law, as we would by passing this bill, and at the same time promote our western and democratic traditions.

I think that the Parliament of Canada, and senators of Canada, can do better for the social problems of their country than to open escape hatches which will be used mainly to free the irresponsible from their duties to their spouse, to their children actual or potential, and, in a very special sense, to their country. I think the higher purposes of the cradle and the clan are more worthy of our earnest attention.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Bouffard, the debate was adjourned.

PRIVATE BILL

ST. MARY'S RIVER BRIDGE COMPANY—SECOND READING

Hon. Thomas Farquhar moved the second reading of bill N-8, an Act to incorporate St. Mary's River Bridge Company.

He said: Honourable senators, the purpose of this bill is to form a Company to build a bridge over or a tunnel under the St. Mary's River at Sault Ste. Marie, Ontario. The Council of the City of Sault Ste. Marie has had this question under active consideration for some years and has now come to the conclusion that definite action should be taken regarding it.

The two Sault's are often referred to as the hub of the Great Lakes, and the location supplies the only international border crossing between the Westerly end of Lake Superior and the Southerly end of Lake Huron, some 700 miles, and gives connection with great East-West and North-South arterial highways of the United States. As it is becoming an increasingly important link with the United States, the ever increasing need of adequate facilities for crossing the river by traffic of all kinds presents an urgent problem for solution; and in keeping with many other international boundary points a bridge seems the best and most natural solution.

I am informed that in 1927 the number of motor vehicles which crossed the river by ferry at Sault Ste. Marie was 76,000; and the number has increased, until in 1954 there were approximately 290,000. In heavy periods the traffic cannot be handled without considerable delays.

The present needs will grow very quickly and the growth rate accelerate by reason of many factors that are developing, including the Mackinac Straits Bridge at present under construction at the Straits of Mackinac, 60 miles south of Sault Ste. Marie, which will connect Southern Michigan with the upper peninsula of Michigan by the longest suspension span in the world. The four-lane highway on the bridge will have an estimated capacity of 3,000 cars each way per hour. Traffic experts estimate the bridge will carry 1,927,000 cars in 1958, as compared to ferry crossing of 900,782 in 1953; and that traffic will increase steadily year by year by an additional 100,000 cars, trucks and buses. The Sault has every reason to expect to share to an appreciable degree in this heavy increase of traffic. Preliminary estimates by the same traffic experts with reference to the proposed bridge at Sault Ste. Marie has indicated traffic, and increasing traffic, at this point sufficient to interest financial interests in the project.

We are informed that a four-lane highway from Southern Michigan to Sault Ste. Marie via the Mackinac Bridge is assured and will tap important transcontinental roads in the heavily populated States neighbouring on Michigan. This is bound to result in ever increasing traffic to the north, especially with no delays in crossing the Straits of Mackinac.

The Government of Ontario has indicated that the Trans-Canada highway around the north shore of Lake Superior will be completed within the next five years. This will give a tremendous impetus to tourist traffic and will add substantially to the inflow at this point of vehicles from the United States.

A bridge will give continuous, around-the-clock, dependable service throughout the year and will avoid any tie-ups in service from ice conditions. The great increase of heavy type transportation by truck is common knowledge and is becoming more and more an economic factor of importance to industry. A bridge accommodating such

transportation will add important advantages to industry trading into the great markets of the Middle West of the United States.

The area around Sault Ste. Marie is recognized as vital in international defence matters because of the importance of the Locks located there; and important measures have been taken, and installations effected, towards adequate protection. This involves prompt movement of defence forces and heavy equipment between the two countries. A bridge would be of great advantage towards such defensive strength in that area.

Honourable senators, if the bill is given the second reading tonight I will move that it be referred to the Standing Committee on Transport and Communications for further detailed study.

Hon. Mr. Paterson: May I ask the honourable senator how many more miles are required to complete that North Shore road?

Hon. Mr. Farquhar: I cannot give the exact figures. I believe that up to the present time they have built close to 100 miles north of Sault Ste. Marie. The city council has the assurance of the Ontario Government that the road will be completed through to the head of the lake within five years.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Farquhar, the bill was referred to the Standing Committee on Transport and Communications.

CRIMINAL CODE BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill O-8, an Act to amend the Criminal Code.

He said: Honourable senators, this very short bill merely provides for the setting out in the statutes of the date on which the new Criminal Code shall come into force. I am pleased that the bill is being first introduced in the Senate, because it gives me an opportunity of paying a well-deserved tribute to the members of this chamber for the splendid work they did on the revision of the Code. The proposed revision was initiated in this house and received very careful examination by one of its committees. I hesitate to single out anyone, but I am given to understand that three honourable senators rendered especially fine service to the people of Canada.

Hon. Mr. Aseltine: And the Law Clerk of the Senate did too.

Hon. Mr. Macdonald: Yes, I would include the Law Clerk. The three honourable gentlemen to whom I would make special reference are Senator Roebuck, Senator Farris and Senator Hayden. Canada owes a special debt of gratitude to them for the time and effort they gave to this very important legislation.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: The bill as finally passed by Parliament provided that it should come into effect on a date to be fixed by the Governor in Council. A proclamation was issued fixing the 1st day of April, 1955, and it is deemed advisable that this commencement date be set forth in the statutes.

Hon. W. M. Aseltine: Honourable senators, I very much favour the proposal to set out the effective date of commencement of the new Code in the statutes rather than by order in council. One reason for saying so is that failure to issue an order in council in similar circumstances once caused me some trouble. A client who had a claim against the old Grand Trunk Railway came to me on the last day of the period within which he had a right of action against the railway and asked me to sue. I very hurriedly issued a writ and prepared a statement of claim against the Canadian National Railways, with which the Grand Trunk Railway had then been amalgamated by statute. However, I soon learned that an order in council proclaiming the statute had not been issued, and of course the time within which I could start another action had expired. I consulted the then Minister of Railways, and he advised me that he would not allow counsel for the railway to raise that technical defence. I was in that way able to get over an awkward situation which would never have occurred if the effective date of the railway legislation had been printed in the statutes, as is now proposed to be done with respect to the new Criminal Code.

Honourable senators, I heartily support the second reading of the bill, and if it is the wish of the honourable Leader of the Government (Hon. Mr. Macdonald) to ask for the third reading tonight, I will not object.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: With leave of the house, now.

Hon. Mr. Roebuck: No. I object to a bill being given second and third readings in the same sitting, when there is no reason for such haste.

Hon. Mr. Macdonald: I am quite agreeable that the motion for third reading should stand until tomorrow.

WORLD HOCKEY CHAMPIONSHIP

TRIBUTE TO VICTORIOUS CANADIAN TEAM

Hon. Thomas Reid: Honourable senators, before the house adjourns tonight, may I pay tribute to the Penticton V's, the winners of the world hockey championship.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: I should like to place on record our pleasure in and appreciation of the great victory which has been won for Canada. The team has brought renown not only to its home province of British Columbia, but to Canada as a whole. Anyone who listened to a broadcast of the games by radio could not fail to appreciate the extensive and valuable publicity that it gave to this country. We are indeed proud of the victorious team which is returning the world hockey trophy to Canada.

Hon. Senators: Hear, hear.

HONOURABLE CAIRINE R. WILSON

TWENTY-FIFTH ANNIVERSARY AS A MEMBER OF THE SENATE

Hon. W. Ross Macdonald: Honourable senators, it gave us great pleasure this afternoon to attend at the House of Commons when a bust was unveiled to the first lady commoner, the late Miss Agnes Macphail. We in the Senate are more fortunate: we still have with us the first woman senator, the honourable lady from Rockcliffe (Hon. Mrs. Wilson). Our honourable colleague recently completed her twenty-fifth year of service to Canada as a senator. This fact first came to my attention because of an interesting article which appeared in the column "Ottawa Scene", a weekly feature of the Toronto *Globe and Mail*, in which reference was made to the five Alberta women who in the 1920's started a movement to have the word "persons", as used in the British North America Act, interpreted to include women. I quote from the article:

> This group of five, to whom Canadian women owe a larger debt than many today realize, were Irene Parlby, one-time cabinet minister in the Alberta Legislature, and sole survivor of the group; Mrs. Nellie L. McClung, Judge Emily Murphy, Mrs. Henrietta Muir Edwards, who as convener of laws in the National Council of Women became thoroughly versed in the legal position of women, and Mrs. Louise McKinney, a national president of the WCTU.

It is most interesting to note that the honourable senator from Rockcliffe was summoned to the Senate on the recommendation of the Right Honourable William Lyon Mackenzie King, then Prime Minister of Canada, on St. Valentine's Day, 1930.

I am sure all honourable senators join with me tonight in extending our best wishes to the honourable lady senator on her twenty-fifth anniversary as a member of this house. To the dean of women senators we wish good health and many more years in which to participate in our deliberations and to serve her country.

Hon. Senators: Hear, hear.

Hon. W. M. Aseltine: Honourable senators, I too would like to say a few words on this interesting subject. I join with the Leader of the Government in the Senate (Hon. Mr. Macdonald) in extending congratulations to the honourable senator from Rockcliffe (Hon. Mrs. Wilson). This afternoon we heard some splendid speeches on the occasion of the unveiling of a bust in memory of the first woman member of the House of Commons, Miss Agnes Macphail, who passed away not long ago. We are, however, fortunate, as the leader stated, in having an opportunity to pay tribute to the first lady senator while she is still with us.

Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: She owes her appointment to this house, as has been mentioned, to those five women in Alberta who believed that the word "persons" as used in the British North America Act included women. Their view, however, received no judicial recognition in Canada. In fact, the Supreme Court of Canada held that the word as used in that act meant members of the male sex only. Fortunately for our honourable women senators there was at that time a right of appeal, which we no longer have, from the Supreme Court of Canada to the Privy Council in England. The decision given by the Privy Council, upholding the view of the five Alberta women, has benefited this chamber and Canada as a whole. Since that time five women have been summoned to this chamber, all of whom have become very valuable members of it. I wish heartily to congratulate the honourable senator from Rockcliffe not only on having been the first woman to be summoned to this chamber, but also on having attained her twenty-fifth anniversary as a senator. We join in the hope, as expressed by the Leader of the Government in the Senate, that she may be with us for many years to come.

Hon. Cairine R. Wilson: Honourable senators, this is just a little bit overwhelming, but it is very delightful to have these gracious tributes paid in my hearing.

Having heard the words of commendation and praise paid to the late Agnes MacPhail this afternoon, I should like to say to my colleagues in this chamber that I have always been well received here. I did not feel that the all-male Senate showed any sense of resentment at my entrance here, although I imagine that inwardly there might have been a feeling that their sanctum was being invaded. Miss Macphail once told me that she would not like to see any other woman go through what she had to go through when she first came into the House of Commons. I repeat, that from the outset I have been treated in this house as one of the family, and for that I am very grateful.

When I heard the honourable senator from Wellington (Hon. Mr. Howard) refer to the 82nd birthday of the honourable senator from Ponteix (Hon. Mr. Marcotte), I was reminded that he is my junior in the Senate. When the Leader of the Government (Hon. Mr. Macdonald) and the Acting Leader of the Opposition (Hon. Mr. Aseltine) said they would like to have me here for a long time yet, they were careful not to mention another twenty-five years. It is nice to be received so cordially, and I thank you all for your very kind words.

I confess that this year I was rather pleased that both my birthday and the anniversary of my appointment to this chamber fell on days when the Senate was adjourned for a long week-end; however, they apparently did not go entirely unnoticed.

Incidentally, I notice that the article to which the honourable Leader referred states that my youngest daughter was five years old when I entered the Senate. Inadvertently, a year was added to her age, but she may be grateful for it when the time comes to claim her pension. At any rate, I have not heard any protests from her yet.

I would like to point out that the famous five women from Alberta first took their case to the Supreme Court of Alberta, which decided against them. They appealed to the Supreme Court of Canada, where the decision went against them, with only Sir Lyman Duff, later Chief Justice, dissenting. Then, with true feminine persistence, they appealed to the Privy Council in London. May I add that they did so with the full support of the then Minister of Justice, the late Right Honourable Ernest Lapointe, who seemed to have a high regard for women's capabilities, and to whom, I am sure, the other women in this chamber are grateful. Incidentally, I notice that the article draws attention to the rather curious fact that the late Right Honourable W. L. Mackenzie King, having recommended one woman for appointment to the Senate, never recommended another. I do not know if that was because of any failing on my part, or whether, as he said, it was his first and only experience of proposing, and he did not wish to repeat it.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, March 9, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine Proceedings.

PRIVATE BILL

CALEDONIAN-CANADIAN INSURANCE COMPANY—COMMITTEE AMENDMENTS CONCURRED IN

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill C-8.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (C-8), intituled: "An Act to incorporate Caledonian-Canadian Insurance Company", have in obedience to the order of reference of March 1, 1955, examined the said bill, and now beg leave to report the same with the following amendments:

1. Page 4, line 13: Delete the words "any other" and substitute the word "an".
2. Page 4, line 14: Delete the word "an" and substitute the words "any other".

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: With leave of the Senate, I would move that these amendments be concurred in now. Their purpose is simply to correct a printing error in the bill.

The motion was agreed to, and the amendments were concurred in.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

ROYAL ARCHITECTURAL INSTITUTE OF CANADA—REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. Paul H. Bouffard, Chairman of the Standing Committee on Miscellaneous Private Bills, presented the committee's report on Bill D-8.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Miscellaneous Private Bills to whom was referred the Bill D-8, intituled: "An Act to consolidate and amend Acts relating to The Royal Architectural Institute of Canada", have in obedience to the order of reference of March 1, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 4, line 3: after the words "power to" delete the word "the" and substitute the word "an".
2. Page 4, line 4: after the word "executive" insert the word "committee".

The Hon. the Acting Speaker: Honourable senators, when shall the report be taken into consideration?

Hon. Mr. Bouffard: With leave of the Senate, I move that the amendments be concurred in now.

The motion was agreed to, and the amendments were concurred in.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time

Hon. Mr. Bouffard: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILLS

EXTENSION OF TIME FOR FILING PETITIONS

Hon. Charles L. Bishop, Chairman of the Standing Committee on Standing Orders, presented the second report of the committee.

The report was read by the Clerk Assistant as follows:

Your committee recommend that the time limit for filing petitions for private bills, other than petitions for bills of divorce, which expired on February 17, 1955, be extended to Friday, March 11, 1955.

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Bishop: With leave, I move that the report be adopted now.

The motion was agreed to.

NARCOTIC DRUG TRAFFIC

COMMITTEE EMPOWERED TO RETAIN COUNSEL

Hon. Thomas Reid, Chairman of the Special Committee appointed to inquire into and report upon the traffic in narcotic drugs, presented a report of the committee.

The report was read by the Clerk Assistant as follows:

The Special Committee appointed to inquire into and report upon the traffic in narcotic drugs in Canada beg leave to report, as follows:

The committee recommend that it be empowered to retain the services of counsel.

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Reid: With leave of the house, I move that the report be adopted now.

The motion was agreed to.

CHANGE IN COMMITTEE MEMBERSHIP

Hon. William H. Taylor moved, with leave:

That the name of the Honourable Senator Kinley be substituted for that of the Honourable Senator McDonald on the Special Committee on the traffic in narcotic drugs in Canada.

The motion was agreed to.

CRIMINAL CODE BILL

THIRD READING

Hon. W. Ross Macdonald moved the third reading of Bill O-8, an Act to amend the Criminal Code.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. Paul H. Bouffard: Honourable senators, the bill which I propose to discuss at this time is surely one of the most important ever to be introduced in this chamber. Highly divergent opinions have been expressed by those who have already dealt with it. Beyond any question, those who have discussed the matter have done so in perfect good faith and with a view to serving the interests of the Canadian nation. I would, however, point out something which, to my mind, is important. Nearly all those who have spoken so far on broadening the grounds for divorce have admitted that, in principle, they are against divorce and that they approve of it only in exceptional cases, in order to avoid a greater evil.

I want to say, at the outset, that I do not intend to consider this bill from the religious point of view; on that score the opinion of Catholics is well known. Freedom of creed is a precious freedom for all of us. I respect the opinion of others, as much as I insist that mine shall also be respected. The social standpoint is the only one which I shall consider.

The general and unconditional broadening of grounds for divorce is generally considered as a great evil. That is why even those who are most in favour of it accept it only with the gravest reservations. They seek to relieve the parties in what they call the extreme cases, for whom the continuation of the marital bond involves greater hardship than divorce. It would appear therefore, and beyond doubt, that all of us recognize divorce as a social evil, as a wound to be treated with the greatest care, or as a remedy to be used in very particular and exceptional cases only.

Let us not forget either that this plague is not particular to Canada. Nearly all countries in the world are afflicted with it; and the experiment which it is proposed to make in Canada is not the first one of its kind. It has been tried in many countries, under the leadership of legislators who were as convinced as are some members of this house that divorce should be approved in order to avoid a greater evil and to untie a bond which, in fact, no longer exists.

Unfortunately, however, the experience which these various countries have had is not encouraging. It should, on the contrary, convince us that if divorce has in fact settled some especially unfortunate cases, it has given rise to most serious abuses. By granting freedom in several cases these countries have opened wide this wound which festers and decays, to the point that many countries have adopted the opposite stand and others are seeking solutions which are difficult to apply once bad habits have become too deeply rooted.

Canada, far from making similar experiments, should rather, in my opinion, draw from them the most serious lesson and put them to account, not by broadening the grounds for divorce, but by restricting them more and more and by being more and more exacting, even in the case of adultery, which has so far been about the only accepted ground for divorce throughout Canada.

The honourable senator from Victoria (Hon. Mrs. Hodges) did not fail to deplore the admission of simulated adultery as evidence upon which the judgments of our courts and of the Senate are so often based. I entirely agree with her. However, I fail to see how the remedy for this already enlarged and festering wound can lie in broadening the grounds for divorce.

A more painstaking inquiry, less trust in these sham adulteries, closer questioning of the parties requesting divorce and of the co-respondents, would appear to me a better way of correcting abuses than a broadening of the grounds for divorce, which would have no other effect than to increase the number of cases based on such simulated evidence, which is all too frequent at the present time.

There are some who claim that the people from Quebec and Newfoundland are not interested in this question, since it does not affect them. Let us not forget that all senators, whatever part of the country they may belong to, are bound to examine all federal legislation carefully and to consider the interests of each and every part of Canada when a bill as important as this one is brought before Parliament. It is the duty of every member of the Senate to study the measure in detail and to express an opinion on the good or evil which it may bring to a certain part of Canada, and it is the duty of every senator who thinks that it will affect some more or less extensive part of Canada to express his opinion.

The bill before us is a social measure of capital importance. Those of us who are convinced that it endangers the very foundations of our Canadian society are bound to oppose it even if the part of Canada in which we live is not affected. We represent here the whole of Canada, not only one locality or one province.

But Quebec and Newfoundland are affected. In so far as petitions from these two provinces are concerned, Parliament has up to this time considered no other ground for divorce than adultery; but I am firmly convinced that if this bill were passed Parliament would, less than a year later, be recommending and granting divorce on the same grounds as were then accepted in the rest of Canada.

I will attempt to prove later on that those who imagine that this bill would not affect Quebec or Newfoundland are mistaken. I am afraid, and I think rightly so, that once Parliament accepted this bill it would be bound to extend the measure before long to all parts of Canada. A striking example of this was the bill which established divorce courts in eight of the ten provinces of Canada. It was not supposed to affect Quebec or Newfoundland. However, in every session in recent years a bill has been introduced in the House of Commons for the sole purpose of imposing divorce courts upon those two provinces.

The bill defines the word "court" in section 2 (a), which refers to section 3. Section 3 states:

> This act shall apply to and in those provinces of Canada wherein there are now constituted and maintained courts of divorce and matrimonial causes having jurisdiction to decree dissolution of marriage, and to and in such provinces only.

Such is the definition of the word "court". The definition establishes the jurisdiction of the courts in each province, and the act would apply in all provinces where such courts exist.

Are there in the province of Quebec courts of matrimonial causes having jurisdiction to dissolve a marriage? There is no doubt in my mind that such courts exist in the province of Quebec. The Superior Court has that general jurisdiction. Has this court jurisdiction to annul a marriage? Undoubtedly. One has only to review the provisions of the Civil Code to find in what circumstances the Superior Court in the province of Quebec can declare a marriage null *ab initio* voidable and that it should be dissolved.

Hon. Mr. Euler: May I interrupt the honourable senator? Can those whose marriage is declared null in such cases remarry?

Hon. Mr. Bouffard: Certainly. I am not talking of separation from bed and board, I am talking of a full dissolution of marriage, and the Civil Code specifies several causes for dissolution of marriage. I will cite a few examples. Nullity can be decreed if natural or accidental impotency existed when the marriage took place. That is one cause. Nullity can be decreed when the marriage has been contracted by a minor without having obtained the necessary consent. That is another cause. Nullity can be decreed if the marriage is between close relatives whether in a direct or collateral line. That is a third cause. Nullity can also be decreed if there is a religious obstacle resulting from relationship, whether natural or by affinity, and affinity there means by marriage. That is a fourth cause. I could cite some more. Under the Civil Code there are cases where the marriage is null *ab initio* and consequently the marriage has never existed, and there are others where the court can decree an annulment. Such a case would be where the marriage was contracted without the free consent of husband and wife.

Hon. Mr. Euler: I do not like to interrupt, but may I ask if the same provisions apply in the other provinces? Can their courts declare marriages null and void?

Hon. Mr. Bouffard: I am not sure.

Hon. Mr. Howard: I think so, yes.

Hon. Mr. Bouffard: It must be so. I do not know exactly what legislation on marriage there is in the other provinces, but the federal Parliament having legislated on marriage, I am inclined to believe that the other provinces must have courts which are able to declare marriage either null or voidable.

A marriage can also be dissolved if it was contracted without the free consent of husband and wife. Any marriage which was not contracted publicly or before an authorized official may also be annulled. This enumeration leaves no doubt as to the existence in

Quebec of courts with jurisdiction over matrimonial causes, and, therefore, it is possible to question the exclusive application of this measure to provinces other than Quebec and Newfoundland. It would be very unfortunate to find that it applies to Quebec and Newfoundland, even if all the members of this house do not think it should apply to either of these provinces. I would suggest that all provinces to which the act applies should be named specifically, in order to remove any ambiguity on the point.

Such are the serious reasons why the members of the Senate who come from Quebec and Newfoundland should take an active interest in this question and try to foresee the difficulties into which the bill would soon involve the two provinces which are not supposed to be affected by it.

As far as I am concerned, I am opposed to divorce, both from the social standpoint and as a means of correcting or relieving an error, and I propose to vote against this bill. A study of the experience of some of the countries we know best will easily show to what extent it has been unfruitful, not to say frightful. In France divorce was not recognized before the Revolution, but apparently that did not prevent France from developing into or from being at that time one of the most important and powerful countries. Because of her artistic and literary achievements she was then the most admired country in the world. The Revolution thought it could rebuild France. I do not believe it was a success. Of course, this was not entirely due to the recognition of divorce. Divorce was one of the novelties inaugurated by the Revolution. Only a few years later France, though still revolutionary, had to reconsider its decision and prohibit divorce entirely. The divorce law was first established in France in 1792, that is to say three years after the start of the revolution. It was dropped in 1816, and for a period of almost seventy years France refused to recognize divorce on any ground. She has, unfortunately returned to her former legislation and is now suffering, as are all other countries going through the same experience, from the disastrous results which divorce brings to any country which opens its doors to it. Mr. Mailhé—and I am talking about not a great Catholic, but a man who did not practice at that time—in reporting to both houses of the French Parliament, could not refrain from saying:

> You cannot soon enough put a stop to the torrents of immorality let loose by these disastrous laws.

In Paris, during the Revolution and for a few years thereafter, there were more divorces than marriages. The act of 1884 and the amendments enacted thereunder were drawn up in very much the same terms as those of the measure now before this house. The terms of the French law were even stricter than those of the proposed bill, in that, in 1884, a woman could not marry before the expiration of a certain interval. The act provided for the care of the children and attempted to control the financial position of husband and wife. The arguments advanced in France in 1884 in favour of a divorce law were exactly the same as those put forward in the Senate at the present time.

The French law was designed to correct certain pitiful situations, to settle certain specific cases, to break bonds which the abuses of one or the other of the parties had already irrevocably broken. As a French writer so aptly put it:

> In analysing the various arguments advanced, one is brought to the conclusion that if the arguments of those who urged divorce had been true, the problem would no longer exist. But the terrifying increase in divorces now endangers the institution of marriage itself. Trumped-up charges of desertion and cruelty are more often resorted to than sham charges of adultery.

In France, divorce is a mere formality. The court of the district of the Seine has granted more than 270 divorces in a single day. Such are the results of a law very similar to the measure now before this house.

Hon. Mr. Aseltine: Oh, no.

Hon. Mr. Bouffard: Exactly the same. There is not in the French law a single ground which does not appear in the bill before this house. I admit that at the beginning, before things went the same way as they have gone in France, the law might be applied more strictly here.

Now let us consider the situation in England. Until 1937 there was an average of 3,000 to 4,000 divorces per year. Immediately after the coming into effect of the new law, in 1938, the cases totalled 7,500; and in 1946 and 1947 they climbed to 50,000 a year. A commission appointed a few years ago recommended the enlargement of grounds for divorce. Its recommendation was approved by the British Parliament and has been in force for more than twenty years. The number of divorce cases has increased to such an extent that England has revived its Royal Commission, under the chairmanship of a distinguished personage, Lord Morton of Henryton, for the purpose of considering the effects of the law during the last ten years and of trying to find some solution less disastrous than the present one.

Let us now glance at the United States. The situation there is simply terrible. The

grounds for divorce are just about the same as those proposed in this bill.

Hon. Mr. Aseltine: No, no.

Hon. Mr. Bouffard: In practically every state.

Hon. Mr. Aseltine: No, that is not correct.

Hon. Mr. Bouffard: I repeat that in practically every state the law is about the same as that which we are asked to enact, except that in some states there is the ground of "mental cruelty", which is not a ground included in this bill, although if the bill in its present form is adopted it may well be admitted by our courts.

These grounds—and I do not refer to the laws of Nevada, which I am not considering —have given rise to disastrous conditions. In one state, one in every three marriages ends in divorce. A well-known American who was both socially and financially prominent told me ten years ago that in the state of New York conditions were most deplorable. He mentioned that, of twenty-two graduates of a well-known and highly reputed convent, at which his daughter had studied, twenty had married within two years of leaving the convent, and after three years nineteen of them were divorced.

Hon. Mr. Aseltine: May I ask the honourable senator whether in New York State the sole ground for divorce is adultery?

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Bouffard: I am giving an example of what may happen when divorce is restricted even to one ground. My informant had no personal interest in telling me of this experience. His daughter was living in New York, and the family is one of the best-known in the state. This happened ten years ago. I cannot give a precise statement as to the number of divorces in New York at the present time, but I have information as to what is happening nowadays in the United States, and in a moment I shall give some figures which relate to twenty of those states.

Hon. Mr. Wood: It does not necessarily follow that all the divorces to which the honourable senator has referred were granted in New York State.

Hon. Mr. Bouffard: Perhaps not. In many cases New York residents obtain divorces elsewhere.

Hon. Mr. Quinn: Some Canadians do, too.

Hon. Mr. Bouffard: But with this difference, that most divorces obtained outside Canada by Canadians are not recognized in this country, whereas in the United States a divorce granted in one state is recognized in another.

Hon. Mr. Farris: In many cases Americans go to Mexico and obtain decrees of divorce there.

Hon. Mr. Bouffard: But in Canada, except under very special conditions, we do not recognize divorces obtained by our citizens in the United States.

Hon. Mr. Farris: That does not deter them.

Hon. Mr. Bouffard: No, but such cases are not very numerous. What I am pointing out is that any state of the United States recognizes a divorce which is granted in any other.

Hon. Mr. Euler: Since it is a fact that the ground for divorce is the same in New York State as in Canada, what conclusion does my friend seek to draw from the fact that, in the incident he mentions, nineteen marriages out of twenty resulted in divorce? What does he expect to prove by these figures?

Hon. Mr. Bouffard: I pointed out that this New York gentleman was to a certain extent interested in a situation which, to him, was very deplorable, namely, that nineteen out of twenty girls who were married after leaving the convent were divorced after three years.

Hon. Mr. Euler: And the ground is the same as is recognized in this country.

Hon. Mr. Bouffard: That is so. But I do not know whether all these decrees were granted in the state of New York. It may very well be that some of them were granted in other states and not necessarily on the ground of adultery. My honourable friend has only to look at what is going on in Canada, where adultery is the only ground for divorce. Just look at the number of divorces which have been granted in Ontario and British Columbia alone since the establishment of divorce courts in those provinces—and they have been granted on the ground of adultery only.

Hon. Mr. Euler: What does that prove?

Hon. Mr. Bouffard: That those who want to untie the bonds of matrimony will take whatever means they can. I am not the only one here who holds that view. When taking part in this debate the honourable senator from Victoria (Hon. Mrs. Hodges), in deploring the present situation, stated:

> I should like to say without any reflection upon anybody connected with the Divorce Committee or the work of the committee that at times I have suspected there have been stage settings of a certain kind to permit divorce being achieved.

The activities of the American divorce courts are about to "bury the family unit", to use the words of John C. Fitzgerald, Dean of the Law Faculty of Loyala University. Since 1867 the American population has

increased fourfold, but the number of divorces has increased sixty times. In 1948 there were in the United States more than 20 divorces for every 100 marriages. I do not know where Mr. Fitzgerald found his statistics, but he states that from 80 to 90 per cent of the divorces are prearranged by mutual consent, and that 75 per cent of the cases involve perjury.

Hon. Mr. Aseltine: That is what we are trying to avoid by this bill.

Hon. Mr. Bouffard: According to what has happened in the United States, this proposed legislation would not have that effect. Some people might not perjure themselves in testifying on a charge of adultery, but they might be less scrupulous about perjuring themselves in testifying on a charge of cruelty or desertion.

It takes an average of fifteen minutes to obtain a divorce in the United States courts. The experiment has proved an absolute calamity in that country. The number of divorce cases rose from 2,950 in 1886 to 32,557 in 1921; and, in 1951, to 100,000 in only twenty states.

I need not repeat the statistics quoted by the honourable senator from Ottawa West (Hon. Mr. Connolly) in regard to Canada. What are we aiming at? Is not the record of other countries sufficient to prevent Canada from trying similar experiments? Adultery will not be simulated any more; a less shameful ground will more often be simulated. This is indicated by the fact that out of 100,000 divorces granted in twenty American states, only 1,400 were granted on the ground of adultery, but 56,000 were on the ground of cruelty.

Ella Winter reports in *Collier's* magazine another painful example, in the case of Russia, where in the first days of the Soviet Revolution a divorce could be obtained in ten minutes, abortions were performed by the thousands, sexual education was taught all over the country, and the home was cast aside and children were entrusted to the state.

Today Russia has abolished co-education; girls' schools are teaching cooking, sewing and embroidery; and it has become more difficult to otbain a divorce in that country than in many capitalistic countries. The marriage ceremony has also become more solemn. Family life is praised, encouraged and even rewarded. Stability has become a password—stability in marriage, in family relations and in relations between the sexes. To obtain a divorce in Russia it is necessary to appear before two courts of justice and to publish a notice in the newspapers, and the cost of divorce is very high. I found this information in the book Ella Winter published in 1945, entitled *I saw the Russian People.*

It seems quite clear to me that it is neither because of moral or religious principles that Russia has changed its family code and its divorce laws. Having seen how seriously divorce endangers the security of the nation, it has taken the means of checking it. It was force of circumstances which compelled Russia to return to the Christian notion of marriage.

In this debate few honourable senators have dealt with the welfare and education of the children. I was impressed by the statistics which the honourable gentleman from Ottawa West gave us last night on the number of children whom divorce deprives, to all intents and purposes, of any family life. It is estimated that the total number who have been so affected in the United States is 4 million—a terrifying number. What will it be in Canada? Human nature is the same everywhere, and the results of divorce in the countries we have reviewed will be repeated in Canada. In a few years we shall have more than half a million children who, from the practical, educational and family points of view, will be abandoned or placed in institutions which the state will have to provide to look after them. Are we willing to accept such consequences, merely to afford a few unfortunate people a second chance in life?

Unfortunately, if this bill is adopted it will settle very few cases, but will rather open the way to the same abuses and the same sad results that have been experienced in other countries.

Indissolubility surely causes some difficult situations. There is no institution on earth which is free from pain and suffering. These are individual and accidental evils which cannot be remedied by an act creating general unrest and producing disastrous results of the kind experienced in the countries I have mentioned. Legislation is not meant to safeguard the happiness of the individual at the expense of the common weal. That is the principle which should underlie this proposed legislation, just as it underlies, in fact, any other legislation. Duties and taxes, expropriations and sanitary measures are striking examples of this.

States more concerned with individual happiness than with the common good, are not in general successful. On the contrary, their legislation has, every time, loosed torrents of scandal, of discord and of injustice and, if it has untied a few unhappy marriages, it has also sown doubts among good ones and

opened the way to the systematic destruction of the family. Under such conditions people turn away from marriage as a duty and look upon it as a mere source of pleasure.

If the question is considered from the point of view of the birth rate, it will be seen that divorce gives rise to the gravest results. A nation cannot afford to lose interest in its birth rate, for it is too closely connected with its security. The birth rate is in direct proportion to the stability of the home, just as instability of the home inevitably causes a fall in the birth rate. I need not go outside of Canada to prove that. In the province of Quebec, where the number of divorces is among the lowest, the birth rate is 28 per cent; in Ontario, in 1942, it was only 20·1 per cent, and in British Columbia, where the proportion of divorces is the highest in Canada, it was 19·3 per cent. The story is the same everywhere.

Most advanced sociologists have accepted the following theory: where the number of divorces is lowest, the gross birth rate is highest.

The highest birth rate is not to be found in the states where there are the most marriages, but in those where there are the least divorces. Such facts, it seems to me, should make us pause. As far as I am concerned, they place upon me a responsibility which, from the strictly social and national point of view, I cannot escape.

Moreover, where does the pressure come from in Canada to have this bill passed? As far as I know, not a single province has even considered passing a resolution to that effect. The only public body that I know of which has taken a stand in this matter is the Canadian Bar Association. I recognize that its opinion may be quite authoritative, but it is far from representing a majority opinion of lawyers in Canada. Neither is it specially competent to express an opinion in the social field. No one has quoted a single social body, a single important political group, or a single province which has expressed an opinion either way. The Senate, which is *par excellence* an independent body should not be swayed into passing legislation which has produced such harmful results elsewhere, just because a small minority of our lawyers have seen fit to recommend such a measure.

Some senators, among them the honourable senator from Calgary (Hon. Mr. Ross), have suggested that this law should apply only in those provinces that want it. I am entirely opposed to delegating our authority to the provinces. The Fathers of Confederation entrusted us with a jurisdiction within which we ourselves must exercise our authority. If they had wished to grant this authority to the provinces, they would not have failed to do so. It is our responsibility, and Parliament must exercise this power. It is Parliament which is entrusted with the responsibility of defending the indissolubility of marriage in the interest of the family and of society.

How would the views of a province find expression? It is readily realized that pressure groups may attempt to arouse public opinion. Indeed, pressures become easier to exert as the size of the unit wherein they are exerted becomes smaller and less populated. Personally, I would frown upon delegating our powers to the provinces. We have been given authority, and it behoves us to exercise it. Divesting ourselves of some of our authority would surely not tend to diminish our responsibility.

Honourable senators, it seems to me quite obvious and beyond any doubt that this bill would open the door very wide to abuses which have really occurred in all the countries where a similar experiment has been made. Human nature has been tried; it cannot stand such temptation. Because of a few exceptional cases which might deserve consideration, there are created thousands of unfortunate situations which from the social point of view affect hundreds upon hundreds of women, who are oftener the victims of divorce than men, and thousands of children whose home life is broken beyond remedy. Auguste Comte very aptly said:

> The mere notion that a marriage may be dissolved is an incentive to divorce.

And Mr. Planiol added:

> The matrimonial union will not attain its fundamental end unless it is both exclusive and indissoluble.

Is not the experience of those countries conclusive? It should give food for thought to those who, in perfect good faith, want to broaden the grounds for divorce in order that some individual cases may be settled. Unfortunately, if this bill is adopted, it will settle very few cases, but rather will result in the worst abuses imaginable.

I will now consider the more important details of the bill.

The grounds for divorce: Section 6 of the bill mentions adultery as the first ground of divorce. In this instance, the man and the woman are placed on the same footing. Is it necessary, from a strictly legal point of view, to mention adultery as a ground for divorce? Out of ten provinces, eight have already recognized the right to obtain a divorce on the ground of adultery, and this under old English laws, which the sponsor of the bill is very anxious not to tamper with. The other two provinces have no divorce courts.

In order to grant a divorce to a resident of either of these provinces, it is necessary in each case to pass a special act of Parliament. Everybody recognizes that Parliament, having supreme authority, has the power to pass any special act which it deems desirable and to grant a divorce on any ground whatever.

I wonder why this bill mentions adultery as a ground for divorce, since it stipulates clearly that it does not modify or amend existing laws which provide for the granting of divorce in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, New Brunswick, Nova Scotia and Prince Edward Island? Does it not seem that this bill would be interpreted as giving to certain courts of Quebec and Newfoundland the right to grant divorces on the ground of adultery? From a legal standpoint I believe so and, accordingly, I submit that the word "adultery" should be entirely omitted from this bill, which as a matter of fact could in this respect affect only the provinces of Quebec and Newfoundland.

As far as this ground for divorce is concerned, does it not imply that only Quebec and Newfoundland could benefit from this bill, since the other provinces have no need of it in order to consider adultery as a ground for divorce? If this bill is adopted, I would suggest that, from a strictly legal point of view, in order to clear up any misunderstanding, adultery be deleted from the grounds for divorce.

The second ground for divorce under the bill is desertion. Desertion has no doubt painful consequences for the spouse who has been deserted and for the children, if any. Desertion especially reveals the little consideration the husband and wife have given to the most important act of their lives.

Racial and religious differences, temperaments and customs, are the most frequent causes of desertion, which is often the aftermath of marriages contracted after an orgy. I do not feel that for such unimportant reasons we should apply so drastic and so dangerous a remedy as the dissolution of marriage. If we accept such a ground for divorce, we immediately open the door to hasty and ill-considered marriages, because whenever one does not work out, desertion can easily be involved to obtain a dissolution.

One is often inclined to look upon married life as a temporary state that could be called a matrimonial venture. But for more than eighty years our laws have not allowed, and our legislatures have refused to consider, desertion as a cause for dissolving a marriage. Such a record impresses me. Our lawmakers did not want a breaking-up of marriage through divorce based on desertion, and I respectfully urge our present legislators to think seriously before introducing into our statutes provisions that for more than eighty years our predecessors have constantly rejected.

Is it not a fact that both world wars were to blame for many cases of desertion which aroused our sympathy but which remain nevertheless exceptional cases? These are not the only misfortunes that the wars have brought to many families; indeed, desertion is not as hard to bear as some other types of misfortune that are the lot of many families in Canada as a result of war.

In other countries where desertion has been accepted as a ground for divorce, abuses have proved to be numerous. Let us, therefore, think seriously before following the modern trend, and let us reflect that by approving desertion as a ground for divorce we would be encouraging serious misbehaviour that would lead to a larger number of cases of collusion than we have at present.

The third proposed ground is insanity. Divorce is no longer a sanction in this case, since neither party has failed in his obligations, but it is a remedy. If divorce is granted for a cause that is totally beyond the control of the party against whom it is decreed, there is a breach of contract based only on the risks covered by such a contract. The solemn promise of mutual help in time of sickness is put aside, and the contingencies related to the frailty of life become involved. There is no doubt about it, a sick spouse cannot fulfil his or her obligations. But that is not the only type of illness that married people risk. There are many diseases which render them absolutely incapable of fulfilling the most important functions of family life. For instance, many diseases are a constant danger to the wife and children; many diseases compel either the husband or the wife to leave the home for ever, or permit them to come back only at infrequent intervals. Often on account of the illness of husband or wife the other spouse is obliged to provide for the ordinary financial and educational needs of the family, without any assistance from his or her mate. If marriages were to be dissolved on account of those hazards of life, there would be no end to it.

Insanity is a disease which at present is treated more efficaciously than formerly. Many patients considered as incurable are recovering gradually through operations and drugs that produce cures where formerly they could not have been expected.

But there are many other diseases quite as specific and sad, and if we consider as a ground for divorce any disease, however distressing it may be, we shall open the door

very wide to the worst abuses and the worst and most unforeseeable consequences. Besides, insanity is a mental disease that assumes a a great variety of forms which are extremely difficult to recognize and define. Let us not be the judges of those human misfortunes that God inflicts upon only a few individuals, and let us not break the most sacred contract to alleviate accidental circumstances.

Moreover, if we examine the laws of each country in the world, including those of each province of Canada, we find that insanity or any disease, even death, cannot annul a contract of a purely economic and financial nature. Notwithstanding the hardship involved, economic and financial contracts must be complied with by those who have entered into them. There is all the more reason for maintaining this position with regard to a contract which is held to be the most indissoluble and most sacred by all countries in the world.

The fourth proposed ground is cruelty. In France it is called abuse, mistreatment or serious injury. Cruelty is accepted in France, in England and in the United States as a ground for divorce. However, it is recognized everywhere as the cause of the worst abuses. If we already complain, and rightly so, that collusion exists in the matter of adultery, how much easier it will be to sham cruelty, even physical cruelty? In certain American states, I dare say in most of them, quarrels that happen rather frequently, rather bitter reproaches, moods that change from day to day, an unpredictable disposition, too great an interest on the part of the husband in his business, early retiring, early rising, snoring, reading a newspaper at breakfast, are all daily grounds accepted in the courts as grounds for divorce. It is called mental cruelty.

Hon. Mr. Aseltine: That is not true of England.

Hon. Mr. Bouffard: England has a tendency to enlarge the ground of cruelty, and today mental cruelty in certain forms is accepted as a ground for divorce. True, in England mental cruelty does not yet include such things as snoring or reading the newspaper at breakfast, but if that country continues its present course it will soon come to that.

Hon. Mr. Farris: May I ask my honourable friend what has been the result of the inquiry made by the Lord Morton commission?

Hon. Mr. Bouffard: That commission is still sitting and has not yet made a report. Consideration is being given to what should be done in England to prevent the abuses committed since 1937.

Do we want to expose ourselves to this sort of thing in Canada? Do we think that we are more immune to such abuses than are the English, the Americans or the French?

Hon. Mr. Farris: The Nova Scotians seem to be immune to it.

Hon. Mr. Bouffard: I do not know how far cruelty has been accepted by the courts of Nova Scotia as a ground for divorce, but if I accept the version given to me today, I take off my hat to that province, for it is the only place in Canada where no abuse has resulted from a long-standing law allowing cruelty as a ground for divorce.

Hon. Mr. Aseltine: And cruelty is not defined in their provincial act.

Hon. Mr. Bouffard: One conclusion we could come to is that Nova Scotia is the most moral province in Canada.

Hon. Mr. Euler: Better than Quebec?

Hon. Mr. Bouffard: In Quebec we do not grant divorces on any ground.

Hon. Mr. Aseltine: What!

Hon. Mr. Bouffard: In 1951 or 1952 Parliament granted only approximately 74 divorces to every 10,000 marriages in Quebec, and in Newfoundland the ratio was approximately one divorce to every 400 marriages. But Quebec and Newfoundland have no divorce laws and no divorce courts. My honourable friend knows very well what has been the result of the establishment of divorce courts in Ontario and British Columbia—the number of divorces has increased tremendously.

Hon. Mr. Aseltine: But British Columbia has since 1858 had the right to grant divorce on the grounds of adultery.

Hon. Mr. Bouffard: But can it not grant divorce on the ground of cruelty, under the law of England as adopted in 1857?

Hon. Mr. Aseltine: In British Columbia the only ground for divorce is adultery.

Hon. Mr. Lambert: To what would my honourable friend from Grandville (Hon. Mr. Bouffard) ascribe the increase in the number of divorce cases handled by Parliament?

Hon. Mr. Bouffard: It is less costly and much simpler to sue for divorce in a court than it is to petition Parliament. Does that answer your question?

Hon. Mr. Lambert: I do not think my honourable friend grasps the point I am trying to make. If Quebec and Newfoundland, the two provinces from which Parliament receives petitions for divorce, had courts similar to those in British Columbia and Ontario, obviously the number of petitions to Parliament would not be so large.

Hon. Mr. Bouffard: I am not so sure of that. I know that in every province in which divorce courts have been established the increase in divorces has been very great.

Hon. Mr. Euler: Maybe that is because the causes are greater.

Hon. Mr. Bouffard: It is notable that divorces began to increase immediately after the courts were established. As I said, it is much simpler and less costly to sue for divorce before a court, and the case is concluded in less time than it takes to pass a private bill through Parliament. The provinces of Quebec and Newfoundland do not want courts which can grant divorce, even for adultery, because they fear an increase in the number of divorces would result. I do not say that the people of the province of Quebec are immune to the temptations that would accompany the establishment of a divorce court, but if we do not have divorce courts we will not be tempted.

Hon. Mr. Aseltine: To follow up that argument, I would like to ask the honourable senator another question. How does he account for the fact that in the last twenty years the number of petitions to Parliament from the province of Quebec has increased tremendously?

Hon. Mr. Bouffard: I would say that the increase in population has had something to do with it. Also the large immigration into Quebec of peoples from Eastern and Western Europe has had something to do with the increase. The people of Quebec are following the modern trend, and although on religious grounds Catholics are forbidden to seek a divorce, nevertheless many of them do come before the Senate Divorce Committee. I repeat, we do not want to be led into temptation, for if we are we shall surely fall; so it is best not to place temptation in our way by making it possible to secure divorce within the province. Our Lord exhorted us to pray: "Lead us not into temptation". I am not praising those provinces which have no divorce courts or divorce law, nor am I suggesting that they are better than other provinces.

It seems to me that we should profit by the actual experience of others. Let us therefore not pass a law whereby we run the risk of undermining the very basis of this fundamental institution of our society which is the family.

Let us not fear that our society will be weakened if we keep within the bounds of reason. Are we not rather sorry for those errors that have so strongly shaken and are still shaking society in countries where special laws were passed in order to give relief to individual cases which have now become so numerous that they are no longer exceptions? I have enough faith in our legislators, in their experience and in the consideration which they have for the Canadian family to know that they are not, without long and serious thought, going to weaken the basic law aimed at preserving our families when, as a matter of fact, this law should be strengthened.

If our aim is to reduce the number of divorces in Canada, if we want to protect our families, if we wish to prevent abuses and collusion, then instead of broadening the grounds for divorce, let us place obstacles in its way. Let our inquiries into charges of adultery be more thorough, let the married parties and the co-respondents in every case be examined, let us set a long period during which both parties to a divorce would be forbidden to remarry; let us look after the children of divorced parents by providing under the act for their education and care; let us leave with parents the same obligations that they assumed towards their children at the time of their marriage; let us make provision with respect to the financial support of each of the parties that are going to be separated. In this way, and in this way alone, we shall be able to control and perhaps eventually to cure the plague of divorce which is so deeply regretted in those countries that have applied the policy proposed in this bill.

The second part of the bill deals with presumption of death. It provides that a spouse absent for seven years may be presumed dead. This is no longer a question of divorce or of desertion, it is a decision made by law, and the bond is annulled. Therefore, this is not a ground for divorce; it is rather an acknowledgment that the marriage is dissolved. It is a presumption that after an absence of seven years a person is dead. Just as I am opposed to divorce for desertion, I am opposed to divorce on the ground of presumption of death after an absence of seven years. This woud open a new door that could easily lead to collusion. After all, marriage should be dissolved by nothing but death. It is sometimes necessary to presume death for purposes of administration of an estate, but this should not be done in order to dissolve a marriage.

In my humble opinion, this question does not come within the jurisdiction of Parliament. The death of a person is a matter of civil law and comes under the exclusive jurisdiction of the provinces. Presumption of death after an absence of seven years is provided for in each provincial law dealing with the distribution of estates. Our legislatures

did not see fit to enact that from all points of view a person absent for seven years should be presumed dead. The presumption was provided for only in the very limited field where it is required for the administration of an estate. It falls solely within the powers of our provincial legislatures to provide, if they deem it advisable, that the presumption should apply to all contracts.

Under the British North America Act our federal Parliament has the right to legislate on marriage and divorce, but not on demise. To legislate that after an absence of seven years a person may be presumed dead is not to legislate on marriage or on divorce. The terms of this part of the bill before us are, in my opinion, unconstitutional, and in legislating upon the results of a more or less prolonged absence Parliament would be overstepping its constitutional rights. It is quite possible that the federal jurisdiction, having the right to consider an absence of seven years as a ground for annullment of marriage, might add a new ground for dissolution of the conjugal bond. However, that is not what the bill now before us provides. It establishes a presumption of death, which is a purely civil matter, the result of which is the dissolution of marriage. The presumption created by the bill before us affects not only marriage but also the civil rights of husband and wife and those of the children, and allows for the opening of the estate. These are matters over which the federal Parliament has no jurisdiction. In other words, it is a presumption which is used as evidence of a civil fact, which is death. The sections of the bill concerning separation from bed and board are also matters which do not constitutionally come under federal jurisdiction. Such provisions are, in fact, to be found in the legislation of each and every one of the Canadian provinces.

The right of the federal Parliament to legislate on marriage in no way involves the right to legislate on the rights of the spouses during marriage, on the division of property between them, and on the duties of husband and wife toward each other and toward their children. Parliament is no more entitled to legislate on judicial separation than on the duties of parents towards their children, on the property of husband and wife, or the different agreements under which they may choose to marry.

A later part of the bill relates to annulment of marriage. It provides that in certain cases the marriage may be considered as null *ab initio*. Frankly, I admit that I see no great difference between divorce and annulment of marriage. Both have the same consequences. The federal Parliament undoubtedly has the right to legislate on the capacity to marry, as also on the cases wherein it may be declared that the marriage is null *ab initio* or that it could be annulled. I find, unfortunately, that the bill omits to deal with the main grounds for annulment so far recognized by provincial legislation, such as the age at which one may marry, the cases in which an error or misrepresentation may be such as to cause annulment—for instance, in the case of physical impotence at the time of marriage—or the degree of relationship between the parties. From that point of view, there are certain shortcomings in this bill.

The bill provides four new grounds for annulment.

First, non-consummation of the marriage owing to the wilful refusal of the respondent to consummate it. This may be a legitimate ground. It is recognized by the Church to which I belong, when such refusal to consummate stems from serious reasons.

Second, that either party to the marriage was at the time of marriage in a state of mental unbalance or disease or subject to recurrent fits of insanity or epilepsy. In my opinion, mental disequilibrium or insanity should not constitute a ground for annulment unless the condition was such that the party affected could not give a valid consent. The theory that marriage may be annulled by reason of mental disability or fits of epilepsy is inconceivable. The existence of a disease, however serious, cannot be accepted as a cause for annulling a marriage. The party affected may not even be aware of its existence. Medical data on such diseases is too vague for an accurate diagnosis of their causes to be made at the time they can be detected. Adoption of this proposed ground would give rise to very great abuses.

The third new ground is that the respondent was at the time of marriage suffering from contagious venereal disease. There are many causes of venereal disease. Often such diseases are hereditary: they may be the result of the misbehaviour of former generations. Moreover, usually they can now be cured; and however disgusting they may appear to the other party, it seems to me that they do not constitute sufficient grounds for annulment.

The fourth new ground is that the wife was at the time of the marriage pregnant by a man other than her husband. This ground is evidently based on the fact that the husband must not be compelled to support a child who is not his own. If the child is born more than 180 days after the marriage, he cannot disclaim it: there is then a presumption *de jure* that the husband is the child's father. Therefore, in order that this ground may be invoked, birth must have occurred less than 180 days after celebration

of the marriage. In these circumstances, although I think that the husband could have been aware of his wife's pregnancy at the time of marriage, he may disclaim the child, and is not compelled either to keep or to support it. The real reason for seeking annulment might be that he does not wish to live with a woman who deceived him before his marriage. To grant annulment for this reason would, it seems to me, broaden the grounds for annulment to a greater degree than anybody would wish. If we were to annul all marriages where the wife had had relations before marriage with a man other than her husband, the percentage of annulments would be far too high.

These are the remarks I wished to make about this bill. I believe they are important and thought-provoking. I am sure that all members of this house will give them serious consideration before voting on the principle of the bill, and I am confident that as a result the majority will be convinced that, far from improving the social conditions of our population, it would weaken the morals of our nation and have most disastrous effects upon its development.

Some Hon. Senators: Hear, hear.

Hon. G. Percival Burchill: Honourable senators, in introducing the bill we are now discussing, the honourable senator from Rosetown (Hon Mr. Aseltine) has raised an issue of far-reaching importance; and the bill, if passed, will mark a change in our historic attitude towards divorce.

This is an era of change. It is not surprising that new conditions and ways of living in an age of apartment houses, with both husband and wife as wage-earners, additional leisure, and above all, the social upheavals occasioned by two world wars, have called for an overhauling of laws which were designed for an entirely different society. I can well understand that the long experience of the honourable senator from Rosetown as Chairman of the Divorce Committee has made him aware many times, in many cases, that the present legal machinery is inadequate, or does not apply, or is made to apply by the use of questionable practices; and evidently he feels that the time is overdue for a more realistic law.

My own, more limited, experience as a member of the Divorce Committee has made me realize also that in many cases the grounds alleged in the complaint are not the real reasons for which the divorce is sought, but are used as the only means of escape.

Further, I was much impressed with the views of the honourable senator from Medicine Hat (Hon. Mr. Gershaw) and the honourable senator from St. Boniface (Hon. Mr. Howden), eminent members of the medical profession whose lives have been devoted to healing physical and mental distress, and both of whom have testified that they favour a change in the law of divorce. The honourable senator from Victoria (Hon. Mrs. Hodges), in her able address, spoke not only as a representative of her section of the country, but also, I think, as a woman urging a broadening of the grounds for divorce, which this bill seeks. I thought the honourable senator from Ottawa (Hon. Mr. Lambert) also made a very valuable contribution to the debate, as did others. At any rate they impressed me, and made me feel that the subject is a very important one and that the situation they described warrants our most sympathetic consideration.

I am trying to approach the subject with an open mind. I am quite aware that the religious denomination to which I belong frowns on divorce, but I want to convince myself of the right course I think it is fair to say that our national attitude—if I may use that expression—towards divorce has been definitely negative, although over the past quarter century there has been a change which we must recognize. I recall that when I was a young man a divorced person was not very graciously received in society, while today divorce is not only tolerated, but indeed in many circles it is quite generally accepted.

In approaching the subject one has to take into consideration the view of those who are altogether opposed to divorce on religious grounds, and who look upon marriage as a divine institution; the view of the sociologist who looks at marriage as a social institution with its influence on society generally; and the view of the lawyer who feels that in many cases the law is not applicable and who is concerned with the economic and legal aspects of the institution.

It is interesting to note here that in our Western civilization divorce passed from the hands of civil law at the time of the Roman Empire to Canon law during the Middle Ages, but that in England after the Reformation divorce became a civil law responsibility and there was only one ground for divorce. In 1912, after four years of study, a Royal Commission in England recommended that five grounds be added, but the influence of the Roman Catholic and Anglican churches prevented any change until 1937, when a bill similar to the one we are discussing was passed by the British Parliament.

I am inclined to the view that if this bill is passed, divorce in Canada will be increased, notwithstanding the view expressed by the honourable senator from Victoria (Hon. Mrs. Hodges). I think statistics on this point showing experience elsewhere cannot be overlooked. I start with the year 1938, which was the first year after the bill liberalizing the grounds for divorce was passed in England, and I want to compare the experience since then in Canada, the United States and the United Kingdom.

In Canada in 1938 there was one divorce in every 40 marriages. In 1952 there was one divorce in every 22·8 marriages. In the United States in 1938 there was one divorce in every 5·4 marriages, while in 1952 there was one divorce in every 4·6 marriages. In England in 1938 there was one divorce in every 59 marriages, while in 1952 there was one divorce in every 11 marriages.

While making every allowance for other factors which are reflected in these figures, such as the legacies of war and changed social conditions, I think the evidence is very strong and hard to contradict that an increase in the grounds for divorce brings an increase in the number of divorces. In the state of New York, for example, where there is only one ground for divorce, namely, adultery, the number of divorces granted is much smaller than in states where other grounds are recognized.

However, that is not the chief reason why I think we should go slowly on this measure. I have been unable to discover any substantial public demand for this legislation, and in our system of democracy I think legislation of this kind especially should reflect a demand on a part of the people. Personally, I have never received any communication from my constituency or province and I have not noticed in the press or heard on the radio any resolution or expression of opinion from any group of any kind asking for legislation of this character—and goodness knows there are people suggesting better ways of doing almost everything. To my knowledge the only professional group which has expressed an opinion and recommended legislation of this character is the Canadian Bar Association. However, I take it that, from the public viewpoint while many people feel all is not well as things are at present, the matter is not a pressing problem, and I think that we are just a little ahead of public opinion.

Honourable senators will have noted from these remarks of mine that I have been feeling my way along. My conclusion is this, that I want some information on the subject from people who know more about it than I do. I want to hear from judges of divorce courts and from members of the legal profession. I want to hear from social service workers and representatives of the medical profession and all and sundry who can contribute anything to this subject, which is of such great importance to the future generations of Canadians. We are building in this new country the fabric of a Canadian culture, and a few years is a short time in the life of any nation.

My recommendation is to make haste slowly. I would welcome the appointment of a special committee, as soon as convenient to make an exhaustive enquiry into the whole subject, and, if they think it wise, to bring in recommendations upon which legislation can be based.

Divorce is an evidence of failure, always to be deplored and avoided. If any means of success can be achieved even over what may appear to be insurmountable obstacles, the welfare of children, of the family and of society must never be ignored or minimized. To meet the situation here in Canada in the Canadian way it seems to me is a challenge to legislation, and the solution will not be found without our practising those virtues of tolerance and respect for the viewpoints of others. Tolerance and respect for the opinions of others have been the basis upon which has been built our Canadian unity. Therefore, because I feel we need more opportunity to study the question and weigh public opinion, and because under the rules I am forbidden to move an amendment on second reading, I regret that I shall be obliged to vote against the bill on the present occasion.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Davies, the debate was adjourned.

DIVORCE PETITIONS

REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 225 to 239, dealing with petitions for divorce.

Hon. Mr. Aseltine, for the Chairman of the committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Aseltine moved the second reading of the following bills:

Bill P-8, an Act for the relief of Ida Rose Amyot White.

Bill Q-8, an Act for the relief of Anne Gorin Seward.

Bill R-8, an Act for the relief of George Daniel van der Beek.

Bill S-8, an Act for the relief of Rhoda Beatrice Cree Denis.

Bill T-8, an Act for the relief of Roma Gisser Baron.

Bill U-8, an Act for the relief of Marie-Angeline Delledonne Salotti.

Bill V-8, an Act for the relief of Mary Black Guthrie.

Bill W-8, an Act for the relief of Albert Menard.

Bill X-8, an Act for the relief of Patricia Galley Berger.

Bill Y-8, an Act for the relief of Elizabeth Glencross Marcoux.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Acting Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Aseltine: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, March 10, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I beg to move that when this house rises today it stand adjourned until Tuesday next at 8 p.m.

The motion was agreed to.

GRAIN SHIPMENTS AND FREIGHT RATES

NOTICE OF INQUIRY

On the Notice of Inquiry by Hon. Mr. Isnor:

1. What is the average cost per bushel of shipping grain from (a) Winnipeg; (b) head of Great Lakes; to Liverpool via (a) Vancouver; (b) Montreal; (c) Halifax; (d) Churchill?
2. What amount of grain was shipped in the current year of 1954 through each of the routes (a), (b), (c) and (d)?

Hon. Mr. Macdonald: Stand.

Hon. Mr. Isnor: I wonder if the honourable Leader of the Government (Hon. Mr. Macdonald) could give some indication as to when we are likely to have a reply to this inquiry? The information asked for would undoubtedly be of some value when we come to discuss item No. 7 on the Order Paper, the second reading of Bill 181, an Act to amend the National Harbours Board Act.

Hon. Mr. Macdonald: I shall make inquiries and endeavour to give the house the information as soon as possible.

Hon. Mr. Isnor: Thank you.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Aseltine for the Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill P-8, an Act for the relief of Ida Rose Amyot White.

Bill Q-8, an Act for the relief of Anne Gorin Seward.

Bill R-8, an Act for the relief of George Daniel van der Beek.

Bill S-8, an Act for the relief of Rhoda Beatrice Cree Denis.

Bill T-8, an Act for the relief of Roma Gisser Baron.

Bill U-8, an Act for the relief of Marie-Angeline Delledonne Salotti.

Bill V-8, an Act for the relief of Mary Black Guthrie.

Bill W-8, an Act for the relief of Albert Menard.

Bill X-8, an Act for the relief of Patricia Galley Berger.

Bill Y-8, an Act for the relief of Elizabeth Glencross Marcoux.

The motion was agreed to, and the bills were read the third time, and passed, on division.

FOREIGN AIRCRAFT THIRD PARTY DAMAGE BILL

SECOND READING

Hon. J. W. de B. Farris moved the second reading of Bill F, an Act to implement the Convention on damage caused by foreign aircraft to third parties on the surface.

He said: Honourable senators, I think this bill requires some explanation. Its purpose is to ratify a convention agreed to at Rome, by representatives of a number of nations, for the purpose of making uniform as far as possible the rules applying in the various countries to compensation for personal injuries and property damage caused by foreign aircraft flying over one of the countries. For instance, if a plane from the United States were flying across Canada—assuming that the United States was a signatory of the convention—and an accident caused the plane to fall on this building and kill a number of senators—which might cause some satisfaction in some quarters—

Hon. Mr. Macdonald: I don't know where!

Hon. Mr. Farris: —under the bill compensation would be payable to the persons injured and to the proper representatives of the persons killed. The bill also provides for compensation for damage to property.

This question was first dealt with in a convention at Rome, in 1933, but nothing came of it. After the war the need for an international agreement on the subject became obvious, and the convention which we are now asked to approve was agreed to at Rome in 1952.

The bill itself consists of only one page, and I might read the substance of it. Section 2 gives the following definitions:

2. In this Act,

(a) "Convention" means the convention on damage caused by foreign aircraft to third parties on the surface, set out in the schedule;

(b) "Contracting State" means any state that has ratified or adhered to the Convention and whose denunciation thereof has not become effective; and

(c) Other words and expressions have the same meaning as in the convention.

Section 3 reads:

(1) The convention is hereby approved and declared to have the force of law in Canada.

(2) This Act and the convention apply only in respect of damage contemplated by article 1 of the convention caused in the territory of Canada by an aircraft registered in the territory of a contracting state other than Canada.

The increase in transportation and traffic by air makes the necessity for this measure obvious. The present bill provides for compensation without proof of negligence; it fixes the proportion of liability of the offending aircraft operator; and makes provision for the collection of damages under the convention.

At the 1952 meeting in Rome thirty-two countries were represented, fifteen of which signed the convention at that time. Britain and Australia signed it in 1953, and in 1954 the Honourable Mr. Chevrier signed on behalf of Canada. However, the mere signing of the convention is not sufficient, for two reasons. First, article 33 requires that the convention be ratified by a nation before it can be made effective therein. Secondly, it does not have the force of law in this country until it is ratified by Parliament.

Honourable senators are sufficiently familiar with treaties under the British and Canadian system of government to know that Canada, for instance, can bind itself internationally with another government by a treaty or a convention. In the United States a treaty does not become effective until it is ratified by, I think, a two-thirds vote of the Senate of that country, and once that is done it becomes law. That is not so in Canada. Here, a treaty is made by the sovereign, and a convention may be secured in a less formal way; however, as I have said, it does not bind the citizens of the country until it is ratified by parliament and thereby becomes the law of the land. Subsection 1 of section 3 reads:

The convention is hereby approved and declared to have the force of law in Canada.

Now, while a large number of nations including Britain, Australia and Canada have signed the convention, up to date only one country, namely Egypt, has ratified it. It is necessary for at least five countries to ratify the convention before it becomes operative. Then, of course, it will only be operative as between those five countries, but thereafter, as each country does ratify it, it will come under the convention. I am told by Mr. Matthews, the Chairman of the Air Transport Board, that it is expected other countries will follow our example, and that it will not be long until a number of other countries, perhaps all the signatories, have ratified.

This convention has been recommended unanimously by the Air Transport Board. It has also been recommended as in the public interest by Trans-Canada Air Lines and Canadian Pacific Air Lines, which are the only Canadian international air transportation companies affected by it.

I feel I should explain this bill in some detail because of article 39 of the convention which provides:

No reservations may be made to this convention.

So it is a case of take it or leave it. Ordinarily provisions such as there are in this convention would be referred to a committee and investigated, and probably some changes would be made. If I were in charge of the drafting of this convention I can see several provisions that I would perhaps suggest should be made a little plainer, but we cannot do that. As I say, it is a case of take it or leave it. So I feel I should explain here now in a general way what these provisions are, and it will be up to this house, without bothering with a committee, either to accept the convention in whole or simply reject it.

A detailed examination involves certain considerations. First, to whom is compensation payable? This is covered by article 1, section 1. I will read that. The convention itself is attached as a schedule to the bill.

Article 1.

1. Any person who suffers damage on the surface shall, upon proof only that the damage was caused by an aircraft in flight or by any person or thing falling therefrom, be entitled to compensation as provided by this convention. Nevertheless there shall be no right to compensation if the damage is not a direct consequence of the incident giving rise thereto . . .

Honourable senators will see from that provision that all an injured person has to prove is the damage and the fact that an aircraft was the cause. There does not have to be any proof of negligence.

Hon. Mr. Dupuis: May I ask the honourable senator whether this provision is not contrary to the practice of the civil courts? For instance, in an automobile accident the burden of proof is upon the automobile owner. Under this bill, unless I misunderstand it, the burden of proof is transferred to the private individual.

Hon. Mr. Farris: My honourable friend is quite right. His statement applies also to the common law. But this Convention was established, as my honourable friend will fully appreciate because, for instance, if an accident happened in the night, an airplane crashed, and damage were done, it might be almost impossible to prove negligence; and it would be equally difficult to recover damages afterwards. It is in the light of these two

facts that the burden has been shifted. Contrary to existing law in the common law provinces and in the province of Quebec, all that an injured party will have to do is to prove the fact of damage and who caused it.

Hon. Mrs. Hodges: Does the expression "on the surface" cover the case of anyone who is damaged in a house or other building?

Hon. Mr. Farris: Oh, yes; "surface" would include even a basement. The term is a very general one.

Hon. Mrs. Hodges: The reference is not to the "surface" of the person only?

Hon. Mr. Farris: It is the surface of the earth.

Hon. Mr. Aseltine: Is the case covered of a foreign aircraft which collides with another aircraft in this country?

Hon. Mr. Farris: No: on that point there is another provision, which I will read to my honourable friend when I get to it: the one I am discussing is not applicable to an accident of that kind. If two airplanes collide, and both go down, and both are from a country signatory to the convention either of them may be fully liable. It is not intended to deal with collisions in the air so far as the damage is done in the air; its application is to damage done to persons on the surface of the earth.

There are three exceptions to liability. First, under article 5, where the damage arises out of armed conflict or civil disturbance.

As defined in Article 2, "operator" means the person who actually operates the plane or who has authorized and directed the operation of the plane. A man who owns a plane may employ somebody to operate it, but nevertheless the operator is the owner.

The second exception, contained in article 6, is where the operator proves that the damage was due entirely to some improper act or negligence of the person who claims compensation. At the moment I do not see clearly how that situation could arise; but should it arise, the operator would be excused.

Although article 6 places the burden on the operator, if he can show that the person injured was partly to blame, the doctrine of divided responsibility, which exists in the common law provinces and, I believe, is to be found in the Quebec civil law, will apply. For instance, under our contributory negligence statutes, damage would be apportioned in relation to the degree of negligence of the person who claims the contribution.

With regard to extent of liability, full recovery may not be granted, but the provision is a fair one, for this reason: If negligence is proved the claimant may get 100 per cent and collect his damages to that extent, but where the law of negligence has no application some limitation must in all fairness be placed on the quantum of recoverable damage. Honourable senators who are familiar with admiralty law, of which I know a little, will recall that in claims resulting from damage done by ships there is quite frequently a limitation on the total liability of the defendant. I believe this holds good in admiralty cases even where it is necessary to prove negligence and negligence is established.

Under "extent of liability", article II deals with currencies of foreign countries, which, to be understood, must be translated into our own currency. I shall therefore read from a memorandum given me by Mr. Matthews and put it in the record, rather than attempt to interpret the clauses of the article:

> The limits of liability are such that full compensation will be paid except in very exceptional circumstances. The maximum amount payable in the case of a small aircraft weighing a thousand kilograms—that is 2,200 pounds—would be approximately $37,000. The indemnity increases progressively with the weight of the aircraft, with no fixed maximum.

As the next paragraph indicates, that statement is not quite correct.

> In the case of an aircraft weighing fifty tons or more, the limit is approximately $775,000—

It will be seen that the limitations I have alluded to do not reduce the liability to any trifling amount.

> —increasing by 100 gold francs (approximately $7.37) for every additional kilogram.

I looked this up, and find that a kilogram equals two and one-fifth pounds, or 1,000 grams.

> In case of death or personal injury the maximum indemnity for each victim would be 500,000 gold francs, or about $37,000. The carrier is entitled to the protection of these limits of liability except in the case of a deliberate act or omission done with intent to cause damage in which case liability is unlimited.

So much for liability. The next question that comes up for consideration concerns the forum or court and the rules of procedure and limitation of actions, found in articles 19 and 20 of the convention. Article 19 reads as follows:

> If a claimant has not brought an action to enforce his claim or if notification of such claim has not been given to the operator within a period of six months from the date of the incident which gave rise to the damage, the claimant shall only be entitled to compensation out of the amount for which the operator remains liable after all claims made within that period have been met in full.

That is a rather slight penalty to ensure that claims will be promptly made.

Article 20 starts off as follows:

1. Actions under the provisions of this convention may be brought only before the courts of the Contracting State where the damage occurred . . .

So that if an aircraft from, say, Italy crashed on the surface in Canada and damaged property belonging to a Canadian, any resulting action would be brought in this country.

Article 20 also sets out provisions for execution. They are rather detailed and I do not propose to read them, but among other things they provide that judgments delivered in one contracting state can be executed in another contracting state without further litigation.

Article 21 provides that actions under the convention shall be subject to a period of limitation of two years from the date of the incident which caused the damage.

The final provisions to which I wish to refer are the important ones dealing with insurance, and they commence at article 15 of the Convention. I admit they are rather complicated, but it must be remembered that they were drafted by representatives of some thirty nations, so undoubtedly they are not framed in the same way that perhaps a Senate committee would frame them. However, I think all I need do is refer the house to article 15 and point out that provision is made therein whereby registered companies may be required to take out insurance of some kind. It may be with an insurance company that would be satisfactory to the member countries, or it may be a bank guarantee or a guarantee of the nation itself. I do not think it is necessary that I read these provisions in detail. They are regarded by all these nations whose representatives assembled together as providing a reasonable and satisfactory way to give protection to persons who are injured by a foreign aircraft.

I think that is all I need say about the bill, but I would be glad to try to answer any questions. I do not see any object in referring this bill to committee, for we are not in a position to change anything in it, and I do not believe honourable senators would learn much more about the bill. However, the question of referring it to committee is up to honourable members.

Hon. Mr. Aseltine: Could the honourable senator give the house a definition of operator?

Hon. Mr. Farris: Yes. I would refer the house to article 2, which starts off in these words:

1. The liability for compensation contemplated by article 1 of this convention shall attach to the operator of the aircraft.

2. (a) For the purposes of this convention the term "operator" shall mean the person who was making use of the aircraft at the time the damage was caused, provided that if control of the navigation of the aircraft was retained by the person from whom the right to make use of the aircraft was derived, whether directly or indirectly, that person shall be considered the operator.

There is one question I do not know the answer to—whether that excludes the person actually operating the aircraft or whether it makes both persons liable. Off-hand, my opinion would be that it means both.

Hon. Mr. Aseltine: There is a provision in provincial motor vehicles acts which makes the owner of the vehicle liable if it is involved in an accident while being driven by someone with the owner's consent. Is the provision in this bill similar to that?

Hon. Mr. Farris: I take it that it is. The language is not quite "consent". It says that "operator" shall mean:

The person who was making use of the aircraft at the time the damage was caused, provided that if control of the navigation of the aircraft was retained by the person from whom the right to make use of the aircraft was derived, whether directly or indirectly, that person shall be considered the operator.

I think that is more of a limitation than you would have in the motor vehicles acts provision. Under the convention a person must retain control. That is to say, he can order the other person where to go, but if somebody took a plane for a joy ride merely with consent of the owner of the aircraft it might be doubtful whether the owner would be brought in under the convention, but the person operating the aircraft is liable anyway and if you get judgment against him, even if he is judgment proof, you still have the insurance provision to fall back on, which covers the operators in those countries. Does that answer my honourable friend's question?

Hon. Mr. Aseltine: Yes. I am also a little bit worried about the insurance fund. How is that set up?

Hon. Mr. Farris: That is provided for in article 15 of the convention. I thought I might be able to escape reading it, but I will read it.

Paragraph 1 of article 15 reads as follows:

Any contracting state may require that the operator of an aircraft registered in another contracting state shall be insured in respect of his liability for damage sustained in its territory for which a right to compensation exists under article 1 by means of insurance up to the limits applicable according to the provisions of article 11.

Hon. Mr. Aseltine: The article employs the use of the word "may". It is not compulsory.

Hon. Mr. Farris: Canada is not compelled to require it, but if Canada does require it then it is compulsory that the insurance be

provided. The word "may" applies only in the case of the nation which has it within its own power to seek the protection. I think that is all right.

Then subparagraph (a) of paragraph 2 says this:

The insurance shall be accepted as satisfactory if it conforms to the provisions of this convention and has been effected by an insurer authorized to effect such insurance under the laws of the state where the aircraft is registered or of the state where the insurer has his residence or principal place of business, and whose financial responsibility has been verified by either of those states.

Of course, that puts it in the power of the other state, when these are joint contracting parties—and one must assume good faith on the part of the other contracting states—to see to it that any sanction given to the financial reliability of the insurance company will be reasonably satisfactory.

May I draw attention to subparagraph (b):

(b) If insurance has been required by any state under paragraph 1 of this article, and a final judgment in that state is not satisfied by payment in the currency of that state, any contracting state may refuse to accept the insurer as financially responsible until such payment, if demanded, has been made.

That is a little like locking the stable door after the horse has fled. However, there is a similar provision in some of our motor vehicles acts: a driver of a motor vehicle is not required to take out insurance, in the first instance, but if he has an accident, and is judgment proof, he is required, before driving a car again, to take out insurance.

Hon. Mr. Aseltine: One more point, while we are on that subject. I understand that the country from which the airplane flies arranges for the insurance?

Hon. Mr. Farris: That is right.

Hon. Mr. Aseltine: Does that mean that a country, say the United States, insures all aircraft which leave the United States and fly over Canada against liability for damage, whether they are private planes or corporation planes, or whoever owns them?

Hon. Mr. Farris: So far the United States has not signed this convention. I think my honourable friend and I misunderstood each other. The state does not insure, in the first instance; the state merely gives sanction to the financial reliability of the company which gives the insurance.

Allow me to read subparagraph (a) to my honourable friend again:

(a) The insurance shall be accepted as satisfactory if it conforms to the provisions of this convention and has been effected by an insurer authorised to effect such insurance under the laws of the state where the aircraft is registered or of the state where the insurer has his residence . . .

So that all the nation does is to put a blessing on the company doing the insuring, and for that you must accept the good faith of any nation which is a party to this convention.

Hon. Mr. Aseltine: Well, a private plane flying over Canada might not be insured, and if it crashed in this country we would not have an opportunity to collect damages.

Hon. Mr. Farris: It is the duty of every nation to see that all planes going out of its own country are insured. I do not know of any other way it could be worked out. The provision is not 100 per cent foolproof, but it is about the best that can be made, and is much better than no provision at all.

Hon. Mr. Aseltine: It seems to me that our chance of collecting damages would depend on what arrangements had been made when the owner of the aircraft obtained his licence to fly.

Hon. Mr. Farris: He must register in his own country, and I take it that every country bound by this convention would see—at the time of registration, as my friend says—that one of the incidents of the registration was the taking out of proper insurance.

Hon. Mr. Aseltine: I know that our requirements in Canada are very strict, because on several occasions I have tried to obtain a licence to fly planes in Canada to spray crops to destroy weeds, and on applying I have had to go through a lot of detail—answer a thousand questions, and give all the security in the world—before getting a licence at all. I assume similar regulations are in force in all countries.

Hon. Mr. Farris: Well, good faith of the contracting nations is essential.

Hon. Mr. Crerar: Honourable senators, it is not my intention to criticize this proposed legislation in any way. The honourable senator from Vancouver South (Hon. Mr. Farris) has given us a very good general explanation of the purpose of the bill. I wish, however, to offer a criticism on another point. Here, obviously, is a very important convention, to which by this bill we are asked to give ratification and adherence. We know from article 39 that certain plenipotentiaries from certain unnamed countries met in Rome in the year 1952, and that as a result of their deliberations this document comes forth. But why was some brief explanation not given on the blank pages of the bill as to the history of the convention? I feel that the names of the countries which took part in the deliberations should have been stated, as well as the general purpose of the convention and what

is proposed to be achieved by the various articles set out in the convention which we are asked to ratify—and which I think we should ratify. My complaint is that there is not a single word of explanation given, and it would have been a simple matter to provide it. An explanatory note of the purpose of a bill, or of the amendments to an act, if there are amendments, is of considerable assistance to members of both houses in studying proposed legislation and trying to pass intelligent judgment on it. Most bills are accompanied by an explanatory note. When a matter of this kind comes before us again for consideration, I hope an explanatory note of the purposes of the bill will be provided.

Hon. Mr. Farris: May I point out to my honourable friend that the signatures attached originally to the convention in 1952 are listed at the back of the convention, and I have added to those which do not appear there, Great Britain, Australia and Canada. Those three countries signed the convention subsequently. The United States has not yet signed. My honourable friend will find the list of signatures on pages 18 and 19, at the very back of the schedule.

Hon. Mr. Crerar: Well, there must be something lacking in my copy. Page 16 is the last page I have.

Hon. Mr. Farris: Perhaps I have been especially fortified in that respect. The signatures on behalf of the various countries appear at the end of my copy of the schedule. If honourable senators wish me to read into the record that additional information, I shall be glad to do so.

Hon. Mr. Macdonald: There is no objection to your reading it.

Hon. Mr. Aseltine: I think it would be of assistance to us.

Hon. Mr. Farris: The countries are these: The Argentine, Belgium, Brazil, Denmark, Dominican Republic, Egypt, Spain, France, Israel, Italy, Liberia, Luxembourg, Mexico, the Netherlands, Portugal, the Philippines, Switzerland and Thailand. And now, as I have stated, there should be added to the list Great Britain, Australia and Canada, all of whom have signed but have not yet ratified the convention. Further, it is open now to other countries to come in at any time they want to.

Hon. Mr. Connolly: Honourable senators, I am sure we are all greatly indebted to the honourable gentleman from Vancouver South (Hon. Mr. Farris) for the thorough explanation he has given us. However, when the honourable gentleman from Churchill (Hon. Mr. Crerar) was speaking, it occurred to me that the sponsor of the bill might agree to having it referred to a committee, not for the purpose of attempting to change the convention, which of course cannot be done, but to give additional information which honourable senators might require. I offer that purely as a suggestion.

I would be interested to know, as perhaps other members of the chamber would, in what court a claim under this bill could be made. Would it be one of our provincial courts or, because of the intervention of the Dominion of Canada, would it be the Exchequer Court of Canada? Neither the convention nor the bill appear to indicate in which court claims could be heard.

Hon. Mr. Farris: I shall be glad to answer that question to the best of my knowledge. My opinion is that claims could be heard in the regular courts which try cases between individuals in respect of injuries or damages, namely, the provincial courts. The Exchequer Court, I may say, is usually reserved for the hearing of issues having to do with the affairs of the Crown. If a person were injured by a foreign aircraft, on the surface in, say, British Columbia, his claim would be heard in the Superior Court of that province. One could not expect the convention to set out for twenty or thirty countries the respective courts in each country having jurisdiction in the matter; that must be left to be determined by the countries themselves.

My opinion, therefore, for what it is worth, is that the provincial courts could hear such claims.

Hon. Mr. Connolly: Thank you very much.

Hon. Mrs. Fergusson: I too would like to thank the honourable senator from Vancouver South for the excellent interpretation he has given of this bill and of the convention which we are asked to ratify. May I ask one question of him?

Article 30 on page 14 says in part:

> "Person" means any natural or legal person, including a state.

I should like to know whether a Canadian who was injured on the surface by a foreign aircraft while travelling in another country, say Brazil, could claim damages.

Hon. Mr. Farris: Do I understand my honourable friend's question to refer to a Canadian who was travelling in a plane flying over Brazil?

Hon. Mrs. Fergusson: No; a Canadian person travelling as a tourist in Brazil, or any foreign country.

Hon. Mr. Farris: The bill is no respecter of persons by reason of their nationality. I would assume, therefore, that any person, whether from Canada or any other country, who was injured on the surface by a foreign plane in Brazil would have the same rights as a citizen of that country, regardless of nationality. The article says:

> For the purposes of this convention:—"Person" means any natural or legal person including a state.

That is all it says. Now if, for instance, a Canadian were riding in a motor car in Brazil, and a foreign plane flying overhead dropped a golf bag on his automobile and smashed it, my opinion is that he would have the same rights as any citizen of Brazil, which is a contracting country.

Hon. Mr. Aseltine: Could he sue in Canada?

Hon. Mr. Farris: No; he would have to sue in Brazil.

Hon. Mr. Howard: Would a person of a country or a state which was not a signatory of the convention have the right to make a claim in circumstances such as those mentioned by the honourable senator from Fredericton (Hon. Mrs. Fergusson)?

Hon. Mr. Farris: I would think so. My understanding is that it would apply to all persons in the signatory country, with the possible exception of persons who had entered the country illegally and were there in violation of its immigration laws. In other words, for the time being the Canadian would be a person of Brazil.

Hon. Mr. Howard: I understand.

Hon. Mr. Farris: My honourable friend from Ottawa (Hon. Mr. Connolly) raised the question as to whether the bill should be referred to committee. Perhaps I was flattering myself, but the necessity for this had not occurred to me. If it is the wish of the house, I am sure the honourable Leader of the Government (Hon. Mr. Macdonald) would have no objection to consideration in committee?

Hon. Mr. Aseltine: I think we have time to consider it in committee, and in doing so we might satisfy the members of the house on any points that are of concern to them.

Hon. Mr. Farris: There is the further advantage that Mr. Matthews, the Chairman of the Air Transport Board, from whom I have received most of my information, could be there to answer any questions asked.

Hon. Mr. Lambert: Honourable senators, may I be permitted to ask a question regarding the status of this convention? It has been approved internationally between the various parties represented at the convention, and I presume that our Department of Transport, or our Department of External Affairs, was a party to that approval.

Hon. Mr. Farris: The Honourable Mr. Chevrier signed the convention while he was a member of the Government.

Hon. Mr. Lambert: But my point is that is a prerogative of the Crown, and the matter of ratification by Parliament is really only a custom?

Hon. Mr. Farris: I would not agree with my friend in that respect, for two reasons. First, the convention itself requires not only the signature of a country, but ratification by it; and secondly, the Government of Canada cannot by order in council make the citizens of this country subject to any law in a convention or treaty—only Parliament can do that.

Hon. Mr. Lambert: We have had before us other conventions for ratification, such as one concerning the immunity of diplomatic representatives, and a more recent one concerning trade with Japan. In those cases the Crown was quite in order in binding the countries according to the international agreement, and ratification by Parliament afterwards was just a custom.

Hon. Mr. Farris: My friend is wrong there. As I said earlier, in the United States after ratification by the Senate a convention becomes part of the law of that country, but in Canada no solemn treaty is binding on our citizens until it is ratified by Parliament. It is binding between the countries, but the only way in which one country could enforce its right against another would be by going to war. In Canada, if individual citizens are to be under a legal obligation to carry out the terms of the treaty, ratification by Parliament is necessary.

Hon. Mrs. Fergusson: May I ask the honourable senator another question? In the last paragraph of article 39 I read this:

> This convention shall be deposited with the International Civil Aviation Organization where, in accordance with article 31, it shall remain open for signature, and the Secretary-General of the Organization shall send certified copies thereof to all signatory and adhering states and to all states members of the Organization or the United Nations.

Would the honourable senator explain how those words "or the United Nations" come in. I have not noticed a reference to the United Nations elsewhere in the convention.

Hon. Mr. Euler: Honourable senators, why not send the bill to committee and get there all the information that is needed?

Hon. Mr. Farris: I see that article 38 contains similar wording. It reads:

> The Secretary General of the International Civil Aviation Organization shall give notice to all signatory and adhering states and to all states members of the Organization or of the United Nations:

Well, it merely requires the giving of notice. I suppose it was considered by the assembled nations that a notice to all states members of the Organization or of the United Nations would be sufficient, but I cannot read the minds of those who wrote that provision into the convention.

Hon. Mr. Macdonald: Honourable senators, I have no objection to the bill going to committee but it does occur to me that the honourable senator from Vancouver South (Hon. Mr. Farris) has answered fully all the questions that have been asked of him with regard to this matter. He has already pointed out that the convention has been agreed to and that we cannot change it in any respect, although of course we may reject it entirely.

Hon. Mr. Davies: Is it customary for the minister concerned to sign such documents before they come before Parliament?

Hon. Mr. Macdonald: That is the custom. The documents then come before Parliament for ratification, and in this instance it is set forth in the convention that it must be ratified by Parliament.

Hon. Mr. Quinn: It would seem to me that we only rubber-stamp it.

Hon. Mr. Macdonald: The honourable senator from Bedford-Halifax (Hon. Mr. Quinn) suggests that we only rubber-stamp it. I might remark that if we do not ratify it, it will not become effective.

Hon. Mr. Quinn: We cannot amend it or change it.

Hon. Mr. Macdonald: No, we must either accept it or reject it.

Hon. Mr. Davies: I see no object in referring this bill to committee.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Aseltine: Next sitting. The reason why I ask to have the third reading put over is that my leader (Hon. Mr. Haig), who is absent today, will be here when we meet again.

Hon. Mr. Macdonald: I think the third reading should go over to the next sitting. The reason why I did not propose this was that a reference to committee had been suggested.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING— DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. W. Rupert Davies: Honourable senators, this bill has been before the Senate for about three weeks now and we have had a number of very enlightening addresses on it. I am not going to speak at great length on the bill, but as I am going to vote for it I would like to explain my reasons for so doing.

Before touching on the bill itself, however, I would like to compliment the honourable senator from Rosetown (Hon. Mr. Aseltine) on introducing it, and also on the very exhaustive and informative speech he delivered on that occasion. I am quite sure he did not introduce this bill lightly, knowing as I do that he has been turning it over in his mind for several years. As a member of the Senate's Standing Committee on Divorce for some twenty years, during ten of which he was its Chairman, the honourable senator has dealt with several thousands of divorces. As a result of that experience he feels that the grounds for divorce in Canada should be widened; hence Bill O-6 which is now before us.

I am glad for a more or less irrelevant reason that the senator from Rosetown introduced this bill. It deals with a live subject, one that is of great interest to the people of Canada. The very high order of the discussion that has so far taken place on this bill is just one more Senate-made opportunity for this honourable body to demonstrate to the people of Canada how carefully, how tolerantly and how intelligently the Senate deals with important matters affecting their welfare.

Hon. Senators: Hear, hear.

Hon. Mr. Davies: I had intended to speak yesterday afternoon, but after listening to the brilliant and scholarly address of the honourable senator from Grandville (Hon. Mr. Bouffard) and the well-reasoned, fair and logical remarks of the honourable senator from Northumberland (Hon. Mr. Burchill), I felt it might be wise on my part to postpone what might be termed my "disagreeing remarks" until today. I can quite understand

now how the honourable senator from Grandville reached the high position at the Quebec Bar which he occupies today. He demonstrated clearly yesterday that he possesses three of the qualities so necessary to success at the Bar: a well-stored mind, a tremendous capacity for hard work, and a very forceful delivery. I confess that as I listened to him I felt once or twice just a little like King Agrippa of old.

As I said, it is something of a task to follow the two senators who spoke yesterday, especially when convinced, as I am, that the bill is a good one—with one or two reservations which I shall deal with later—and that it is long overdue. My views will, I fear, not please some senators, but all I ask is faith in my sincerity.

The reason I am supporting the bill is that I believe we should try to bring as much happiness as we can into the lives of the Canadian people. I am one of the fortunate ones who have had a very happy married life. For that reason I want other people also to have a happy home and family life.

Thomas Jefferson in his original draft of the Declaration of Independence, said that "all men are created equal, and independent", and "among their inalienable rights are the preservation of life and liberty and the pursuit of happiness".

I am not one who believes that misery and suffering are good for us. Nor do I believe that by enduring misery and suffering in this life we are preparing ourselves for a happier time in the life to come—whatever and wherever that may be. I believe that we should do everything we can to make people happy here on this earth. I hate misery! I like to see people smile and laugh and enjoy life.

I believe that if this bill passes through Parliament it will make for happiness and better citizenship to as great a degree as, if not a greater degree than, it can possibly make for misery, and suffering, and immorality—to which some reference has been made.

Perhaps I should apologize to the honourable senator from Grandville (Hon. Mr. Bouffard), and also to the honourable senator from Ottawa West (Hon. Mr. Connolly), for not being convinced by them. The senator from Ottawa West made an excellent speech on Tuesday night. It was well prepared and full of statistics. I should have liked to agree with him if I could, for our friendship goes back some fifteen years, but some of the figures he quoted, instead of depressing me, made me feel good. I am afraid he did not intend them to.

You see, honourable senators, I am one of many Canadians who feel that divorce can do good, as it might possibly do harm.

Prior to 1930 I wrote many articles in my newspaper urging proper divorce courts for Ontario. I felt that there was a demand for divorce courts, and I was glad when they were instituted. The results, in my opinion, have been good.

Let us look this question fairly and squarely in the face. A couple get married. They are young; perhaps money is scarce; they may not have very strong characters. Bickering starts. Bickering becomes quarrelling. Quarrels lead to blows; love flies out the window, and we have a broken home. Under our present laws, in order to get a fresh start in pursuit of a useful and happy life, which Thomas Jefferson felt was the inalienable right of individuals, one or the other of these two young people has got to commit adultery. That, unfortunately, is the law.

I am not a lawyer. I spent thirty years of my life as the active editor of a daily newspaper published in a small Ontario provincial city. In that capacity I was pretty close to the people. I took an active part in community life; I saw all sides of it. I read many newspapers every day: it was part of my job. As a result of that reading, and the reading of the daily press today, and as a result of that close contact with the people, I cannot agree with the senator from Ottawa West that there is no demand for more liberal divorce laws in this country. I am convinced there is. I am borne out in my contention by the Gallup Poll referred to by the honourable senator from Rosetown (Hon. Mr. Aseltine) in his speech in introducing the bill. He told us that the poll reported that seventy-five per cent of the Canadian adults interviewed wanted infidelity, desertion, insanity, physical cruelty, drunkenness, mental cruelty, and incompatibility added to the causes for which a divorce can be granted. The honourable senator from Rosetown also told us he had in his office a file of letters three inches thick, every one of them asking for the changes proposed in this bill.

I know all about the marriage vows. I have repeated them after a clergyman on two occasions. But surely we are not sincere if we base our objection to this bill on the verse from the Gospel of St. Mark, chapter X, verse 9, quoted Tuesday night:

> What therefore God hath joined together, let not man put asunder.

Are we not putting asunder every week of every session of Parliament men and women whom God hath joined together? Did

we not put asunder legally in this chamber yesterday afternoon about twenty-five couples, in about three minutes?

What we are saying to the people of Canada today is that we will not legally put them asunder unless one or the other of them goes out and breaks the Seventh Commandment.

That, to me, is the rotten part of divorce today. I, personally, know of couples who could not get along after trying hard, and one or the other of whom has hired some woman to go through the phony bedroom scene so common in so many divorces, in order that they could make a fresh start. Also, I know many couples who have made a fresh start after a while, have raised nice families, and have lived happy and useful lives.

In my own life I am very thankful that I have never had to question the verse quoted Tuesday night. But being a Presbyterian, I know something of the Bible, and I confess freely that my favourite verse is that one from the seventh chapter of Matthew, "Judge not, that ye be not judged."

I am very fond, too, of the lines from Joaquin Miller's poem on Lord Byron, the great English poet:

> In men whom men condem as ill,
> I find so much of goodness still;
> In men whom men pronounce divine,
> I find so much of sin and blot,
> I do not dare to draw a line
> Between the two, where
> God has not.

I am glad that this bill has been introduced. I hope it is given second reading, and is sent to committee, where we can discuss it and perhaps amend it. If it does go to committee, I hope that an extension of the time for desertion will be considered; and I would like to see the time stipulated in subsection 1(d) of section 6 increased from five years to ten years. The honourable senator from Medicine Hat (Hon. Mr. Gershaw), who has had experience with mental diseases, recommends an amendment. I agree. I feel ten years is short enough time to wait for a loved one to recover. I would also like to see the word "cruelty" in subsection 1(c) of section 6 clearly defined. I am not in favour of using "mental cruelty" as a cause for divorce in Canada. I think, as the honourable senator for Grandville said yesterday, it is too liable to misuse.

I do not want to see in Canada what I call "licensed loose-living", which is what I am afraid some courts in another country are condoning. However, I have faith that if we pass a good bill such things could not happen in Canada, because of the high quality of our judges and of the members of the Senate Divorce Committee.

I would like to see this bill pass second reading. If it does it will enable us to treat all Canadians more fairly. Today we say to one group: "Go out and commit adultery and we will give you a divorce." To another we say: "No matter if your husband has turned out to be a drunken beast; no matter if he beats you, half starves you, refuses to provide you with enough food and decent clothes to wear; no matter if he has taken the dignity out of your life and made your life miserable, you must just put up with it. We will do nothing for you." To still another group, said to number 20,000, we say: "If your spouse has deserted you and left you to shift for yourself, we can do nothing for you. You must make the best of it." That, honourable senators, does not strike me as the proper Christian attitude. I feel it is the very antithesis of Christianity.

It is true, where divorce laws have been widened divorces have increased. It happened in England; it happened in Ontario. That to me was a natural process. Many who were probably living in misery, and perhaps sin, were able to legalize their positions.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Davies: But the British people are a fine people. I visit them every summer. I meet them in all walks of life—decent, law-abiding, God-fearing people. The increase in divorce has most certainly not made them into criminals, nor has it, in my opinion, lowered their standards of morality at all. About Ontario I shall not comment. I live in this grand old province, and divorces or no divorces, there are no finer-living people anywhere.

In conclusion I have only this to say, honourable senators. I am going to support this bill because I sincerely believe it is a step in the right direction. Divorce is here. We cannot push it away from us by refusing to recognize it. It is here to stay. Then let us make a start on liberalizing our divorce laws to some extent, and make life brighter and happier for the large numbers who today are caught between the upper millstone of an unhappy home and the nether millstone of forced adultery.

Some Hon. Senators: Hear, hear.

Hon. A. B. Baird: Honourable senators, I have listened with interest, and, I must confess, with more or less amazement to the progress of the discussion of this bill.

Comment has, it must be admitted, wandered pretty far afield—indeed all the way from opposition to the bill for fear of disrupting the honoured institution of marriage, to

quibbles about some of the proposed additional grounds for divorce, and even to a long discussion of the evils of liquor, and so on.

The question as I see it is simply this: shall we permit a lessening of the hardships now unfortunately imposed upon couples who have found they have made a mistake, a big mistake, which has already marred their lives and which if not rectified will continue so to do?

Now, make no mistake. I do honour the institution of marriage, but I can see no sane, unbigoted reason for our insistence that legitimate grounds for divorce shall be so limited as to encourage illegal methods of obtaining "divorce evidence". Even now this is causing great damage to our people, in that a growing disrespect for all law results from any evasion of the strict letter of the law. I believe this body should implement the proposals in the proposed legislation before us. I believe the people of Canada do not require the strict divorce regulations that we now have, and that for the small percentage of our people who have made a mistake in their marriage we can do a really good service by providing a reasonable easing of the restrictions and making the grounds for divorce more in keeping with the day and age in which we live, and more in line with the conditions and problems of modern life.

Years ago, general conditions were such that life was more leisurely and people were not always in a hurry. Marriage was entered into only after careful consideration by both parties. When it did not work out too well both parties had to make the best of it; and they tried and tried, for divorce was hard to get. So, regardless of the hardships of the small percentage of our people who even considered or needed divorce, we had a very small divorce rate in Canada. I find that, in fact, before 1900 only 20 divorces were granted a year; in 1913, there were 60; in 1918, 114, and in 1926, 608. But times have been changing. Life has speeded up, and with it marriage has not had the careful consideration it had in years past, so that the divorce rate is much larger and growing year after year. There is a demand from the public for "easier divorce", a demand that must be met. I for one believe that it should be met and that the proposal before us should be enacted.

I believe that a man or woman who makes an honest mistake is entitled to a second chance and should not be forever penalized. So honourable senators, as an act of human kindness, I plan to vote for this bill, and I trust that it will pass.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Farris, the debate was adjourned.

The Senate adjourned until Tuesday, March 15, at 8 p.m.

THE SENATE

Tuesday, March 15, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CANADA-IRELAND INCOME TAX AGREEMENT BILL

FIRST READING

A message was received from the House of Commons with Bill 124, an Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to income tax.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADA-IRELAND SUCCESSION DUTY AGREEMENT BILL

FIRST READING

A message was received from the House of Commons with Bill No. 125, an Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to succession duty.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 240 to 256, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill Z-8, an Act for the relief of Lorraine Bella Spegel Weisberg.

Bill A-9, an Act for the relief of Frances Kellerman Rappoport.

Bill B-9, an Act for the relief of Eleanor Grace Jones Graham.

Bill C-9, an Act for the relief of Gabrielle Dallaire Boulet.

Bill D-9, an Act for the relief of Phyllis Elizabeth Warner Collins.

Bill E-9, an Act for the relief of Margaret Gwendoline Turner Williams.

Bill F-9, an Act for the relief of Mary Ferguson Wynter.

Bill G-9, an Act for the relief of Sheila Winnifred Richardson Hiscock.

Bill H-9, an Act for the relief of Anne Roitman Aronovitch.

Bill I-9, an Act for the relief of Kathleen Gertrude King Laffin.

Bill J-9, an Act for the relief of Gardner Hinckley Prescott.

Bill K-9, an Act for the relief of Ethel Cope Veary.

Bill L-9, an Act for the relief of Gordon Stewart Norris.

Bill M-9, an Act for the relief of Lucille Grenier Desjardins.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

TOURIST TRAFFIC COMMITTEE

CHANGE IN MEMBERSHIP

Hon. Mr. Beaubien, with leave of the Senate, moved:

That the name of the Honourable Senator Jodoin be substituted for that of the Honourable Senator Hodges on the Standing Committee on Tourist Traffic.

The motion was agreed to.

CANADIAN CURLING CHAMPIONSHIP

TRIBUTES TO COMPETING TEAMS

On the orders of the day:

Hon. John T. Haig: Honourable senators, before the Orders of the Day are proceeded with I wish, first, to apologize for being absent at the last four sittings of the house; and secondly to call attention of the house to what I think was an important event.

It was my privilege to attend and help to direct the Canadian Curling Championship playoffs held last week in the city of Regina. There were eleven rinks entered in the competition. All ten provinces of Canada were represented by one rink each, plus an additional rink from Ontario, because in line with a custom that has existed for a good many years there was a rink representing Northern Ontario as distinct from the rest of that province.

I am sure that if every senator in this house had been at Regina with me they would have

formed the same opinion I did: what a great country Canada is and what fine young men we have in this country!

Hon. Senators: Hear, hear.

Hon. Mr. Haig: I can pay that tribute to every province in Canada, without any exception at all. All the players were gentlemen from start to finish, on the ice and off the ice. There was no over indulgence in liquor, no abusive language. All in all it was a very great pleasure to me, as one who has been with the organization since the first national curling championship games, in 1927—I am the last member of the original organization—it was a great pleasure to see those fine young men step on the ice on Monday afternoon to begin the great fight for the title of champion rink of Canada.

I want to emphasize this: I never saw a better outfit in all the twenty-six years that we have had the competition than I did on this occasion—never. This time a Saskatchewan team won the championship of Canada, and I want to congratulate them.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Haig: There are more curlers in Saskatchewan than in any other province—more men, more women, more boys and girls are curling there than in any other part of Canada. It is especially pleasing that after twenty-seven years of competition, that province should come through and win the championship in its jubilee year.

There were some astonishing features. Last year Alberta could not be beaten, but this year it was pretty close to the bottom. Two or three years ago New Brunswick was one of the great provinces of this dominion as far as curling is concerned, but this year it was pretty well down.

It was interesting to note that when the Quebec team used the French language to the rocks they got the same result as the fellows who used the English language to them. The rocks did not change their course a bit. If a fellow had the broom and the right weight he got the shot, but otherwise he missed, no matter what he may have said to the rock in the meantime.

Hon. Senators: Oh, oh.

Hon. Mr. Haig: As a Manitoban I offer to Saskatchewan my most heartfelt congratulations. As I said before, it is a great curling province. A few years ago it won the junior championship and now, in its jubilee year. it has won the senior curling championship of the world.

Just let me try to describe for you the last end between Saskatchewan and Manitoba. They are coming home seven to six in favour of Saskatchewan. They have the last rock. It comes to the Saskatchewan rink to play. The Manitoba rink are laying two rocks inside the white centre. The Saskatchewan skip has only three inches to use, and he cannot hit them, because the lay prevents that. He drew cold to an inch from where he ought to be. I never saw a more thrilling finish in my life, and I have been following curling for more than fifty-seven years. The winning team comes from Avonlea, a little town of 350 people. It was said that they were not all at the game—but 400 people from the town were present, and I do not know where the other fifty came from. We had an attendance of 51,275 people at those four days of curling. That is another record.

It made me feel very proud that I should live to see in our country such a great game. It used to be said that curling was an old man's game, but that is not so today. The skip of the Saskatchewan rink is twenty-eight years old. The third man on the Manitoba rink is twenty-three years old.

Hon. Mr. Hugessen: He should have been skiing.

Hon. Mr. Haig: I do not think there is a player on any of the rinks, outside of the skips, over forty.

In conclusion, I just want to make an aside, which is not for the press. In Regina, where the people did not know me, except that I happened to be addressed as "Senator", I found out that they think quite a lot of the senators of this country. I had a very fine reception, not because I was Jack Haig, but because I was Senator Haig. I felt very happy indeed that these prairie people, of the stock of our pioneers, so clearly recognize that the Senate is a significant part of Canada, and I made up my mind that when I returned east I would tell my fellow senators what great people we have on the plains, as well as all over this country. I believe that the forty-four young men who represented Canada in these games cannot be excelled anywhere in the world. They are a great credit to all our provinces.

Hon. Senators: Hear, hear.

Hon. W. Ross Macdonald: Honourable senators, I should like to join the honourable Leader of the Opposition (Hon. Mr. Haig) in congratulating the Saskatchewan rink on its outstanding victory. We are all indebted to him for his vivid description of the last end. As it was impossible for all of us to be there, we are glad that he has told us of that great play. His description was so vivid that, in spite of the red carpet under our feet, we could almost imagine ourselves on the ice.

In complimenting the Saskatchewan team I think I should also congratulate the Leader

of the Opposition on the interest he has taken over the years in this sport.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: When the Macdonald Brier trophy was first presented for competition there were appointed a number of trustees, of whom the only survivor is our dearly beloved Senator Haig. The trophy is entirely safe in his hands. I am sure that all of us will join in extending to him our thanks for what he has told us this evening, and in hoping that for many years to come he will remain the trustee of the trophy and a representative of the Senate at these great matches.

Hon. Senators: Hear, hear.

Hon. Mr. Marcotte: Honourable senators, the enthusiasm shown by my honourable leader over the years in the curling championship matches which he has attended, I found rather amusing, for to me it is no matter of astonishment that we men of Saskatchewan are champions. In my younger days, in my field of sports, I was taking on all comers from every quarter; and I was, and still am, undefeated amateur billiards champion of Canada.

FOREIGN AIRCRAFT THIRD PARTY DAMAGE BILL

THIRD READING

Hon. Mr. Farris moved the third reading of Bill F, an Act to implement the Convention on damage caused by foreign aircraft to third parties on the surface.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from Thursday, March 10, the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. J. W. de B. Farris: Honourable senators, in rising to take part in this debate may I first join with the Leader of the Government (Hon. Mr. Macdonald) and the Leader of the Opposition (Hon. Mr. Haig) in congratulating the Saskatchewan rink which recently won the Canadian Curling Championship at Regina. As one who represents a province which recently distinguished itself in another form of ice sport, I feel that we champions can join together.

Some Hon. Senators: Hear, hear.

Hon. Mr. Farris: Honourable senators, I approach with considerable diffidence a discussion of this very serious and important question, for I have been somewhat conscious of my deficiencies, if not senility, after having read some comments from other places, including the newspapers about old and incompetent senators.

Some years ago at a cocktail party, where sometimes persons speak rather freely, I was discussing with two recently-graduated college men the question of public affairs. They laid it down to me that as the old men had made such a mess of the world they, the young men, were going to see that things were changed. I said to them, "You boys must feel very discouraged." They looked at me in wonderment and asked me what I meant. I replied, "Well, you must be discouraged when you realize you can never be any wiser than you are now."

Honourable senators, there is another reason why I have some regrets about this discussion at this time. I refer to the fact that there are twenty-one vacant seats in the Senate which, according to our constitution, should be filled. I exceedingly regret that the obligation imposed upon the Government of this country under our constitution has not been fulfilled.

Honourable senators, before proceeding further I should like to extend, as many others have done, congratulations to the honourable gentleman from Rosetown (Hon. Mr. Aseltine), who introduced the bill now before the house. It was a timely introduction, and the discussion that has taken place and will take place amply justifies the introduction of this measure, whether or not it carries.

I come now to the issue of this debate. The first thing that we should direct our minds to is the principle embodied in this bill, for I am afraid there have been many wanderings afar from that principle. The principle of this legislation is not concerned with the issue for or against divorce. The law of divorce is the law of Canada, established in every part of this country, and I want to take a few minutes to call attention to that fact.

The law in Nova Scotia is that a person may secure a divorce on the grounds of adultery or cruelty, and this has been the law of that ancient province since 1761. I shall have more to say about that later on. Incidentally, a well-educated reporter asked me today, "How is it you have provincial divorce laws when divorce is within the jurisdiction of the dominion?" I explained to him that while the divorce law has been conferred on the dominion since confederation, the provinces brought their existing divorce laws with them when they entered

confederation and these laws were to continue in effect until changed by the dominion Parliament.

The divorce law in the province of New Brunswick has existed since 1791, and the grounds for divorce or annulment are frigidity, impotence, adultery, or prohibited consanguinity.

The divorce law in Prince Edward Island, which is the same as that in New Brunswick, has existed since 1835. In Prince Edward Island the court originally was the Governor in Council. I have been reading the leading text-book in Canada on divorce laws, and the learned author writes that the law in Prince Edward Island was a dead letter from the time of confederation until 1949, when the procedure was amended and a new act was introduced making special provision for a new kind of court to deal with divorce on the grounds I have mentioned. It may be interesting to honourable senators to know that the honourable senator from Prince (Hon. Mr. Barbour), who made such an appealing and effective argument against this bill, was a member of the Cabinet in Prince Edward Island which introduced those new provisions for divorce. I looked up that information in the *Parliamentary Guide*. I do not think he has explained his reasons for his change of heart.

Then we come to deal with British Columbia and the three Prairie provinces, where divorce laws have existed since Confederation. Prior to the passing of a federal act, in 1927, the grounds for divorce in British Columbia and the three Prairie provinces were as follows. A husband could secure divorce by proving adultery on the part of his wife. But a wife in order to secure a divorce had to prove not only adultery on the part of her husband, but in addition, incest, rape, sodomy, or adultery and cruelty or desertion for two years. In 1927 the Parliament of Canada passed legislation providing that in any province in which there was a divorce court the wife could secure a divorce on the same grounds as the husband, namely, for adultery.

I come now to the next province. Ontario had no divorce courts, and a person domiciled in that province could not obtain a divorce except by coming to Parliament, until 1930, when Parliament passed legislation conferring jurisdiction in divorce on Ontario for the same grounds that applied, as I have already stated, to British Columbia and the prairie provinces, and Prince Edward Island.

Turning to the provinces of Quebec and Newfoundland: Newfoundland entered into Confederation recently, so I will confine my remarks chiefly to Quebec. It is the practice to secure decrees of divorce in both these provinces by act of Parliament. I understand that approximately 500 divorce petitions from Quebec will be dealt with by Parliament this session.

Hon. Mr. Roebuck: Not quite so many.

Hon. Mr. Farris: I said "approximately." It is somewhere between 400 and 500.

I am indebted to the honourable member from Grandville (Hon. Mr. Bouffard) for his contribution to this debate. He is not here tonight, but I intend to quote from what he said. I shall have quite a lot to say about his speech. But I would not like honourable senators to think that I was discussing his speech with a sense of security arising out of the fact that he has gone over to the Old Country.

Hon. Senators: Oh, oh.

Hon. Mr. Farris: As a matter of fact, I think my criticism of his speech will be a tribute to the strength and force of what he said. His speech invites reply from anybody who disagrees with him, not because of its weakness, but because of its strength. I say that also of the speech by my honourable friend from Ottawa West (Hon. Mr. Connolly). However, I think I shall pick on the absentee senator a little more than on my friend from Ottawa West.

Honourable senators, at this stage I am indebted to my honourable friend from Grandville for what he said about the jurisdiction of the courts in the province of Quebec—more in regard to nullity than divorce. It will be recalled that he was discussing the wording of our act referring to the conferring of jurisdiction on the courts of the province of Quebec in regard to divorce, because of their existing jurisdiction. I quote from the report of his speech in the Senate *Hansard*, at page 259:

> I am not talking of separation from bed and board, I am talking of a full dissolution of marriage, and the Civil Code specifies several causes for dissolution of marriage. I will cite a few examples. Nullity can be decreed if natural or accidential impotency existed when the marriage took place.

Now, that would be declaring the marriage void *ab initio*.

May I point out to honourable senators who are not lawyers that there are two kinds of nullity. There are cases in which the marriage is just void. There are other cases in which the marriage is voidable. That means that the marriage is good if it is left alone, but the parties may make an application in court and have the marriage declared void *ab initio*. It is voidable but not void until so declared. That is a very important distinction when we are considering this question of the jurisdiction of the courts in Quebec in comparison with the jurisdiction of the courts in the other provinces. As I understand it, a voidable marriage might be

so declared void after there were children. I do not know what the law is in the province of Quebec, but a voidable marriage so declared—that is, void if in any of our other provinces—would bastardize the children.

The honourable senator from Grandville continued:

> Nullity can be decreed when the marriage has been contracted by a minor without having obtained the necessary consent.

That is, without the necessary consent of the minor's parents.

> Nullity can be decreed if the marriage is between close relatives whether in a direct or collateral line. That is a third cause. Nullity can also be decreed if there is a religious obstacle resulting from relationship, whether natural or by affinity, and affinity there means by marriage. That is a fourth cause. I could cite some more.

I now refer to my friend's remarks on page 267:

> Frankly, I admit that I see no great difference between divorce and annulment of marriage.

You see, honourable senators, I am supporting my proposition that in principle divorce is the law of Canada, practically without any exception, and while in the province of Quebec divorces as such are obtained in large numbers only in Parliament, there is, as my honourable friend from Grandville pointed out, a process by which you can take a marriage which is good until it is interfered with, and cause it to be rendered void. To repeat what my friend from Grandville said:

> Frankly, I admit that I see no great difference between divorce and annulment of marriage. Both have the same consequences.

As far as I can understand the situation, I quite agree with my friend. I think he is right in that connection, particularly as to marriages which are only voidable.

I think, honourable senators, that by these references I have established the proposition that divorce law is the law of Canada, that it is the recognized law of Canada, and has been during our Confederation. I say that nothing in this bill challenges that principle. My reason for emphasizing this is that I think that too many of the speeches already made have not been shooting at the right target, but that they have been shooting at the target of the principle of divorce that has already been established, which is not the issue. We are not now debating the issue of divorce, but recognizing divorce as an acknowledged principle of law in Canada. The issue is: is there something the Senate of Canada can do in the public interest to improve the conditions under which divorce may be granted?

Honourable senators, I have written down what I conceive to be the issue, and the only issue, in this debate, and I will now read it:

> The issue involved on the second reading of this bill is neither to approve or challenge the principle of the divorce for cause.

That, I say, has been established.

> But, recognizing the established law, the only principle involved is to determine if it is in the public interest to modify and extend the grounds of divorce in order
>
> (1) to better serve modern social conditions,
>
> (2) to correct existing abuses, and
>
> (3) to treat with mercy, toleration and justice the innocent victims of broken homes and those suffering from the intolerable conduct of unfaithful or depraved husbands, or wives.

Now, honourable senators, may I repeat myself. I strongly urge the house to confine this discussion to the specific issue involved, namely, the matters contained in the bill now before us. Those honourable senators who are opposed to divorce in any form, and who are opposed to the law as it now stands, should have the courage of their convictions and say what they believe. They should introduce in this house a bill abolishing divorce on any ground and on that question their speeches directed to that issue would be in order.

Hon. Mr. McDonald: I take it my honourable friend would not want to leave the matter with the provinces.

Hon. Mr. Farris: No; I do not think we want too conglomerate a divorce law, such as that of many states in the United States. I say again, if any honourable senator thinks divorce as a principle is wrong not only for Quebec, but for all of Canada, his proper procedure is to introduce a bill abolishing divorce altogether. Some of the speeches made on the bill now before us have served to becloud the issue in this case. Those speeches should have been made on a measure to abolish divorce generally, and not on a measure to improve the acknowledged, existing and continuing divorce law in Canada.

Now, honourable senators, I have had some experience in public life in Canada which makes me disposed to emphasize the need for improvement of our divorce law. In this connection may I turn to another subject-matter, that of liquor, to illustrate my point? During the First World War I was Attorney General for the province of British Columbia. The Government of which I was a member had a referendum on the question of prohibition, and later introduced a prohibition law into that province. It appeared that almost everybody was in favour of prohibition as a war measure, as long as it did not apply to himself. I speak with some feeling on this matter because as a young and inexperienced man on the liquor question, except to take a drink now and again, it was my duty to try to enforce this law. I suffered considerable criticism at that time which does not attach to me today, because in later years experience has proven the impossibility of running against the current of public sentiment. The Government held another referendum, in which it asked the people, "Are you in favour

of the sale of liquor by the Government?" The vote was in favour of the referendum by a large majority. It then became my duty, with the assistance of Mr. Pineo, the legislative counsel, a very able man who came from Eastern Canada, to draft the law which was to follow the referendum.

While prohibition had been defeated, there were still many active prohibitionists in the legislature and particularly in our Government caucus. The result was that many of those men approached the drafting of that law in this frame of mind: we are prohibitionists; we are against the sale of liquor; we will make the act as unworkable as possible. Well, honourable senators, with all deference to my efforts and achievements, I think we succeeded in drafting such a law. It prohibited drinking in a public place or in a hotel; it provided for the establishment of beer parlours, in which you could only swill beer; you could not buy a sandwich or get a glass of ginger ale.

I am glad to say, honourable senators, that in later years that law was very much improved. However, it must be said that the law we enacted had the effect of creating habits of bedroom drinking. Mr. Pineo remarked to me, "My instructions are not to prohibit drinking, but to make sure it is done in secret." To indicate my attitude in the matter, I merely say that within a year I resigned from the Government.

Honourable senators, that is ancient history, but the principle involved there with respect to liquor can be related to the principle of divorce today. Let us not make the mistakes that those well-intentioned prohibitionists made some thirty or forty years ago. Let us not approach the discussion of an improved law with the attitude, "I am against divorce on any grounds." I appeal to honourable senators not to discuss this bill by challenging divorce on any ground. If they will recognize the existence and continuance of divorce in Canada, then let us join together and see if we cannot improve the existing law by some amendments which would be regarded by even those prejudiced against divorce as being reasonable and sensible.

I should now like to take up some of the arguments which have been made against this bill. The honourable senator from Prince (Hon. Mr. Barbour) made some emphatic statements about the evils of liquor as contributing to conditions which bring about divorces. As long as my friend stayed with that argument I agreed with him and thought he was on sound ground. He went on to say that because of these conditions there is divorce, and he gave liquor as the cause. I must disagree with him when he confuses cause and effect.

I turn next to the argument put forward by my honourable friend from Grandville (Hon. Mr. Bouffard), who pointed out that in his opinion there were bad conditions arising out of the present divorce law which was confined to the one ground of adultery. No man can deny that there are abuses: in some cases there is perjury; in some cases there is connivance; in other cases I have no doubt adultery has been deliberately committed as the only ground on which a divorce could be secured, when the relationship of husband and wife has become absolutely hopeless. I agree with my honourable friend's proposition up to that point. But what is his cure? He advocated stricter enforcement of the law. Well, I think if my honourable friend has any ideas as to how we can better enforce the law he should become a member of the Senate Divorce Committee and assist the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck).

I would point out that in all nine provinces in which there are divorce courts they are presided over by judges of the Superior Courts, men appointed by the Government of this country and of whom we are proud. I challenge my honourable friend from Grandville, or any other senator, to prove by any evidence that these judges do not perform their duties just as sincerely and efficiently as do the members of our Divorce Committee. I say to my honourable friend from Grandville that as a practising lawyer of wide experience he should be more realistic and understand that the necessity for the present measure arises from one cause, namely, the absence of grounds other than adultery for people bound to have divorce at any cost. That is the explanation. You can no more dam the tide than you can improve the present situation without extending the grounds.

I say, honourable senators, that these conditions so far as they exist under the present law are a demonstration of a pent-up resistance against limitations that can only be cured by a sensible widening of the grounds to meet present-day realities.

Now, let us turn to the grounds in the divorce bill itself. The first is desertion. As lawyers we have an expression in our pleadings that you must condescend to particulars. Outside of the honourable member from Grandville (Hon. Mr. Bouffard), I have not heard a single senator speaking against this bill who has "condescended to particulars." But my honourable friend from Grandville did. The first new ground proposed in the bill is desertion, designated in the bill as second, and here is what my honourable friend from Grandville said, as reported at page 264 of the Senate Debates:

> The second ground for divorce under the bill is desertion. Desertion has no doubt painful consequences for the spouse who has been deserted and for the children, if any.

I would agree with that very strongly, honourable senators. He continues:

> Desertion especially reveals the little consideration the husband and wife have given to the most important act of their lives.

If I may use a slang expression: So what? Divorce has not been the cause of that condition. It is only an attempt as a last resort to give relief from a situation which has become intolerable and impossible.

> Racial and religious differences, temperaments and customs are the most frequent causes of desertion, which is often the aftermath of marriages contracted after an orgy.

Now, just think of that, honourable senators, as an argument against divorce. These people, young and irresponsible, indulge in an orgy—I suppose that means they become more or less "tight"—and get married and find themselves in an impossible condition. The argument is that there should be no relief for them, and that the possibility of getting a divorce would explain the cause of the orgy. With all deference to my honourable friend from Grandville it does not in my reasoning make sense.

He went on to say:

> I do not feel that for such unimportant reasons we should apply so drastic and so dangerous a remedy as the dissolution of marriage. If we accept such a ground for divorce, we immediately open the door to hasty and ill-considered marriages . . .

There you see his point, that the divorce is the cause of the hasty and ill-considered marriage. Now we men and women of the world—a great many of us professional—have had a good deal to do with the problems of people who get into these predicaments. I have been practising law for over fifty years, and although I do not specialize in the law of divorce I have had a good many people in such cases come to me for assistance. I have never had in my practice, and I cannot believe that any member of the Senate who is a lawyer has ever had a suggestion that the possibility of a future divorce was in the least degree a factor in causing those people to get married in an irresponsible way.

Hon. Mr. Roebuck: Quite right.

Hon. Mr. Farris: My honourable friend from Grandville continues:

> Is it not a fact that both world wars were to blame for many cases of desertion which aroused our sympathy but which remain nevertheless exceptional cases?

Well, in considering the descriptions that were given, particularly by my honourable friend from Ottawa West (Hon. Mr. Connolly), of conditions in England, I do not think they are exceptional cases. It is a little hard for those of us who were not in England during the war years to get a full picture of the conditions there. They were very different from conditions in this country. Over on that little island were a lot of mighty attractive girls, and the fine young men in military training appealed to the imagination of every girl who saw them in uniform. There were men in thousands and tens of thousands from Canada, from Australia and from the United States of America, and those girls—we might as well look at things as they are—appealed to the normal instincts that existed under those conditions. Beyond that was the fact that a great many soldiers felt they probably would be killed in action, and they might as well have a little pleasant association before they left England. That was not the exceptional case; that was the more or less general situation, which has led to thousands of divorces since the war. Many have resulted from the lowering of moral standards at that time and ill-considered war-time marriages.

What in the world did the possibility of divorce have to do with those conditions? Not a single thing. I venture to say that you could not find one single case in a thousand in which there would be any evidence to support the proposition that ill-considered promiscuous relationships before marriage or hasty war marriages were influenced or contributed to by the possibility of divorce afterwards. I appeal to the practical common sense of every person here in submitting that that is right.

The next objection put forward is that there might be collusion. Now, honourable senators, we are discussing desertion, we are "condescending to particulars"; we are making not a general statement about the sanctity of the home life, but a cold-blooded analysis of a desertion where there is no home life. It is gone. This desertion is for three years or more without cause. Where does the home life come in? Where does the sanctity come in? It has gone.

Now the suggestion is that this ground of desertion would lead to collusion. When a man can get a divorce now by spending one night with a woman, is he going to abandon that simple process to fabricate desertion and wait for three years or more just for collusion's sake.

Hon. Mr. Golding: He certainly doesn't have to.

Hon. Mr. Farris: Honourable senators, make no mistake. There must have been an unhappy relationship of a most serious nature between husband and wife if they collude at desertion for three years. I do not think there is any ghost of a chance that there will be fraudulent divorces on the ground of desertion such as there now are for adultery.

Both my honourable friends from Grandville and Ottawa West discussed the question of children said we must protect our children from divorce.

They told us of the tragedy of the thousands and thousands of children in the United States and in Great Britain, of broken homes where the children of divorced parents are not looked after. I would refer honourable senators to what my honourable friend from Ottawa West said about this at pages 250 and 253.

For the time being we are considering divorce from the standpoint of desertion. For example: a husband, to whom his wife has borne two children, leaves her. He does not give her a cent; probably she does not know where he is, his absence extends over two years or more; the chances, nine out of ten, are that he has a mistress, although his wife cannot prove it. What harm, in those circumstances, will a divorce do to the children? This is one of the issues we have to face. Take the case which was mentioned by the honourable senator from Victoria (Hon. Mrs. Hodges). Here are a man and a woman, honourable people, who want to be married. The woman has children, and the man would provide for them. Her husband has deserted her and been confined to a mental hospital for years. The law denies her remarriage, on the principle of the sanctity of the home —in this case a home which has no sanctity about it. It refuses her a divorce on the ground of a supposed unity of two persons who for years have had no unity, nor ever will have on God's earth.

Or consider the experience of the Senate Divorce Committee. I had the privilege a couple of years ago of attending a good number of hearings—I have since been occupied elsewhere—and in almost every instance the question was asked, "Is there any chance of normal home life being restored? That is something with which every member of the committee was gravely concerned—can the marriage be restored?—and I venture to say that in not one case of the five hundred or so which constitute a year's work has the committee decided, "We will not recommend a divorce because we believe the parties can be brought together again."

Hon. Mr. Roebuck: In not a single case.

Hon. Mr. Farris: What is the use of talking about the sanctity of a home that has no sanctity, or stressing marital obligations which have been torn to shreds, or suggesting as a consideration the welfare of children whose mother has been left without a dollar by her husband? What is the sense of talking about the benefit to the children of preserving a marriage of this kind? The only earthly prospect of happiness they can have is that their mother may be able to marry some decent man who will be glad to provide a home for herself and her children, and perhaps raise other children who would be brought up respectably. Make no mistake about it; each one of us knows from his own experience that such things happen. I could name a great many cases in which, divorces having taken place, remarriages have followed and very happy homes have been established. But in all my experience as a lawyer and as a member of the Divorce Committee I do not know of one solitary case wherein the happiness of a broken home could be restored through denying to the parties concerned the right—in my opinion, legitimate and just—to a separation through divorce.

My honourable friend the senator from Ottawa West (Hon. Mr. Connolly) asserts that divorce is a cancer in our social system. He is right about the cancer, but wrong about the cause to which he attributes it. The cancer is that condition which disrupts and destroys our family life. All that a divorce does is to attempt to cure that cancer. In my respectful submission, the honourable senator's argument directly confuses cause and effect. He told us that divorce begets divorce, that it will increase the number of divorces. Well, it is a catchy phrase, but I do not find anything in the speeches of either my honourable friend from Ottawa West or the honourable senator from Grandville (Hon. Mr. Bouffard) in proof of the soundness of this statement. Divorce does not beget divorce; it is the consequence of some conditions of which I will treat more fully in a few minutes. The honourable senator who cited the English statistics in this connection did not disclose how many divorces were the result of desertion, which is the subject I am now discussing. The important point is to find out what were the causes of these desertions, and whether a pent-up condition resulting from the denial of relief has any chance in the world of improving the social conditions or the morals of the people or lessening the prospects of further divorces.

My desk-mate, the honourable senator from Wellington (Hon. Mr. Howard) quoted the Gospel of St. Mark, chapter 10, verse 9:

> What therefore God hath joined together, let not man put asunder.

I understand, honourable senators, that many different kinds of people can quote scripture. I suggest to my honourable friend from Wellington that the tenth chapter of St. Mark should not be interpreted too literally, for in another place in that same chapter—

Hon. Mr. Howard: Then do not quote that too literally!

Hon. Mr. Farris: Oh, yes, I am going to read it. I understand that my honourable

friend is not without worldly possessions; and the twenty-fifth verse of that same chapter reads:

> It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God.

I understand, of course, that there are interpretations of that verse which may reassure my honourable friend. And I would respectfully suggest that a proper understanding of the verse he has quoted, in its statement "Let not man put asunder", is that it is primarily directed to the husband himself.

Hon. Mr. Roebuck: Why, of course.

Hon. Mr. Farris: When, for instance, there is desertion, it is he who puts the marriage asunder. Does the judge who grants the divorce put the marriage asunder? Not he, honourable senators, but the man who has left his wife and children in destitution; who, for two years or more, has caused his family nothing but suffering and sorrow, and has denied his wife the opportunity of improving her condition. So I repeat that a mere declaration by a judge that the marriage is dissolved, when in essence it is already destroyed, is not a violation of the Gospel injunction. I trust that this, which seems to me the evident meaning of the verse he has quoted, will change my honourable friend's views in this connection.

Both the honourable senator from Grandville and the honourable senator from Ottawa West laid stress upon the contractual obligation involved. Under the common law in our English-speaking provinces I know that no matter how formal a contract may be—it may bear a seal and the names of witnesses and so on—if one party breaks the essentials of the contract the other party is relieved in law from any obligation. There is no question about that. Why should that principle not apply so far as the contractual obligation of marriage is concerned? Where is the mutual obligation if a man deserts his wife for two years, perhaps leaving her helpless with children; or commits adultery with a mistress; or continually commits acts of cruelty upon his wife, making a hell out of the home? I am sure that every lawyer in this chamber who comes from a province which follows the common law will agree with me that under similar conditions any other kind of contract would be as dead as Julius Caesar.

Honourable senators, I strongly urge that we give this bill second reading and send it to committee where we may consider ways and means to improve it. Leaving aside for the moment all other grounds but desertion, is there not reason to show that we could improve our existing law by including desertion as a ground for divorce, trusting our courts not to stultify any new law in respect to desertion but to give to it the same honest interpretation and administration as they do all other law in Canada? If honourable senators agree with me that there ought to be some provision in our divorce law for desertion, that alone justifies sending the bill to committee even though we may throw out all its other proposals. Would fewer divorces lead to fewer desertions? I would challenge an affirmative answer to that question, and I have not heard a worthwhile argument to support it.

Let us come next to the question of cruelty, which in my humble opinion requires more consideration than that of desertion, where I think the argument is all one way. The honourable senator from Grandville quoted statistics from the United States showing that out of 100,000 divorces granted in twenty states only 1,400 were on the ground of adultery, while 56,000 were on the ground of cruelty. He went on to give illustrations, and I believe he said that in some states a wife could even get a divorce on the ground of cruelty because her husband ate his breakfast with a newspaper stuck up in front of him. What does that prove? In my judgment it proves nothing. That sort of thing does not reflect on divorce laws but rather on the social and moral conditions of the people, and on the judges who interpret the law in such a way. If there have been such cases as have been given in illustration, they reflect a wrong attitude of the courts. I say that with all deference.

In his address the honourable gentleman from Grandville told us about twenty-two graduates of a well-known and highly reputed convent. I presume the young ladies were beautiful and virtuous. He went on to say that within two years of leaving the convent twenty had married, and after three years nineteen of them were divorced. What does that prove? It might be a very persuasive argument to sweep a jury off its feet, but let us stop and analyse the story. What do we know about those divorce cases? We do not know the background or history of those girls. We do not know whether they got the divorces or whether their husbands got them; we do not know on what grounds the divorces were granted, and we do not know in what jurisdiction they were granted, whether in New York or some other state. I suspect those girls were so strictly brought up in the convent that every man looked good to them when they got out. There is a basic explanation of these hasty, ill-considered marriages. The mere unexplained statement of fact that has been given to us proves absolutely nothing in relation to what we are now discussing.

It is admitted, and we know it is true, that there are serious abuses in the United

States in the matter of granting divorces on the ground of cruelty, but can we not safeguard ourselves against this mockery and at the same time provide reasonable grounds for divorce where the home is destroyed by cruelty? In my respectful submission the answer is yes. We have already had experience in this in Canada. Cruelty has been a ground for divorce in that good old province down by the Atlantic, Nova Scotia, since 1761. Has this law been abused in Nova Scotia? When this point was put to my honourable friend (Hon. Mr. Bouffard), he said: "I take off my hat to Nova Scotia. It must have higher morals than the rest of Canada". Well, I went to college in Nova Scotia, and I doubt very much whether the people there were any better than my people over in New Brunswick or the people in British Columbia, where my new home is. But they are good people and there has not been any pitiable exhibition of mockery of that law by the citizens and judges of Nova Scotia. We can feel assured that our courts will never interpret any reasonable law in regard to cruelty so as to make a mockery of the law, as has been done in some of the alleged interpretations in the United States. Each one of us has enough confidence and faith in our judges to be satisfied with that fact.

But I am not entirely satisfied with the definition of cruelty as contained in this bill. We do not have to accept it; we can change it. I would suggest, first of all, that the word "repeated" be incorporated in our definition of cruelty. If a man comes home drunk some night and beats his wife up it should not constitute cruelty within the meaning of the act. But if the beatings were continued there would come a time when they would be considered habitual, and at that time I think the wife should be entitled to sue the husband for divorce on the ground of cruelty—at the stage where the home no longer exists, and where the sanctity of the home, which my honourable friend from Charlottetown (Hon. Mr. Barbour) so touchingly referred to, is undermined. I cannot see for one minute how one can talk about the sanctity of the home if there are real grounds of cruelty or of desertion.

Hon. Mr. Barbour: I wonder how many nights the wife could stand a beating?

Hon. Mr. Farris: Well, I wonder, too, but according to my honourable friend she has to stand it for the rest of her life.

My honourable friend from Rosetown (Hon. Mr. Aseltine) has indicated that we should accept the definitions of cruelty as given by the High Court of England. I have not had time to read them, and I do not know whether we should tie ourselves to them, or whether we should make our own definition right now, with the benefit of the English definitions before us. But I would say first that the acts of cruelty must be repeated acts which include not only acts or conduct endangering life, limb or health, but also any course of conduct so intolerable that the petitioner could not be reasonably expected willingly to live with the offending spouse. This definition may not be drastic enough, but it is my suggestion for consideration in committee only. Honourable senators, conditions of cruelty can exist that make the home not a sanctified place but a hell on earth. And what good is it going to do to the moral conditions of this country to fasten on a man or woman a law which drives them out to seek what pleasures they may obtain out of life in other pastures? I cannot see any.

I come now to the question of insanity. It has been suggested that this ground would lead to collusion, deception and fraud. I submit that that is just out of the question, for we have competent courts and doctors with specialized knowledge to deal with such cases. May I point out that the bill before us specifies that insanity must be of at least five years' duration, and also must be incurable—not by old standards, but by modern standards of medicine. Now, if it is proven that insanity has existed for at least five years and is incurable according to modern science, how can there be any possibility of fraud, deception or collusion?

Some of my friends of the medical profession have mentioned curable insanity. That, of course, does not enter into our consideration, for cases that are curable according to medical science, as of to date, would not be within the jurisdiction of the courts under this bill. Others have said that, after all, insanity is comparable to other diseases. I dispute that assertion. I can understand and admire the husband or wife who has to bear with a spouse who is incurably ill but who nevertheless has a mind; but when the mind is gone, I submit there is really no difference between that kind of insanity, if it is incurable, and death. How can one conceive of any factor of union in a relationship which we all regard with such high reverence, if a man or woman is permanently insane and has no mind, and is not conscious of what is going on within the bounds of that relationship? But one honourable senator said, "Oh, but this relationship is to be 'in sickness and in health.'"

With regard to the obligation to support, in practically all the provinces the obligation to support an insane person rests primarily on the state, if such person is not able to provide support by his or her own means. In the province of British Columbia, at least, if an

insane person is sent to the asylum the Attorney-General becomes *ex officio* his or her guardian.

Hon. Mr. Roebuck: *Pater patriae.*

Hon. Mr. Farris: Yes. If, for example, a wealthy wife gets a divorce from an unfortunate lunatic husband who has no means, the state has its choice, because it is fully within the jurisdiction of the province. The province, having the choice, can support that man out of state funds, or can pass a law, if there is not a law in existence, saying that, even if there is a divorce, the wife who has money must provide for the keep of her insane husband. What is wrong with that? And where does all this shaking of the head come in about the unfortunate lunatic? He does not know anything about it, he is not concerned, has no money and does not contribute anything more than if he were dead, physically as well as mentally.

Honourable senators, on each of these grounds I submit that once we have accepted the principle of divorce, as we have done in Canada, this bill ought not to be considered in the way that my prohibition friends would consider the law in regard to the liquor act.

The bill provides for a decree of presumption of death and dissolution of marriage; and provides that continual absence for seven years shall be evidence of death. My honourable friend from Grandville made an argument on the constitutional aspects, and I have not had time to study this. If there is any doubt on this point it will be an easy matter to redraft the bill so that it will show that absence for seven years shall in itself, without other consequences, constitute a ground for divorce. I intended to look it up, but my memory is that if a person is absent for seven years and the wife, say, marries, she is not guilty of bigamy. The criminal law has given her that relief. All the bill suggests is that, consistent with that principle, she should not be put in an unjust predicament. Suppose a husband has been continually absent for seven years. He may be a victim of amnesia, get cured and come back; or it may be that he has left his wife out of pure cussedness, and, discovering that she has remarried and has a child from the second marriage, he shows up. What kind of a law is it which exempts that woman from a criminal prosecution but leaves her in the impossible position that she has been living in adultery and that her child is a bastard? I cannot see the logic of that, nor can I see, honourable senators, how in any sense of the word a denial of her right to remarry is a contribution to the sanctity of the home.

A lot has been said and figures have been given to indicate that increased grounds would mean an increased number of divorces. Well, that is what I would expect and that is the reason why this bill is put forward. For instance, my honourable friend from Victoria (Hon. Mrs. Hodges) cited the case of a lady who was not willing to commit perjury or adultery in order to get a divorce, and under today's law she does not get one. So her case is not numbered amongst the divorces of Canada today. If the law is amended to allow her to get a divorce on just grounds and to remarry, the total number of divorces in Canada will be increased by one; and each case of merit beyond those now granted will be an increase in the number of cases. Both my honourable friends, and perhaps also my honourable friend from Prince (Hon. Mr. Barbour), shook their heads and said "If you widen the grounds, you will have more divorces." Of course we will have more divorces, and if the principle is right that ought to be the result.

My honourable friend from Grandville (Hon. Mr. Bouffard) said in his argument that we have no mandate to pass this bill, that no province had passed a resolution requesting a change in the divorce law. My answer is, what business is it of the provincial legislatures? Divorce is within our jurisdiction, and a mandate must come from us, not from the provinces. If a mandate is necessary, what better could we get than one from the Canadian Bar Association? I was present at the meeting of the association at which the resolution to widen the grounds for divorce was passed, and Mr. John Hackett, and I, both of us past presidents of the association, spoke and voted against it. I took the position that although I was not against what the resolution asked for, it was not the business of the Canadian Bar Association; that within that association there were strong conflicting views arising from religious differences, and that the association should not pass such a resolution. A member asked where the question should go, to which John Hackett replied, "Send it to Parliament." Of course, that is the proper place for it. But notwithstanding the attempt by John Hackett and myself to block the resolution, it was swept through an almost unanimous vote—I think we were the only two who voted against it. I say now to the honourable senator who seeks a mandate, "You can't brush that resolution aside." True, all the lawyers of Canada were not at that meeting, but there was a mighty good representation.

Hon. Mr. Beaubien: It will increase business for the lawyers.

Hon. Mr. Farris: No, it will not increase business. Divorce work is the last kind of business on this earth that any lawyer would want to engage in. I am surprised that my honourable friend would make that sugges-

tion. He does injustice to and insults the lawyers of Canada when he says they have gone on record—

Hon. Mr. Beaubien: But I did not say that.

Hon. Mr. Farris: Yes you did. You suggested increased business. If you did not mean by that, that the reason the resolution was passed was to get increased business, why did you interject?

Hon. Mr. Beaubien: I just made a statement.

Hon. Mr. Farris: Yes, I know you made a statement, but for what reason?

Hon. Mr. Beaubien: You said the lawyers had no business to pass the resolution, so I thought they wanted to increase business.

Hon. Mr. Farris: Anyway, they did not agree with me about their right to pass the resolution. The resolution having passed, I may say that I know of no other group of men in Canada who have as keen an appreciation of the need for extended divorce grounds as have the members of the Bar association. I say that with deference to the doctors even, who see only one aspect of this problem. The lawyer has to consult the doctor and gets the whole social aspect of the problem before him. The lawyers are, therefore, the body from whom a mandate should come, if one is necessary.

My honourable friend from Northumberland (Hon. Mr. Burchill) made a very good speech in which he said he was in favour of divorce. But like the cow who gives a good pail of milk and then kicks it over, he ended his speech by saying he wanted more information. I would point out to my honourable friend that this question was discussed eighteen years ago, and it has been a live topic ever since; and if this bill now goes to a committee of the house it can be investigated thoroughly. The committee could do everything a special committee could do: it could summon representatives from the clergy, the medical and legal professions, social workers and many others, and thereby get the most complete information. I am most surprised that my honourable friend from New Brunswick would defeat the very thing which he first said he was in favour of.

In reply to my honourable friend from Grandville (Hon. Mr. Bouffard) I would venture the opinion that if the bill is killed in this house it will not suffer that fate by reason of the votes of the majority of senators from the provinces to which the bill is to be applied. My honourable friend said there was no reason why the provinces of Quebec and Newfoundland, who are not directly affected by this measure, should not vote against it because, he said, we represent all Canada. Honourable senators, that statement has very wide implications. How would Mr. Duplessis regard that proposition, if the boot were on the other foot? I agree that, broadly speaking, all senators are concerned with the problems of all of the provinces.

Hon. Mr. Howard: Hear, hear.

Hon. Mr. Farris: But the other provinces, apart from Quebec and Newfoundland, have recognized that notwithstanding their feelings special provision should be made for these two provinces. The statement by the honourable senator from Grandville is inconsistent with that doctrine. In a country like Canada, with its extended territory, its differences of religion, language and customs, the doctrine suggested by my friend cannot be applied too strictly. For example, if I should introduce a bill into this house setting up a divorce court in the province of Quebec, outlining the various grounds, including adultery, and saying that I desired that the legislation should be imposed upon that province because as a senator I was looking after the interests of all Canada, there would be a just protest against such a high-handed move. I would not think of doing it, and I say it is a poor rule that does not work both ways.

A further argument advanced by my friend from Grandville was that the bill before us does affect the province of Quebec because Parliament is today granting divorces for certain people in that province, and in doing so Parliament is following the precedent of law in the other provinces. He concludes that if the grounds are increased in the other provinces, it will only be a year or two before Parliament will be granting divorces for the people of Quebec on the additional grounds provided for the other provinces.

I would answer my honourable friend in two ways. In the first place, those grounds will not be extended to the province of Quebec unless we find the results so favourable that we think they ought to be extended to Quebec. Secondly, if that appears to my friend to be a dangerous situation, I have prepared a resolution to cover it. If I were to move it here, I am quite sure Mr. Speaker would rule me out of order; my intention therefore is to propose it only when the bill goes to committee. I mention it now as an indication of what we can do in committee to relieve the apprehension of my honourable friend. This is the resolution:

> The grounds of divorce, as extended by this enactment, shall not be deemed a precedent or reason for extending the grounds of divorce in any case arising in Parliament on the petition of a person domiciled in the province of Quebec or the province of Newfoundland.

Hon. Mr. Aseltine: That will clear it up.

Hon. Mr. Farris: That will not make it impossible for a subsequent Parliament to legislate to the contrary, but it will be impossible

to claim a precedent in an act which repudiated the very suggestion of that precedent.

That brings me, honourable senators, to my concluding point, which is on the question of justice, about which we have heard little. The honourable senator from Grandville, as reported at page 262 of *Hansard* said:

> Legislation is not meant to safeguard the happiness of the individual at the expense of the common weal.
>
> States more concerned with individual happiness than with the common good, are not in general successful.

My honourable friend from Ottawa West uses language not unlike that, at page 250 of *Hansard*. Now, honourable senators, these are sweeping statements which cannot be accepted without close examination. The case of taxes was cited as a case where the individual has to pay for the common weal. But, honourable senators, taxes are of general application and there is no injustice to the individual. The proposition here applied is: admitting that a woman is an innocent victim and that her happiness and enjoyment of a decent life are denied to her, not from any fault of her own but because others might take advantage of the law giving her relief, therefore, justice must be denied to her in order to protect those others from their own folly. I suppose it is on the policy:

> If meat cause my brother to offend, I will eat no meat.

That is not the whole of that quotation, but it suffices to express my idea. But even that policy does not require that I starve to death. My honourable friend's proposition—and it is not his alone—is that justice will be denied one person, not in order to do justice to another, but to lessen the danger of others doing a wrong to themselves. It is a doctrine that the end justifies the means. I cannot subscribe to any such doctrine. If it were a case of conflicting justices, that is one thing. But, if it is a denial of justice to the innocent to protect others from succumbing to temptation, I doubt the state's right to take such a position, at least unless there is no other solution.

Opponents have been free with their suggestions of a solution. My honourable friend from Prince suggests: curb drinking intoxicating liquor. I agree, and I think that will be a help. My honourable friend from Grandville says: enforce present divorce laws more strictly. I say that is all right if it can be done, but I do not think my friend from Grandville is any wiser than members of our Senate Divorce Committee or judges all over Canada.

I say, honourable senators, there is another suggestion: Look to ourselves that we take proper measures to prevent the basic causes of immorality and moral decadence. It is said that divorce promotes divorce, meaning thereby that divorce promotes the evils that promote other divorces. This idea is far-fetched and cannot be proved. What is seriously in evidence is that where both parties are true to the marriage vow and the sanctity of the home, they do not seek divorce. Why are divorces wanted? It is because one of the married persons no longer regards the vows. It is because of hasty marriages with no foundation of love and affection. It is because of drunkenness and adultery. Some of these conditions are the result of improper moral standards. In many cases the causes begin before marriage. Fornication and loose living before marriage lead to adultery after marriage. Lack of proper home influences, where there is no divorce, is a forerunner of divorce in the next generation. Causes antedate results—results do not antedate causes.

The influence of the church, of the home, of schools and of society generally should be directed towards strengthening the moral standards of our youth, and against drunkenness, fornication and adultery, and hasty and ill-considered marriages. It will follow that divorces will take care of themselves if these obligations prevail. It is for these reasons, honourable senators, that I say that not the state, nor society nor the church has the right to deny justice to an innocent victim of society-created conditions as a protection against society's own shortcomings and neglect. Especially is this so when the denial is not justified on grounds established by the evidence.

Honourable senators, this bill may not pass at this session, but in that event its consideration will not be delayed so long again.

> Time's glory is . . .
> To unmask falsehood, and bring truth to light . . .
> To wrong the wronger till he render right.

In the end justice will prevail and, in my belief, society as a whole will thereby be the better served.

I earnestly support the bill.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Roebuck, the debate was adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, March 16, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

REPRESENTATION BILL

FIRST READING

A message was received from the House of Commons with Bill 194, an Act to amend the Representation Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILL

WESTSPUR PIPE LINE COMPANY— FIRST READING

Hon. James A. MacKinnon presented Bill N-9, an Act to incorporate Westspur Pipe Line Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. MacKinnon: With leave of the Senate, next sitting.

THE ESTIMATES

REFERRED TO COMMITTEE ON FINANCE

Hon. W. Ross Macdonald moved:

That the Standing Committee on Finance be authorized to examine the expenditures proposed by the estimates laid before Parliament for the fiscal year ending March 31, 1956, in advance of the bills based on the said estimates reaching the Senate; that the said committee be empowered to send for records of revenues from taxation collected by the federal, provincial and municipal governments in Canada and the incidence of this taxation in its effect upon different income groups, and records of expenditures by such governments, showing sources of income and expenditures of same under appropriate headings, together with estimates of gross national production, net national income and movement of the cost-of-living index, and their relation to such total expenditures, for the year 1939 and for the latest year for which the information is available and such other matters as may be pertinent to the examination of the estimates, and to report upon the same.

That the said committee be empowered to send for persons, papers and records.

He said: Honourable senators, this motion is in form the same as one moved in 1951 when the estimates for that year were referred to the Standing Committee on Finance. Honourable senators will recall the splendid work done by that committee under the very able chairmanship of the honourable senator from Churchill (Hon. Mr. Crerar). I have read the committee's report, and I feel that the committee that session rendered very valuable service to Parliament and to Canada.

In 1950 the estimates were referred to a number of committees. For instance, certain estimates were referred to the Standing Committee on Transport and Communications. I presume they were the estimates of the Department of Transport. The Standing Committee on Public Health and Welfare also was authorized to examine certain estimates, and the votes are mentioned. Presumably they were the estimates of the Department of National Health and Welfare. Similarly, our Standing Committee on External Relations was authorized to examine the estimates of the Department of External Affairs; and our Committee on Canadian Trade Relations to examine the estimates of the Department of Trade and Commerce.

However, it was found difficult to obtain quorums at these different committees when they were sitting at the same time, and it was necessary to have them sitting at the same time in order to get through with the examination of the estimates. The difficulty arose of course because quite a number of senators were members of more than one of the committees that were sitting simultaneously. In 1951 the difficulty was overcome by referring all the estimates to the Standing Committee on Finance.

It has been suggested outside this chamber that it is not necessary for our Finance Committee or any other Senate committee to examine the estimates because a new procedure has been adopted in the House of Commons.

Hon. Mr. Reid: It has not been tried out yet.

Hon. Mr. Macdonald: My honourable friend from New Westminster says that the new system has not been tried out yet. It is being tried out at the present time. Probably I could just explain briefly what the new arrangement is. Previously in the House of Commons all the estimates were referred to the Committee of Supply and considered in the chamber. However, at the current session certain estimates, though not all of them, have been referred to a committee on estimates which meets quite frequently, and sits, not in the Commons chamber, but as an ordinary committee, usually at times when the house is not in session. At present that

committee is considering the estimates of the Department of Citizenship and Immigration.

As I said, the suggestion has been made that, because of these recent developments in the other house, it would be unnecessary for the Senate to refer the estimates to its Committee on Finance. I do not agree. I gather, from reading the committee's report of 1951 that it considered the estimates rather otherwise than as they are dealt with elsewhere. It is natural that members of the House of Commons committee should attempt to make political advantage from any matters which they can raise, and I do not think they should be criticized for so doing. But we in the Senate do not approach our work in that spirit. We are not interested in the political consequences or in making political capital. I am satisfied that the Finance Committee will examine the estimates in a manner divorced entirely from considerations of advantage to one party or another. If I, as Government leader, did not believe this, I would not be moving this motion. But I am glad to move it, because of my confidence in the committee, and I hope the motion will receive the support of the house.

Hon. John T. Haig: Honourable senators, it has been my good fortune to be a member of the Finance Committee since it was established, and I know something about it. But before I say anything as to the committee and its work, I want to pay a compliment to the honourable senator from Kootenay East (Hon. Mr. King), who was, I believe, Government leader in this house when the practice of referring the estimates to this committee was inaugurated.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: I supported his decision at that time. Some people have blamed the honourable senator from Churchill (Hon. Mr. Crerar) for suspending the sessions of the committee during the year 1953. He is not solely to be blamed, because I had something to do with it. I suggested to him that, as there would be an election that summer, it would not be wise to give anybody an excuse to criticize us on the ground that the committee was more interested in playing politics than in getting at the facts. Not that honourable senators would be actuated by any such feeling, but others might suggest that they were. The committee has done important work. At least half a dozen newspaper publishers and editors have told me that the material contained in its reports is as valuable and reliable as anything they can obtain concerning the extent and cost of governmental services. It is a great compliment to the Senate that people connected with the press esteem our reports as more valuable to them than even the material they obtain through the services of their own reporters.

I am not to be understood as canvassing in advance, but I hope that the former chairman (Hon. Mr. Crerar) will be re-elected. He has such a persuasive way with departmental officials that they give information readily when perhaps the rest of us would get very little consideration from them. He seems to be aware of just what people are best equipped to furnish the information the committee wants. It is reassuring to know that the report which the committee presents to the Senate is based upon evidence obtained from the best witnesses available.

Hon. Mr. Macdonald: I am sure that the Leader of the Opposition will be pleased to hear that the honourable gentleman from Churchill (Hon. Mr. Crerar) has already been appointed chairman of the committee.

Hon. Mr. Haig: I am delighted to hear that, and I thank the Leader of the Government for informing me. I want to assure the Leader that, in my humble opinion, he will not regret having the estimates again referred to this committee. There is a strong public sentiment in this country, although it is not too vocal, that when a Senate committee examines into any subject it will come to a reasonably sound conclusion. Examination of the estimates by the Finance Committee will help to perpetuate that feeling in Canada. I am a great believer in the British parliamentary system, with its two Houses of Parliament; and in my opinion Macdonald, Cartier, Brown and the other Fathers of Confederation, who probably were better politicians than we are, certainly used good judgment in establishing both an Upper and a Lower House in this country. As I said last night, I got quite a thrill at Regina last week when attending the Canadian Curling Championship playoffs to find just how much people respect the title of senator. It made me keenly aware of my responsibility as a senator, and I determined that when I came back to Ottawa I would urge upon my fellow senators that we should serve our country to the best of our ability. If we do this the people of Canada will respond to no end.

I am extremely pleased that the estimates are to be examined by the Finance Committee. I support the move wholeheartedly, and I am sure that the committee will produce a report that will be a credit to the Senate.

Hon Senators: Hear, hear.

Hon. T. A. Crerar: Honourable senators, if I were a shrinking violet I would be completely overwhelmed by the kind references

that have been made to myself and to the work of the Finance Committee in previous years. However, as honourable senators are well aware, I am certainly not that kind of a flower. Nevertheless I have appreciated what both the honourable Leader of the Government (Hon. Mr. Macdonald) and the honourable Leader of the Opposition (Hon. Mr. Haig) have said.

I am quite unchanged in the view I have always had that if an inquiry of this kind is to achieve any good purpose it must be wholly non-partisan in character and objective in its approach. That was the basis upon which the previous inquiries were carried out by the committee, and I am bound to say that that was largely responsible for any success attending the committee's efforts.

I do not think there is anything more important in the conduct of public business than the amount of money that governments take out of the taxpayers' pockets and what governments do with this money; and this touches directly upon these Government estimates. It would be very inadvisable for this committee to single out certain departments and dig into their spending activities. The committee tried to do this the first year it inquired into the estimates and it did not work out too well.

I am sure honourable members are familiar with the sheet that appears in the back of the Blue Book containing the estimates for the fiscal year. There is a wealth of information in this sheet for any member of Parliament who wishes to inform himself intelligently about Government spending. It gives a broad classification by classes of expenditure which are grouped into what are called "Standard objects of expenditure and special categories". There are twenty-two standard objects and twelve special categories, and the expenditures of each department of Government are given in these various groups. The net total estimated expenditures of each department are also given.

When our committee meets for the first time I shall suggest that we deal with some particular object of expenditure that has grown, and try to find out the reasons for this growth. I shall suggest that we examine it in a critical fashion so as to ascertain whether the growth has been fully justified. I mention this because it is a matter of serious concern that over one-third of the net national income is being taken by way of taxes at all levels of Government. We have been able to carry these heavy taxes because of the immense amount of new wealth we have been turning up, particularly since the end of the war. However, if we become committed to a certain process of expenditure, our gross national income and the very structure upon which our tax system is founded will be affected, should living conditions become a little more difficult: should crops become poor or should we be unable to get adequate prices for our newsprint, base metals or lumber. Therefore, I seriously think it is of some value and importance to try to carry out a critical, unbiased and fair examination of these expenditures and possibilities.

I am sure that the committee members will co-operate, as they have done in the past, to effectively study these matters. Incidentally, I think altogether too much credit has been given to me in the past as chairman of this committee. The credit should go to the committee members. I have had a great deal of experience in commitee work and I must say that I have never seen any committee members work more unselfishly and whole-heartedly to get the facts and reach the conclusions resting upon those facts. The work of the committee will be demanding, but that is the kind of work we are here to do. I am certainly looking forward with considerable interest to the hearings of the committee this session.

Hon Senators: Hear, hear.

Hon. Norman P. Lambert: Honourable senators, I should like to add a few words by way of background in connection with the reference of the estimates to the Finance Committee. In past years, and especially during the war, there was a good deal of criticism of the practice of submitting the Supply Bill for approval of the Senate in the final days of the session. Strong protests were made that the members of this house had had no opportunity whatsoever to examine the details of the vast expenditures that they were being asked almost overnight to approve—amounts which certainly in the history of this country have not been equalled at any time. On the motion of my honourable friend from Kootenay East (Hon. Mr. King), who was the Leader of the Government in the Senate at that time, the estimates for one of the war years were referred to the Finance Committee for study, so that senators might be able to acquaint themselves with the character of the proposed expenditures before the Supply Bill was presented in this house, and that was done each session for some years thereafter. In 1950 the estimates were referred to various committees as mentioned by the Leader of the Government (Hon. Mr. Macdonald), but in 1951 the practice of referring them to the Finance Committee was resumed.

I submit that the study of the estimates by this committee in past years has been

of great value, perhaps chiefly in that it has enabled the members of the Senate to have a more intelligent appreciation of the expenditures provided for in the Supply Bill than they otherwise would have.

Hon. Senators: Hear, hear.

The motion was agreed to.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. Arthur W. Roebuck: Honourable senators, the subject for discussion at the present moment is a bill that was introduced by the honourable senator from Rosetown (Hon. Mr. Aseltine), the purpose of which is to widen the grounds for divorce. I wish to congratulate him upon his courage in introducing the bill. Its introduction is most timely—it is perhaps overdue, rather than appearing before being necessary.

The subject under discussion is of vast public importance. Many thousands of people in the dominion of Canada are truly interested, and some of them personally interested, in the measure that is before us for consideration. Countless persons may be affected if the bill is passed, and countless others will be affected if it is not passed. I submit that the honourable senator from Rosetown has done a great public service in bringing the matter before Parliament, on the floor of this house, where it can be discussed and analysed.

Someone has said—I am not sure whether it was said during the course of the debate or outside the house—that Parliament has no mandate for dealing with divorce. In reply, I would like to ask: What mandate has Parliament for refusing to deal with so important a matter as divorce? Honourable senators, we have been summoned here for the very purpose of revising and improving the legislation that is upon our statute books—abolishing some, changing others, and introducing new legislation. Our very purpose in being here is to improve the laws of Canada. It is not the philosophy of the people of Canada that what was good enough for our grandparents is good enough for our grandchildren. I would like to know by what process the law of divorce in Canada has become the law of the Medes and Persians which altereth not. I am sure that no one in this chamber will maintain that the law of divorce as it stands today is perfect in all respects. Who, then, has sanctified the imperfections of the divorce laws so as to set them aside in a different category from all other laws, which it is our duty to revise and improve from time to time? If we have no mandate to deal with the subject of divorce, there is certainly no mandate restraining us from dealing with the subject. Of course, it is taken for granted that it is not the function of Parliament to run counter to public opinion. There is no question in anybody's mind about that. Yet, honourable senators, is it not our duty to know the mind of the public of Canada? I submit that members of Parliament in both houses are the best qualified people in all Canada to know the mind of the public.

Some Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: If we do not know the mind of the public, who does? And whose official job is it, if it is not ours? Not only should we know the mind of the public, but it is our duty to lead the way in matters of public opinion, and by discussion and other means within our power to aid in the formation of an enlightened public opinion. When an enlightened public opinion has thus been formed, it is our duty to crystallize it into legislation, and so allow the enlightenment to appear in our laws. That function of Parliament—and it is a high function—has been served, I submit, by the introduction of this bill by the honourable senator from Rosetown. His commendable action has led to the debate and discussion of a public question of vital importance to the nation.

Honourable senators, if I may presume to do so, I would congratulate every honourable senator in this house who so far has spoken in this debate. Some persons look upon us as old people—and none of us is very young—but I have marvelled at the great ability shown by my fellow senators, the senior statesmen of Canada, in this debate. I have been struck by the force of eloquence and moderation of tone with which opinions have been expressed, both for and against the bill, in every speech which has preceded mine. I am sure honourable senators will pardon me for singling out for special mention the magnificent and powerful address delivered last evening by the honourable senator from Vancouver South (Hon. Mr. Farris). After listening to his masterly marshalling of facts and arguments one wonders if anything is left to be said on the subject. Whether my honourable friends entirely agree with me in that, they will concur in my wish that the honourable gentleman will long remain to

grace this chamber with his presence, to delight us with his eloquence and to guide us by his wisdom.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: At the outset of my discussion of the bill, may I declare in no uncertain terms that I am in favour of marriage. I should like to see all the young people of marriageable age married and living happy lives. And, like the senator from Victoria (Hon. Mrs. Hodges), I am opposed to divorce, because if our young married couples were living comfortable, proper, decent and happy lives there would be no need for divorce.

When I say that I am in favour of marriage, I mean that I am in favour of all those things involved in that splendid institution; first of all, that natural attraction between the sexes, which is just as beautiful and purposeful as the petals on the rose, and which serves the same purpose. One can scarcely express one's impressions on this subject, around which the sweetest and noblest of all sentiments cluster, without referring to what the poets have written about it. Honourable senators will pardon me if I quote briefly:

> I have travelled much this weary mortal round,
> And sage experience bids me this declare:
> If Heaven one draught of heavenly pleasure spare,
> One cordial in this melancholy vale,
> It is when a youthful, modest, loving pair
> In each other's arms breathe out the tender tale...

Obviously, honourable senators, the poet reserved for his rhapsody a youthful pair. I always rejoice and am happy when young people join their lives in the holy bonds of matrimony, for this is the natural order. In youth emotional impulses are strongest, and the physical side of sex, the power to reproduce, is at its highest level. I have many times advised young people to marry, and to do so early, for when people are young the reorientation that is necessary in order to pass from single to double blessedness is most easily accomplished.

You will also note that the poet reserves for his enthusiasm a loving pair. To my mind, marriage without love is a stark and ugly mask of the beautiful thing called marriage.

Let me discuss marriage from a practical point of view. It is much more than a contract; it cannot be called a contract altogether in law or in fact. In his speech last evening the member from Vancouver South quoted a senator who spoke earlier in this debate as saying that marriage was a contract and therefore it should be carried out with the sanctity of a contract. The honourable senator from Vancouver South aptly replied, that if it was a contract and subject to contract law, violation of the essential principles by one party would release the other from his or her obligation. Although perhaps contract is involved in a marriage, I say it is not a contract.

Marriage is a condition, entered into by agreement, usually publicly announced, and almost always impressively solemnized. Marriage has two phases which are important in our consideration of this bill. First, the confirmation of the spiritual and physical union, with its mutual love and helpfulness, the procreation of children and the maintenance of the family. That I would designate as true marriage. The second phase involves the legal consequences of entering into that condition, personal and property rights affecting the parties both within and without the contract, and public recognition. When our young people say, as they often do, that their marriage was contracted in heaven, I have no doubt they have in mind the first phase, namely the love, helpfulness, procreation of children, maintenance of the family and so forth, more than the mere legal relationship.

The great founder of Christianity is reported to have declared:

> What therefore God hath joined together, let no man put asunder.

I believe when He made that statement He had in mind the first phase that I have described, that of mutual co-operation and the procreation of children, rather than the second phase, based on the dusty law books or the cold formalities of the law. Further, I think He had in mind the spiritual and human things, the rights of the parties one to the other, and their effect upon the community as such. His whole life indicates to me the truth of that interpretation. Consider this:

> The Sabbath was made for man, not man for the Sabbath.

Man was not created for the purpose of serving laws but laws were created for the purpose of serving man. Or again, let us recall that great saying:

> Render to Caesar the things that are Caesar's, and to God the things that are God's.

There we have the clear separation between the things that are spiritual and human as opposed to the things that are merely legal.

Now, when I say that I am for marriage I do not mean only those things legal which we deal with sometimes here in this part of Parliament. I refer as well to the things that are human and spiritual. A union that is only legal should hardly be designated with the name of marriage, and when the things that are human have gone, as they so frequently have in our experience, then in my judgment the dead husk of the law can usually go along with it.

We have not in this country entirely forgotten that the injunction, "let not man put asunder", refers to the union of hearts, the joinder of bodies, the bonds of family as well as that of law, for witness the stern disapproval with which we regard the interloper between man and wife who disrupts and breaks a family. I want to join with my honourable friend from Vancouver South (Hon. Mr. Farris) in his statement last night that that command applies not only to those outside the family, not only to those in authority, to the law givers, but it applies also to those within the family, to husbands and wives themselves. But unfortunately at the present time those who disregard that injunction within the family have grown greatly in number and I am afraid a good many are guilty of breaching that injunction.

Now, if the question before us this afternoon was the total indissolubility of the marriage bond I might have a little more trouble in coming to an opinion as to what we should do. But that is not what is before us. Legal divorce has been in existence from the earliest times. St. Matthew, chapter 19, verse 9, in reporting the words of the founder of Christianity with regard to the matter of marriage and divorce, makes the special saving clause:

. . . except it be for fornication . . .

That is to say, even in those times—and now I quote the highest authority we have in Christian countries—in the words of the founder of Christianity Himself there was approval, at least toleration, of the principle of divorce.

The principle of divorce has been the law in every civilized country for at least a good many years and is now the law of all civilized countries of the Western world, at least in what we like to call the free world, including the dominion of Canada, and, as my honourable friend from Vancouver-South (Hon. Mr. Farris), said last night, including the province of Quebec.

Over the spiritual human ties that I have been endeavouring to indicate, the law giver, the law administrator, has very little power. We have some power, there is no question about that. We could do much, it seems to me, to make marriage easier, and successful marriage more likely. I mention for instance the lack of proper housing accommodation. I mention the very low wages that are paid under certain circumstances. I mention the slums of our great cities; yes, and the slums of the rural districts besides. There are many things that we could do to make marriages—at all events young marriages—more possible to those who engage in them and more likely to succeed. In the Divorce Committee just the other day we passed a case in which the husband told of the alienation of his wife's affections being due to the miserable salary that he was making. While I could not approve of the wife's attitude in the matter, I could nevertheless understand to some extent how it came about. Men are not machines, they are human and spiritual, and unfortunately the legal bonds which we do control are of very little avail indeed when the human and spiritual bonds have gone. And so the question is, not whether we shall have divorce in this country —we have it and shall continue to have it—but only when and under what circumstances we shall grant divorce to those who apply for it.

Up to the present time we have recognized adultery as the only ground for the dissolution of marriage, with such exceptions as have been mentioned earlier, particularly in the province of Nova Scotia. But in the main, and certainly in my province of Ontario, we have in the past recognized only adultery as a ground for dissolution of marriage, not as a punishment for the adulterer but as indicating to us a matrimonial condition that is intolerable to the innocent party. In our Divorce Committee and in our courts all over this country we consider the facts of the marital relations as well as the legal bonds, and regularly we ask about the other ties as well as the legal ties. We want to know whether the real marriage is still in existence before we will even consider dissolution of the legal marriage. We ask the parties whether they have continued sexual relation after the offence of one party has become known to the other, for if so the petitioner has condoned the offence—pardoned it, shall I say in explanation—and we will no longer entertain the application for divorce. We ask if there has been forgiveness, and we ask also if there is any chance of re-establishing the real marriage, that is by having the parties forgive one another, forget the past and live happily in the future.

Unfortunately, by the time these cases come to us the real marriage is a thing of the past. It has gone. I have not yet found a single case where we could defer action in the hope of re-establishing the true marriage. But it is only in cases where the marriage, in any proper sense, is no longer in existence that we will grant a divorce by cutting the legal bonds. We do so because in this country we regard adultery as a serious marital offence; because, honourable senators, it is a breach of the marriage vows, a breach of the undertaking—the very basis on which modern marriage rests—to remain faithful to the other party alone.

But what I want to call attention to this afternoon is that the pledge to keep to her or to him alone is not by any means the only marriage vow. What are the pledges to which the parties commit themselves? Thus far, in this debate, very little reference has been made to the vows which people make when they enter into the bonds of a legal or real marriage. May I refer to the *Book of Common Prayer* of the Church of England in Canada, and turn to the section on Solemnization of Matrimony? I select this book because I was brought up in the English Church and was married according to its ceremonies. But, more important than that, as I understand the matter, all marriage ceremonies are in essence the same. There are changes of wording, but not many: all the forms follow pretty much the same lines; and as, of course, I cannot read them all I take one which I believe to be typical of the rest. What is this pledge, made by a husband to a wife and a wife to a husband, which is important to us in considering the matter of divorce? This is what is said by the officiating clergyman:

> Wilt thou have this woman to thy wedded wife, to live together after God's ordinance in the holy estate of Matrimony? Wilt thou love her, comfort her, honour, and keep her in sickness and in health; and forsaking all other, keep thee only unto her, so long as ye both shall live?

The man says:

> I will.

I am giving only the version applicable to the man: that relating to the woman is almost the same.

A little later in the ceremony the man himself declares:

> I (John) take thee (Mary) to my wedded wife, to have and to hold from this day forward, for better for worse, for richer for poorer, in sickness and in health, to love and to cherish, till death us do part, according to God's holy ordinance; and thereto I plight thee my troth.

Let me now list the pledges which I find in these two eloquent and wonderful paragraphs Number one: to take the woman to wife (a) after God's ordinance, and (b) in the holy estate of matrimony. Observe that the pledge to take the woman to wife is not an unconditional pledge: it is after the ordinance of God, not after the ordinances of the devil—that is an important distinction—and in the holy, not the abominable, bonds of matrimony. Something is implied in these words; they cannot be brushed off as mere literature, having no meaning. The man vows, second, to love her; third, to comfort her, fourth, to honour her; fifth, to keep her in sickness and in health; sixth, to keep only to her, forsaking all others. Later in the ceremony the man repeats, as I have read it, this pledge in part, and adds a seventh pledge—to cherish.

Now, neither in nature nor in law can I find, in the ceremony itself or anything outside of it, any distinction between these various pledges which the parties make each to the other and to the public. All are stated together, and with equal emphasis, and all are to continue, as expressed, while both shall live and "till death us do part". Neither in Holy Writ, so far as I have been able to find out, nor in the law except as we are responsible for it, is there any distinction between any of these pledges. I find no reason whatsoever, in the words of the ceremony itself or otherwise, why the breach of one only of these pledges should be a sufficient ground for dissolution of the marriage, and that all others may be violated and breached with impunity, without the possibility of interference by the authorities of the state. I repeat that neither in the ceremony itself, in the law, nor in common sense can I find any justification for singling out one element and utterly disregarding the others.

Hon. Mr. Euler: May I ask my friend whether the pledges he has mentioned are included in the civil ceremony in use in the province of Ontario?

Hon. Mr. Roebuck: I cannot answer. I was not married that way.

Hon. Mr. Euler: Nor was I. But what is the fact?

Hon. Mr. Roebuck: I never thought of the point; if I had, I certainly would have looked it up. But I expect and hope that the civil ceremony which has now been introduced contains the same pledges. However, the number of civil weddings is small compared with the vast numbers which are celebrated according to the rites of the various churches.

Let us now refer to the bill itself. I turn to section 6, which lists the causes for divorce as proposed by the sponsor, the honourable senator from Rosetown (Hon. Mr. Aseltine). I have condensed them somewhat, and perhaps I may use my notes rather than the legal text.

The first cause is adultery. The clause clearly declares the law as it now stands. No change is made and none is intended to be made; and if it were, we would see to it in committee, if this bill should be referred to committee for further consideration.

Subclause (b) specifies desertion without cause, which I read to mean without justification for a period of three years. I submit that a man who deserts his wife for a period of three years can hardly be said to be observing his pledge to keep and comfort

her. If there could be a more pronounced and absolute violation of the marriage pledge, I would like to know what it is. It is certainly as clear, distinct and definite a breach of, shall I say, the agreement as is an act of adultery. Desertion implies intended desertion, *mens rea*, and certainly the man who wilfully deserts his wife for three years can hardly be said to cherish or to love her.

The next subclause in the section specifies cruelty. I have read enough cases to know what legal cruelty means in law. The man who treats his wife with cruelty as defined in the cases can hardly be credited with keeping his pledge to comfort her. The same is true of the wife if she treats her husband in the same way.

Section 6 (2) of the bill would enable a wife to petition for divorce on the ground that since the marriage her husband has been guilty of the revolting crime of rape, sodomy, or bestiality. Putting it mildly, if a husband is found guilty of any of these crimes he has surely breached the vow to honour his wife. Even if that is not the cogent pledge which he has broken, he certainly has not been living with his wife according to God's holy ordinances. As I have said, these words in the marriage contract mean something.

I submit that the provisions with regard to insanity are in a somewhat different classification. A person who becomes incurably insane has certainly suffered a terrible misfortune, for which he himself is not deliberately responsible. It might be said that in these circumstances the vow to love, comfort, honour and keep "in sickness and in health" is still binding. On the other hand —and the case was put most forcibly last night—what advantage is there to either the husband or the wife to be kept tied together by legal bonds when all other bonds under the marriage vows are no longer possible of fulfilment? What can society at large gain by imposing cruelty of this kind upon one or other of the married partners?

I do not mind confessing that I would be more comfortable in this debate if we had before us some general resolution rather than a specifically detailed bill. It is true that British precedent usually furnishes a good guide for Parliament when debating new legislation in Canada. It has served as a guide so often and so successfully that I do not need to argue the point. British legislation has been adopted all over the world; even its exact phraseology has been used in other countries. For example, the Bills of Exchange Act is law in practically every civilized country outside the Iron Curtain. But conditions in Great Britain, particularly in social matters like divorce, may differ from conditions in Canada, and it would be unwise to adopt British legislation holusbolus. I submit, therefore, that most serious consideration should be given to each of the active clauses in this bill as well as to the general principle of the bill. As honourable senators know, it is the principle of the bill to which I am addressing myself. I do not propose to discuss the bill in detail.

The honourable senator from Grandville (Hon. Mr. Bouffard) raised the question of the constitutionality of the second half of the bill, that is to say, the granting of divorce in the event of seven years absence of a husband or wife. According to the law of Canada as it is today, if one of the partners to a marriage has been absent for at least seven years, and the other has not heard from or of him or her, the deserted spouse may remarry and cannot be charged with bigamy. The fact that the remarried person cannot be charged with bigamy is a permission by statute law to the deserted person to marry again. That is a very important statute.

Hon. Mr. Davies: In order to remarry, must the deserted spouse obtain a divorce?

Hon. Mr. Roebuck: No, it is not necessary to obtain a divorce first. Although it is not so stated in the act, we have always assumed that a person absent for seven years is presumed to be dead.

Hon. Mr. Turgeon: Is it necessary for a court to state that the absent person is dead?

Hon. Mr. Roebuck: No, it is not. I think there has been some tightening up in the province of Ontario in the issuing of licences for remarriage in such cases, but the departmental officials will grant a licence to be remarried without a court passing on it, and the individual—let us say the wife, for simplicity's sake—enters into the marriage upon her own responsibility, ready, however, to defend herself, on the grounds stated in the Code, should a charge of bigamy be laid against her. But the difficulty is that if the deserting spouse returns, no matter how long he has been away—whether seven or 27 years, the law is that the woman and her second husband are then married so to speak, out of wedlock.

Hon. Mr. Euler: Does that mean that the children are regarded as illegitimate?

Hon. Mr. Roebuck: That is my understanding. I hate to admit it; the very thought of it is repugnant to my mind, but I think that is the law.

Hon. Mr. Haig: That is correct.

Hon. Mr. Roebuck: I think that is a perfectly contemptible position for us to take in society

against an innocent child or against an innocent wife who by permission of the statute has married again.

Honourable senators, I am all for this bill, and I am in favour of the provision that when one of the parties to a marriage has been absent for at least seven years the absentee shall be presumed to be dead, until the contrary is proved. I think that the deserted partner should then be regarded as no longer married, and that upon application a bill of divorce should be granted.

My friend the honourable senator from Grandville (Hon. Mr. Bouffard) said that a declaration of death is a matter of civil rights and is, therefore, within the jurisdiction of the provincial legislatures, and that usually the declaration is granted by the courts for the rightful disposition of property. I agree with him on that point. But, honourable senators, the British North America Act gave the Parliament of Canada legislative authority over "Marriage and Divorce." The Act laid down no conditions or grounds for the granting of divorce. We can grant a divorce for any cause we please, or for no cause at all. We should not go as far as that with our jurisdiction and powers, but we could do so. Therefore, although I have not studied this particular legal question carefully, I am of opinion that it is within our power to say that the courts may grant a divorce to a petitioner whose partner has been continually absent for at least seven years. I think that is clearly within our jurisdiction.

When the sponsor of the bill closes the debate, perhaps he will enlighten us further on this constitutional question, but it will not make very much difference to the general principle of the bill, upon which we shall be voting. If we have not the constitutional power to which I have referred, even if we passed the bill it would be of no avail. But be assured, honourable senators, that if the constitutional power is not there, according to the best advice that we can obtain, we will not pass that particular part of the bill in committee, but will strike it out; so it does not affect the question of the vote.

I wish to congratulate most sincerely the honourable member from Ottawa West (Hon. Mr. Connolly) on his forceful, eloquent and excellent address in this debate, and I commend him for his industry in gathering statistics on divorce from a large number of jurisdictions. The figures were impressive. I listened with friendly attention to what the honourable gentleman said, but I could not feel that the figures were much in point. Had the honourable senator been able to show that the increase in the number of divorces in all cases had followed adoption of the provisions of this bill and did not occur when the jurisdictions granted divorce for adultery only, his figures would have been very very cogent indeed. However, he was not able to show that. As a matter of fact, from reading the information he furnished, it is clear that the increases are universal, irrespective of whether the sole ground is adultery, or whether other grounds have been adopted.

For instance, take the field of jurisdiction with which we are most familiar, that of Canada itself. Canada has made no material change in its divorce laws in the past fifty years; certainly in the province of Ontario the situation has not changed for at least a half century. Yet, the senator from Ottawa West tells us that in 1900 there were only eleven divorces for all Canada, and in 1952 there were 5,562. Those figures show the growth of divorce without the adoption of any grounds proposed in this bill.

I say to honourable senators that these figures are hardly an argument for complacency on our part with regard to conditions as they exist today; rather, they are a serious indictment of the social and legal conditions which have existed through those years and have resulted in the increase which the figures show. But the figures have no cogency here, for they do not apply to the conditions we are discussing.

I have said, honourable senators, that I am opposed to divorce which cuts the bonds of marriage, because I am in favour of happy, healthy, normal marriages. But, honourable senators, I am also opposed to the use of the surgeon's knife; indeed, I shudder at the very thought of it. Yet there are times and circumstances in which I approve its use as applied to myself and to others.

The honourable senator from Ottawa West described conditions in Canada which lead to divorce as a cancer in the body social. That is a very good simile, because there has been an increase in operation for cancer in about the same ratio as the increase in decrees for divorce. But would the honourable senator treat cancer by abolishing the use of the surgeon's knife? Certainly there would be fewer operations, but would there be less cancer? True, even doctors make mistakes at times, and so do courts. I ask the same question with respect to divorce: Would the abolition of the divorce operation, or the restricting of its use in relevant circumstances, cure the social conditions which lead to it? Certainly, there would be fewer divorce decrees granted, but would there be fewer persons suffering from that social disease, or fewer broken homes and ruined families?

Each one of us will have to answer that question for himself, but for my part the answer is no.

The real question before us this afternoon is: Will the widening of the terms of divorce, as proposed by this bill, increase or decrease the percentage of happy, normal, healthy homes? Let me put it this way: Would there be more happy homes if we said to the man that he must keep his wife no matter how badly she treats him? Should we say to him, in effect: You were tied to this woman immediately the marriage noose was placed about your neck and irrespective of how grossly she neglects her wifely duties or how she abuses her marital associations, you cannot escape? Would that lead to better and happier homes? And should we tell the woman that for her there is no escape, regardless of whether her husband beats, abuses or deserts her? Or would it be more likely to lead to happiness if we told her that her husband could keep her only as long as he treated her decently, in accordance with the marriage vow and the law of the land, but should he violate them seriously by deserting or abusing her or being cruel to her, as defined by the law, she can escape from his unrighteous clutches? I rather think that freedom of that kind would tend more to happier homes than the policy of endeavouring to handcuff the parties one to the other.

It is admitted by my friends who oppose the bill that there are hard, sad and pitiable cases. One cannot sit as a member of the Divorce Committee without knowing the truth of that statement. But by what method are we to increase the number of happy families? Is it by maintaining the legal bond, irrespective of the suffering inflicted on the innocent party; or, when gross marital guilt is proved, by giving freedom to the innocent party and allowing that unholy state of slavery, called matrimony, to be dissolved?

My honourable friend from Ottawa West is very much concerned about the vast army of children of divorced people, and so am I. But, does it help the children if we force the continuance of unhappy homes? I think not. Rather, would it not be of greater help to the children to allow the parents to form more suitable family arrangements? There are, I know, cases where a mother and child might both be greatly benefited by allowing the mother to exchange a bad mate for a good one. Can there be any complaint about that? Extra-marital relations are not to be encouraged, but when parents do determine to make new arrangements, as unfortunately they frequently do, and when they enter into these extra-marital relations and form what they call common law marriages in a new home, is it of benefit to the children to refuse those people the regularity of law and society of the country in which they live? I do not think so. Indeed, I can fancy the child from an irregular home meeting difficulties from his companions at school; yes, difficulties which a little more humanity on our part might very easily ameliorate, if not altogether remove.

These are the problems, honourable senators, which we must discuss in the course of this debate, and they cannot be resolved by a puritanical approach; rather, our approach must be made with kindness, understanding and perhaps a little bit of courage. I willingly concede that all who take part in the debate and all who vote on the bill, whether they are in favour of the bill or opposed to it, are to the best of their judgment seeking the welfare of their fellow citizens. I mean that. And I appeal to you all to let this bill go to committee, where a thorough examination may be made of all its provisions, where evidence may be taken, where public opinion may be tested. I appeal particularly to the senators from the province of Quebec. The sponsor of this bill has most carefully provided that it shall not apply in that province, and if the provisions to that effect are not sufficiently strong now they can be strengthened in committee.

Now, the honourable senator from Grandville says that we are representatives of all Canada, and I agree with him in that. None of us represents any one part of Canada alone. But, regardless of what the law may be with regard to the matter, the fact remains that I am a representative of Ontario in this house. I think the honourable senator from Rosetown was right in excluding Quebec and Newfoundland from the provisions of this bill.

I hope that I will never be guilty of trying to impose my opinions and prejudices upon the people of a province not my own. I also hope that in discussing and voting on the bill the senators from Quebec will express the same sentiments toward the rest of Canada as I am expressing with regard to Quebec. I would not like to see this bill applied to the people of Quebec if they did not wish it. If they want to keep what I think is an antiquated law on divorce, I am all for letting them have it; but on the other hand I do hope that they will not impose their views, and their ideals with regard to religion and divorce, upon the people of the province from which I come. It works both ways. If Ontario wants to liberalize its divorce laws, surely my friends from Quebec should allow them so to do; and they can do so without any strain whatever, so far as representing all Canada is concerned.

In a general way, I favour this bill for my province of Ontario, and for all the other provinces to which it will apply if it is carried out in the spirit in which it has been drawn.

I would like to see it given second reading and sent to committee, where its every provision may be studied with great care, then referred to this house and considered again, if we see fit, in Committee of the Whole, and not read the third time until we have a complete and thorough grasp of all its actual provisions and their effects upon the community.

I will vote for the second reading of the bill.

Hon. R. B. Horner: Honourable senators, it was my intention simply to move the adjournment of the debate today, but if it is agreeable to the house I would just as soon make the few remarks that I have to make on the bill at the present time. I say this because we are due to meet in committee in a few minutes; but if I have the consent of the house I will proceed now.

Hon. Senators: Go on.

Hon. Mr. Horner: First of all, honourable senators, I want to say that I am in favour of this measure for broadening the grounds for divorce. I supported a similar bill just seventeen years ago, and during the intervening years I have gathered considerable experience, particularly while serving on the Divorce Committee.

I often thought that it would be a very good thing if a number of senators from Quebec were to sit in on the Divorce Committee, even if they do not wish to take part. They could gain more experience from attending its sessions than anyone can gain from reading the printed evidence. There they could see the agony on the faces of those people who appear before the committee praying for a divorce. All honourable senators who have served on the committee soon realize that by the time the parties reach that stage there is no question of breaking up their homes. The homes, as has been remarked, have already been broken up.

It is rather difficult for me to rise today after listening to two magnificent speeches by men of great ability, men trained in the law. I consider that a number of the other speeches made on this measure were also of a very high order. I admired the remark of the honourable senator from Kingston (Hon. Mr. Davies) that he liked to see people happy. As I listened to the quotations from Scripture, I could not help but feel that the Bible contains many important lessons for us today. The parable of the Good Samaritan is perhaps meant to depict our passage through life. A certain man on the road from Jerusalem to Jericho was pounced on by thieves and left on the roadside. The priest and the Levite passed by on the other side of the road, but the good Samaritan stopped and assisted the injured man. To me, that is a grand illustration of how men and women who tread this life sometimes have their worries and troubles relieved. I would like to be worthy of being considered a good Samaritan.

For 47 years I have lived in a community where the Doukhobors settled many years ago. At that time they were given the privilege of solemnizing their own marriages in their own way. They have churches, but marriage ceremony generally takes place in the home. At any time within a year of the marriage it can be dissolved. You may call it a trial marriage if you will. That is a privilege which was extended to them when they immigrated here, and their form of marriage is legal in Canada. Now, the important point I want to make is, that after living amongst those people for 47 years I am convinced that their marriages and family life are just as good as those of any other people in Canada. I say that without reservation. I firmly believe that they are just as moral as any of us are, that their church teaches as high a course of conduct as does the church that I attend, including opposition to divorce. They are taught to consider the step seriously before taking a life partner. I am certain that such ideals are as thoroughly drilled into them as they were into me.

I was rather amused at the remarks of the honourable senator from Prince (Hon. Mr. Barbour). Of course, he comes from that little island garden down in the gulf where, I understand, anyone not born on the island is considered a foreigner. He states that the evils of over indulgence in liquor contribute to conditions which bring about divorces. Well, honourable senators, I agree with the honourable member from Vancouver South (Hon. Mr. Farris) that prohibition drove liquor drinking into the homes.

I firmly believe that it is the duty of the churches to preach against divorce and the improper use of liquor. I am reminded of a story about the late Calvin Coolidge. One morning, after he had been to church, somebody asked him what the minister preached about. Mr. Coolidge replied, "Sin. He said he was against it". We, too, and the churches should be against sin. Figures have been quoted of the number of divorces granted in 1900. Recalling those times, I thought of some of the changes which have taken

place. For instance, the honourable senator who quoted scripture reminded me of two of the commandments:

> Remember the Sabbath day, to keep it holy.
> Six days shalt thou labour, and do all thy work.

Yet recently, in a supposedly God-fearing country, a national hockey championship match was played on Sunday with players from a godless state in which religion is declared to be the opiate of the people. No voice was raised in Canada to protest against that game having been played on the sabbath. Had such a thing happened in 1900, there would have been in this country something like a revolution. But in 1955 not a minister commented on the fact: all the radios were going, and everyone, instead of going to church, was listening to reports of the hockey game.

When my good-looking colleague from Prince was a boy, no doubt he did what he was told. When he grew up he came to the Senate and still, in my opinion, does exactly as he is told. Perhaps, away back in 1900, his parents had something to do with his courtship; probably he was told how the match should be conducted, when he was to go out walking—for in those days there were no cars—and I am sure he was a very good fellow and always kept his place according to the standards of the time. But today we are facing changed conditions in a different world. A divorce bill much like the present one was introduced here seventeen years ago, and in this respect, in spite of world changes, we have not advanced at all. I would like honourable senators to reflect that we, men and women of mature years, are here for a purpose. All of us know how much suffering—much of it needless—is going on in human society. If two animals were tied together and likely to fight and injure each other, we would interfere. Why should we be less concerned about human beings? Every day one reads in the papers of murders and suicides resulting from men and women being tied together in marriage until conditions have become intolerable.

With the permission of honourable senators, I shall briefly continue my remarks tomorrow.

On motion of Hon. Mr. Horner, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 240 to 256, dealing with petitions for divorce.

Hon. Mr. Aseltine, for Hon. Mr. Roebuck, Chairman of the committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Aseltine moved the second reading of the following bills:

Bill Z-8, an Act for the relief of Lorraine Bella Spegel Weisberg.

Bill A-9, an Act for the relief of Frances Kellerman Rappoport.

Bill B-9, an Act for the relief of Eleanor Grace Jones Graham.

Bill C-9, an Act for the relief of Gabrielle Dallaire Boulet.

Bill D-9, an Act for the relief of Phyllis Elizabeth Warner Collins.

Bill E-9, an Act for the relie fof Margaret Gwendoline Turner Williams.

Bill F-9, an Act for the relief of Mary Ferguson Wynter.

Bill G-9, an Act for the relief of Sheila Winnifred Richardson Hiscock.

Bill H-9, an Act for the relief of Anne Roitman Aronovitch.

Bill I-9, an Act for the relief of Kathleen Gertrude King Laffin.

Bill J-9, an Act for the relief of Gardner Hinckley Prescott.

Bill K-9, an Act for the relief of Ethel Cope Veary.

Bill L-9, an Act for the relief of Gordon Stewart Norris.

Bill M-9, an Act for the relief of Lucille Grenier Desjardins.

The motion was agreed to, and the bills were read the second time, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, March 17, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

JOHN FOSTER DULLES

VISIT OF UNITED STATES SECRETARY OF STATE TO PARLIAMENT BUILDINGS

The Hon. the Speaker: Before the business of the house is proceeded with, may I remind honourable senators that the Honourable John Foster Dulles, Secretary of State for the United States of America, will visit the Parliament Buildings this afternoon.

At five o'clock Mr. Dulles will address a joint meeting of the Committee on External Relations of the Senate and the Committee on External Affairs of the House of Commons, in the Railway Committee Room of the Commons, which all honourable senators are invited to attend. The original plan called for the meeting to take place in the Senate Railway Committee Room, but because of the anticipated large attendance it will be held in the Commons Committee Room.

A joint reception by the Speaker of the Senate and the Speaker of the House of Commons in honour of Mr. Dulles will be held in the Senate Banking and Commerce Committee Room, No. 262, from 6 p.m. to 7 p.m.

PRIVATE BILL

VICTORIA INSURANCE COMPANY OF CANADA— REPORT OF COMMITTEE

Hon. W. D. Euler, Acting Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill B-8.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (B-8) intituled: "An Act to incorporate Victoria Insurance Company of Canada", have in obedience to the order of reference of March 1, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Reid: Next sitting.

PRIVATE BILL

ST. MARY'S RIVER BRIDGE COMPANY— REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill N-8.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications to whom was referred the Bill N-8, intituled: "An Act to incorporate St. Mary's River Bridge Company", have in obedience to the order of reference of March 8, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 3, line 18: after "9." insert "(1)"
2. Page 4: immediately after subclause (1) of clause 9 add the following as subclause (2):

(2) Except as approved by the Board of Transport Commissioners for Canada, nothing in this section shall authorize the expropriation of

(a) the lands, bridge or undertaking of the Sault Ste. Marie Bridge Company or the works and appurtenances belonging thereto, or

(b) the lands, docks, buildings, facilities and equipment of the existing ferry system operating between Sault Ste. Marie, Ontario, and Sault Ste. Marie, Michigan."

3. Page 4, line 26: after the word "charged" delete the period and substitute a comma therefor.
4. Page 4, line 26: immediately after the word "charged," add the following words: "and the rates of toll shall be so fixed and adusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing and operating such bridge, tunnel, approaches and facilities, and to provide a sinking fund sufficient to amortize the cost of such bridge, tunnel, approaches and facilities, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed forty years from the completion thereof."
5. Page 5, line 15: delete the word "seven" and substitute therefor the word "six"
6. Page 5, line 34: after the word "may" insert the words "subject to the provisions of this Act".

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hugessen: Next sitting.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I beg to move that when this house rises today it stand adjourned until Tuesday next at 8 p.m.

The motion was agreed to.

GRAIN SHIPMENTS AND FREIGHT RATES

INQUIRY AND ANSWER

Hon. Mr. Isnor inquired of the Government, pursuant to notice of February 15:

1. What is the average cost per bushel of shipping grain from (a) Winnipeg; (b) head of Great Lakes; to Liverpool via (a) Vancouver; (b) Montreal; (c) Halifax; (d) Churchill?

2. What amount of grain was shipped in the current year of 1954 through each of the routes (a), (b), (c) and (d)?

Hon. Mr. Macdonald: The answer to the honourable gentleman's inquiry is as follows:

1. This question cannot be answered for the following reasons:

(a) Grain moving for export via Vancouver or Churchlil is not grain that is routed through either Winnipeg or the Lakehead.

(b) Grain for movement ex Eastern ports is bought and sold based on a Lakehead price. The local freight rate from Winnipeg to the Lakehead is not an element of cost.

(c) A bushel of wheat is 60 lbs. A bushel of oats is 34 lbs. There is, therefore, obviously no means of calculating an average cost of moving a bushel of "grain". Each grain is different.

2. The following table indicates overseas exports of Canadian grain by ports of loading in the current crop year up to February 23, 1955:

Overseas exports of Canadian grain by ports of loading, August 1, 1954 - February 23, 1955

Ports	Wheat	Oats	Barley	Rye	Flaxseed
			(thousand bushels)		
Pacific Seaboard—					
Vancouver-New Westminster	45,138	2,804	5,421	—	198
Victoria	714	—	—	—	—
Prince Rupert	315	—	2,693	—	—
Churchill	11,986	—	—	—	—
Lakehead Direct	—	—	158	—	—
St. Lawrence—					
Montreal	29,542	396	16,986	1,160	1,045
Sorel	5,439	—	1,986	399	—
Three Rivers	6,045	—	454	—	—
Quebec	7,158	—	—	—	—
Maritime Ports—					
Saint John	887	—	—	—	—
West Saint John	7,707	407	2,804	295	1,088
Halifax	7,989	—	888	—	318
U.S.A. Atlantic Seaboard	—	—	—	537	—
Totals	122,920	3,608	31,389	2,391	2,649

ST. PATRICK'S DAY

TRIBUTES TO IRELAND'S PATRON SAINT

On the Orders of the Day:

Hon. Felix P. Quinn: Honourable senators, I need not remind you what day this is. It is the day on which Irish men and Irish people generally throughout the whole world do honour to their glorious and illustrious apostle and patron, Saint Patrick. The Irish people have a special love and reverence for their patron saint. Their devotion to him is different from that of people of other countries to their respective patron saints, because —for instance—while St. George, England's patron saint, never saw England, and St. Andrew never trod the soil of Scotland, St. Patrick spent the greater part of his adult life in Ireland, performed there his wonderful missionary work, and died there and was buried in its sacred soil. We honour his memory on the 17th of March. But I have learned that shortly after his death certain elements contended that he died on the 8th, others that his death occurred on the 9th. The parties could not agree, so, in the latter part of the fifth century, they called in an Irish priest named Mulcahy, who was noted for his wit as well as his wisdom, and asked him to settle the argument. He listened to the statements of the respective parties, and finally said, "You are both right—those who say the 8th, those who say the 9th; we will add the figures together and make it 17." So the date was established as the 17th of March, and it has so remained from the fifth century to the present time.

There is also considerable doubt as to the date of his birth, and while everyone does not agree as to the place, most writers believe it was in Dumbarton, Scotland.

Hon. Mr. Reid: I thought Scotland had something to do with it.

Hon. Mr. Quinn: That is how Scotland derived much of its virtue.

His father, whose name was Calphurnius, was a middle-class land owner and a minor Roman official. As honourable senators know, in those days Britain was under the rule of the Roman Government. Patrick was raised as a Christian, and at the age of sixteen he was seized by a band of Irish raiders and carried in captivity across the channel to Ireland, where he was sold as a slave to a Druid chieftain in the northern part of the country. There he spent six unhappy years engaged in the menial occupation of tending sheep. He prayed continually that he might be delivered from his captivity so that he might spend his life doing something more useful. Finally, he escaped and made his way to Wicklow, in southern Ireland, where a ship was being loaded with wolf hounds. Patrick was able to gain employment as the caretaker of the hounds and in this way he secured his passage to France. There he placed himself under the protection of St. Martin of Tours, who is said to be Patrick's uncle. St. Martin sent Patrick to the monastery at Lerins where he was educated and ordained to the priesthood. He later returned to Britain, where his thoughts often turned towards Ireland, and from time to time he was favoured with visions of unborn children from Focluth, by the Western sea, who cried out to him: "O holy youth, come back to Erin, and walk once more amongst us". Patrick prepared for his journey, gathering together a small band of missionaries to accompany him to Ireland.

The story is told that St. Patrick reached Ireland on the eve of the annual festival of the Druids. In those days the people of Ireland were all pagan and in the spring of each year they held a celebration. The kings and chieftains and Druid priests were gathered together on the hills of Tara to venerate their heathen gods, and it is said that Patrick arrived on the opposite hill with his little band of missionaries where, tired from their journey, they fell asleep. When Patrick awakened in the cold of next morning he lighted a fire. This was against the edict of the arch-Druid, who had ordered that no fire was to be lit on that day until he himself had set the torch to one. Patrick knew nothing of this, of course.

Patrick's fire was beheld with consternation, and the alarm was made. The chieftains were notified and they sent out a detachment, and Patrick was summoned before the court and asked to explain why he dared break the law. He told them that he was ignorant of any laws which compelled him to pay tribute to any gods—that he knew only one God, the Creator and Sovereign Lord of heaven and earth, the God who reigned in the heavens. He told them that his God consisted of a Trinity—Father, Son and Holy Spirit. His accusers were amazed, and Patrick could not make them understand. They asked him to explain how it was possible that there could be three in one. Gazing down at his feet, Patrick beheld a little shamrock, stooped to pick it up, and, holding it up for them to see, he said: "Oh, nature can explain what I have failed to make clear. There, you see how simple it is to have three in one—all on the same stalk". Patrick must have been given his freedom, because he was granted permission to speak—and we know with what wonderful success. Within a short period of time he converted the whole nation to Christianity, built churches, erected schools and monasteries, and raised the standard of learning. He was so successful, that he was able to send his followers and missionaries throughout the whole of the then known world, and Ireland became known as the land of saints and scholars.

That is the story oft told about Saint Patrick. Is it any wonder that the Irish people revere and respect his memory and honour his name on Saint Patrick's Day? Is it any wonder that we sing his praises?

All praise to Saint Patrick
Who brought to our mountains
The gift of God's faith.

Or is it any wonder that we sing of the dear little shamrock:

There's a dear little plant
That grows in our Isle,
'Twas Saint Patrick himself sure that set it;
And the sun on his labour
With pleasure did smile
And the dew from his eye often wet it.

This dear little plant
Still grows in our Isle,
Fresh and fair as the daughters of Erin;
Whose smiles can bewitch
And whose eyes can command
In each climate they ever appear in.

For they shine through the bog
Thro' the brake and the mireland,
Just like their own little shamrock of Ireland:
The dear little shamrock,
The sweet little shamrock,
The dear little, sweet little shamrock of Ireland.

That beautiful poem is set to music, and I wish I could sing it for you, honourable senators. If I may be favoured with your indulgence I will sing a few bars from a song which will be quite familiar to you, for it has become a modern song now. It is entitled "Galway Bay":

If you ever go across the sea to Ireland,
Then maybe at the closing of your day
You will sit and watch the moon rise over Claddagh,
And see the sun go down on Galway Bay.
Just to hear again the ripple of the trout stream,
The women in the meadows making hay,
And to sit beside a turf fire in the cabin,
And watch the barefoot gossoons at their play.

For the breezes blowing o'er the seas from Ireland
Are perfumed by the heather as they blow,
And the women in the uplands diggin' praties
Speak a language that the strangers do not know.
For the strangers came and tried to teach us their way,
They scorned us just for being what we are,
But they might as well go chasing after moonbeams,
Or light a penny candle from a star.

And if there's going to be a life hereafter,
And somehow I am sure there's going to be,
I will ask my God to let me make my heaven
In that dear land across the Irish sea.

Hon. W. Ross Macdonald: Honourable senators, whether we are fortunate enough to have come from the land where St. Patrick was born, or whether we are sons of men who did, I am sure we are all very happy today to join with the honourable senator from Bedford-Halifax (Hon. Mr. Quinn) in paying tribute and doing honour to St. Patrick, the patron saint of Ireland.

We are especially pleased that the honourable senator has been with us over many years and has sung in this chamber at least once nearly every year. I heard him sing for the first time on St. Patrick's Day last year, and I can say that he is in just as good voice today as he was then.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: It is indeed a fitting tribute that has been paid to Ireland by our gifted colleague—a man who, though not young, is far from being old, and is blessed with a splendid memory and a delightfully melodious voice. Our wish for him, and for all Irishmen throughout the world, is that they will continue to be good natured and make the rest of the world happy.

Hon. Senators: Hear, hear.

DIVORCE AND MATRIMONIAL CAUSES BILL

QUESTION OF PRIVILEGE

On the Orders of the Day:

Hon. George H. Barbour: Honourable senators, before the Orders of the Day are called I wish to rise on a question of privilege.

In his speech yesterday on the Divorce and Matrimonial Causes Bill, the honourable senator from Blaine Lake (Hon. Mr. Horner) seemed to single me out for considerable ridicule. He began by saying that I come from a little island, and that people not born there, he understood, are regarded on the island as foreigners. Well, we never claimed that the island was large, but we are proud of our people, and I need not take the time of the Senate today to enumerate the long list of fine citizens who went from that island to other provinces in Canada.

The senator from Blaine Lake, as reported at page 306 of *Hansard*, said of me that as a boy I no doubt did what I was told. May I reply by saying that one of my most pleasant memories is that I did what I was told and did not cause my parents any trouble. The senator talked about 1900 and how I picked my wife. I should like to tell him that in 1896, when he was running around in short pants, I was working in the lumber woods of Maine for $18 a month.

The Hon. the Speaker: I think the honourable senator from Prince (Hon. Mr. Barbour) must state his point of privilege.

Hon. Mr. Barbour: I shall come to that point, Mr. Speaker, but first I should like to say that there is a gap between that early date and the time I came to the Senate.

The honourable senator from Blaine Lake used these words, in referring to me:

When he grew up he came to the Senate and still, in my opinion, does exactly as he is told.

Honourable senators, the statement that I do just what I am told is a reflection not only on me, but on every senator present. I would therefore ask the honourable senator from Blaine Lake to retract his statement.

The Hon. the Speaker: I am sure the honourable senator from Blaine Lake, who is noted for his generosity of thought and mind, would not intentionally cast any reflection on the honourable senator from Prince, and if his statement carries with it that connotation, I am sure he will see fit to retract it.

Hon. Mr. Horner: Honourable senators, when I made that statement I was merely expressing my own opinion, but if it offends my honourable friend, I am willing to withdraw it.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill Z-8, an Act for the relief of Lorraine Bella Spegel Weisberg.

Bill A-9, an Act for the relief of Frances Kellerman Rappoport.

Bill B-9, an Act for the relief of Eleanor Grace Jones Graham.

Bill C-9, an Act for the relief of Gabrielle Dallaire Boulet.

Bill D-9, an Act for the relief of Phyllis Elizabeth Warner Collins.

Bill E-9, an Act for the relief of Margaret Gwendoline Turner Williams.

Bill F-9, an Act for the relief of Mary Ferguson Wynter.

Bill G-9, an Act for the relief of Sheila Winnifred Richardson Hiscock.

Bill H-9, an Act for the relief of Anne Roitman Aronovitch.

Bill I-9, an Act for the relief of Kathleen Gertrude King Laffin.

Bill J-9, an Act for the relief of Gardner Hinckley Prescott.

Bill K-9, an Act for the relief of Ethel Cope Veary.

Bill L-9, an Act for the relief of Gordon Stewart Norris.

Bill M-9, an Act for the relief of Lucille Grenier Desjardins.

The motion was agreed to, and the bills were read the third time, and passed, on division.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. R. B. Horner: Honourable senators, it is very kind of the house to allow me today to complete the remarks I started yesterday. I believe I had reached the point where I had demonstrated beyond any doubt that vast changes have taken place in the world from the turn of the century to the present time.

I would mention some further instances of change. Back in the year 1900 scarcely any married women worked outside the home; there was not a motor car on the road; the man who had a horse and buggy was indeed fortunate. Today we ride either in a motor car or an airplane, and vast numbers of married women work outside the home. These changes are bound to affect our way of life and, as was very ably pointed by the honourable senator from Vancouver South (Hon. Mr. Farris), are quite likely to bring about more divorces. For instance, in the year 1900 only one divorce was granted in Nova Scotia, although cruelty, as well as adultery, was a ground for divorce in that province. The increase that has taken place in the number of divorces is due to the vastly changed living conditions.

As has been pointed out, the question in this debate is not whether we shall have divorce in Canada. Divorce already exists in Canada. The purpose of this bill is to widen the grounds for divorce. It might possibly be argued that if the bill were passed there would not be any more divorces, but that there would be a great reduction in the number granted on the ground of adultery.

I plead with honourable senators, to give this measure second reading, at least, and allow it to go to committee. I am sure that step would not in any way commit anyone to support the bill on third reading. Some senators have expressed the wish that it go to committee in order to clarify a number of points, such as whether cruelty can be more clearly defined. Suppose we were not able to agree on a satisfactory definition of cruelty this session, that might be put aside; and if we could widen the grounds for divorce to include desertion, that would be a progressive step.

While reading a certain pamphlet I ran across a passage that I thought was very applicable to the matter we are discussing. I will read a brief extract:

> What does the Christian religion say about it? The writer submits with diffidence the following for consideration of *Bulletin* readers.
>
> The general answer is, nothing directly. Christianity is the relation between God and man, and between one person and another, within the Kingdom and community. It is not a manual of political, economic or social action, though it has valuable by-products in those fields. Our Lord gave us the one great general principle, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's." We are to so fit ourselves that in each generation we may be able to deal rightly with the changing circumstances of each age.

I thought those words were very appropriate to our discussion.

Hon. Mrs. Fergusson: May I ask what publication the honourable senator is quoting from?

Hon. Mr. Horner: It is from a pamphlet called *The Bulletin*, a church publication. The article I quoted from was written by Rev. T. F. Summerhayes, on "Capital Punishment for Murder". The extract I read expresses my own view better than I can express it myself.

There is another matter that I think we as elder statesmen, if you will, ought to give some serious consideration to. An act extending the grounds for divorce was passed by the British Parliament in 1937; and in 1938 a bill similar to the one before us was passed by the Senate, with a fair majority, but defeated in the other house. In the intervening seventeen years the world has continued to change. Now, I say this with all due respect, that there is a great deal of talk in the country about this chamber being very one-sided at the present time. Since 1938 it

has become increasingly one-sided, and it is now composed almost entirely of members of one party. I would also point out that the same party has a huge majority in the House of Commons.

The honourable senator from Rosetown (Hon. Mr. Aseltine) says he has received enough letters favouring additional divorce grounds to make a complete book. The people are looking to this house for leadership in this matter. I am somewhat concerned about this and I think every honourable senator should be. It seems to me that every opponent of the bill should give some thought to that phase of the question before voting against the bill and thus preventing it from going to committee for further study.

A resolution favouring the widening of the grounds of divorce was passed by the Canadian Bar Association at its convention last summer, but honourable senators who are members of the legal profession very modestly say that it was not the business of the Canadian Bar Association to pass such a resolution. Yet who else in this country is better qualified to express themselves on a matter of this nature?

The honourable senator from Northumberland (Hon. Mr. Burchill), in a very fine speech on this bill, wanted to know who if anybody had asked for a widening of the grounds of divorce. He wanted to know if any churches or other organizations had asked for such a measure. Well, honourable senators, I would like to say to him that he would never ask such a question if he belonged to any lodge, Kiwanis Club or Rotary Club or association of that nature. It is practically impossible to have a question like that discussed by the membership of any such body, because discussion of anything offensive to any one of the members is never permited. And surely he would not expect any church to advocate widening the grounds of divorce, because, as I said yesterday, it is the duty of the churches to preach against such things as divorce and excessive liquor consumption—or, if you want to put it the other way, to preach in favour of total abstinence.

I therefore submit, honourable senators, that the Canadian Bar Association is the only group that could be expected to take a stand on this question. Lawyers in their everyday work come to grips with family difficulties in the initial stages, being consulted by quarrelling couples about property matters and things like that. Often after consultation with lawyers, couples make up and go home, and sometimes they are not charged any fee for the good advice they got. That is why I submit that the Bar Association is the proper body to deal with the matter and to recommend it for consideration in this chamber.

Honourable senators, I must not delay the house. I think you all understand how keenly I feel about this matter. As a matter of fact, I am sure many of us feel the same way. I know of several cases in my own experience where couples have been separated on account of insanity, and there is absolutely no hope of these people ever coming together again. The honourable senator from Victoria (Hon. Mrs. Hodges) mentioned a case where a woman's husband was afflicted with insanity and the doctors held out no possibility of recovery. Our present divorce law cannot give the woman any relief in these circumstances. Many a person finding himself or herself in a similar situation goes to live with another mate. I submit, honourable senators, that that is a greater indignity and a greater moral blemish on the community than a legal divorce would be.

I would like now to take the opportunity of repeating some words uttered by Lord Birkenhead, which are to be found in the Senate Debates of 1938, page 104. They were quoted in a speech delivered by the late Senator E. S. Little of London, Ontario, speaking on the motion for second reading of the Divorce and Matrimonial Causes Bill of that year. Senator Little said:

> Only on Sunday last I read in Winston Churchill's "Great Contemporaries" a quotation from a speech made by Lord Birkenhead on the Matrimonial Causes Bill in 1920—which, by the way, is considered to be the finest speech of his life. May I read an extract from that speech, which I quote from the Life of Frederick Edwin, Earl of Birkenhead, by his son, pages 131 and 132:
>
> "I, my Lords, can only express my amazement that men of saintly lives, men of affairs, men whose opinions and experience we respect, should have concentrated upon adultery as the one circumstance which ought to afford relief from the marriage tie. Adultery is a breach of the carnal obligations of marriage. Insistence upon the duties of continence and chastity is important; it is vital to society. But I have always taken the view that that aspect of marriage was exaggerated and somewhat crudely exaggerated in the marriage service. I am concerned today to make this point by which I will stand or fall, that the moral and spiritual sides of marriage are incomparably more important than the physical side . . . If you think of all that marriage means to most of us—the memories of the world's adventure faced together in youth so heedlessly and yet so confidently, the tender comradeship, the sweet association of parenthood, how much more these count than that bond which nature in its ingenious telepathy has contrived to secure and render agreeable the perpetuation of the species."
>
> And further, on page 134:
>
> "Those who have spoken in opposition to the present proposal say with the best motives but with malignant results: 'We deny you any hope in this world. Though an honest man loves you, sin shall be the price of your union, and bastardy shall be the fate of your children'. I cannot and

do not believe that society, as it is at present constituted, will for long acquiesce in a conclusion so merciless."

I believe those statements to be true of conditions today; and I plead with honourable senators to allow this bill to go at least to committee, where amendments to it may be made.

Hon. Mr. Grant: Honourable senators. I would like to ask the honourable senator from Blaine Lake (Hon. Mr. Horner) a question. He quoted the words: "Render unto Caesar the things that are Caesar's, and unto God the things that are God's". This answer was given by Our Saviour to some people who asked him whether it was lawful to give tribute to Caesar. Is it the opinion of the honourable senator that the sacrament of marriage belongs to God or to Caesar?

Hon. Mr. Horner: I may not be able to give the honourable senator a satisfactory explanation, but certain marriages of the gun-shot variety, in my opinion, may be said to be rendered unto Caesar.

Some Hon. Senators: Oh, oh.

Hon. W. D. Euler: After the very notable, comprehensive and—to me—convincing speeches which have been made in favour of the bill, I rather hesitate to prolong the debate. If, in view of what has been said, I should be somewhat repetitious, I crave in advance the indulgence of the house. But my interest in this question of the amendment of the divorce law is so great, and is of such long standing, that I should like to make a few, brief observations, and stress some of the important matters which have been stated in connection with the bill.

To me there is only one real and very simple issue: shall I, as a member of the only body in Canada that has the power to do it, perform my part in bringing relief to thousands of my fellow Canadians who are living in misery, under conditions of cruelty and suffering for which they are not responsible? Can I, in conformity with justice, compel them to continue to be bound in a marriage which is no longer a marriage?

Something has been said about mandates. I am not particularly concerned about that. The only mandate I have in this matter is to try to rectify a glaring injustice. I have been in Parliament some thirty-five years. For a long period I served in the House of Commons, and for fifteen years, ever since I was called to the Senate, I have been a member of the Divorce Committee. Long ago I came to the conclusion that our divorce laws are antiquated and unworthy of an enlightened people.

Some speakers in the debate have declared themselves against divorce. I am not against divorce; I favour it if it is granted under the proper conditions.

Hon. Mr. Aseltine: Hear, hear.

Hon. Mr. Euler: Under those circumstances it could be a great boon to many innocent and worthy people.

The senator from Grandville (Hon. Mr. Bouffard) termed divorce a great evil; the senator from Ottawa West (Hon. Mr. Connolly) called it a cancer. As the senator from Vancouver South (Hon. Mr. Farris) said the other day, they are confusing cause and effect. The phrase is a good one; I had intended to use it myself. In my opinion divorce is neither a cancer nor an evil, it is a corrective. The evil consists in those immoral actions which make divorce justifiable.

Hon. Mr. Haig: That is the answer.

Hon. Mr. Euler: The remedy is not to abolish or restrict divorce; the remedy is to use the influence of the church, school and press to bring about a restoration of old-fashioned standards of morality. But that is a pretty difficult job in this day and age. At least two of the opponents of this measure in the Senate have with prodigious energy and research produced statistics galore to prove that divorces are increasing. I am not questioning that fact, but as far as I am concerned the statistics were quite unconvincing and the research done was in the nature of love's labour lost. There is no doubt that divorces are increasing, and if this bill passes they will increase still further. That is one intention of the bill.

The thing which concerns me is not that there may be more divorces, but that divorces shall be given for proper reasons and that innocent people shall have justice done. It has been said that divorce begets divorce, but I have never been able to believe that. If we want some proof to the contrary we need only turn to Nova Scotia, where divorces have been obtainable on the ground of cruelty. Despite this fact the divorce rate in that province has not increased in any greater degree than it has elsewhere in Canada.

Yesterday afternoon a senator told me that he was opposed to this bill, saying that divorce begets divorce. I asked him why, and he replied, "I have two nieces who married, and when one of them got a divorce the other one got one too." I then said to him, "Well, they couldn't get divorces unless there was proper justification, which in our country means adultery on the part of their husbands". To this he replied, "But the divorces were granted in the United States."

There are three chief reasons why there has been an increase in divorce. The first is the common disregard for law and morals and general proprieties, and I think this has come about pretty largely as a result of the two world wars. The present disregard now for law and order did not exist before those wars. The second reason, which is not so strong, is that people are now "divorce conscious". Knowing that divorce can be obtained for the one reason, they come to the courts or to Parliament for relief. The third reason, which is based upon the first, is an increase in infidelity and a disregard for the marriage vows.

I may make one or two philosophical remarks, and while they may not bear directly on this question I shall not be too long. Marriages are not made complete merely by the physical or sexual adjustment of the partners. It takes a great deal more to complete a marriage. There must be genuine affection, consideration, compromise, kindness, good temper and an honest effort by both partners to make the marriage a success.

My friend from "the little island," as it has been called, (Hon. Mr. Barbour), made a very fine speech, and I was glad to learn that he has had an exceptionally happy marriage. I congratulate him on that, for I think he is more fortunate than some men. But the point is that this bill does not strike at the happy marriages. It is just the contrary. It strikes at the shackles that unite in the bonds of misery, cruelty, or desertion, men and women who, under our present law, with their marriage wrecked and hopeless, have no prospect of relief except in death; no opportunity of again having a mate and a family, which is the natural state of all men and women. That is my reason for supporting this bill. The senator from Kingston (Hon. Mr. Davies) told us the other day that he likes to see people happy. I think it is our duty to do all we can to promote the happiness of people who are not responsible for the state into which they have had to descend in unhappy marriage as a result of cruelty, desertion or something of that kind. Does any intelligent person believe that any man permanently separated from his wife would not seek to satisfy his most urgent instinct, that which is given to him for the perpetuation of the race? And would it not be better to give that man the legal freedom which would enable him to form a happy union?

I was just a bit surprised at the remarks of my friend from Sherbrooke (Hon. Mr. Howard), whom I have known for a great many years. I believe he quoted practically the whole of the marriage service, concluding with the admonition:

> What therefore God hath joined together, let not man put asunder.

The senators from Vancouver South (Hon. Mr. Farris) and Toronto-Trinity (Hon. Mr. Roebuck), indicated that these words mean a marriage should not be put asunder by the action of the parties thereto. I shall content myself merely to say that I would hesitate to hold an "omniscient Almighty" responsible for some of the marriages we see in the Senate Committee on Divorce. I say with all reverence that they are no compliment to Him.

Civil marriage, which I believe is not at all religious in its nature, is now permitted in Ontario. Shall we say then that such a marriage comes within the scope of this admonition?

I have no real hope of influencing those who, on religious grounds, believe they have a mandate to oppose divorce on any grounds whatsoever. I have no quarrel with them, but what I do not understand is why, in the case of others, where a great injustice is being done to innocent people which only Parliament can rectify, we should deny them another chance to build a new and happy married life when their present marriage is wrecked beyond repair.

I congratulate the senator from Rosetown (Hon. Mr. Aseltine) upon introducing this bill. To my mind he is endeavouring to right a great wrong; and whether or not the bill carries on second reading, he has done a service to his country.

I have thought I could not quite agree with one section of the bill which I believe provides that if cruelty, desertion, and incurable insanity become grounds for divorce in Canada, they shall not apply to divorce petitions to Parliament from people of Newfoundland and Quebec. I am not sure, but I think the senator from Vancouver South (Hon. Mr. Farris) made some reference to that.

Hon. Mr. Macdonald: He suggested an amendment to that effect.

Hon. Mr. Euler: Well, if such an amendment were proposed, I would have to oppose it, for this reason: Today the people of Quebec can obtain a divorce only by travelling, in some cases a considerable distance, to Ottawa, and petitioning Parliament to pass an act, on the grounds of adultery only. If the grounds of desertion, cruelty and insanity were added, the people of Ontario, for instance, could secure divorces through their

provincial courts on these additional grounds, but the people of Quebec would be denied the right even to petition Parliament on the wider grounds. That would be an additional discrimination against Quebec, and one to which I would object.

Honourable senators, I wish to advance a submission, with some hesitation, in connection with what I have just said, and I hope my friends from Quebec will understand that I do so in good faith. I have never been able to understand why there should not be in that province courts to deal with applications for divorce. I have no quarrel with the people of Quebec, whether they are Roman Catholics or members of any other sect—for I think some other sects also are opposed to divorce—but I cannot see why other people in that province who may have just ground for divorce under the law of Canada should not be permitted to obtain a divorce as freely as people in other provinces can.

Hon. Mr. Vaillancourt: Do you want a definite answer now?

Hon. Mr. Euler: I prefer to continue.

Hon. Mr. Vaillancourt: We in the province of Quebec do not want to break up the family and the hearth and the home.

Hon. Mr. Euler: I have heard that explanation before; in fact, I heard it the other day.

Hon. Mr. Vaillancourt: Well, that is the answer.

Hon. Mr. Euler: Your answer will appear in *Hansard*, and perhaps someone else's reply to it. My point is this: people who are opposed to divorce on religious grounds would not use the courts; but why should other people in Quebec be denied a privilege possessed by their fellow Canadians in eight provinces?

I have nothing more to say, except to sum up my reason for supporting the bill. If courts and conscientious judges can prove that a marriage has resulted in misery, cruelty or desertion, then it is the duty of Parliament to give relief and to provide the parties with a lawful opportunity to find a new partner, to remarry and live decently, respectably and happily. That is denied to them under our present law.

Some Hon. Senators: Hear, hear.

Hon. Cairine R. Wilson: Honourable senators, it is very difficult for me to follow in debate so many distinguished lawyers and others who have had long experience as members of the Senate Divorce Committee, but I feel that I would be lacking in duty if I did not voice some support for a bill of which I thoroughly approve. May I say that I took part in the debate in this chamber on the Divorce and Matrimonial Causes Bill of 1938.

In opening the present debate the honourable senator from Rosetown (Hon. Mr. Aseltine) mentioned that desertion had been a ground for divorce in Scotland for more than 300 years, but that there had been no greater number of divorces in Scotland, on that account, than in any other part of the United Kingdom. As a Scotswoman—or at least a descendant of Scots—I should like to believe there were fewer.

Honourable senators, I think it is unfortunate that this bill has had to wait 17 years for its reintroduction here. We owe a debt to the honourable senator from Rosetown for his courage in sponsoring it. The honourable senator from Ottawa West (Hon. Mr. Connolly), paid tribute to the hard work and self-sacrifice of the members of the divorce committee. But if he felt that their opinions were of value, I think perhaps he should have shown some respect for this measure, which was introduced first by the late Senator McMeans, of Winnipeg, and lately by the honourable senator from Rosetown, ably supported by the honourable senator from Medicine Hat (Hon. Mr. Gershaw). The honourable senator from Ottawa West referred to certain ancient institutions—to "other times, other manners". While he was doing so, I could not help thinking of an article that I had read many years ago on the status of women, and from which I would like to quote briefly:

> Woman today demands a goodness of her own making, based upon a new set of values, for she realizes that since the early days of patriarchal society, morality laws have been framed for her subjection.
>
> Among the Jews woman was placed in the same category with a man's ox, ass, and other property, and later with the Christian ecclesiastics she became a temptress and a curse.
>
> King Ethelred's conception of woman is a good index to the English attitude towards the feminine sex. To him she was a piece of property, to be bought or sold at the caprice of the owner. If a man seduced the wife of another, Ethelred required that the guilty one pay the husband a fine and provide him with another wife. The exact wording of the law is interesting and curious:
>
> "If a freeman have been familiar with a freeman's wife, let him pay for it with his wergild and provide another wife with his own money and bring her home to the other."

Like the honourable senators from Kingston (Hon. Mr. Davies), Toronto-Trinity (Hon. Mr. Roebuck), and Waterloo (Hon. Mr. Euler), I want to see people happy. One of my earliest recollections is of a hard-working woman who used to visit my mother's home

from time to time. This woman had been abandoned by her husband and left with several children, but managed to scrape a little money together to support them. The husband would re-appear periodically, beat her up, and go on his way quite happy. Conversely, we had a man in our employ for a very long time who, uncomplaining, endured a virago of a wife. He was an old man before we realized what he had suffered. In those days I do not think it entered anybody's mind that divorce might be a remedy. We felt, rather, that marriage was a tie for all time. Personally, I am among the fortunate ones who enjoy a very happy married life. However, that does not prevent me from understanding the misery which others have endured. Also, honourable senators, I have seen many happy second marriages.

The senator from Grandville (Hon. Mr. Bouffard), in his reference to proposals made by the senator from Calgary (Hon. Mr. Ross), seemed to think there was a certain merit in the fact that a man or woman from Newfoundland has to come to Ottawa to seek a divorce, even on the present ground. I could not but think that this procedure gave an undue advantage to persons with means over those without means.

Soon after I was appointed to the Senate a woman from Montreal called on me. She had not seen her husband for eighteen years, and she wondered what she could do. I consulted members of the Divorce Committee, and was told there was no help for her unless she took the recourse of submitting a petition for divorce and charged her husband with adultery. This she was loath to do. I had letters from her over a period of some months, but what she eventually did, I do not know.

It has been said there is little public support for the proposed amendments. I should like to put before the house the views of the National Council of Women, which represents a considerable body of public opinion. In 1933 the Council passed the following resolution:

> Resolved, that in the opinion of the National Council of Women all divorces should be registered in the same way as births, marriages and deaths and record of such registration to be available on search as are vital statistics.

In 1947 the Council passed this resolution:

> Whereas under existing laws of the Dominion of Canada a divorce can be granted on the grounds of adultery only; and
>
> Whereas by virtue of the Criminal Code of Canada, section 308 (3) (b), it is provided that the continual absence of a spouse for a period of seven or more years, during which period the other spouse has not had knowledge that the absent wife or husband was alive during those seven years, constitutes a valid defense to a charge of bigamy;
>
> Be it resolved that the N.C.W. petition the Governor General in Parliament to pass legislation enabling a husband or wife to obtain a divorce where the plaintiff can establish facts which would constitute a defence to a charge of bigamy in accordance with the provisions of section 308 (3) (b) of the Criminal Code, thereby protecting the legitimacy of the issue of any subsequent marriage which, although not bigamous, would nevertheless under existing law be null and void in the event of the absentee spouse being still alive.

It was moved, seconded and carried that this resolution be sent to Councils for study and consideration at the Spring Executive.

In February 1948 the resolution of 1947 was amended and sent to the Right Honourable Mr. Ilsley, then Minister of Justice, in the following form:

> Whereas under existing laws of the Dominion of Canada a divorce can be granted on the grounds of adultery only; and
>
> Whereas by virtue of the Criminal Code of Canada, section 308 (3) (b), it is provided that the continual absence of a spouse for a period of seven or more years, during which period the other spouse has not had knowledge that the absent wife or husband was alive during those seven years, constitutes a valid defense to a charge of bigamy;
>
> Be it resolved that the National Council of Women petition the Governor General in Parliament to pass legislation amending the divorce law in Canada to give the courts, in addition to such grounds as already exist, the power to grant dissolution of marriage upon legal presumption of death.

I recall that in 1938 the present honourable Leader of the Opposition (Hon. Mr. Haig) mentioned that he as a young lawyer in Winnipeg had brought to him many cases of blackmail, where one party had been absent for some years and the other party had in good faith remarried, only to have the absent one show up and claim his rights.

Honourable senators, I have nothing further to say, except that I endorse what has been said in support of the bill and I hope that it will receive second reading.

Some Hon. Senators: Hear, hear.

On motion of Hon. Mr. Reid, the debate was adjourned.

EXPORTATION OF POWER AND FLUIDS AND IMPORTATION OF GAS BILL

SECOND READING

Hon. Gray Turgeon moved the second reading of Bill 4, an Act to regulate the exportation of power and fluids and the importation of gas.

He said: Honourable senators, as I was advised this item would not be proceeded with until next week, I am in the position of attempting to make an explanation of the provisions of the bill without the benefit of notes, which I left in my office when I came

down to the chamber this afternoon. However, after listening to the glorification of St. Patrick by our honourable friend from Bedford-Halifax (Hon. Mr. Quinn), honourable senators may find it in their hearts to overlook any mistakes that I may make. In any event, my lack of notes will serve to shorten my remarks. Incidentally, it occurs to me that if anyone ever presented a bill to provide for the divorcing of a member from the Senate, the most appropriate ground would be cruelty by means of the imposition of long speeches.

Hon. Senators: Oh, oh!

Hon. Mr. Turgeon: Honourable senators, although the explanatory notes in the bill are quite lucid, I should like to make a few general observations.

The bill is designed to revise and consolidate the Electricity and Fluid Exportation Act. I may say that the regulation of the exportation of power and fluids and the importation of gas is in no way concerned with the waters flowing down a river, and therefore this bill is not related to the subject matter of Bill No. 3, which is the subject of some dispute in the House of Commons. The interpretation section of the bill defines "export" as meaning:

(i) with reference to power, to send from Canada by a line of wire or other conductor, and
(ii) with reference to fluids, to send from Canada through pipe lines or other like contrivances;

Among other important changes that will come about if this bill becomes law, is one requiring a licence for the importation of natural and similar gases which, up to the present moment, has been unnecessary.

Another change which the bill would bring about is the removal of the authority, now held by the Canadian Government, to impose export duties with respect to exports of gas, oil and other fluids. When this bill becomes law export duties could be imposed only upon electric power.

During the debate on this bill in the House of Commons, the Right Honourable the Minister of Trade and Commerce pointed out that, in the discussions before the Federal Power Commission at Washington having to do with the proposed importation of gas and oil into the United States, the point has been raised that Canada could impede such exports by the imposition of export duties. Well, honourable senators, this bill if it becomes law will take away that authority from the Government of Canada and it will no longer have power to impose an export duty on oil or gas leaving Canada. I sincerely hope that this point will be brought to the attention of our good friends at Washington, through their foreign office and their office dealing with trade and commerce, and particularly to the attention of those responsible for implementation of the provisions of article II of the North Atlantic Treaty. It is of extreme importance that the impediments suggested and actually proposed against importation of oil and gas and other fluids into the United States from Canada should not be put into effect. I think, as was pointed out by the Right Honourable the Minister of Trade and Commerce in the other house, that the elimination of this authority to impose certain export duties will have some material effect upon Washington.

In dealing with this bill the Minister of Trade and Commerce made several potent references. He pointed out that because of the great improvement in the transmission of electric power at higher voltages, potential power formerly inaccessible in far-away areas, such as the Yukon Territory, could soon become accessible. As a matter of fact I take a great deal of pride, as do other senators from British Columbia, in the recent statement made by the Minister that there is now under construction in British Columbia a line that will soon be transmitting at nearly 350,000 volts. He stated that this will be the highest transmission voltage on the North American continent.

There are two matters I would like to bring to the attention of the house in connection with proposed exportation of our natural gas into the United States that could be brought about by action of the Federal Power Commission at Washington. The first is, that there is now under immediate consideration at Washington the importation of gas from Western Canada through Winnipeg, by the Northern Natural Gas Company, to supply certain parts of the United States, decision on which matter is being delayed because of a doubt in the minds of the members of the Federal Power Commission as to the certainty of having that gas ready for export through Winnipeg. Secondly, there is the question of the export of natural gas from the Peace River District of both British Columbia and Alberta into the United States. I sincerely hope that when this question comes up again the passing of this legislation taking away from the Government the ability to impede export of gas from Canada through the imposition of an export duty will have an effect, and make it more certain that the Westcoast Transmission Company will secure the right to have its product sold to American companies and sent across the boundary.

Honourable senators, there is nothing further that I need say, except that if this bill is given second reading I will move that it be referred to a committee.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: If the bill is to be referred to committee, I have nothing to say on it at this time. I want it to go to committee, because I would like to hear the experts give their ideas about it and explain its details. As I understand it, the bill received practically unanimous consent in the other place, and my advice from friends there is that it is entirely satisfactory. However, I still would like to have the experts come and tell us exactly what it does, because these are very touchy questions just at the present time.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Turgeon moved that the bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Stambaugh: Honourable senators, could this bill not be referred to the Committee on Transport and Communications? Some honourable senators seem to think that the Senate has only one committee, Banking and Commerce.

Hon. Mr. Turgeon: It might be referred to the Natural Resources Committee.

Hon. Mr. McKeen: There is no transport problem involved in this bill—it deals with the right to export.

Hon. Mr. Stambaugh: It deals with the right to transport gas and fluid.

Hon. Mr. McKeen: No, it deals with permission to export.

Hon. Mr. Turgeon: May I ask the Leader of the Government if he has any suggestion on the matter?

Hon. Mr. Macdonald: Far be it from me to amend the motion of the honourable senator who explained the bill (Hon. Mr. Turgeon).

The motion was agreed to, and the bill was referred to the Standing Committee on Banking and Commerce.

PRIVATE BILLS

WESTSPUR PIPE LINE COMPANY—
SECOND READING

Hon. James A. MacKinnon moved the second reading of Bill N-9, an Act to incorporate Westspur Pipe Line Company.

He said: Honourable senators, the development of oil production in the four Western provinces has resulted in the discovery of oil fields which straddle provincial boundaries. In addition, production of oil has been and will be obtained from two or more fields on both sides of and in close proximity to provincial boundaries, and their location will require the construction of pipe line gathering systems crossing provincial boundaries. Furthermore, branch lines leading from the pipe line gathering systems in the fields may cross provincial boundaries *en route* to main trunk pipe lines, such as Interprovincial Pipe Line and Trans Mountain Oil Pipe Line. The main trunk pipe line companies operating in Canada presently do not and perhaps would not find it desirable in the future to construct and operate such pipe line gathering systems and branch lines. Their construction and operation is usually carried out by smaller companies formed by the producing interests in the oil fields served thereby.

It is anticipated that a number of such pipe line gathering systems or branch lines crossing provincial boundaries in the four Western provinces will be required in the near future. One immediate possibility is the construction of a pipe line from Alida, Saskatchewan, to the Interprovincial Pipe Line system at Cromer, Manitoba. A secondary possibility in the future is the construction of a pipe line across the British Columbia-Alberta provincial boundary to accommodate deliveries from the Peace River area.

Section 10A of the Pipe Lines Act, which was enacted by Parliament on December 16, 1953, prohibits any person, other than a person having authority under a special act, from constructing or operating an extra-provincial pipe line, which is defined in section 2, subsection (cc), as meaning a pipe line for the transportation of oil or gas connecting a province with any other or others of the provinces or extending beyond the limits of a province. By reason of the above section the proposed special act company is therefore required for the purpose of constructing and operating small pipe line gathering systems or branch lines which cross provincial boundaries.

The draft bill substantially follows the pattern of the act incorporating Interprovincial Pipe Line Company, 13 George VI, chapter 34, which received royal assent on April 30, 1949, and all other subsequent acts incorporating pipe line companies.

If this bill should have second reading, I shall propose that it be referred to the Committee on Transport and Communications.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. MacKinnon, the bill was referred to the Standing Committee on Transport and Communications.

The Senate adjourned until Tuesday, March 22, at 8 p.m.

THE SENATE

Tuesday, March 22, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES BILL

FIRST READING

A message was received from the House of Commons with Bill 183, an Act to amend the Members of Parliament Retiring Allowances Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Macdonald: With leave, next sitting.

FINANCIAL ADMINISTRATION BILL

FIRST READING

A message was received from the House of Commons with Bill 184, an Act to amend the Financial Administration Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Macdonald: With leave, next sitting.

NARCOTIC DRUG TRAFFIC

COMMITTEE EMPOWERED TO SIT DURING SENATE ADJOURNMENTS, ETC.

Hon. Thomas Reid, Chairman of the Special Committee appointed to inquire into and report upon the traffic in narcotic drugs, presented a report of the committee.

The report was read by the Clerk Assistant as follows:

The Special Committee appointed to inquire into and report upon the traffic in narcotic drugs in Canada beg leave to report, as follows:

The committee recommend:—

1. That it be empowered to sit during sittings of the Senate, and also during adjournments of the Senate, and to adjourn from place to place as it may determine from time to time.
2. That it be authorized to employ such clerical and other assistance as it may deem necessary.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Reid: With leave of the house, I move that the report be concurred in now.

The motion was agreed to.

ADDITIONS TO COMMITTEE MEMBERSHIP

Hon. Arthur L. Beaubien moved, with leave:

That the names of the Honourable Senators Beaubien, King and McKeen be added to the list of senators serving on the Special Committee on the traffic in narcotic drugs in Canada.

The motion was agreed to.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 257 to 276, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill O-9, an Act for the relief of Joseph Alexandre Roland Simard.

Bill P-9, an Act for the relief of Winnifred Blanche Brook McGurk.

Bill Q-9, an Act for the relief of Gitel Shepsel Moscovitch.

Bill R-9, an Act for the relief of Susan Frosst Cohen.

Bill S-9, an Act for the relief of Norma Constance Parsons Lindsey.

Bill T-9, an Act for the relief of Erna Reiter Kastelberger.

Bill U-9, an Act for the relief of Nickola Bochna, otherwise known as Nicholas Bockan.

Bill V-9, an Act for the relief of Robert Fraser Callahan.

Bill W-9, an Act for the relief of Ruth Barsuk Cohen.

Bill X-9, an Act for the relief of Bernice Noble Comm.

Bill Y-9, an Act for the relief of Francis Ambrose Higgins.

Bill Z-9, an Act for the relief of Elizabeth Coyle Ellis Gibbons.

Bill A-10, an Act for the relief of Blanche Mary Shurge Labelle.

Bill B-10, an Act for the relief of Beatrice Teressa Mathewson Connell.

Bill C-10, an Act for the relief of Joyce Hilda Street Janson.

Bill D-10, an Act for the relief of Joyce Gertrude Haworth Rawlings.

Bill E-10, an Act for the relief of Jean Eudes Deschenes.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

FINANCE COMMITTEE

ADDITION TO MEMBERSHIP

Hon. Mr. Beaubien moved, with leave:

That the name of the Honourable Senator Connolly be added to the list of senators serving on the Standing Committee on Finance.

The motion was agreed to.

PRIVATE BILL

FREDERICTON & GRAND LAKE COAL & RAILWAY COMPANY— FIRST READING

Hon. Clarence J. Veniot presented Bill F-10, an Act respecting the Fredericton & Grand Lake Coal & Railway Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Veniot: With leave, next sitting.

PRIVATE BILL

VICTORIA INSURANCE COMPANY OF CANADA— THIRD READING

Hon. Salter A. Hayden moved the third reading of Bill B-8, an Act to incorporate Victoria Insurance Company of Canada.

The motion was agreed to, and the bill was read the third time, and passed.

TERRITORIAL LANDS BILL

SECOND READING

Hon. J. Wesley Stambaugh moved the second reading of Bill E, an Act to amend the Territorial Lands Act.

He said: Honourable senators, the Territorial Lands Act has to do with the Crown lands in the Yukon Territory, as well as the Northwest Territories. This bill would repeal subsection (2) of section 5 of the act, which reads as follows:

No territorial lands shall be sold until a plan of survey thereof has been approved by the Surveyor General.

The purpose of this amendment is to permit sales of territorial land prior to a survey having been made. It has been found that after an application to purchase has been made, the usual minimum time for the making of a survey is approximately two years, and it has often been as long as three or four years.

Hon. Mr. Howden: How is the purchaser going to know his own land if it is not surveyed?

Hon. Mr. Stambaugh: He will stake it out as he would a mining claim, by putting a stake in each corner, if it is rectangular or square, and if not by putting a stake at each point, so that a line can be drawn from one stake to the other signifying the boundaries of the land which he wishes to purchase.

After the applicant has staked the land he proposes to buy and has made application to purchase it, the agent in charge of that area will send an appraiser to look over the land and value it. An agreement of sale can then be drawn up and a tentative price set. As soon as possible a surveyor will go over the land and survey it. If any change in the boundaries results from the survey the price may have to be adjusted, but no patent will be issued until after the survey is made.

If the bill passes and subsection 2 of section 5 of the present act is repealed, section 4 of the present act will govern. That section reads as follows:

Subject to this act, the Governor in Council may authorize the sale, lease or other disposition of territorial lands and may make regulations authorizing the minister to sell, lease or otherwise dispose of territorial lands subject to such limitations and conditions as the Governor in Council may prescribe.

The effect of the bill would be to speed up the process after an application to purchase land has been made.

Hon. Mr. Davies: May I ask the honourable senator a question? After a person or company has made application to purchase a piece of land and has staked it out, would anybody else have a chance to buy it?

Hon. Mr. Stambaugh: If the amount at which the land is valued by the appraiser is satisfactory to the applicant, he has the first chance to purchase the land.

Hon. Mr. Roebuck: May I ask a question? Is the Government obliged to sell land that has been staked out, or may it refuse to sell the land to anybody?

Hon. Mr. Stambaugh: Under the regulations the Governor in Council does not have to sell any land; however, the regulations state that certain sections of certain territories are subject to sale, if a price can be agreed upon.

If there are no further questions, honourable senators, I think that is sufficient

explanation. If I may, I would suggest that it is unnecessary that this bill be considered in committee.

Hon. Mr. Lambert: May I ask the honourable senator if he has any idea of the number of acres of land which are subject to sale in the way he has described?

Hon. Mr. Stambaugh: Well, actually most of the Northwest Territories and the Yukon are available under certain conditions for mining or otherwise. At the present time the main reason why there are so many applications to purchase land is that people are searching for oil.

Hon. Mr. Lambert: Does the sale of lands there carry with it oil rights and mineral rights?

Hon. Mr. Stambaugh: It may, and the Governor in Council may set the amount of royalties that will be charged.

Hon. Mr. Crerar: Is it the intention of the honourable senator to move that this bill be sent to committee?

Hon. Mr. Stambaugh: Not unless some honourable senator thinks that is necessary. It seems to me that it is quite easy to understand the purpose of this bill: it is simply to speed up the sale of lands. The bill would make no change in the regulations governing the sale of lands, except to provide that sales can be made prior to surveys of the lands. But stakes would have to be driven in and lines drawn, so as to have the lands clearly defined. In most cases the price is set at so much per acre. Under certain conditions the price charged for some lands could be so much per square foot, or on a frontage basis; but generally speaking, the price is set at so much per acre.

Hon. Mr. Davies: Perhaps some explanation could be made in committee of why it should take two or three years to survey a piece of land.

Hon. Mr. Stambaugh: I think I can explain that. The way it was explained to me is that there is a shortage of surveyors and it is not customary to send a surveyor to survey just one piece of land. The surveyor generally waits until he has several pieces of land to survey in a certain district. As far as the government is concerned, the purchaser must pay for the survey, and honourable senators will realize that to send a surveyor to survey land in this territory is quite an expensive proposition.

Hon. Mr. McKeen: Can the land be used before it is surveyed?

Hon. Mr. Stambaugh: Yes.

Hon. Mr. Macdonald: Honourable senators, the honourable gentleman from Bruce (Hon. Mr. Stambaugh) has explained the bill very fully and we appreciate the trouble he has taken to familiarize himself with its details. I feel, however, that honourable senators would like to ask more questions and also to have an opportunity of getting information from departmental officials. In the circumstances he will perhaps suggest that it should go to committee.

Hon. Mr. Stambaugh: Yes.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Stambaugh, the bill was referred to the Standing Committee on Natural Resources.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from Thursday, March 17, the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. Thomas Reid: Honourable senators, it is with great hesitation that I rise to speak on this bill. I had not intended to speak when I heard the explanations made by the honourable senator from Rosetown (Hon. Mr. Aseltine) on the motion for second reading, but after listening to the speeches that have been made, and after hearing some innuendoes going around the corridors that those of us who are against the bill are against it because of some command from somewhere or perhaps because of favouring some church, I decided to come boldly before the Senate tonight and give my own views. I am bowing to no one when I say right now that I intend to vote against the bill.

I have heard charges of inconsistency. Well perhaps I am one of the old fashioned kind, as I am trying to be consistent. When the Divorce and Matrimonial Causes Bill came before the House of Commons in 1938 I was one of the sixteen who are now in this chamber who voted against the bill in that house.

I was rather surprised that in all the speeches that have been made on the bill before us no mention whatsoever has been made of a bill introduced by the honourable senator from Vancouver-South (Hon. Mr. Farris) in 1943. Also I was not a little surprised when the honourable senator from Ottawa (Hon. Mr. Lambert), in speaking on the bill now under consideration, said he

was going to vote for it, since the Senate Debates of 1943-44 show that on April 13, 1943, he voted against that bill introduced by the honourable senator from Vancouver-South, by which it was proposed or intended to open the grounds for divorce a little bit.

Hon. Mr. Lambert: Would my honourable friend state the title of the bill that the honourable senator from Vancouver-South introduced in 1943? It had no relation whatever to what is being considered now.

Hon. Mr. Reid: It was a bill to widen the grounds for divorce.

Hon. Mr. Lambert: No, it was a different bill altogether.

Hon. Mr. Reid: It was a bill to widen the grounds of divorce a little bit, and the record shows that you voted against that bill.

Hon. Mr. Lambert: It is not fair at all to make a comparison between the two bills.

Hon. Mr. Reid: You may say it is not fair, but I am drawing the comparison and I am entitled to my opinion.

Hon. Mr. Lambert: There is no basis for such a comparison.

Hon. Mr. Reid: I have read the record. So far as I am concerned I am being consistent, because in 1938 I voted against the Divorce and Matrimonial Causes Bill in the House of Commons, and I intend to vote against it here when it comes to a vote.

May I say, honourable senators, that I do not stand on the same platform as those connected with the Roman Catholic Church, because I am in favour of divorce for the one act laid down in Holy Writ: that is, for adultery. I realize that there are clerics and others who may take the opposite view from mine, but since the days of my youth I have read carefully the words of Christ.

Divorce is not a new matter. If you look up Deuteronomy and read the laws laid down by Moses concerning adultery and man's attitude toward woman, shall I say, you will find that the problem then was just the same as it is today. As a matter of fact, I am one of those who hold strongly to the belief that although we have airplanes, television and all sorts of wonderful things in the world today, man and mankind are just the same as in the days of Moses—exactly the same, with all the loves, all the hates, the good points and the bad points. Generally speaking, people have not changed one iota.

And that is where I think many of the speeches have gone wrong. Some splendid speeches have been made here, but I was a little surprised by the position of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck). I really thought he was going to vote against the bill, because he had such a nice story to tell about love and the home—the home being the foundation of the country—yet when he came to the end of his speech he said he was going to vote for the bill.

I have been looking up *Hansard* and burning the midnight oil, and I find it was nothing unusual for senators in 1938 and 1943 to get up and talk about holy matrimony and the home being the foundation of the country, and yet vote contrary to what they had said. One very nice speech, which was made on March 15, 1938, is worth repeating here. I wonder if you can guess who made these remarks:

> The home is the whole basis of civilization. Without it we cannot survive. One country has made a trial—

That was Russia.

> —and has been compelled to retrace its steps. Therefore all who feel that they are at a very sacred point when dealing with legislation which invades the home are going to be very careful of the exact steps they take. In a word, you cannot get a law which is fair to the individual and is not going to result in the disintegration of the home. If we make our laws broad enough to cover all cases—to provide fair and just treatment for the poor woman who is deserted, for the poor woman whose husband is a drunkard, for the poor man whose wife has run away, for the poor man whose wife has become insane—we get to a point where the fortifications of the home are gone.

I agree. But who, do you think, made that speech? No less a person than the Right Honourable Arthur Meighen. The strange thing about it was that when the bill came to a vote, he voted for it. That is something difficult to understand.

Hon. Mr. Haig: May I ask the honourable senator a question? I understood him to say that bills to amend the divorce law were before the Senate in 1938 and in 1943.

Hon. Mr. Reid: Yes.

Hon. Mr. Haig: Was the bill of 1943 concerned with divorce, or merely a change of domicile?

Hon. Mr. Reid: So far as my reading of it goes, it was a divorce bill.

Hon. Mr. Haig: I think not. According to my remembrance, it dealt with change of domicile.

Hon. Mr. Aseltine: Just a matter of procedure.

Hon. Mr. Reid: The bill was called the "Presumption of Death and Dissolution of Marriage Bill".

Hon. Mr. Lambert: It did not seek to broaden the grounds for divorce.

Hon. Mr. Reid: I differ from the honourable senator. I think it did. If marriage may be dissolved because of the disappearance of one of the spouses, and that is not a divorce proceeding, I would like to know what it is. To contend it is not is just quibbling. Speaking also as a layman, I assert that to permit dissolution of marriage on this ground is to widen the scope of this country's divorce laws. I have not had time to read the entire report of the debate in 1943, but I notice that the bill was presented by the honourable senator from Vancouver South (Hon. Mr. Farris).

A good many Bible quotations were presented in 1938. The honourable senator from Vancouver South presented a number of others in his speech of 1943, and we have heard one or two more in the course of the present debate. I took it upon myself to interrupt the honourable senator from Wellington (Hon. Mr. Howard) when he quoted the passage:

> What therefore God hath joined together, let not man put asunder.

I asked on that occasion, and I ask again, why he did not quote from the Gospel of St. Matthew, chapter 5, verse 32. Christ said:

> But I say unto you, That whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery.

Does that strengthen the case for what we are asked to do under this bill? From the days of my youth that passage has been interpreted as supporting the law as it stands in Canada and the Presbyterian Church has stood firm on that ground and the maintenance of one of the laws of Moses. In the days of the Mosaic law, and all through subsequent ages, people have realized that man is polygamous by nature. Perhaps some honourable senators will not admit that, but it is a fact, and because our ancestors recognized it they provided safeguards for the home. In the days of ancient Israel rapists were not taken to court, they were stoned to death: there was quick action in those days. Separations of various kinds were allowed, but the outstanding separation was a bill of divorcement for adultery.

Hon. Mr. Horner: When a woman was taken in adultery, she escaped because Our Lord said "He that is without sin among you, let him first cast a stone at her."

Hon. Mr. Reid: That is another incident, which has no bearing on the point. The evidence on that occasion was different from the proceedings nowadays, because there the woman was caught in the act. In those days they were up to date,—very much so. They knew better how to handle erring members of the human race than we do. I was rather astonished at some of the remarks of the honourable senator from Blaine Lake (Hon. Mr. Horner), because they contrasted with the excellence of his closing remarks about conditions of life today and evidences of decay in the home.

Hon. Mr. Horner: I merely mentioned that, as the Bible was quoted to the effect that man should not put asunder whom God had joined together, it should be remembered that we are also enjoined to keep the Sabbath day holy.

The Hon. the Speaker: Order. The honourable senator from New Westminster (Hon. Mr. Reid) has the floor. He must not be interrupted except, with his consent, to be asked a question.

Hon. Mr. Horner: Let him quote me correctly.

Hon. Mr. Reid: I thank you, Mr. Speaker, although I do not mind interruptions. However, the Senate's rules must be maintained.

The honourable senator from Vancouver South (Hon. Mr. Farris) made reference to the fact that cruelty is a ground for divorce in the province of Nova Scotia. Two other honourable senators referred to Scotland. I think they overlooked the relevant facts in this connection from both Nova Scotia and Scotland. There are in Scotland moral laws which, though not on the statute books, are far stronger than any written law. At one time, if a man intended to marry, all he had to do was to say, before two witnesses, to the woman of his choice, "Will you take me for your lawful husband?" and if she said "Yes" they were married. Somebody may ask, could they get divorced with equal ease? They certainly could not, because the unwritten moral laws of my native land would not allow it. I do not know as much about Nova Scotia as do the honourable senators from that province, but I would hazard a guess that there are unwritten moral laws there which are as effective in preventing people from doing certain things as are the unwritten laws of Scotland. It is the effectiveness of these rules of conduct, not embodied in any statute, governing marriage and the relations of men and women, which should be seriously taken into consideration when the broadening of divorce jurisdiction is recommended. I recall a time, in the days of my youth, when if a Scotswoman entered a public house she would almost have to leave the city because her reputation was destroyed; she was looked upon more or less as a harlot. Another rule in effect when I was young was that if, when a man was courting a girl,

it was found that tuberculosis existed in the family, the engagement was broken. And no one, in my young days, would have dared to parade the streets, as some street-walkers we know of are doing in this country.

I join with those who have pointed out there are many things done nowadays that were not done years ago. However, some people call this a new age, an advanced age, and are inclined to say that people like myself are old-fashioned. Nevertheless, I abide by my early faith, realizing that the human race is just the same as it always has been and that men and women still have the same basic weaknesses. They say we are living in a new age. Well, I would not be at all surprised to hear of even more alarming developments in our divorce laws, for I have just been reading that women are now claiming a certain right. I was rather surprised to read that women have given birth to test-tube babies.

An Hon. Senator: To what?

Hon. Mr. Reid: Test-tube babies. In other words, it has been reported that women have given birth by means of artificial insemination, and married women giving birth to these babies claim they are not committing adultery. That is just an illustration of what a fast age we are living in. The latest statistics show that Canadian citizens spent some $870 million on alcoholic beverages last year yet in face of this sort of thing we are being asked to widen the grounds for divorce and, in effect, make it easier to untie the bonds of matrimony.

Honourable senators, I do not feel I can go that far. Is the law the only place where we should look for guidance or help? I am not ashamed to say that I intend to continue taking my guidance from the Good Book. I think people of this generation would be better off and would have happier homes if they were to pay more attention to the Good Book and spend much less time indulging in the merry life that some of them are leading. Some honourable senators have said it is the duty of the Church and our educational systems to foster happy homes, but parents are leaving too much to these institutions and are not doing enough themselves to control their children. There is a definite lack of discipline in the modern home, and the members of the Joint Committee on Capital and Corporal Punishment and Lotteries have been told that many parents no longer believe in giving youngsters the strap. Nevertheless, I think the old adage, "Spare the rod and spoil the child" applies equally to the children of today.

Honourable senators, the people of Canada should give serious thought to where they are going, especially when they spend what amounts to $58 *per capita* on alcoholic beverages. Surely that must cause some distress.

Hon. Mr. Aseltine: What has that got to do with this bill?

Hon. Mr. Reid: I am glad my honourable friend has asked that question. He has served on the Senate Divorce Committee for a long time and I should like to ask him if it is not true that quite a proportion of those who come before the Senate Divorce Committee are alcoholics?

Hon Mr. Haig: No.

Hon. Mr. Roebuck: No.

Hon. Mr. Reid: I am glad to hear they are not. If they are not helping to consume some of that $870 million worth of liquor, who is?

Hon. Mr. McKeen: Where does it come from?

Hon. Mr. Reid: The $870 million?

Hon. Mr. McKeen: No, the Scotch.

Hon. Mr. Reid: Honourable senators, I have little further to say, but if a vote takes place on the second reading of this bill it is going to be interesting to see how certain honourable senators vote. I refer to those who, as members of the other house, voted as I did on the divorce measure sent by the Senate to the House of Commons in 1938. Were they right in 1938 when they helped to throw that bill out, or will they be right if they vote in favour of the present bill? On that occasion I took a certain stand and when I went back to my constituency for re-election I had no trouble; the proposed changes in the divorce law could not have been an urgent demand in my constituency, and I do not think they were anywhere throughout the length and breadth of the country. I doubt if there is any great agitation for the present bill. There is no doubt that all kinds of pitiful cases can be cited. We all know of them, and some of the most pitiful cases I know of involve approximately 1,000 soldiers who brought back wives from Korea and the Orient. There is little doubt that many of those marriages will have to be dealt with in days to come. These soldiers and their wives may be in love to begin with, but when the children born from these mixed marriages are growing up and find themselves isolated, perhaps the husbands will not feel so keen on living with their Korean or Japanese wives as they did when they were in Korea or Japan.

I am taking my stand against this legislation now, and I do not want anyone to accuse

me of catering to any church or party whip or say that I am fearful that the issue will have to be turned down in the other house. As I said before, I voted against a similar measure in 1938. I take my moral code from the Good Book and from the words of Christ:

> But I say unto you, that whosoever shall put away his wife, saving for the cause of fornication, causeth her to commit adultery: and whosoever shall marry her that is divorced committeth adultery.

I know I am on safe ground when I say that I intend to stand by that injunction from Holy Writ and Christ himself.

Some Hon. Senators: Hear, hear.

Hon. Muriel McQ. Fergusson: Honourable senators, I would infinitely prefer not to speak on this controversial issue, particularly as I find myself in disagreement with many honourable senators whose opinions in most matters seem to me very sound, and whose judgments I value highly indeed. After the powerful and learned speeches that we have had on both sides in this debate I certainly hesitate even more to take part in this discussion, and I am sure that I shall not be able to hold the attention of honourable members as the last speaker has done.

Honourable senators, I also intend to vote against this bill, and I hope that when you have heard my reasons you will realize I am voting from conviction. I would like to state some of the reasons why I have come to my decision. To state them all would repeat some of the arguments already made, and to reply to all the statements made in favour of the bill with which I do not agree would be very tiresome for all honourable senators. I propose to deal with only the reasons why I cannot support the principle of the bill at this time. I do not intend to deal with any particular sections, although there are many arguments I could advance against individual sections, which I will bring forward if the bill is given second reading and referred to committee.

May I say first that this bill has caused me much heart searching and many wakeful hours, owing to the fact that I realized the sincerity of the belief of the honourable gentleman from Rosetown (Hon. Mr. Aseltine) that this bill would improve the situation in Canada in regard to divorce. Because I believe in his sincerity I would have liked to give him my support, but on account of my own personal beliefs, I cannot do so. My own personal beliefs regarding marriage and divorce are, I suppose based on the long and happy marriage of my parents, and my own equally happy, if shorter, one, as well as the teaching of the Church of England, to which I belong. Those beliefs have made me feel that the vows taken at the altar, when two people plight their troth for better for worse, for richer for poorer, in sickness and in health until death shall part them, are only really dissoluble by the death of one or the other.

Honourable senators, I had not intended to refer to religion, but I am somewhat confused about the application of the quotation by the honourable senator from Blaine Lake (Hon. Mr. Horner). If he believes that the Christian religion has nothing to say on this matter, I would tell him that he should read the bulletin of the Council of the Social Service of the Church of England in Canada regarding marriage and divorce, and not only its bulletin on capital punishment, to which he referred, and he would learn that the Church of England has much to say on the subject of divorce. To quote the words attributed to President Coolidge in the story that the honourable gentleman related, the church is "against it."

The statement of the honourable senator from Rosetown that the Anglican bishops supported the Matrimonial Causes Bill of Britain, in 1937, rather startled me, and I did some research on the matter. I find that some bishops did support the bill, while others abstained from voting. May I read a statement regarding this made by the Lord Archbishop of York, in a debate in the House of Lords, on November 23, 1950? The debate concerned a bill to enlarge the divorce laws of England so that divorce could be granted on the grounds of seven years absence, or separation of the parties, even though there had been no marital offence whatever. A number of excellent speeches were made. During the course of the debate the Lord Archbishop of York referred to the Matrimonial Causes Bill of 1937, and he said:

> The atmosphere today is very different from what it was when the so-called "Herbert Act" was passed. At that time, undoubtedly, in the country there was a strong demand for increased facilities for divorce. The demand was so strong that I do not see how any Government, to whatever party it belonged, in a democratic country could have refused it.

May I interject, honourable senators, to say that I do not think the situation in Canada is analogous to that at all at the present time.

The Lord Archbishop continued:

> We on these benches regretted the demand. We recognized it, and we felt that it was unreasonable to expect that the laws of the church should apply to a nation which very largely rejected some of the fundamental views of Christian faith. Therefore, we did not offer from these benches any very strong opposition to these facilities for divorce, provided that we were allowed to administer our own discipline to our own members under our own rules.
>
> Today, however, the position is entirely different.

It must be remembered that he was speaking some years after the Matrimonial Causes Bill of 1937 had been in effect.

He went on to say:

> Today, the country as a whole is shocked at the very large number of divorces, and the large number of broken homes. Not even the most pessimistic opponent of the Herbert Act would have ventured to suggest that there might be something like 50,000 divorces in a year. The anxiety in the country today is not how to increase the grounds for divorce, but how to decrease divorce. We have been told again and again lately that a large number of our social problems today arise from the broken homes: report after report on delinquency goes back to the broken home. I agree with much that the noble Lord said. I agree that divorces are not in themselves the cause of the broken home, but that the divorce is the result of the broken home. But when there are easy facilities for divorce, then the whole idea of marriage becomes weakened and undermined, and marriage is no longer regarded as a sacrament, as a lifelong union, but as a contract which may more or less be easily broken. When once we have that atmosphere in the country, then divorces are bound to increase—and that is what is happening at the present time.

I agree with the distinguished senator from Vancouver South (Hon. Mr. Farris) that we are not discussing whether or not we should have divorce in Canada, because divorce on the ground of adultery is now the law of Canada. However, with the beliefs and the convictions that I have on this matter, I hesitate to support a bill to enlarge the grounds beyond those in effect unless I am convinced that such a bill would improve the present unsatisfactory situation in Canada regarding divorce, and I am still not convinced, despite the very persuasive arguments by the proponents of the bill.

The honourable senator from Vancouver South said, as reported at page 288 of *Hansard*:

> I have never had in my practice, and I cannot believe that any member of the Senate who is a lawyer has ever had a suggestion that the possibility of a future divorce was in the least degree a factor in causing those people to get married in an irresponsible way.

A little farther on he said:

> It is a little hard for those of us who were not in England during the war years to get a full picture of the conditions there.

His reason for saying that was that there had been so many divorces in England, and apparently it had been suggested that easy divorce was responsible for the growing number of divorces. The honourable senator continued:

> They were very different from conditions in this country. Over on that little island were a lot of mighty attractive girls, . . .

He goes on to give a very pretty picture, although he had first said that it was a little hard for us to imagine what was happening over there. Finally, the honourable senator asked:

> What in the world did the possibility of divorce have to do with those conditions?

Well, although the honourable senator from Vancouver South is very persuasive, I feel that a statement by Lord Iddesleigh, who was in England at that time, is better evidence. I should like to read from a speech he made in the same debate in which the Archbishop of York spoke.

Lord Iddesleigh said:

> I believe that the existence of cheap and easy divorce has done a great deal to undermine the foundations of marriage in this country. During the war my Staff duties compelled me to see a certain amount of the correspondence which was sent to the War Office in substantiation of divorce procedure under the services scheme. Much of that correspondence—which fortunately I did not have to deal with, but merely to forward—made one deeply pitiful. Also, I formed the impression, from reading a number of letters, that a substantial number of our fellow countrymen were contracting marriage with no intention of its being permanent.

I am sure they would not have been able to enter into a marriage contract without any intention of its being permanent, had the laws of England not permitted divorce for desertion and on other grounds which the bill now before us sets out.

Hon. Mr. Aseltine: Why not?

Hon. Mrs. Fergusson: Well, if that had not been the law, they would not have had easy divorce.

Hon. Mr. Aseltine: That is hardly what you said.

Hon. Mrs. Fergusson: I am sorry, but that is what I intended to say. May I make it clear? Lord Iddesleigh said that after reading many letters he formed the impression that a substantial number of his countrymen were contracting marriages with no intention of their being permanent. I say they could not have done so had there not been provision for easy divorce.

Hon. Mr. Farris: What would those persons have done?

Hon. Mrs. Fergusson: Probably they would not have married at all.

Hon. Mr. Lambert: May I ask a question of the honourable senator?

Hon. Mrs. Fergusson: Yes.

Hon. Mr. Quinn: Let her make her speech.

Hon. Mr. Lambert: Am I permitted to speak?

The Hon. the Speaker: With permission of the honourable senator who has the floor.

Hon. Mr. Lambert: With the honourable senator's permission, I should like to ask this question. If I understood correctly, the quotation from Lord Iddlesleigh's speech, it was to the effect that certain marriages were undertaken without an intention of their lasting. I would ask the honourable senator if she is satisfied that Lord Iddesleigh was justified in saying what he did.

Hon. Mrs. Fergusson: I am a little confused by the question.

Hon. Mr. Lambert: If I may say so, I think the statement made by Lord Iddesleigh at that time was entirely unjustified and carries no conviction whatever.

Hon. Mrs. Fergusson: My honourable friend may be quite right, but to my mind the statement by Lord Iddesleigh, who was in England at the time and who dealt with these cases as part of his work, carries more weight than does the statement by the honourable senator from Vancouver South who only imagined what conditions were like over there.

Honourable senators, my short experience on the Divorce Committee of the Senate has been a very illuminating one. It has made me aware of many sad cases which have come here for consideration. I would be less than human, and certainly undeserving of the name woman, if I were not touched by the pity and pathos of many of these cases. I know there must be an equally large proportion of sad cases coming before the provincial divorce courts.

However, I do not believe that without what I would consider adequate study we should, in an effort to alleviate individual cases of hardship, enact laws that may create worse conditions than those they were designed to improve. Anyone who has administered or enforced public laws—and I have done both—cannot help but realize that with even the best laws and the most careful and fair administration possible there are always some cases of hardship resulting from them. Even under the excellent administration of the Old Age Security Act, many cases of hardship may be found. As was so often said in the debates in England that it was regarded as a cliché, "Hard cases make bad law". Honourable senators, although my pity is aroused by many cases we hear, I cannot be so blind as not to realize that there are always two sides to a case, and that in all probability the so-called innocent party should bear some, and at times a very large, share of the blame for the break-up of the marriage. I recently read a most interesting essay under the title "The Myth of the Innocent Spouse".

Honourable senators, there are two outstanding reasons why I cannot support this bill at the present time. First, at page 214 of *Hansard* the honourable senator from Rosetown (Hon. Mr. Aseltine) is reported as stating that after the English bill was passed in 1937 the Law Clerk of the Senate was instructed to draw a bill for Canada and to make the grounds the same as those in England. I would ask the honourable senator if I am correct in that summary of his statement.

Hon. Mr. Aseltine: The bill was to be similar to the one passed in England, but I would not say exactly the same.

Hon. Mrs. Fergusson: I understood you to say the Canadian bill was to be the same as the English bill, and in my study of them they appear to be the same.

Hon. Mr. Aseltine: They are practically the same.

Hon. Mrs. Fergusson: The English bill, known as the Herbert Bill, which became the Matrimonial Causes Act, 1937, implemented recommendations made by a royal commission that took evidence from 1908 to 1912. Its report was made in 1912, some forty-three years ago. The bill was not passed until 1937, or twenty-five years later. True, this matter was debated in the House of Commons between 1912 and 1937, but so far as I could learn—and I have done considerable research on it—no evidence was taken between 1912 and 1937.

In 1950, after the English act had been in force for thirteen or fourteen years, Lord Mancroft moved in the House of Lords for a commission to inquire into the confused state of the law regarding marriage, separation and divorce. Other demands had been made in the House of Commons for changes in the law, and in July, 1951, as the honourable senator from Grandville (Hon. Mr. Bouffard) told us, a royal commission, whose chairman is Lord Morton of Henryton, was appointed to inquire into the matter. That commission has not yet made its report.

Great social and economical changes have taken place in Great Britain since the Royal Commission of 1908-1912 made its report in 1912, and great changes have taken place over there even since 1937, particularly since the war. I think it is quite understandable that the recommendations made at that time may not be suitable for the 1950's, and it is quite reasonable that before the British Parliament decides upon any changes in the divorce law an investigation should be made in the light of present conditions.

But, honourable senators, have not similar social and economic changes taken place in Canada since 1912 and since 1937? And should we not take such changes into consideration before we alter our laws regarding such basic and important matters as marriage and divorce? I do not believe that we should adopt without a very thorough investigation a bill which is actually based on recommendations considered by a Royal Commission as suitable for Britain 43 years ago. Particularly I feel we should pause before doing so in view of the fact that after the act had been in effect in that country for thirteen years the Government, on considerable pressure from members of both houses who complained that the law was confused, has appointed a Royal Commission to inquire into it. Honourable senators, do you not think it is a step in the dark for us to accept as suitable for Canada an act the suitability of which for England is now under investigation.

I would like to point out to honourable senators that before any change was considered in the law of Canada relating to capital punishment, corporal punishment and lotteries a joint committee of the Senate and the House of Commons was set up to study these matters and to hear evidence. This committee sat for one session and is sitting now for its second session. I hope it will be the last one, because I am on it. As I say, the committee is hearing evidence now for the second session, in spite of the fact that there were available recommendations of a British Royal Commission on capital punishment which presented its report to the Government as late as September 1953. There was also a British Royal Commission on corporal punishment that made recommendations in 1938. Also, a British Royal Commission on betting, lotteries and gaming made recommendations to the Government in March 1951. These recommendations, which are certainly reasonably up to date, have taken into consideration social and economic changes over the past forty years. Yet their conclusions and recommendations were not considered acceptable for adoption by Canada without further investigation. Now I admit that the matter of changes in our laws regarding capital punishment, corporal punishment and lotteries are very important, but I do not think they are nearly so basic as changes in the laws regarding marriage and divorce.

The honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) stated that we often adopt English laws. He mentioned, as reported on page 302 of *Hansard*, that we adopted the English Bills of Exchange Act. I looked up the speeches made when that bill was before our Parliament, and I would like to read to honourable senators from the Commons *Hansard* of January 28, 1890, when Sir John Thompson moved the second reading of Bill No. 6 relating to bills of exchange, cheques and promissory notes. He said:

> The House will remember that this bill was introduced early last session, and that considerable progress was made with it. Before its introduction, even then, it had been fully distributed throughout the country, among institutions immediately connected with commerce; not only to the banks, but to chambers of commerce and boards of trade, and to any person who manifested interest in the subject. That distribution resulted in a number of suggestions, more or less valuable, emanating from banking institutions and persons connected with trade and commerce. Those amendments and suggestions were eventually incorporated in the bill brought before the House...

I do not think I need to read all the particulars. The statement goes on to say that after these suggestions had been incorporated the bill was again circulated to a large number of people and when no further suggestions were made it was decided to adopt that bill.

Well I submit, honourable senators, that we have done nothing similar to that in relation to the divorce bill we are now considering. We have not asked any organizations, welfare groups, or any people who deal with divorce cases what they think of our bill, so I submit that the analogy is not very good. I thought the honourable senator from Toronto-Trinity was going to correct me?

Hon. Mr. Roebuck: No, you are entirely correct. But may I ask a question? Would it not be a good idea to let this bill go to committee, where we could make whatever inquiry we wished?

Hon. Mrs. Fergusson: That is not my idea, and I think if the honourable senator will let me continue he will see what I have in mind as an alternative.

I cannot agree with the honourable senator from Vancouver South (Hon. Mr. Farris), when he says, as reported on page 293 of *Hansard*, that we have had ample time to study this matter because a similar bill was passed by this house in 1938 and has been a live topic ever since. Many of us who sit here today did not know until the present bill was introduced that such a bill had been passed in the Senate eighteen years ago. From the records it would appear, if I did not make a mistake in counting, that only sixteen of the present members were members of the Senate at that time. The honourable senator from Waterloo (Hon. Mr. Euler), who was a member of the House of Commons in 1938, is reported on page 213 of *Hansard* as stating that he did not remember it coming before that house.

Hon. Mr. Aseltine: There was only one speech made on that bill in the House of Commons, and it lasted about ten minutes.

Hon. Mrs. Fergusson: I do not doubt that is true, but he did not remember it. It would scarcely be expected that senators who had not been members of either house would recall the matter. Certainly I for one had not been studying the problem before this bill was introduced, and I am sure others are in the same position.

It would seem to be logical that before we decide on changes in the law of divorce we should either have a committee or commission take evidence and investigate the undoubted inadequacy and possible improvement of our divorce laws. If we do not wish to do this it would seem at least reasonable that we should take no action until we have studied the recommendations of the Royal Commission appointed in England in 1951.

Honourable senators, I would like to make some reference to what is being done in the United States.

In 1944 a national conference on family life was set up. In 1947 it had a noteworthy meeting at the White House, in which 135 organizations, representing some 40 million people, participated. They came from every field of social work,—education, religion, medicine and psychiatry, child care, labour organizations, law and legal aid. The American Bar Association accepted responsibility for the legal section of this meeting, and a report, known as the Smith Report, was prepared by the Bar Association's committee, headed by Reginald H. Smith of Boston.

The book from which I am reading is called Children of Divorce by J. Louise Despert; the page is 224. It states:

> The Smith Report minced no words in characterizing the present state of the divorce laws:
>
> "(1) That our present divorce laws are producing widespread evils and (2) that our laws in the field of domestic relations, instead of constituting a bulwark, are themselves a continuing threat to the stability of marriage in contemporary America."
>
> The primary change recommended by the Smith Report is in the approach to divorce: The premise should be not punishment but prevention.
>
> To this end the report takes a leaf from the juvenile courts, which first recognized that with child offenders against the law punishment presents more problems than it solves. The juvenile courts function on the principles of prevention and therapy, and use the resources of the social and psychiatric sciences to deal with the conditions which contribute to delinquent behaviour. Says the committee:
>
> "We suggest handling our unhappy and delinquent spouses much as we handle our delinquent children. Often their behaviour is not unlike that of a delinquent child, and for much the same reasons. We would take them out of the quasi-criminal divorce court and deal with them and their problems in a socialized court . . . Instead of determining whether a spouse has misbehaved and then 'punishing' him by rewarding the aggrieved spouse with a divorce decree we would follow the general pattern of the juvenile court and endeavor to diagnose and treat, to discover the fundamental cause, then bring to bear all available resources to remove or rectify it."

And at page 227:

> In the Smith Report the American Bar Association spoke out for the first time as a body on the problem of divorce in our courts. Its recommendations were both sound enough and conservative enough to win public support. A vast mass of publicity in the press of the nation greeted the report—all of it favourable, according to Chairman Smith.

One of the committee's recommendations was that the President appoint a commission. However, President Truman declined to do so. Then the American Bar Association Special Committee, with the co-operation of a group of national welfare organizations, organized the Interprofessional Commission on Marriage and Divorce Laws, of which Judge Alexander is chairman.

Judge Alexander wrote:

> The research upon which it is expected to base a model act is going forward under the guidance of Dr. John S. Bradway, of the Law Faculty of Duke University, which has been made research headquarters for the entire project . . . The various phases of the research have been or are being farmed out to law schools throughout the country.

I like that approach to the problem of our divorce laws and the present unsatisfactory situation. Either, I think we should have a commission or a committee, or await the report of the English Commission. If a commission or a committee should be appointed to investigate the matter at the present time, it might well take into consideration, among other things, the newer concept, that divorce be made a matter of conciliation. This idea, it will be found, runs through a great many of the books and essays dealing with this subject. No doubt such a commission for the investigation of the matter would take into consideration the idea that divorce be made a conciliation matter, and that the first hearings, in any case of marital troubles, should involve consultations between social workers, psychiatrists, lawyers and other professional workers who would form a tribunal to attempt to rehabilitate the family. Only after adequate time and adequate efforts had been made, and failed, would a petition for divorce be permitted.

It seems to me that the procedure might follow somewhat that which is provided for under other statutes. One which comes to my mind is the Farmers Creditors' Arrangement Act, under which the Official Receiver was only an arbitrator between the parties, having no power to enforce rulings, but the parties had to make an attempt at agreement

before him prior to having recourse to a court. Some of my friends who are much better versed in the law than I am may claim that this is merely a matter of procedure, but I submit that it is the sort of procedure which should be included in any law relating to conciliation procedure in divorce which we are asked to pass. I would infinitely prefer to see Canada strike out on a new method of approach to this problem, which we all recognize is a serious one, than follow recommendations made for another country about forty years ago, and implemented about eighteen years ago; the more so as they have not worked out too satisfactorily in the country which adopted them.

The suggestion I have made of a tribunal is not the only one which could be considered. Many other ideas might be brought forward if there were some body to whom they could be presented. I believe, honourable senators, that if we have patience and give the matter sufficient study we can find a better and more modern way to treat the divorce problem than through the bill now before us.

I was rather intrigued by a simile used by the honourable senator from Ottawa West (Hon. Mr. Connolly). He said that the conditions which lead to divorce are a cancer on the body social. I was also interested to hear the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) say that he considered the simile a very good one. He added, however, that in certain circumstances he would welcome the surgeon's knife. Presumably, as this was the simile which had been presented, he had in mind a case of cancer. In the case of cancer I too would welcome the surgeon's knife if I thought that were the only possible treatment, but if I thought my cancer would be cured by radium treatment or some other newly-developed treatment I would choose to avoid the surgeon's knife. Perhaps the cancer on the body social can be cured by less drastic measures than the surgeon's knife of divorce.

I do not entirely agree with those who state that none of the marriages which come before the Senate committee could have been salvaged. By the time they reach us it is true that they seem hopeless, but most people on seeing their marriage deteriorating would gladly seek help if it were available. If conciliation were required before a petition could be presented, I venture to suggest that many cases would never reach the committee or the provincial courts. I feel that we need much more investigation and that we should find out what is being done in other countries before we decide to change our divorce laws in Canada.

My second reason is based on the fact that for years I have spoken at women's meetings urging them to take a greater interest in government at local, provincial and municipal levels. I have pointed out that the governments require such interest so that they can determine what laws the people want. I have said that in a democratic country governments try to implement the wishes expressed by the people. I have quoted again and again Burke's maxim—"To follow, not to force, the public inclination is the true end of legislature"—pointing out that unless they show their inclination toward any legislation they cannot expect action by government.

Like the honourable senator from Northumberland (Hon. Mr. Burchill) I have had no requests from the people of New Brunswick nor from the people of any of the Atlantic provinces to support this bill, but I can tell you that I do get many letters asking me to support or oppose current legislation. I have seen only one editorial in our New Brunswick papers on this matter. It referred to the fact that this bill was before the Senate, but I could not determine whether the editorial supported or opposed the measure. It appeared to be on the fence.

Hon. Mr. Aseltine: I shall read some for my honourable friend tomorrow.

Hon. Mrs. Fergusson: That is fine. I would be very glad to hear them. Even if the honourable gentleman from Rosetown has editorials from New Brunswick, I cannot see that there has been any great demand by the people of Canada for this legislation. The honourable gentleman may have many letters; I do not doubt it. But I read in the Debates of the British House of Commons that when it was proposed to change the divorce laws there, between the time when a bill was introduced and came up for second reading a petition was produced signed by 100,000 people. I do not know of any petitions that have been received here, and if there are any I would be glad to know about them. So far as I know there has been no demand in Canada like the demand for similar legislation in England, such as was mentioned in the excerpt I read from the speech of the Lord Archbishop of York, in which he said the Government could not refuse to pass the legislation because in a democratic country the Government had to do what the people wanted, even though it might be what he considered un-Christian.

Honourable senators, a Gallup Poll was taken in January, 1955, on the question: if only one law could be passed in the coming session what should that law be? I found

from the replies that only one per cent of the public voted that the law considered should concern divorce, and one per cent was divided between those who wanted a change—that is, between those who wanted the law tightened and those who wanted it relaxed.

Hon. Mrs. Hodges: Was that Gallup Poll conducted in Canada?

Hon. Mrs. Fergusson: Yes. It was carried in the Montreal *Star* under date of January 5, 1955.

Honourable senators, how could I justify myself to the women's groups to which I have spoken if, upon becoming a legislator I supported—and without any indication of interest or approval from my constituents—a bill that makes such a drastic change in one of the laws which many people in this country consider is basic to our society?

There are a number of points I would be glad to argue. I do not believe divorce is good for the children of our country. I have been very much interested in welfare of children for many years, and I think I have the right to express an opinion. If it were not so late I would be glad to argue that I do not think the marriage contract can be compared to a business contract. One reason is that in most business contracts there is a clause whereby the contract can be terminated on agreement between the parties upon the giving of a certain notice. There is nothing to that effect in the marriage contract.

Honourable senators, I do not intend to elaborate on other points, but I think you will realize from the two points I have covered that my convictions are that we should not pass this bill at this time. Therefore I am not going to vote for the bill on second reading.

Some Hon. Senators: Hear, hear.

Hon. Mr. Horner: Has the honourable senator received many letters asking her to oppose this bill?

Hon. Mrs. Fergusson: I have not received any letters at all.

Hon. Mr. Macdonald: Question.

Some Hon. Senators: Question.

On motion of Hon. Mr. Haig, the debate was adjourned.

NATIONAL HARBOURS BOARD BILL

SECOND READING

Hon. Gordon B. Isnor moved the second reading of Bill 181, an Act to amend the National Harbours Board Act.

He said: Honourable senators, the main purpose of this bill is to change the personnel of the Board, increasing its membership from three to four. The other amendments to the bill are consequential upon the first. The present subsection dealing with the membership of the Board reads as follows:

> There shall be, under the direction of the minister, a board to be known as the "National Harbours Board" consisting of three members, namely, a Chairman, a Vice-Chairman and a third member, who shall be appointed by the Governor in Council to hold office during good behaviour for ten years.

The general wording of the subsection remains the same, except to provide that the board shall consist of ". . . four members, namely, a Chairman, a Vice-Chairman and two other members".

The Bill would further amend the act by providing that three members, instead of two, shall form a quorum. Subsections (8), (9) and (10) of section 3 of the present act read as follows:

> (8) In all proceedings of the board the votes of the majority of the members shall govern.
>
> (9) In any meetings of the board, where only two of the members are present, all questions upon which an agreement cannot be reached shall be referred for decision to a full meeting of the board.
>
> (10) In case of a vacancy on the board, the presiding member may, notwithstanding the provision of subsection (9), cast an additional vote.

The proposed new subsections read as follows:

> (8) In all proceedings of the board the decision of a majority of the members present is the decision of the board, and in the event of a tie the presiding member has a casting vote.
>
> (9) A vacancy on the board does not impair the right of the remaining members to act.

I do not think I need to say anything further about the bill. I would, however, remind honourable senators that the National Harbours Board Act became effective in 1936, and that seven of our harbours are under its administration. I think all honourable senators are familiar with the seven harbours. May I say, with all due deference to the honourable senator from New Westminster (Hon. Mr. Reid), that these harbours go all the way from Halifax to Vancouver and include those two very important ports.

The first board was headed by the present Minister of National Defence, the Honourable Ralph Campney, who in turn was followed by Mr. R. K. Smith, and later by the present Chairman, Mr. B. J. Roberts. The board has done exceptionally good work—and I say this notwithstanding that I took an altogether different view in 1935, when I felt that the board was not really energetic and did not add to the economy of Halifax. However, I have to recognize its excellent work, and because of the large increase in the administrative duties I think these two minor amendments to the act are necessary.

Hon. Mr. Roebuck: May I ask one question? Has experience not proved that ten years is a long time for members of the board to hold office?

Hon. Mr. Isnor: I would answer my honourable friend by saying that ten years in the life of administrators on so important a body as the National Harbours Board is a desirable term, and not too long. Continuity of administration results from long association. We have found that ten years in office pass very quickly.

Hon. Mr. McKeen: That is the same term that the members of the Board of Transport Commissioners serve, is it not?

Hon. Mr. Isnor: Yes.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Mr. Isnor: Next sitting.

CANADA-IRELAND INCOME TAX AGREEMENT BILL

SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill 124, an Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to income tax.

He said: Honourable senators, the purpose of this bill is to approve an agreement made between the Government of Canada and the Government of Ireland, dealing with the subject-matter of income tax. The object of the agreement is to avoid the incidence of double taxation resulting from income tax provisions in both countries in relation to business and professional operations by residents of one country in the other country. Bills of similar character have been considered by this house in the past. At the present time we have tax conventions resulting from the ratification by Parliament of similar agreements made with the United States, United Kingdom and France.

Generally, the principle of the bill, as contained in the agreement which the bill proposes to approve, is to tax in each country only the industrial or commercial profits of an enterprise of the other country being carried on in the first mentioned country through a permanent establishment. It is not necessary to deal with the provisions of the bill, but I will explain some of the articles of the agreement.

Article II defines the various terms which occur therein, the most important being "permanent establishment." That term, when used in relation to a trade or business in the nature of a commercial or industrial enterprise of one of the countries, means a fixed branch or place of business in the other country. The incidence of taxation, in connection with the carrying on of such an enterprise, would apply to a permanent establishment. The definition and the various exceptions are set out in article II.

Article III deals with the incidence of tax liability of an Irish enterprise or of a Canadian enterprise, when business is being so carried on in the territory of the other country. Generally, the incidence of tax is exactly in line with the principle of this agreement.

Article IV provides methods for correcting the possible understatement of profits in one territory or the other as the result of the operations of associated or inter-related companies in the two jurisdictions, whereby by virtue of the control of the companies in both territories it is possible to shift the profits by the prices that are charged.

Article V provides that profits from the operation of ships and aircraft are to be taxed only in the country of residence.

Under article VI provision is made that the withholding tax on dividends earned in Canada by an Irish resident shall not exceed 15 per cent; and, if the company earning those dividends in Canada is what may properly be described as a subsidiary of a corporation in Ireland the return shall be not more than 5 per cent. In return for that consideration Ireland gives up any right to collect taxes in respect of dividends in the reverse situation, where the operations are carried on in Ireland by a resident of Canada.

Hon. Mr. Roebuck: It would seem as though the good rule does not apply both ways. Why is that so?

Hon. Mr. Hayden: Yes, it does work both ways. Of course, which side will get the greater benefit depends on where the balance of payments occur. For instance, if a resident of Ireland earns dividends in Canada, we collect a withholding tax of 15 per cent; but if, in the situation, a subsidiary company operating in Canada pays dividends to its Irish parent company, the provision is for a 5 per cent tax. Ireland, on the other hand, exempts from surtax income arising in Ireland and payable to a Canadian resident, other than income of the nature which arises out of industrial or commercial profits.

Hon. Mr. Isnor: Are there many parent companies in Ireland operating subsidiaries in Canada?

Hon. Mr. Hayden: Frankly, I cannot say. However, I can say that on the general state

of business operations as between Canada and Ireland, the balance would be in favour of Canada.

Article VII exempts from taxation,

> Copyright royalties and other like payments made in respect of the production or reproduction of any literary, dramatic, musical or artistic work . . .

If these are the property of a resident of Canada and are being used in Ireland, and royalties are accruing there, Ireland exempts such royalties from taxation; in return Canada makes payments for royalties exempt from tax in the reverse situation. The only exception to the exemption in either country, in circumstances covered by the agreement, is with respect to motion picture film.

Article VIII has to do with an individual who renders services. For instance, a resident of Canada who is in Ireland for the purpose of discharging temporary duties for the Canadian Government, pays no tax to Ireland on his remuneration from the Canadian Goverment, although he receives it in Ireland. In the reverse situation, income received in Canada by a resident of Ireland representing the Irish Government would not be subject to Canadian income tax. There is an exception, as you will see, where the relationship is that of a business representative working for a Crown company. For instance, if the relationship were that of a Crown company carrying on trade or business for the Government, for a profit, the exemptions allowed in either country would not apply.

Article X provides for the exemption from Canadian tax of any pension or annuity derived from sources in Canada by an individual who is a resident of Ireland. If a person who is a resident of Ireland for tax purposes is in receipt of a pension or annuity from a source in Canada, that income is exempt from Canadian tax; in return, where the reverse situation prevails, a resident of Canada is exempted from income tax in Ireland.

Articles XI and XII deal with promotion of cultural interests in the two countries. Specifically, article XI covers the professor or teacher who may go from one to the other country and work there temporarily as a teacher at a university, college or other educational institution. The income he receives is taxable only in the place where he is a resident and not the place in which he receives his income. Article XII extends those provisions to students and apprentices. If, for instance, a student from one country is attending full time in the other country for educational purposes, the payments he receives from his home country for the purpose of maintaining himself are not subject to income tax in that other country.

Article XIII provides for reciprocity in tax credits for taxes paid in the other country on income earned therein. For instance, if you are a Canadian citizen who earns income in Ireland, or if, in the reverse, you are a resident of Ireland who earns income in Canada, there is a reciprocity with respect to tax credits. In other words, if you have income from the other country which is regarded as part of your income for taxation purposes, you may offset your taxation in the country of residence by that part which you have paid in the foreign jurisdiction.

Article XIV is the type of provision one inevitably finds these days, particularly in tax legislation, which covers the exchange of information between the contracting countries in relation to the subject matter of the agreement.

Article XV provides for the time and the manner in which the statute shall come into force; and article XVI provides for its termination. The agreement shall continue indefinitely unless one party or the other before June 30 in any year, indicates its wish to terminate it. In that event a certain formula is laid down in article XVI, setting out the basis for and the time at which termination will be regarded as having become effective.

Honourable senators, those are in outline the provisions of the agreement. It contains no provisions which could be described as unusual, having regard to the tax conventions which we have made with the countries already mentioned, namely, the United States, the United Kingdom and France.

Hon. Mr. McKeen: Honourable senators, I should like to ask one question. In the case of a ship, is the place of residence that of the port of registry or the head office of the company?

Hon. Mr. Hayden: The agreement provides only that ships and aircraft are exempt from income tax other than in the place of residence of the company.

Hon. Mr. McKeen: It is the residence of the company?

Hon. Mr. Hayden: Yes.

Hon. W. Rupert Davies: Honourable senators, I do not wish to enter into a long discussion of the bill at this late hour. First, I assume it is based to some extent on the agreements Canada has made with the United States and Great Britain.

Hon. Mr. Hayden: That is correct.

Hon. Mr. Davies: In those circumstances I am hopeful the bill will be referred to committee for discussion there, because obviously it omits to mention many things.

Hon. Mr. Howard: Hear, hear.

Hon. Mr. Davies: For instance, many Americans have summer homes in Canada, and spend perhaps two, three or four months in this country, and we never bother them. Fortunately, or unfortunately, I am one who has a small place in the Old Country. There they interpret our Income Tax Act to suit themselves, and I am without recourse. I have discussed this matter with one Deputy Minister of Finance and officials of the Department of National Revenue. I have also tried to get some information from the High Commissioner's office here, without success.

Honourable senators, this agreement contains nothing that in any way helps a man who might be classed as an ordinary resident in Ireland. In the United Kingdom there are two classes—resident and ordinary resident. If you maintain a small place in England, be it only a hovel, and you visit there regularly, you then become an ordinary resident and liable to pay income tax. They require you to submit your income tax papers from Canada and they go into them in detail. Using your income in Canada in the previous year as a basis, they translate that amount into sterling at the British rate of exchange, and assume that to be your income. If you have not paid as much in Canada as you would have paid under the British rate, then you must pay the difference to them. It is a very complicated question. They say to you that you can bring in free all the money you like so long as it is capital, but if you bring in any income we must tax you on it. When I asked them "What is capital?" they replied that capital is inherited money. I pointed out that capital is money which over the years one has saved, after taxation, and invested, and that it includes capital gain. They claim that because twenty-five or thirty years ago it was income, therefore it is still income.

I do not know whether this agreement with Ireland will affect many people, but I feel that in this bill we should try to protect Canadians as much as we can and not fail them as we did in the United Kingdom agreement. I would like to see this bill go to committee and be discussed at length there.

Hon. Mr. Hayden: If this bill is given second reading I shall move that it be referred to a committee. I should point out that the agreement has been negotiated with the Governments of Ireland and of Canada, and Parliament is now asked to give approval. If there is no approval of the agreement then of course it is an ineffective document. In approaching the question of approval or no approval I suppose one should decide whether it is better to refuse to approve at this time, in the hope that we may make a better agreement, or to accept the agreement as it is with its hardships, difficulties and iniquities. So far as the United Kingdom agreement is concerned, with all the problems that have risen there, the convention has passed into law and the only way we can deal with it now, as I see it, is by agitation along the lines suggested by the honourable senator.

Hon. Mr. Davies: But we cannot amend this agreement in committee.

Hon. Mr. Hayden: No.

Hon. Mr. Davies: Why does the Government submit to Parliament agreements that have already been entered into? It seems to me ridiculous.

Hon. Mr. Hayden: The Government has negotiated and signed this agreement. If Parliament approves of it and ratifications are exchanged, the agreement will become effective; otherwise there is no agreement. But as I see the function of the Senate in this matter, and also the function of the House of Commons, we either accept the agreement or we do not.

Hon. Mr. Davies: Then Parliament has nothing to do with making agreements with another country.

Hon. Mr. Hayden: Except to disapprove or approve them.

Hon. Mr. Davies: To ratify an agreement with another Government without discussing it?

Hon. Mr. Hayden: We can turn it down.

Hon. Mr. Dupuis: As I understand the situation, when agreements are made between a foreign country and Canada, they are signed by the officials of both countries and are then brought before the House of Commons and the Senate only for the purpose of being approved or disapproved?

Hon. Mr. Hayden: That is right.

Hon. Mr. Dupuis: Well, that is a strange situation. Why do we have a democratic Parliament if arrangements can be made with other countries without the approval of Parliament? We cannot even amend this agreement?

Hon. Mr. Hayden: I am not saying that no amendment can be made by either country. What I am saying is that Parliament, in considering this bill and the agreement attached to it, either passes the bill or does not pass the bill. We cannot by ourselves amend the agreement attached to the bill.

Hon. Mr. Pratt: May I ask the honourable senator if this bill and agreement follow a pattern which has been adopted? We had agreements with Sweden and Denmark a couple of years ago. Are this agreement and bill along the same lines?

Hon. Mr. Hayden: Yes.

Hon. Mr. Pratt: And these agreements are negotiated between Canada and various countries on an approved pattern of agreement between our country and another?

Hon. Mr. Hayden: They are individually negotiated. Canada has agreements with the United States, the United Kingdom, France and the Scandinavian countries, in which there may be some differences in terms and language owing to various methods of taxation in the different countries, but the basic pattern on the essential matters is the same. For instance, in regard to a "permanent establishment" the basis of taxation of a Canadian operation in another country runs through all the bills.

Hon. Mr. McKeen: Honourable senators, if in this basic pattern there have developed things that we have found are wrong, should we continue to use this basic pattern? If Parliament turned down the agreement, would it not be the function of the Government officials to negotiate another agreement along the lines that Parliament would suggest or approve?

Hon. Mr. Hayden: I would expect so, if both sides were ready to make such an agreement.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Mr. Hayden the bill was referred to the Standing Committee on Banking and Commerce.

CANADA-IRELAND SUCCESSION DUTY AGREEMENT BILL

SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill 125, an Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to succession duty.

He said: Honourable senators, this bill is designed to establish an agreement for the avoidance of double taxation in the field of succession duty, as Bill 124 was designed to implement an agreement in the field of income tax law.

Article II gives the definitions of the terms used in the agreement. This bill, like the previous one, provides only for approval of the agreement which is attached as a schedule.

Article III, which is an important article in the agreement, determines the agreed situs of all kinds of property. Paragraphs (a) to (o) of article III, set out a series of rules for an agreed situs for all kinds of property as between the Government of Ireland and the Government of Canada, and the agreed situs would be the rule governing the application of succession duty taxation in both countries.

Article IV provides that any deductions or credits that up to the present moment have been allowed by either country in relation to the other are continued, notwithstanding whatever additional taxation may be provided for by this agreement.

Article V provides for credits by the country of domicile in respect of duty paid to the other country on the same assets. The purpose, of course, is to eliminate the exact imposition of a double succession duty.

Article VI provides for the period within which a credit or refund may be claimed by a person in one of these countries, as against the other country, by virtue of the provisions of this agreement; and there is a time limit within which, in the circumstances, such claim for credit may be made.

In article VII we find the inevitable provision for exchange of information between the two countries.

Article VIII provides for the method of ratification of this agreement after the parliaments of this country and of Ireland have approved it, by the exchange of the signed documents; also, for the date on which the act shall come into force, and for the estates to which the agreement shall apply. Generally speaking, it applies to any estates which fall in on or after the date on which the ratifications have been exchanged and the agreement has the force of law.

The duration of the agreement is for three years; and there is provision for its termination.

In broad outline that is the scope of the agreement. The really important article is number III.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hayden, the bill was referred to the Standing Committee on Banking and Commerce.

REPRESENTATION BILL

SECOND READING

Hon. G. Percival Burchill moved the second reading of Bill 194, an Act to amend the Representation Act.

He said: Honourable senators, this is a very simple bill. It seeks to avoid the confusion which exists at the present time because there are two electoral districts in Canada having the name of Northumberland; one being in Ontario, and one in New Brunswick.

By this bill it is sought to distinguish the constituency in New Brunswick by adding the name "Miramichi". This is the name of the river which flows through that constituency, and is the background of the economic life of the whole district, and honourable senators will quickly recognize that "Miramichi" is one of the earliest of Canada's historic names.

Hon. Senators: Hear, hear.

Hon. Mr. Burchill: I could say more on this subject, honourable senators, but because of the lateness of the hour I shall not detain you. I only want to add that the river today is as noble and grand as it ever was. By many who know it, it is termed "The Rhine of America". To my mind it is very fitting that our constituency in New Brunswick should bear the name of that great and historic waterway.

Hon. Senators: Hear, hear.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Burchill: Next sitting.

PRIVATE BILL

ST. MARY'S RIVER BRIDGE COMPANY—COMMITTEE AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the Standing Committee on Transport and Communications to Bill N-8, an Act to incorporate St. Mary's River Bridge Company.

Hon. A. K. Hugessen moved that the amendments be concurred in.

He said: This bill, honourable senators will recall, provides for the building of a tunnel or a bridge across the rapids at Sault St. Marie. Two interests, other than those which were supporting the bill, appeared before the committee. One was the Canadian Pacific Railway Company, which has a railway bridge across the rapids at that point; and the other was the existing ferry company, which operates a ferry where the bridge or tunnel, it is expected, will be built. At their suggestion, and without opposition from the promoters of the bill, we inserted an amendment to provide that there should be no expropriation of the lands and properties of either of these parties, that is the Canadian Pacific Railway and its bridge, or the ferry company, without the approval of the Board of Transport Commissioners.

The second amendment we made to the bill had relation to the time for payment-off of the bonds or denbentures which are to be issued to pay for the project. The bill provides, in substance, that the work is to be financed by the issue of bonds or debentures, which are to be paid off in a certain period, and that at the end of that period the bridge shall be owned, half by the Dominion of Canada, on the Canadian side, and half by the State of Michigan, on the American side. Similar legislation passed by the State of Michigan provides for a period of forty years within which the bonds are to be paid off, and also that the toll shall be sufficient to allow of the payment of the debentures or bonds within that period. So we have inserted a similar clause in this bill.

The third amendment is not of very great importance. In the bill as submitted to us it was provided that the maximum rate of interest on the bonds or debentures should be 7 per cent. That, the committee thought, was rather too much, and it has been reduced from 7 to 6 per cent.

The motion was agreed to.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall the bill be read the third time

Hon. Mr. Farquhar: With leave, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, March 23, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PUBLIC SERVICE SUPERANNUATION BILL

FIRST READING

A message was received from the House of Commons with Bill 189, an Act to amend the Public Service Superannuation Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

EMERGENCY GOLD MINING ASSISTANCE BILL

FIRST READING

A message was received from the House of Commons with Bill 190, an Act to amend the Emergency Gold Mining Assistance Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADA GRAIN BILL

FIRST READING

A message was received from the House of Commons with Bill 245, an Act to amend the Canada Grain Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

THE ESTIMATES

AUTHORITY TO PRINT COMMITTEE PROCEEDINGS

Hon. T. A. Crerar, Chairman of the Standing Committee on Finance, presented the second report of the committee.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Finance beg leave to make their second report, as follows:

In connection with the order of reference of March 16, 1955, directing the committee to examine the expenditures proposed by the estimates laid before Parliament for the fiscal year ending March 31, 1956, etc., the committee recommend that it be authorized to print 800 copies in English and 250 copies in French of its day to day proceedings, and that Rule 100 be suspended in relation to the said printing.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Crerar: With leave of the house, I move that the report be concurred in now.

The motion was agreed to.

EXPORTATION OF POWER AND FLUIDS AND IMPORTATION OF GAS BILL

REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 4.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (4), intituled: "An Act to regulate the exportation of power and fluids and the importation of gas", have in obedience to the order of reference of March 17, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 3, line 17: after "fine" delete "of" and substitute therefor "not exceeding"
2. Page 3, line 19: after "fine" delete "of" and substitute therefor "not exceeding"

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: With leave of the Senate, I move that the amendments be concurred in now.

Honourable senators, may I give an explanation? The amendments have to do with the cash penalty. The language of the bill as drawn forced the conclusion that the amount of the cash penalty was the minimum, whereas it was intended to be the maximum, that is, that the penalty should not exceed the amount stated. We changed the language, therefore, with the approval of the department concerned, so as to make it coincide with the intention.

The motion was agreed to.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, now.

Hon. Mr. Roebuck: Why now? Is there any hurry to read this bill the third time? I think it is far better to observe the usual rule which requires a day's notice of a motion for third reading. I have no objection to

the bill, and I am not likely to take any objection when it comes before the house for third reading, but somebody might wish to object. I am more inclined to follow our usual rules, unless there is some good reason for doing otherwise.

The Hon. the Speaker: Next sitting.

PRIVATE BILL

WESTSPUR PIPE LINE COMPANY—REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill N-9.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications to whom was referred the Bill (N-9), intituled: "An Act to incorporate Westspur Pipe Line Company", have in obedience to the order of reference of March 17, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: Next sitting.

BANKING AND COMMERCE COMMITTEE

ADDITION TO MEMBERSHIP

Hon. Mr. Beaubien, with leave, moved:

That the name of the Honourable Senator Turgeon be added to the list of senators serving on the Standing Committee on Banking and Commerce.

The motion was agreed to.

TRANSPORT AND COMMUNICATIONS COMMITTEE

ADDITION TO MEMBERSHIP

Hon. Mr. Beaubien, with leave, moved:

That the name of the Honourable Senator Ross be added to the list of senators serving on the Standing Committee on Transport and Communications.

The motion was agreed to.

NATIONAL HARBOURS BOARD BILL

THIRD READING

Hon. Mr. Isnor moved the third reading of Bill 181, an Act to amend the National Harbours Board Act.

The motion was agreed to, and the bill was read the third time, and passed.

REPRESENTATION BILL

THIRD READING

Hon. Mr. Burchill moved the third reading of Bill 194, an Act to amend the Representation Act.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE AND MATRIMONIAL CAUSES BILL

MOTION FOR SECOND READING NEGATIVED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Aseltine for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

Hon. John T. Haig: Honourable senators, it is a little new for me to rise in this chamber and speak on a bill so far down on the list of speakers, and so I am somewhat at a loss. Usually when taking part in a debate I speak second, with the result that I have the whole world to roam around in; but this afternoon I am very limited, because so many able speeches have been made on both sides of the question. However, I will indulge in something that is not very popular, namely, some personal reminiscences. I admit it is bad manners to do so, but I think probably I can bring to the members of this house a glimpse of the problem as seen by me, a lawyer who has practised for many years in one of our large cities.

First of all, however, I want to congratulate the honourable senator from Rosetown (Hon. Mr. Aseltine). I did not know that he could draw such a good bill, or that he could make such a fine presentation.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: You know, when you are leader you always have to remember that there are other fellows coming up. The old policy used to be that when a fellow threatened to come up you cut off his head, and then you had a clear road until somebody else came bobbing along. Now, I am getting to the stage where I am inclined to clip off somebody's head, but I may not have to do it.

I want also to congratulate the honourable senator from Vancouver South (Hon. Mr. Farris). If there is one member of the Senate—I am glad to say it in his presence—if there is one member of the Senate who is a great credit to this chamber, it is the honourable member from Vancouver South. He is known from one end of Canada to the other, especially by the legal profession, as one of the outstanding legal lights in our country. However, he must be approaching the stage in life when retirement will be required of him by the law of nature, for although I have been practising law for fifty years I have heard of him as far back as I can remember. I consider it a great privilege to be even associated with him in this chamber. I feel that I acquire some lustre just through being one of his fellow-members here.

Hon. Mr. Burchill: We produced him in New Brunswick.

Hon. Mrs. Hodges: He was improved in British Columbia.

Hon. Mr. Haig: I also regard very highly the fine speech made by the honourable senator from Toronto Trinity (Hon. Mr. Roebuck). I do not always agree with the honourable gentleman, but I admire very much his speech on this bill. Honourable senators, I have been a member of the Senate for twenty years, which is quite a while, but I have never heard in any other debate three such outstanding speeches. In a single debate I have heard two that could be compared to them, but never three. I say that with no intention of flattering the honourable gentlemen. Canada requires such men in her public life. As the honourable senator for Vancouver South has reminded us, there are twenty-one vacancies in this chamber. I hope that they will soon be filled, and with men of the calibre of the three honourable senators I have named, because such men bring to this house the experience, the knowledge and the brains we require in the complicated times through which we are passing.

The other day I heard someone say that Canada now occupies one of the most important places on the stage of world affairs. Our country is not as great as the United States or the United Kingdom, nor as important as Russia or China. But we stand, as it were, between two nations, the United Kingdom and the United States. We are, in my judgment the only people whom both sides trust, and they trust us to the limit. We must never forget the obligations which go with our standing and our reputation.

What is the issue in this debate? I would point out that it is not concerned with divorce in the abstract: nothing is involved in the bill except the granting to women of a measure of freedom equal to that enjoyed by men. The greatest asset with which it deals is women; next in order of importance are the children; then, the men. I say that deliberately.

Let me refer to some personal experiences. A lawyer in practice in a city, be it great or small, gets to be known for what he is. For a time he may fool some of his clients, but sooner or later they get the measure of him; they know that he stands for certain principles, and by the time he has reached forty years of age his standing is pretty well fixed. I am not among the foremost ten lawyers of my city, and I think I can say that neither am I among the ten least; I am one of the run-of-the-mine variety—somewhere in the middle. Having been continuously involved in politics for forty-seven years, and repeatedly elected to public office by the people among whom I live, I have come to be known as a fellow who can be consulted: people say "Go to Jack Haig, he will tell you what he thinks; he will give you his straightforward opinion on what he understands to be the law." I have had as much to do with divorce proceedings as any man in Winnipeg, and in the whole fifty years of my practice I have been interviewed on these matters time out of number by women, and, be it noted, only by women.

What is the usual story? In essence it is very simple. For instance, here is a specific case. A woman came in and asked me, "Are you Mr. Haig?" "Yes." "Are you one of the members for Winnipeg?" "Yes." "Then you are the man I want to talk to." "What do you want to talk about?" "About divorce from my husband, who has run away and left me." "How many years ago?" "Three years ago. I have not heard from him since. My brothers and sisters have been helping my children and myself, but I am getting near the end of the road. The youngsters require more clothes. Things are not too good in the city. There is unemployment. People who used to give me some money cannot now afford to do so." After this, I told her that the thing to do was to locate the man and bring him to justice. I inquired where he was. The woman did not know; he might have gone to Montreal, or Toronto, or Calgary, or Edmonton. Finally, with tears in her eyes, she asked, "Mr. Haig, can't you help me?"

Well, I have children of my own; in those days I had a wife of my own; and I felt it was my duty to try to solve the woman's problem. After careful inquiries from this and that source I found that the husband was living in Montreal. I asked, "Can you raise any money?" She replied, "I could get $25.00, but that is all. Would that be of any use?" I told her that, though the amount was very small, I would send it to a legal friend in Montreal, give him all the particulars I could, and ask him to try to find the husband. In three or four weeks my agent replied to this effect: "I got your letter and the $25. I have spent it, and maybe a little more, but as you told me your client has no more money, and I shall not expect any further payment. The man she seeks is doing so-and-so, and is living with a woman." Now, what was I to do? The woman could not go to Montreal and hire a detective to get information. Nor could she petition the Senate for divorce, because it would cost her from twelve to fifteen hundred dollars, and she did not know there was that much money in the world. What did she do? She

broke down, and cried. It was very hard for me to avoid doing the same. The only advice I could give her was to try to keep track of her husband's whereabouts, carry on as best she could, and maybe in a few years she would hear something about him, and pass on the information to someone in Montreal to keep on the lookout for him.

Not infrequently an absent husband may be seen by someone from Winnipeg who is visiting in the East. In that event, back like lightning comes the information, but it is of no value for the purpose of taking divorce proceedings in Manitoba. In such a case I may write to the man and urge him to act like a decent fellow. If he is a traveller, it may be within his power to make Winnipeg his headquarters and give his wife the chance to get a divorce locally. In even the worst of men one finds traces of better feelings.

In the case I have in mind, after two or three months, the husband telephoned me to tell me that he was in town, staying at such an hotel, travelling for a company, and having his headquarters at Winnipeg. I thanked him, called my detectives, passed on the information to them, and bade them keep their eyes open. Two or three weeks later they furnished the information the woman needed, with a bill for $50 expenses incurred in keeping track of the man over several days and nights. Of course the wife was unable to pay this account; the $25 she had already raised was the limit of her resources. I shall not mention what happened, but the detectives were paid, the case went to court, and the woman gained her freedom. Three years later she married another man.

Hon. Mr. Aseltine: What was the evidence upon which the divorce was granted?

Hon. Mr. Haig: Evidence of adultery, which consisted merely of this: when the detectives called at the hotel room they found a woman in bed after the respondent had answered the door dressed only in pyjamas. It was held that this evidence was sufficient to prove adultery. It was a case of fabricating evidence of adultery in order to obtain a divorce when the real ground was desertion.

As I have said, the divorcee remarried three years later. Two years after that I had occasion to travel to the Pacific coast with a curling party. Our train made a brief stop at a small village in British Columbia where this woman lived, and evidently she had read in the local newspaper that I was a member of the party. She came down to the train and said, "I want to shake hands with you, Senator Haig". I was surprised and asked her why, and she reminded me of her case and said that she was enjoying the happiest days of her life. She said that her new husband was manager of a local chain store, and that her son of nineteen had just graduated from the University of British Columbia. She also told me that her husband's daughter from his first marriage—he had been a widower when he remarried—was now happily married. That is a practical life story.

Honourable senators, let me relate an experience I had in the last year I served on the Senate Divorce Committee. Our committee was hearing a particular case where both parties were Roman Catholics, and the husband was suing the wife. In defending the action the wife admitted in the witness box that on one occasion she had been morally wrong. She insisted that it had happened only once. The couple had two children, five and seven years of age, and reminding the parents of their responsibility towards their children I said to the husband: "You are a successful businessman. Won't you take your wife back so that you can keep your family together?" He refused, so I then said: "You and your wife belong to the Roman Catholic Church. This is the middle of March and the Senate is going to adjourn for Easter next month. I want you to come back to this committee on a certain date in May, and in the meantime I want you both to visit your parish priest." Having a great respect for parish priests of the Roman Catholic Church I said to the husband, "I am sure your priest will do his very best to get you two people together again." I told them, of course, that the other two members on the committee could overrule me; but they did not do so, and the necessary arrangements were made. When the couple reported back to the committee in May the woman said she had gone to see her parish priest on the appointed day, but that her husband had failed to show up on that day and on subsequent occasions. The husband verified this, saying that he had never gone near the priest. He said that he did not have to, and that he wanted to get a divorce. "Well," I said, "not from this committee" and the case was subsequently dismissed.

That is the sort of thing we are confronted with. I maintain that 75 per cent of divorce petitions are filed on behalf of women, and that this percentage would be increased if more women could financially afford to sue for divorce. Many women must suffer because they cannot afford to pay for a divorce. Woe betide a nation which lets its women suffer and live in misery just because those responsible are too pig-headed—and I use the word advisedly—to bring the laws of the country up to date.

The honourable senator from Fredericton (Hon. Mrs. Fergusson), who is a member of the Senate Divorce Committee, claims that we should have strong evidence of public opinion before we attempt to change such basic laws. Well, many practising Canadian lawyers are behind this legislation. In fact, the great majority of Canadian Bar Association members are behind it. They believe in it because they have seen what I have seen. They have had the experience of impoverished women coming to them to get a divorce, and if they have refused to help them these women have had to remain married and live in misery. Honourable senators who are not lawyers and who have enjoyed a happily married life cannot fully appreciate the plight of such women.

I warned the house that I might make personal references in my remarks today, and I must tell you what a delight it is for me to visit my three daughters who are happily married and have children. Sometimes I have thought what an awful thing it would be if my daughters were poor and were in the position of some of these women I have been talking about.

I remember some women of 55 or 60 applying to Parliament for a divorce after they had been separated from their husbands for as long as 25 or 30 years. When asked why they had waited so long before applying for a divorce their first reason was that they had never had enough money. Usually their second reason was that their children had now grown up and wanted nothing whatsoever to do with their father. I always did my best to give such women a divorce.

Honourable senators, I will now deal with the various grounds for divorce. In Canada at the present time the only way that a woman who has been deserted by her husband can obtain a divorce is by proving that he has committed adultery. In 1943 the honourable gentleman from Vancouver South (Hon. Mr. Farris) introduced a bill in the Senate dealing with presumption of death and dissolution of marriage. The bill applied to either sex, and provided that if a man, say, had been absent for seven years and his wife had known nothing of him during that time, the court could, if satisfied, make a decree of presumption of death, and subsequently a decree of dissolution of the marriage. A continuous absence of seven years has legal effect in civil law, and in criminal law in the case of bigamy, but it has no legal effect in divorce matters.

Next I wish to deal with the ground of cruelty. During this debate the honourable senator from Victoria (Hon. Mrs. Hodges), asked for a legal definition of cruelty. Well, this matter can be left to the courts. I admit that our judges are only human, but we lawyers who practise before the courts, although we are on the side of our clients, have every confidence in our judges. We may feel that Mr. Justice X has not got as much ability as we would like him to have, but we do appreciate that he administers the law as he understands it. The question of what constitutes cruelty can be safely submitted to the courts for interpretation.

I am not too clear about the question of insanity. If this bill is given second reading and is referred to committee and somebody moves that insanity be struck out as a ground for divorce, I would have great difficulty in voting against the motion. I feel that insanity is really an illness.

I know the majority will be against me, but I just cannot bring myself to vote for that ground. Probably I should do so, but I am not quite as clear as I ought to be about it. However, I am positively clear about the first two grounds. I would rather have desertion or cruelty as grounds for divorce, than adultery, because we all know, without talking about it, that adultery is frequently used as a vehicle to prove some other offence not disclosed to the court.

I want to say a word or two about my honourable friend from Fredericton (Hon. Mrs. Fergusson). I think this is only the second session that she has served on the divorce committee. May I ask if she has ever had occasion to try to reunite a husband and wife who have separated, and to get them to live together afterwards?

Hon. Mrs. Fergusson: No, I cannot say that I have.

Hon. Mr. Haig: No, I thought not. I tried it once, and got a slap in the face for my labours. You can't get any place with such people—it is absolutely impossible. The welfare organizations are able to supply money to the family, and they try to get them back on their feet, but they cannot give money to a woman to apply for a divorce. And in the United States they have a welfare problem in each of their 48 states.

With regard to the rights of a woman in divorce, I would point out that in Great Britain eight years ago an amendment to the divorce laws enabled a woman to sue her husband in that country even if he lived in Canada or elsewhere abroad. Great Britain granted domicile to the wife, because it was found that many women married to soldiers, for instance, were unable to sue their husbands, for they had left the country and often could not be found. So it was provided that

the domicile of the wife should govern in respect of an application for divorce.

Hon. Mr. Aseltine: After three years' desertion.

Hon. Mr. Haig: Yes, after three years' desertion, of course.

Honourable senators, I have been surprised at the stand that certain members of this house have taken towards this bill. I had hoped—although I must candidly admit that I have now lost hope—that the bill would go to committee, so that each one of us would have an opportunity to express his or her ideas, and then that the committee could report to the house and we would have had a bill to satisfy the majority of members. Whether the house passed the bill or not after the report of the committee, is not so important, but it is important that the opinions of the majority of members be known. I think the proposed legislation should be allowed to go to committee.

I want to say something about the bill which was introduced in 1938. My honourable friend from Ottawa (Hon. Mr. Lambert) was present when the bill was debated, as were the honourable senators from Rosetown (Hon. Mr. Aseltine), Blaine Lake (Hon. Mr. Horner) and Bedford-Halifax (Hon. Mr. Quinn). Not many of us are left.

Hon. Mr. Marcotte: I was there.

Hon. Mr. Haig: Yes, my friend from Ponteix also was present. The bill of 1938, introduced by the late Senator McMeans from Winnipeg, included two sections which did not appear in the English Act. The Right Honourable Arthur Meighen, the Leader of the Opposition at that time, objected to the two sections, as also did the honourable senator from Ottawa. Mr. Meighen said he would not vote for the bill if those sections remained in, and the honourable member from Ottawa took much the same stand. Two or three of us suggested that the bill be allowed to go to committee, where the offending sections could be struck out. That was done, and carried. Unfortunately, the late Senator McMeans was pretty angry because we took out the two sections, and he kept the bill standing for weeks on end without moving the third reading. We could not move it, because he was in the house at the time, but on the first occasion that he was absent I moved it, and the bill went to the House of Commons. However, it was too late. If I remember correctly, it was June before the bill was brought up in that house; and it could not possibly be passed there when the session was so far advanced.

Honourable senators, I have given the history of that bill to show the delay that took place. In the case of the bill before us now, however, it is not a case of delay. I hope the women of Canada, when they look at their newspapers tomorrow, will have their eyes open to see how the women members of this house voted on this bill, that is, whether they voted for the women or for the men. I am more anxious about the vote of the women than the vote of the men. I want the women of this country to realize what a wife has to put up with when she seeks a divorce and has to apply for it in the jurisdiction where her husband happens to be domiciled. I hope the women in my city will be able to judge the attitude of their representatives in Parliament on divorce. We cannot hide behind some religious denomination and say, "The church does not allow it." That is no excuse for a senator to offer at all. We are here as representatives of the people of Canada, whether they are members of the Roman Catholic, Anglican, United Church, Presbyterian, Baptist, Lutheran, or of any other denomination. That is not the guiding consideration when members of this house are chosen. The Government of the day summons men and women to the Senate because it believes they are representatives of the people of Canada. Whenever the vote on this bill is taken, there will be a chance to judge.

My honourable friend from Fredericton (Hon. Mrs. Fergusson) is a young woman, and I venture to predict that she will live to see the day when her vote will be reversed and the bill will be passed. She will have to reverse her vote, because otherwise the women of her part of the country will ask, "Why didn't you vote to give women the same right as men on the question of divorce?"

Hon. Mr. Quinn: Will the honourable gentleman permit a question? I am not a member of the legal profession, and know very little about the Criminal Code. My honourable friend gave as an illustration the case of a man from Winnipeg who deserted his wife in Montreal. Is there not some provision in the Criminal Code for prosecuting a man for desertion?

Hon. Mr. Haig: He can be sued for non-support, but his wife has to go to Montreal to sue him, and when she gets there she might find that he has skipped to New Brunswick, and that from there he has gone to Nova Scotia or somewhere else.

Hon. Mrs. Fergusson: May I ask a question? Would that wife not be able to get an order under the Deserted Wives and Children's Maintenance Act?

Hon. Mr. Haig: Even if she did, how could it be enforced?

Hon. Mrs. Fergusson: Well, I believe that reciprocal enforcement is provided for in practically all the provinces. It certainly is in New Brunswick.

Hon. Mr. Haig: If you were to see the list of judgments in our courts ordering husbands to pay so much a month, you would find that they almost never pay the amount they are ordered to pay, and that when an order for payment comes along they get out of the province altogether. Experience shows that such a man will jump from one place to another and escape his responsibility. A man such as I was referring to would not stay in Montreal, but would jump to Toronto or Calgary, and you would never catch up with him. A lawyer who is also a good business man will never take a case like that unless the wife can pay the whole costs, for he well knows that he is without hope of collecting any costs from the husband. Indeed, this is what usually happens: a lawyer gets involved in such a case and, not wanting to drop it before it is finished, he personally pays half the costs. In such circumstances the lawyer is like the medical man who treats certain people knowing that he will never be paid. If my honourable friend from Fredericton were a practising lawyer she could not afford to take such cases, unless her other business was sufficient to maintain her office.

The honuorable lady pointed out that the royal commission which studied the question in England from 1908 to 1912 made its report in 1912, but that a bill was not introduced in the Commons until 1937. That was the Herbert bill. I would remind my honourable friend that during that interval Herbert wrote a book deploring the situation; and it was read by a large segment of the public and brought about a change of attitude towards divorce on the part of many people.

Hon. Mrs. Fergusson: Honourable senators, may I point out that I did not say no divorce bill had been introduced between 1912 and 1937, when the Herbert bill was passed.

Hon. Mr. Haig: The bill was brought in by Herbert in 1937.

Hon. Mrs. Fergusson: Yes, but it was also brought in between those two dates.

Hon. Mr. Haig: My point is that Herbert's book was the real force behind the passage of that bill. He represented one of the universities in the House of Commons and with his masterly grasp of the subject he carried the bill through the house. Certainly there was no large body of public opinion about it. Because of the small percentage of people affected by divorce, there never could be any strong public opinion on the question. How many divorces were there in Manitoba, for instance, last year?

Hon. Mr. Aseltine: Two or three hundred.

Hon. Mr. Haig: That is not enough to make people who are not especially interested in the subject talk about it. It is only those who come in direct contact with it, such as lawyers, who discuss the question at all. My honourable friend from Vancouver South (Hon. Mr. Farris) made reference to the resolution passed by the Canadian Bar Association at its meeting in Winnipeg last year, and he told us that he and one other lawyer stood as the only opponents to it. Why was that association so strongly in favour of wider grounds? Because as lawyers the members knew from experience that there was no other practical way of meeting the problem.

I would go further than this bill provides, honourable senators, and give the wife the same right of domicile that the husband has. If a man deserted his wife in Winnipeg and went to live in Montreal, I would give his wife the right to bring her divorce action in Winnipeg.

Hon. Mr. Aseltine: I now have the divorce statistics, which indicate that in 1954 Manitoba had 374 cases and Saskatchewan 218.

Hon. Mr. Haig: And how many did Ontario have?

Hon. Mr. Aseltine: In 1953 Ontario had 2,346 and the next year 2,774.

Hon. Mr. Haig: If this bill passes, there will be a drop in the number of divorces on the ground of adultery, but a large number for desertion, cruelty and on the other grounds.

Honourable senators, for the reasons I have stated, I am hopeful that the majority of the house will be in favour of giving this bill second reading and allowing it to go to a committee—though from what I have seen and heard, I have my doubts—where it could be more fully discussed and the whole subject placed before the public in an intelligent way.

Hon. Mr. Euler: May I ask a question?

Hon. Mr. Haig: Yes.

Hon. Mr. Euler: You cited a case where the wife admitted adultery. The committee, of which you were chairman, sent her and her husband away, in spite of his insistence on his right to get a divorce on the grounds of his wife's admitted misconduct. The couple later returned to the committee, and the woman was willing to go back to her

husband, but he insisted on getting a divorce; and his application was refused. Have I summarized it fairly?

Hon. Mr. Haig: Yes.

Hon. Mr. Euler: My question is: Do I understand that where a husband has the proper proof of the accepted ground for divorce under the present law he is not given the same right as is given to a wife in similar circumstances?

Hon. Mr. Haig: Let me explain further. While I was an active member of the committee I always felt—and I do not think I was an exception in this respect—that we should be most cautious in divorcing couples with children. In the particular case to which my friend refers, the woman admitted she was guilty of adultery on one occasion only. I am reminded that the Archbishop of Canterbury suggested in a recent speech that one isolated instance might be overlooked.

Hon. Mr. Euler: How many times does she have to commit adultery before her husband has a right to a divorce?

Hon. Mr. Haig: Let me finish stating the facts of the case. I suggested that there was a possibility of a reconciliation, and I thought it should be tried. I inquired as to their church and some other personal information, and suggested that as they were members of the same church they should return to their parish and see if they could not settle their differences.

Hon. Mr. Euler: But they did not agree.

Hon. Mr. Haig: Just a minute, please. They promised to do just that, but the husband would not go for it, so I said "Get out!"

Hon. Mrs. Fergusson: May I ask the honourable Leader of the Opposition (Hon. Mr. Haig) to quote me the statement which he says was made by the Archbishop of Canterbury?

Hon. Mr. Haig: It was referred to in this house just the other day.

Hon. Mrs. Fergusson: But can you quote the statement? I have been informed by a person high up in the church that on that occasion the Archbishop was misquoted.

Hon. Mr. Haig: He has not denied that he said it.

Hon. Mrs. Fergusson: I have here the speech of the Archbishop, and if my honourable friend could refer to the assertion he has in mind, I am sure I could prove that the Archbishop was misquoted.

Hon. Mr. Haig: Well, the church will be pretty hard put to it if Princess Margaret decides to marry Townsend.

Some Hon. Senators: Question, question.

Hon. W. M. Aseltine: Honourable senators,—

The Hon. the Speaker: I would call the attention of honourable senators to the fact that the honourable senator from Rosetown (Hon. Mr. Aseltine) sponsored the bill, and that when he speaks he will close the debate.

Hon. Mr. Aseltine: I did not intend to make the closing speech in this debate this afternoon, and I am not fully prepared. I had intended to ask that the debate be adjourned until tomorrow afternoon, but upon learning at noon today that quite a number of senators who are here today could not attend tomorrow, I decided to proceed this afternoon. And as a matter of fact, I want to retain what little popularity I have left with the members of this chamber.

Hon. Mr. Macdonald: You have lots left.

Hon. Mr. Aseltine: I trust honourable senators will make allowances if my remarks are not up to the demands of the occasion.

At the outset I want to say that I certainly appreciate the fact that so many honourable members have delivered excellent speeches on this subject—particularly those favouring my bill, of course.

Generally speaking, I think the subject is one of the most important that has been brought up in this chamber for many a year—at any rate this year—and it has created great interest throughout the country.

I want to refer briefly to the speech made yesterday by the honourable senator from New Westminster (Hon. Mr. Reid). I am not going to say much about it, except that I fail to understand the reasoning behind his statement that because he voted against the 1938 bill he was voting against the present one. He knows as well as I do that in 1938 when the bill went from this chamber to the House of Commons, after receiving third reading here, the sponsor of the bill here did not arrange for a sponsor in the House of Commons, and the bill lay on the table over there for a number of days before it was picked up and sponsored by the late Mr. Woodsworth, who was the only person who made any speech on the bill at all. In other words, the bill was not discussed in the Commons. Therefore I doubt very much if the honourable senator from New Westminster (Hon. Mr. Reid), who was then a member of that house, had any opportunity of reaching a correct decision in the matter.

Now, I do wish to say something about the speech made last night by the honourable senator from Fredericton (Hon. Mrs. Fergusson). I gathered from her remarks that

she was basing her objection principally on religious grounds. She said that she objected to the bill because of, among other things, the teachings of the Church of England, to which she belongs. I do not think that that is a very good reason at all. She also stated that she had enjoyed a happy married life, as her parents had. Well, as some other people are so unfortunate as to have a very unhappy married life, I do not know why she should not be willing to vote for such legislation as would help them to rehabilitate themselves and live happily afterwards.

The honourable senator said that a Royal Commission is at present inquiring into this very matter in England, and therefore she did not think we should pass this bill until that Royal Commission had made its report. But from what she said I doubt very much that any recommendation by the Royal Commission in England would have any bearing at all on whether she voted for this measure or not. Even if this bill went to some committee of the Senate, I do not think its findings would have any bearing on her decision. Or if, as I have advocated time and time again, a Royal Commission were appointed in Canada to discuss and consider this whole matter, I doubt very much from what she said that she would vote for this measure even if such a Royal Commission brought in a report favouring the widening of grounds for divorce.

I do think, though, that she made a good suggestion when she said it would be a fine thing if we had family relations courts in operation. I would agree that such courts might have a tendency to bring people together before the home was absolutely broken up and all chances of reconciliation were gone. But what would happen to all these cases where the homes have been irrevocably broken up, where there is no possibility of any reconciliation, where the husband and wife hate each other, yet are tied to each other for life, with no law to help them correct their position by getting a divorce so that they may start over again and bring up their children properly. I submit that even if domestic relations courts were in existence all over Canada legislation would still be required to take care of those cases which such courts cannot do anything with.

I noted that the honourable senator from Fredericton was somewhat critical of the qualifications of the honourable senator from Vancouver South (Hon. Mr. Farris) to question what effect easy divorce had had on hasty marriages in England. The alternative to that question would seem to be this: What would have happened if those marriages had not taken place Perhaps the honourable senator could answer that question.

I next come to the speech of the honourable senator from Northumberland (Hon. Mr. Burchill). I have not very much to say about his speech, but he challenged me to prove that there was a mandate from the people for this kind of legislation. In other words, he wanted to know if the people of Canada desired to have this legislation passed. He said that he had no knowledge of a demand for anything of this kind. Well, I want to say to him that I have had plenty of evidence of such a demand over the years. I hold up some files for all senators to see. They contain letters that have been gathered since 1949 only. In one file are the letters which have come in just recently from all over Canada, and not one of them is opposed to this measure. Even people living in the province of Quebec who belong to the church of my honourable friends from Ottawa West (Hon. Mr. Connolly) and Grandville (Hon. Mr. Bouffard) want this legislation passed and applied to the whole of Canada, including Quebec. I have letters written to me to that effect, in French, and translated by the official translator of the Senate. More of that later on.

In my first speech on this bill I referred to the fact that I had received many such letters during the last ten years. I also mentioned the Gallup poll, which reports that 75 per cent of the people interviewed were in favour of this legislation. I referred further to the resolution passed on this subject by the Canadian Bar Association. I also referred to the resolution passed by the Divorce Reform League of Vancouver, British Columbia. I also referred to the resolution passed by the Canadian Legion on this same subject. All are asking for this legislation.

But at the time I made that speech I did not have the resolution addressed to Parliament by the Canadian Legion at their convention held in Toronto August 1 to 6, 1954. I propose to read it so that it will be on the record:

> Whereas the divorce laws in Canada are obsolete, and Canada remains the only progressive country in the world where adultery is the sole ground for divorce;
>
> And whereas, due to British legislation, many veterans are affected by this situation in that their war brides can return to England and become divorced, while in Canada the veteran concerned is still legally a married man;
>
> Therefore be it resolved that Dominion Command of the Canadian Legion make representations to Parliament with a view to modernizing our outmoded divorce laws.

In the March issue of *Liberty*, at page 58, I find a report, which I consider of great importance, of this magazine's national survey on the question before us. The article

is headed "Canadians Say Divorce Laws Too Harsh"; and though it may take a little time, I would like to read it:

Most Canadians feel divorce laws are too restrictive, a nation-wide poll conducted for *Liberty* by Elliott-Haynes Survey Organization disclosed.

Forty-seven per cent of the 2,500 interviewed in 43 cities claim the laws are too restrictive; 23·7 per cent think they're about right, 11·6 per cent believe they're too lax; 17·7 per cent expressed no opinion.

Among male voters, 47·9 per cent feel the laws are too restrictive; 24·7 per cent say they're just right; 7·9 per cent claim they're too lax; 19·5 per cent gave no opinion. Women think they're too restrictive—46·1 per cent compared with 22·7 per cent who think they're all right; 15·2 per cent who say they're not; and 16 per cent who withheld an opinion.

Asked whether insanity, desertion, incompatibility or cruelty should be grounds for divorce (instead of present-day adultery), Canadians said:

Insanity—Yes, 53·4 per cent; no, 25·7 per cent; don't know, 20·9 per cent.

In the last category of uncertainty, my honourable leader (Hon. Mr. Haig) is included.

Desertion—Yes, 60·8 per cent; no, 21·6 per cent; don't know, 17.6 per cent.

Incompatibility—Yes, 29·1 per cent; no, 43·3 per cent; don't know 27·6 per cent.

Cruelty—Yes, 56·9 per cent; no, 22·6 per cent; don't know, 20·5 per cent.

That confirms pretty well the results of the Gallup survey.

I now turn to the issue of *Saturday Night* of March 12, 1955, and refer to page 3 where there is a very fine editorial on this subject. The magazine is well known, and circulates to the extent of about 70,000 copies all over Canada. I will read the editorial:

DIVORCE BILL

With the introduction of a bill by Senator Walter Aseltine, the effort to put some sense into Canada's divorce laws has been renewed. It is doubtful if it will be any more successful than previous attempts but at least it serves to remind the legislators that they are doing nothing to cure a festering condition.

There cannot be a single member of either the Senate or the Commons who is so removed from reality that he does not understand how justice is being mocked and morality preverted by the present procedure governing dissolution of marriages.

Newspapers in the large cities carry daily lists of people who have obtained decrees of divorcement, and reading these lists, an outsider would be justified in concluding that adultery was one of Canada's most popular indoor sports, since this is the only legal reason for ending a marriage in seven of the ten provinces—cruelty is an added cause in Nova Scotia, while Quebec and Newfoundland dump the whole sorry mess in the lap of Parliament. Actually, of course, there is at least as much perjury as adultery; husband and wife agree that their union must end and one or the other fakes the necessary "evidence". It is a dirty, cynical business from start to finish, but at present it cannot be avoided.

Senator Aseltine would enlarge the grounds for divorce to include cruelty, insanity and desertion; no petition for divorce could be made until three years after marriage, except in extreme cases or for adultery; a wife could obtain a decree if her husband had been found guilty of rape, sodomy or bestiality. It is a good bill, even though it makes no provision for ending the absurd procedure whereby Parliament turns itself into a divorce mill for the benefit of mis-mated couples living in Newfoundland and Quebec. But there are too many parliamentarians terrified of embroiling themselves or their parties in a bitter, inter-provincial controversy to give such a bill as this a good chance of survival.

Reform of the divorce laws would probably be achieved more quickly if the provinces undertook the job themselves.

As advocated by the honourable senator from Calgary (Hon. Mr. Ross).

It would be a piecemeal method and would undoubtedly lead to legal complications, but at least it would mean that a start had been made on cleaning up a disgraceful situation.

To my mind that is a very strong editorial indeed, and proves that popular opinion, at any rate in the city of Toronto, is behind this bill.

My next quotation is from an editorial in the Brantford *Expositor*, published in the home town of the honourable Leader of the Government in this house (Hon. Mr. Macdonald).

Hon. Mr. Macdonald: It is a good paper.

Hon. Mr. Aseltine: The article is entitled:

UNDESERVED HARDSHIP

Commenting on the move in the Senate to widen the grounds for divorce in Canada, the Toronto *Star*, which is almost as conservative in this matter as it is Liberal in politics, concedes that when the matter of liberalizing the divorce law comes up there is much to be said on both sides. "The present law", it agrees, "certainly creates much undeserved hardship. Take the case of Canadian soldiers who married overseas but whose wives won't come to Canada, or have returned permanently to the Old Country. These men are tied to wives an ocean away from them, apparently for the rest of their lives. If divorce could be secured for desertion, the husbands could get their freedom and the right to marry again."

This is one special category due for consideration. There are many others. We agree with our Toronto contemporary when it says that nobody wants divorce laws as lax as they are in some states. (In one of them, the other day, a man trumped his wife's ace during a bridge game; the wife thereupon hit him on the head with a handy vase of flowers; whereupon the injured husband sued for and obtained a divorce.) But, as the *Star* points out, "a growing body of public opinion . . .

That is what I have been trying to show, that there is public opinion behind this measure.

. . . inclines to the view that the matter should receive thorough study . . ."

The matter has already had thorough study in England, where sensible and just modifications have been made, largely, be it noted, on the persuasion of high church and legal and sociological authorities. Canada lags unreasonably and inexcusably behind in this connection.

Is it any wonder that I introduced this bill? I have another editorial I should like to read. This one is from the Peterborough *Examiner*.

Hon. Mr. Vien: Honourable senators, I rise to a point of order. I think the honourable gentleman from Rosetown has contravened the rules of the Senate by reading editorials. I would suggest that he should not persist in doing so.

Hon. Mr. Aseltine: I have been challenged to prove that public opinion is behind this measure.

Hon. Mr. Vien: My point of order is to the effect that it is not in accordance with the rules of the Senate to read editorials during the course of a debate.

Hon. Mr. Aseltine: I do not know of any rule against it, and I should like to have permission of honourable senators to read this article.

Hon. Mr. Vien: I did not want to interrupt my honourable friend, but if he persists in reading editorials I shall have to insist that my point of order be dealt with.

Hon. Mr. Aseltine: Well, I have only two or three more to read.

Some Hon. Senators: Proceed.

Hon. Mr. Vien: The honourable senator can summarize or give the gist of editorials, but he cannot read them and have them placed on *Hansard* in that way.

The Hon. the Speaker: I would suggest that the honourable senator from Rosetown (Hon. Mr. Aseltine) summarize rather than read the editorials.

Hon. Mr. Aseltine: Had I known that objection would be taken to this line of procedure I would have summarized the editorials beforehand.

Hon. Mr. Dupuis: Is the editorial which the honourable gentleman proposes to read in favour of or opposed to divorce? I think it would suffice if we had that information.

Hon. Mr. Aseltine: It is not a question of whether the editorial is for or against divorce. That is not the issue in this debate at all. The honourable senator from Vancouver South (Hon. Mr. Farris) eloquently and thoroughly pointed out that the principle involved in this bill is not whether we should have divorce but whether we should widen the grounds for granting divorce. That is what we are debating now. I would point out that a considerable amount of latitude was given to speakers who have opposed this bill.

Hon. Mr. Horner: They were given every opportunity to get their points across.

Hon. Mr. Lambert: I think the honourable gentleman from Rosetown would cover his point effectively if he were to inform the house of the names of publications that have also expressed the same point of view as those which he has already put on record.

Hon. Mr. Aseltine: The editorials I have not read are stronger still.

Hon. Mr. Vien: If the honourable gentleman assures me that he is almost through I shall not insist, but if he persists in reading the editorials in detail I shall have to press my point of order.

Hon. Mr. Horner: Go ahead.

Some Hon. Senators: Carry on.

The Hon. the Speaker: Honourable senators, I am advised by the Clerk of the Senate that the authorities hold the view it is not good parliamentary practice to refer in detail to editorial opinions on a matter that is immediately before the house.

Hon. Mr. Macdonald: That is right.

Hon. Mr. Aseltine: I bow to the ruling of His Honour the Speaker. I shall just say that in the issue of March 2, 1955, of the Peterborough *Examiner* there is an editorial on this very interesting subject, which in effect approves 100 per cent of the measure I have introduced. It goes on to say that if a measure like this is passed it will do away with a great deal of the perjury, connivance, collusion and all that kind of thing that goes on in our courts at present. I shall not read the editorial.

There is another editorial to the same effect in the Kingston *Whig Standard*. There are two more such articles in the Vancouver *Sun*, one entitled "Erase the Moral Blot" and the other "Divorce Sanity Sought".

At the present time a debate on this same subject is taking place in the Legislature of Manitoba. The provincial member for Winnipeg Centre introduced a resolution in that house calling on the federal Government to amend Canada's divorce laws to allow any province to widen its divorce grounds. An article entitled "Divorces do not Break Marriages," which appeared in a recent edition of the Winnipeg *Tribune*, deals with the debate now taking place on a resolution in the Manitoba Legislature.

I have another long editorial from the *Globe and Mail*, to the same effect. It also deals with the possible marriage of Princess Margaret, and says that a certain English bishop stated that if she wanted to marry and no one else would perform the marriage ceremony, he would do so.

Honourable senators, I am not going to read all the letters that I have here, but I want

to point out that every one of them is in favour of this measure, and not one is against it. Most of the letters—this bears out what my honourable friend from Winnipeg (Hon. Mr. Haig) said—are from women who are down and out and whose husbands have left them; and in some cases the women have even been driven from home. One poor woman wrote to me as follows:

> If this divorce bill of yours does not pass, I am going to live with another man, and I am going to keep my daughter with me, and if my husband ever shows up and makes any attempt to get that daughter away from me I am going to commit manslaughter, even if I have to go to jail for the rest of my life.

Honourable senators, this is a serious matter; it is terrible. These poor women are certainly in a difficult position—in a much more difficult position than an injured husband, as was explained by my honourable leader (Hon. Mr. Haig). These letters go on to say, in substance, that this is a great chance for the Senate to justify its existence, which it hasn't done up to the present time. I do not agree with the latter part of that statement, but I do agree with the former part: I think it is a great opportunity for the Senate of Canada to show that it is alive and up and doing, and that it knows what the people of this country want.

Honourable senators, in future when I get letters of this kind I will answer them, and tell every mother and son and daughter I hear from to write to their senator and member of Parliament, and to the Prime Minister, demanding that something be done. I would like the newspaper reporters to take notice of that and publish it so that this matter will be brought to the attention of the people who pass the laws of this country.

The first objection advanced against this bill was that public opinion is not behind this measure. I think I have shown conclusively that quite a lot of public opinion is behind it.

The second objection was that the measure would be detrimental to the children involved. Perhaps honourable senators do not know that more than 50 per cent of the people who apply to Parliament for divorce have no children at all. In looking through the petitions listed in the Divorce Committee's Orders of the Day for last Friday I noticed that 12 cases were set down to be heard, and seven of the petitioners had no children. I have often wondered if childless marriages were responsible for so many divorces. Of the remaining five petitioners on Friday, four had one child each, and only one had two children.

I have here some statistics with respect to England, in *Appendix "B" to Memorandum from the Divorce Law Reform Union for the consideration of the Royal Commission.* That is the Royal Commission which is sitting in England at the present time. From this document I have taken the following information: The divorce registry in London, for 1949, shows that out of 14,847 couples whose marriages were dissolved or annulled 6,052 were childless, and 2,516 had only one child. Out of 30,870 such couples in 1950 in the whole country, including Wales, 11,555 were childless, and 10,464 had only one child.

In Australia, in the year 1948, 38·9 per cent of the people who obtained divorces had no children, and 30·2 per cent had only one child.

The figures I have given show that the problem of whether or not the children suffer as the result of divorce is not so great as many people seem to think. In cases that I have dealt with in the Senate Divorce Committee in the last 21 years, I have always made it a point to find out before the case is disposed of if there are children; if so, how many, and who is looking after them; whether the husband is liable for their support, and if he is not, whether the wife, if she gets a divorce, will be able to take care of them, bring them up properly and educate them. In no case have I been worried at all about the fate of the children. The father must take care of his children, whether his wife divorces him or not, if the law declares that he must do so. If the husband divorces his wife he is usually able to take care of the children himself, because he is the breadwinner, and he can get married again, or have the children placed somewhere to be properly brought up.

Hon. Mr. Euler: Is it not so that such children are already fatherless, their father having abandoned the family?

Hon. Mr. Aseltine: Not in so far as the law is concerned. If the father abandons them he is still liable for their support.

Hon. Mr. Euler: But if the father has abandoned the children, that means he is living separately and is not taking care of them, anyway.

Hon. Mr. Aseltine: If the father disappears altogether, they are fatherless, of course.

A few moments ago I gave some figures from Australia. When I opened the debate on this bill I told honourable senators what the grounds for divorce were in New Zealand, but at that time I did not know what the grounds were in the Commonwealth of Australia. I have since learned that the grounds for divorce in that country are as follows: Adultery, bigamy, cruelty, cruelty and desertion, drunkenness, desertion and

imprisonment for cruelty, insanity, failure to maintain, and separation for over five years. But our bill merely proposes three new grounds, the idea in mind being the rehabilitation of the people who have suffered and are living unhappily, and often in illicit relationship.

The third objection to this bill was raised by the honourable senator from Fredericton when she said she was against divorce on religious grounds. I have spoken on the subject of divorce at every session of this house for the past twenty-one years, and in all those speeches I have never brought in the matter of religion. However, I feel I should now say something about it.

When the vote on the motion for second reading is taken many votes will be cast against it on religious grounds, because certain senators belong to one or two churches which do not approve of divorce in any form. But I submit that this bill, which is a simple one, should be supported by every honourable senator regardless of the church to which he belongs. I would pause to point out that we have no state church in Canada; Parliament therefore is free to pass such legislation as it sees fit. But opposition comes, as I have said, from two churches: the one to which my friend from Fredericton belongs, and the one to which my friends the senators from Grandville (Hon. Mr. Bouffard) and Ottawa West (Hon. Mr. Connolly) belong. It is a little difficult to understand why these two churches come out so strongly against divorce, because when one of their members finds his home broken up with no chance of reconciliation he does not hesitate to make application for a divorce.

During the last two or three years that I was chairman of the Divorce Committee I kept a record of the distribution of religious denominations among the petitioners. That record is as follows: 25 per cent of the applicants belonged to the Roman Catholic Church, 25 per cent to the Church of England, and the remaining 50 per cent consisted of persons of the Jewish faith, members of the United Church, Lutheran Church and other religious denominations. By way of illustration, I would now refer to the list of cases set down for hearing before the Senate Divorce Committee on Friday last: Out of a total of twelve petitioners, I note that five belong to the Roman Catholic faith. That bears out my point that when members of that faith find their homes broken up with no possibility of reconciliation, they seek a divorce either before Parliament or from one of our provincial courts; they get their divorce and they remarry. By whom the ceremony is performed, I don't know. I asked the honourable senator from Northumberland (Hon. Mr. Burchill) how divorced people who belong to the Church of England got remarried, and he said they were married in the United Church.

Hon. Mr. Davies: I suspect the Presbyterian Church.

Hon. Mr. Aseltine: I asked him directly whether the ministers of his church would not remarry divorced people, and he said, "Well, they do, but we don't say anything about it." This situation is true in all the provinces, right across Canada: regardless of the church to which people belong, if their homes are broken up they take the action necessary to rehabilitate themselves.

I shall deal next with the fourth objection to the bill, namely, that additional grounds lead to an increase in the number of divorces. May I say that the statistics presented by the senator from Grandville and the senator from Ottawa West in my opinion prove nothing except that there has been a world-wide increase in divorce since the horse and buggy days of the last century.

I have before me a copy of a bulletin issued by the Metropolitan Life Insurance Company giving statistics on mortality, divorce, and many things. This is an authoritative document which I receive regularly. The issue I have in my hand, which is dated January, 1947—and that was Canada's peak year for divorces—shows that along with Canada all other countries in the world are experiencing a sharp upturn in the divorce rate. This publication also points to the fact that the rate in Canada has climbed much more rapidly than in the United States, where in many states there are more than one ground for divorce.

I also have the report of the Royal Commission on Divorce and Matrimonial Causes, in England, brought down in 1912-13. May I say at the outset, this is not an editorial. One witness who appeared before the commission was Mr. J. Arthur Barratt, whose qualifications are set out at page 175, as follows:

> . . . A member of the United States Supreme Court Bar, of the New York Bar, member of the Council of the International Law Association and of its Committee on Divorce Jurisdiction, one of the legal advisers to the Embassy of the United States in this country—

That would be in England. The report on the back of page 175 contains this paragraph:

> Mr. Barratt points out that, whatever the reason for increase or decrease in percentages may be, such increase or decrease cannot be accounted for by the number of statutory causes for divorce. He refers to the statistics of various states, and shows that, whereas in some states with numerous causes the increase has been slight, or there has been even a decrease, as in Connecticut, in other

states, having few causes, the increase has been considerably greater, as, for instance, in New York, where adultery is the only cause.

What is our experience in the Senate Divorce Committee? When I first came here, in 1933-34, there were not more than forty-five or fifty divorces each session. Now, still with only one ground, we have more than four hundred, or an increase of some 800 per cent. It is obvious that this is a world-wide condition, which does not arise just because the United States happens to have more grounds and more divorces than we have. We are not in favour of the practices of the "bed-hoppers" of Hollywood, many of whom divorce and marry again and again just for publicity purposes. What we are asking for is a sane reasonable law—not that of Nevada or Hollywood and such places. It is my submission that the facts do not support the argument that additional grounds cause increased divorces in other countries.

I am not one of those who do not believe in divorce. Much as I dislike it, I believe it is the only cure for this disease—this cancer that the honourable senator from Ottawa West (Hon. Mr. Connolly) spoke of—and if we do not find a cure for it, the disease will persist and the people will have no relief from it.

I agree with the honourable senator from Vancouver South (Hon. Mr. Farris) that if the bill passes we shall have more divorces. While that is certainly true, we shall not have as many based on the ground of adultery. More than half of the cases being heard here for adultery could be tried on the ground of desertion. When the great backlog of perhaps two or three thousand desertion cases have been cleared away and the parties have received their rights and have remarried, the divorce rate will level off. But that can never happen until we dispose of the backlog of desertion cases.

I think that people who oppose this bill overlook the fact that we have had two great wars in the world since 1914, and that they have upset the whole world and in the circumstances it is only natural that people have become separated and alienated. There has been a natural increase in the number of divorces, no matter what the grounds are. In Canada, we have only one ground, yet over the years our divorces have gone up by leaps and bounds, on account of the two great wars and the generally upset condition of the world.

Honourable senators will be glad to know that I am getting along with my remarks. I want to say something now about the bill itself.

I do not pretend that this bill is perfect at all. We did the best we could with it. In 1938 it was amended in committee, and further amended in committee of the whole house. If I recall rightly, I think that I brought in the amendment. The late Senator Murdock was in the chair at the time. The amendments were drafted by our Parliamentary Counsel, Mr. O'Connor, at the suggestion of the honourable senator from Vancouver South (Hon. Mr. Farris) and the Right Honourable Senator Meighen.

I might say, honourable senators, that there is a wonderful debate reported on this subject in the *Hansard* of 1938. The bill was spoken to by Senator Sir Allen Aylesworth. I believe Senator Lynch-Staunton also spoke. There were several speeches by Right Honourable Arthur Meighen, and an outstanding one by the honourable senator from Vancouver South (Hon. Mr. Farris). The outcome was that certain sections of the bill were redrafted, and they appear in the present bill in substantially the same form as they were when the 1938 bill passed the Senate.

As I said before, honourable senators, the present bill is very simple. It provides only three new grounds, plus the ground of presumption of death if one of the spouses has been absent for seven years without trace.

Some objection was taken to the ground of desertion. This could be pleaded only if the petitioner had been deserted without cause for a period of at least three years. It is a matter that can be talked over and dealt with in committee. Some people might believe that a three-year period was not long enough, that four years would be more proper. The honourable Leader of the Government (Hon. Mr. Macdonald) asked me the other day how many years' desertion were required in Scotland. At that time I told him that I did not know, but in the meantime I have found out that the period is four years.

The next ground is cruelty: In 1938 the same question which was raised by the honourable senator from Victoria (Hon. Mrs. Hodges) came up, and we ended up by not formulating any definition of cruelty. At that time we studied the case of *Russell versus Russell* and all the other cases, and whether we were right or wrong the conclusion was reached that it would be better to leave the determination of cruelty to the courts. I might say that I have no objection whatever to a definition of cruelty such as the one given to us the other day by the honourable senator from Vancouver South (Hon. Mr. Farris).

Hon. Mr. Roebuck: The honourable senator from Calgary (Hon. Mr. Ross) gave a definition.

Hon. Mr. Aseltine: There was a definition recommended by the Royal Commission in England in 1912-1913. It would suit me, even though it might not cover every case. This is it:

> Cruelty is such conduct by one married person to the other party to the marriage as makes it unsafe, having regard to the risk of life, limb, or health, bodily or mental, for the latter to continue to live with the former.

In the Herbert Bill of 1937, as it passed the British Parliament, no definition of cruelty was given. Cruelty is not defined in the Nova Scotia statute, where it has been a ground for divorce for many years. By the way, I was speaking to a prominent lawyer from Nova Scotia the other day and I asked him about the number of divorce cases that had been tried in that province. He told me that he has been practising for over forty years and a large number of divorce cases have passed through his office, yet during all that time only two of the cases alleged the ground of cruelty. Evidently that ground has not been abused in Nova Scotia, even though it is not defined in their statute. Maybe they have better judges there than anywhere else.

Hon. Mr. Quinn: That is true.

Hon. Mr. Aseltine: Sometimes out West we say that all our judges are from Nova Scotia and New Brunswick. What I mean by that is that all lawyers and judges in the Maritimes are of very high calibre.

The only definition of cruelty that I can find in any statute is in the Alberta act respecting judicial separation, and that definition would not suit this bill at all. I would say that a person can obtain a judicial separation on the ground of cruelty, even though the cruelty alleged may be, in my opinion, less severe than that required in an action for divorce.

I will not clutter the record by reading that definition because I think the one submitted by the honourable senator from Vancouver South and the one I read from the English Royal Commission's report are better.

I have not said much about incurable insanity. The very top letter in this file before me is from a man who says that his wife has been in a mental institution for nineteen years, with no hope whatever of recovery. He says:

> I am not advocating an easy divorce, but I feel that in a case such as this either party should be legally released. The case has brought a lot of hardship into my life for the past nineteen years.

He ends up his letter by saying:

> I hope you will do everything possible from your side to have this bill go through.

There are in this file dozens of other letters of a similar nature, which I shall not burden the Senate by either reading or referring to. I will merely say this: I am—rather like the Leader of the Opposition (Hon. Mr. Haig)—a hard-boiled lawyer, but when I read these letters I cannot keep the tears from my eyes, because they tell very sad stories indeed. If the Senate of Canada is not broad-minded enough to pass this bill, I cannot help it. I have done my best. But at least I ask honourable members to give it second reading so that it may go to a committee and be studied there.

Hon. Mr. Quinn: Will the honourable senator allow me a question? I have heard it stated by several advocates of this bill that much of the increase of divorces is attributable to the two great wars through which we have passed in the last thirty-five or forty years. Is that so? If it is, can he state the percentage of cases in which one or other of the parties has served in the armed forces?

Hon. Mr. Aseltine: No. The only record available to me relates to parliamentary divorces, and the Chief Clerk of Committees would have to examine every case in order to supply the information the honourable senator asks for. There have been many cases of girls having married men who were going overseas, with no other purpose than to obtain the soldier's allowance or a portion of his pay. But I cannot quote percentages.

When the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) was speaking the other day, a question arose as to the constitutionality of that portion of the bill before us which has to do with the granting of a divorce after seven years' absence of one of the parties. There is no question whatever that in that respect the passing of this bill is within the competence of the federal Parliament. The matter was studied very carefully by the late Mr. O'Connor, and more recently by our present Law Clerk, Mr. MacNeill; and in their opinion the provision has to do entirely with divorce and has no relation to property and civil rights. In various provinces there is legislation which permits a spouse to apply for an order that his or her partner is legally dead. The right to do so arises from the theory that such a declaration is concerned with property, and if the application is granted the estate or property of the person so deemed to be legally dead can be administered. That jurisdiction is wholly provincial. I affirm without hesitation that the legislation in this respect is constitutional.

Also, a question was asked with reference to avoidance, in section 12. This clause was framed in 1938, subsequent to the speeches to which I referred a short time ago, and it

was drafted in its present form so that it should in no way affect provincial practice and procedure. It will be noted that as the section says that "in addition to any other grounds on which, in the province and in the court to which the petition has been presented, a marriage is by law void or voidable", the specified grounds shall apply. As far as the inclusion of epilepsy as a ground is concerned, I do not suppose that, if its elimination were thought to be advisable, there would be any serious objection.

Before resuming my seat I wish to make a few general remarks. I believe everyone will admit that our existing divorce laws are harsh. Lawyers at any rate, can vouch for the fact that on this account a great many people have left Canada and sought relief in the United States, Mexico, or some other foreign country. In my limited practice I have had to advise on many occasions that, under the law as it exists in Canada today, my clients could have no hope of relief; and when they asked me what they could do, my reply was: "You will have to leave this country, take up residence and become domiciled in a foreign state, and then you can get a divorce and marry someone else, provided that you establish a permanent home in that country." I repeat: thousands of people have left Canada for the United States because, as a result of our harsh laws, relief for them here was impossible.

There is in this country but one ground of divorce. It follows that much perjury is committed in our courts, and there is a great deal of collusion and connivance in connection with the proceedings. The newspapers have reported many cases of murder and suicide which, I believe, resulted from unhappy marriages for which no legal redress was possible. The couples found they could not get along together; they were without hope for the future; and finally one or the other went "berserk".

Honourable senators, if this bill is not passed, all these people I have mentioned will have no hope. What will they do? Well, they will do just exactly what they say in these letters—they will live in a common law relationship and perhaps raise illegitimate children. Would it not be far better for us to liberalize our laws a little, make them a little more sane? If they are not antediluvian, they are at least antiquated. Let us make them more human. Let us clear up this cancer, this disease, that is so harmful to the domestic life of this country.

Some Hon. Senators: Hear, hear.

Some Hon. Senators: Question.

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Aseltine, seconded by the Honourable Senator Gershaw, for the second reading of Bill O-6, an Act respecting divorce and matrimonial causes.

The motion of Hon. Mr. Aseltine was negatived on the following division:

CONTENTS

Honourable Senators

Aseltine	Horner
Baird	Howden
Crerar	Hugessen
Davies	Isnor
Euler	King
Farris	Lambert
Gershaw	MacKinnon
Haig	Petten
Hardy	Roebuck
Hodges	Wilson—20.

NON-CONTENTS

Honourable Senators

Barbour	Howard
Basha	Jodoin
Beaubien	Leger
Bishop	Macdonald
Blais	Marcotte
Bradette	McDonald
Connolly	McKeen
Duffus	Quinn
Dupuis	Reid
Fafard	Stambaugh
Farquhar	Stevenson
Fergusson	Taylor
Fournier	Tremblay
Fraser	Turgeon
Godbout	Vaillancourt
Golding	Veniot
Gouin	Vien
Grant	Woodrow—37.
Hawkins	

Hon. Mr. Pratt: Honourable senators, I was paired with the honourable senator from Mount Stewart (Hon. Mr. McIntyre). Had I voted I would have voted for the second reading, so that the bill could be referred to committee.

Hon. Mr. Ross: Honourable senators, I was paired with the honourable senator from Grandville (Hon. Mr. Bouffard). Had I voted I would have voted for the bill.

FINANCIAL ADMINISTRATION BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 184, an Act to amend the Financial Administration Act.

He said: Honourable senators, the purpose of this legislation is to increase the salary

of the Auditor General of Canada as of July 1, 1954. The present salary of this official is $15,000. I am sure all honourable senators know the very important work that he does, and will be surprised to learn that his present salary is the same as that which was received by the Auditor General thirty-one years ago.

Hon. Mr. Roebuck: In effect, his salary has been cut in two during the intervening years.

Hon. Mr. Macdonald: That may be so. I am not an economist to that extent, but taking for granted what the honourable senator says, the proposed increase will not bring the salary of the Auditor General to the level it was thirty-one years ago. I will not vouch for that, but I thought I should mention the fact that this would be the first increase in salary for the Auditor General in thirty-one years.

Hon. Mr. Roebuck: If this legislation passes, what will the salary of this official be?

Hon. Mr. Macdonald: If this legislation is passed the Auditor General will be paid a salary of $20,000 per annum.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: When shall the bill be read a third time?

Hon. Mr. Macdonald: With leave, next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 257 to 276, dealing with petitions for divorce.

Hon. Arthur W. Roebuck, Chairman of the committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck moved the second reading of the following bills:

Bill O-9, an Act for the relief of Joseph Alexandre Roland Simard.

Bill P-9, an Act for the relief of Winnifred Blanche Brook McGurk.

Bill Q-9, an Act for the relief of Gitel Shepsel Moscovitch.

Bill R-9, an Act for the relief of Susan Frosst Cohen.

Bill S-9, an Act for the relief of Norma Constance Parsons Lindsey.

Bill T-9, an Act for the relief of Erna Reiter Kastelberger.

Bill U-9, an Act for the relief of Nickola Bochna, otherwise known as Nicholas Bockan.

Bill V-9, an Act for the relief of Robert Fraser Callahan.

Bill W-9, an Act for the relief of Ruth Barsuk Cohen.

Bill X-9, an Act for the relief of Bernice Noble Comm.

Bill Y-9, an Act for the relief of Francis Ambrose Higgins.

Bill Z-9, an Act for the relief of Elizabeth Coyle Ellis Gibbons.

Bill A-10, an Act for the relief of Blanche Mary Shurge Labelle.

Bill B-10, an Act for the relief of Beatrice Teressa Mathewson Connell.

Bill C-10, an Act for the relief of Joyce Hilda Street Janson.

Bill D-10, an Act for the relief of Joyce Gertrude Haworth Rawlings.

Bill E-10, an Act for the relief of Jean Eudes Deschenes.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

PRIVATE BILL

FREDERICTON & GRAND LAKE COAL & RAILWAY COMPANY—SECOND READING

Hon. Clarence J. Veniot moved the second reading of Bill F-10, an Act respecting the Fredericton & Grand Lake Coal & Railway Company.

He said: Honourable senators, this bill is a short one, and the explanatory notes on the second page will be sufficient to give an understanding of its purpose. However, a brief review of the background of the Fredericton & Grand Lake Coal & Railway Company might be of interest to members of this house. The company was incorporated by an act of the Legislature of New Brunswick in 1910. It was authorized to construct a railway line extending about 35 miles in length from Gibson, now South Devon, directly opposite the city of Fredericton on the Saint John river to Minto, New Brunswick, where large coal mines had recently been discovered. By other statutes of the province the Lieutenant Governor in Council was authorized to guarantee the payment of the principal and interest of bonds of the

Fredericton company if certain conditions were complied with. One of these conditions was that the Fredericton company should give a first mortgage on its railway and appurtenances to the province and should lease its line to the Canadian Pacific Railway Company for a period of 999 years, the rental under the lease to be 40 per cent of the gross earnings, and to be payable to the Province of New Brunswick. It was also provided that the rental should be applied in payment of the interest of the bonds and that the surplus, if any, should be turned back by the province to the Fredericton company.

Construction of the line was commenced in 1912 and completed in 1913. It is a matter of record that the Canadian Pacific actually built the line at a cost of approximately $600,000, and received the whole issue of the bonds of the Fredericton company as part payment of the advances made.

To further comply with the legislation passed, by a lease dated November 4, 1914 the line was leased to the Canadian Pacific for a period of 999 years from that date. As required by the statutes mentioned, the rental under the lease was 40 per cent of the gross earnings of the line, and this rental was made payable to the Province of New Brunswick.

Steps are being taken at the present time whereby the bonds will be redeemed in full and the province will give a discharge of the mortgage which the company originally gave to the provincial Government. At the same time, the province will assign the rental under the lease to the Fredericton company. In order to enable the province to do this, an act of the New Brunswick Legislature will be passed at the present session specifically authorizing the assignment of the rental to the Fredericton company.

The line has been, and will continue to be, operated as an integral part of the Canadian Pacific Railway system.

The proposed bill will not affect the public in any way. The practical effect of the ownership by the Canadian Pacific of all capital stock and bonds of the Fredericton company, combined with the lease of that company's line to the Canadian Pacific for 999 years, is tantamount to an amalgamation of both companies. The act sought from the Parliament of Canada, and a complementary act being sought from the Legislature of New Brunswick, will provide for the eventual dissolution of the Fredericton company.

The purpose of the bill, therefore, is to effect a simplification in the corporate organization of the Canadian Pacific. It will eliminate unnecessary bookkeeping and accounting work which is now involved by reason of the existence of the subsidiary company in its present form. The procedure of vesting the assets and undertaking of the Fredericton company in the Canadian Pacific, and the assumption by the Canadian Pacific of the liabilities and duties of the Fredericton company, has been chosen because of its simplicity.

I think I may properly summarize this explanation by saying that this bill merely puts into legal form the ownership which the Canadian Pacific has had of the Fredericton line from the very beginning of the latter's operation, and does away with a lot of unnecessary bookkeeping and a lot of duplication of accounting.

In a nutshell, honourable senators, that is an explanation of the bill. If further explanation is desired it can be supplied by representatives of the two companies when the bill comes before the Standing Committee on Transport and Communications.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Veniot, the bill was referred to the Standing Committee on Transport and Communications.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, March 24, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

THE ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, would proceed to the Senate Chamber this day at 5.45 p.m., for the purpose of giving the Royal Assent to certain bills.

CRIMINAL CODE

JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW—CHANGE IN COMMONS MEMBERSHIP

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved, that a message be sent to the Senate to acquaint their Honours that the name of Mr. Thomas has been substituted for that of Mr. Johnston (Bow River) on the special joint committee of both houses of Parliament appointed to inquire into and report upon the questions of capital punishment, corporal punishment and lotteries.

TERRITORIAL LANDS BILL

REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the report of the committee on Bill-E.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Natural Resources to whom was referred the Bill (E), intituled: "An Act to amend the Territorial Lands Act", have in obedience to the order of reference of March 22, 1955, examined the said bill, and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Vaillancourt: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

SHARP & DOHME (CANADA) LTD.—FIRST READING

Hon. J. J. Connolly presented Bill G-10, an Act respecting Sharp and Dohme (Canada) Ltd.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Connolly: With leave, next sitting.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house rises today it stand adjourned until Tuesday next at 3 p.m.

The motion was agreed to.

NARCOTIC DRUG TRAFFIC

COMMITTEE'S PLANS—QUESTION OF PRIVILEGE

On the Orders of the Day:

Hon. Thomas Reid: Honourable senators, before the Orders of the Day are proceeded with, I rise on a question of privilege with respect to a news item which appeared in the Montreal *Gazette* of this morning. It reads:

Ottawa, March 23—The Senate's special 23-man committee on narcotics will become a travelling investigational body in a role akin to that of a royal commission.

Its first trip will be to Vancouver, hub of drug addiction in Canada. Hearings will start there April 18.

Later, the committee plans a visit to Kingston Penitentiary to see how addicts among the 88 women prisoners there are handled. Still later the committee will visit a big addiction treatment centre at Lexington, Ky.

May I point out to honourable senators that the committee has so far decided to travel only to Vancouver, and there only because of the large number of drug addicts in that centre. The question of going elsewhere has not even been discussed. As Chairman of the committee I feel that a decision to travel elsewhere than to Vancouver is one that must be made by the committee itself. Meanwhile, I think that the suggestion that it is to become a royal commission roving all over the country, should be corrected.

EXPORTATION OF POWER AND FLUIDS AND IMPORTATION OF GAS BILL

THIRD READING

Hon. Gray Turgeon moved the third reading of Bill 4, an Act to regulate the exportation of power and fluids and the importation of gas.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

WESTSPUR PIPE LINE COMPANY— THIRD READING

Hon. James A. MacKinnon moved the third reading of Bill N-5, an Act to incorporate Westspur Pipe Line Company.

The motion was agreed to, and the bill was read the third time, and passed.

FINANCIAL ADMINISTRATION BILL

THIRD READING

Hon. W. Ross Macdonald moved the third reading of Bill 184, an Act to amend the Financial Administration Act.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE BILLS

THIRD READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill O-9, an Act for the relief of Joseph Alexandre Roland Simard.

Bill P-9, an Act for the relief of Winnifred Blanche Brook McGurk.

Bill Q-9, an Act for the relief of Gitel Shepsel Moscovitch.

Bill R-9, an Act for the relief of Susan Frosst Cohen.

Bill S-9, an Act for the relief of Norma Constance Parsons Lindsey.

Bill T-9, an Act for the relief of Erna Reiter Kastelberger.

Bill U-9, an Act for the relief of Nickola Bochna, otherwise known as Nicholas Bockan.

Bill V-9, an Act for the relief of Robert Fraser Callahan.

Bill W-9, an Act for the relief of Ruth Barsuk Cohen.

Bill X-9, an Act for the relief of Bernice Noble Comm.

Bill Y-9, an Act for the relief of Francis Ambrose Higgins.

Bill Z-9, an Act for the relief of Elizabeth Coyle Ellis Gibbons.

Bill A-10, an Act for the relief of Blanche Mary Shurge Labelle.

Bill B-10, an Act for the relief of Beatrice Teressa Mathewson Connell.

Bill C-10, an Act for the relief of Joyce Hilda Street Janson.

Bill D-10, an Act for the relief of Joyce Gertrude Haworth Rawlings.

Bill E-10, an Act for the relief of Jean Eudes Deschenes.

The motion was agreed to, and the bills were read the third time, and passed, on division.

PRECIOUS METALS MARKING BILL

SECOND READING

Hon. James A. MacKinnon moved the second reading of Bill C, an Act to amend the Precious Metals Marking Act.

He said: Honourable senators, although this bill is a short one it is quite important to those concerned—manufacturers, retailers and consumers. It has been suggested that I give a rather extended explanation; however, I shall try to make it as brief as possible.

The Precious Metals Marking Act deals with articles of gold, silver, platinum and palladium, and articles plated with gold or silver.

Under the act, it is not mandatory that articles of, or plated with, precious metals be marked as to content. The act does, however, provide that where reference is made to the precious metal content, then that content shall be shown in a particular manner. For example, a gold ring may be sold as just a plain ring, but if reference is made to gold, then the gold content must be indicated. If it is represented as being of carat quality, say 10K, then it must be 10/24ths by weight gold. In addition, where such quality mark—that is, the precious metal content—is placed on an article, it must also carry a registered trade mark or a trade mark for which application has been made.

The present bill provides for two amendments. The first deals with the method of applying quality marks to gold-filled or rolled gold plate bracelet wrist watches which have base metal parts. The difference between gold-filled and rolled gold plate lies mainly in the thickness of the gold. In the former, it is 3/1000 inches, and in the latter 1½/1000 inches of gold which is at least of 10K quality. Under the act as it stands, where all parts of the bracelet watch case have gold content, the quality mark and trade mark can be applied to any part, but it is usually applied to the back. Where some parts of the case are plated or filled, and others are of base metal, the quality markings must be applied to those parts which are plated, and the words "base metal" to those which are base metal. With the present size of wrist watches, it is difficult to place marks on the plated parts without damage; further, if they are put on, they are often so small as to be indecipherable. As a result, few wrist watch cases carry any quality marks, and any quality declaration is on an attached tag. To provide informative marking, it is proposed that the manufacturers be permitted to indicate on the outer side of the base metal back the quality mark of the other parts, with an

indication of which parts are base metal. No change is necessary where all parts are gold-plated or gold filled. This additional method of marking has the approval of the Canadian Jewellers Association.

The second amendment, which is technical, results from the necessity under the existing act, of applying to precious metal articles a registered trade mark or one for which application has been made under the Unfair Competition Act. The Trade Marks Act, proclaimed on July 1, 1954, repealed the Unfair Competition Act. The new Trade Marks Act did provide that registrations under the Unfair Competition Act are retained as such, and applications for registration still pending under the old act are to be dealt with under that act. However, there is apparently nothing in the new Trade Marks Act to provide that trade marks or applications made under the old act shall be deemed to have been made under the new act. The view of the law officers of the Crown was, therefore, that the Precious Metals Marking Act should be amended to refer to trade marks as having been registered, and to applications for trade marks as having been made under either act.

Trade marks are required for identification of the manufacturer.

Honourable senators, if this bill is given second reading I will move that it be referred to the appropriate standing committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. MacKinnon, the bill was referred to the Standing Committee on Banking and Commerce.

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 183, an Act to amend the Members of Parliament Retiring Allowances Act.

He said: Honourable senators, the purpose of this bill is clearly set out in the explanatory notes, and probably I should refer to them. They commence as follows:

> The purpose of this bill is to provide
>
> (a) that a withdrawal allowance payable under the act will include any interest that has been paid on contributions under subsection (1) of section 8 of the act, and
>
> (b) to make it clear that in all cases where a withdrawal allowance becomes payable under the act, any amount owing under the act, except interest owing under subsection (2) of section 8, is, in effect, written off.

As honourable senators are probably aware, at the present time the members of the House of Commons contribute a total of $240 per annum into a fund. If they pay into the fund in respect of sessions for three Parliaments and then retire from Parliament, either voluntarily or involuntarily, they are entitled annually to a percentage of the money they have paid in. They are entitled to three-quarters of the principal amount which they have contributed to the fund. The maximum amount of principal payable into the fund is $4,000, so that the maximum retiring allowance is $3,000. However, if after a member has contributed in respect of sessions in three Parliaments he becomes a member of the Senate, he does not receive any benefit from the fund.

When the act came into force a number of members had been in the House of Commons long enough to qualify for the full amount of the retiring allowance. Under the provisions of the act they had to declare within one year whether they would claim the benefit provided by the act; and if so they then could elect to pay a lump sum into the fund or to contribute by way of regular payments. The lump sum payable by a member was arrived at on the basis of $240 for each previous session in respect of which he wished to contribute, plus interest at 4 per cent per annum from the date of the final payment of sessional indemnity in respect of that session to the date on which he elected to contribute for this prior service. It will be seen that in certain instances a member might elect to pay in the full amount of $4,000, together with interest over the years, which could come to approximately $1,000. Therefore, some lump payments were as high as $5,000.

Some difficulty has been encountered in administering the act where members have died and it has been necessary to recover from their estates. Let us take a case where one member has paid in a lump sum of $5,000 and another member during the same sessions has made only a small instalment payment; and then suppose that both members died. The estate of the member who has paid in the lump sum of $5,000 would get only $4,000 back, leaving the sum of $1,000 in the fund, that being interest; whereas the estate of the member who merely elected to pay into the fund by way of instalments would only be required to pay interest on the unpaid balance of $5,000 from the time of election until the date of the member's death. The purpose of the present bill is to provide that the estates of both members would be chargeable with only the interest owing. Of course, in the case where the $5,000 has been paid there would be no interest, but in the other case the estate would pay just the interest on the amount owing.

Hon. Mr. Reid: If a member died would his widow have to pay what is owing into the fund?

Hon. Mr. Macdonald: The estate would be chargeable for the amount owing, whether or not the beneficiary is the widow.

Here is another difficulty in the administration of the present act. Suppose a member has not paid any money into the fund in respect of prior service and retires from Parliament. In that case he might still have a withdrawal allowance, because he has returnable to him the contribution made for current service. Take the case of a member who has agreed to pay in $5,000, and retires from Parliament. At the end of the first year he would be entitled to $3,000; but he would not get it, because he would owe the fund the $5,000.

Hon. Mr. Reid: The $3,000 would go toward the debt?

Hon. Mr. Macdonald: Yes, it would go toward the debt. On the other hand, if the member died just before the remaining $2,000 was paid off, then there would be a claim on the estate for the balance outstanding, plus interest; whereas if he had lived just one day beyond the date on which he would have become entitled to a direct allowance, the estate would have nothing to pay in, except some interest. The purpose of this amendment is to ensure that in such circumstances the estate would not be liable for the $2,000, but of course in any event the estate would be liable for any interest that was owing.

Hon. Mr. Aseltine: What would happen if the member were appointed to the Senate?

Hon. Mr. Macdonald: If the member were appointed to the Senate, he might be entitled to an annual allowance, which is suspended while he is a member of the Senate, or he might be entitled to a withdrawal allowance.

Hon. Mr. Reid: Would he be entitled to any withdrawal if he had never paid in anything?

Hon. Mr. Macdonald: No, he would not. If he were appointed to the Senate he would have to pay some interest, but he would not have to pay $4,000 or $5,000. In fact, I happen to be in that position myself, as probably some other senators are.

Hon. Mr. Aseltine: That is why I asked the question.

Hon. Mr. Macdonald: Members of the House of Commons who are appointed to the Senate and who have paid in, will get their money back.

Hon. Mr. Reid: That is clear.

Hon. Mr. Macdonald: If they have not paid in the full amount they may be required to pay some interest. If they have not paid in anything, there would of course be some interest to pay, at the rate of 4 per cent.

The purpose of this bill is to do away with claims for principal against estates of deceased members. The bill received the consideration of the House of Commons and was passed after an explanation of it had been given. However, I must say that from reading the debate in the House of Commons *Hansard* I did not get much enlightenment on the subject. I hope I have imparted a little enlightenment.

Hon. Mr. Reid: Can the honourable leader give the Senate any information on the number of members who are retired and receiving allowances, and also how the fund itself stands?

Hon. Mr. Macdonald: I have no information on how many members are retired and receiving allowances, but I understand there are not many. As to the fund itself, I understand that at the present time it is actuarially sound.

Hon. Mr. Isnor: May I inquire again as to the amount paid in yearly by the member?

Hon. Mr. Macdonald: $240. When the act first came into effect, it was specified as 6 per cent of the sessional indemnity, which was then $4,000, so that the annual amount required to be paid by the member was $240. The indemnity is now $8,000, and at six per cent the annual amount payable by members would be $480; but an amendment to the act fixed the contribution at 6 per cent of the first $4,000 of sessional indemnity.

Hon. Mr. Quinn: And the maximum amount that a member will be required to pay in is $4,000?

Hon. Mr. Macdonald: Yes, that is the maximum amount.

Hon. Mr. Roebuck: What is the amount of the benefit?

Hon. Mr. Macdonald: The benefit is 75 per cent of the amount paid in, and the member must pay in respect of three parliaments.

Hon. Mr. Roebuck: It occurs to me that when the original bill came before us we felt that as it principally concerned members of the Commons we should have very little to say about it or to do with it. Apparently the bill had some bad loopholes. It is unfortunate that we did not take a more serious view, and inquire into the details of the bill in one of our committees, as we do with other bills. It just shows what is lost when the Senate does not make its usual inquiry.

Hon. Mr. Beaubien: I think the bill was sent to a committee the last time.

Hon. Mr. Roebuck: Yes, but it was given perfunctory consideration, because we thought it was purely a House of Commons measure. This is an instance of how a defective bill can "get by" if it is not given proper attention by the Senate.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Macdonald, the bill was referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Macdonald: As his Honour the Speaker indicated earlier, the Deputy of His Excellency the Governor General will attend at this chamber for the purpose of giving the Royal Assent to certain bills at 5.45 p.m. I therefore move that the house now adjourn during pleasure, to reassemble at the call of the bell, at approximately 5.40.

The motion was agreed to, and the Senate adjourned during pleasure.

THE ROYAL ASSENT

The Honourable Patrick Kerwin, Chief Justice of Canada, the Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act for the relief of Daisy Ruth Kirk Stanistreet.

An Act for the relief of Irene Christina Edwards Mackay.

An Act for the relief of Barbara Elinor Richardson Jones.

An Act for the relief of Wira Pushkar Tereshtshenko.

An Act for the relief of Stella (Stephania) Burnatowska Holowaty.

An Act for the relief of Harry Evert Finlayson.

An Act for the relief of George James Nangreaves.

An Act for the relief of Carmela Lanza Morash.

An Act for the relief of Meyer Francis Doyle.

An Act for the relief of Julia Mary Collen Dwyer Rose.

An Act for the relief of Bela Koschitza Brawerman.

An Act for the relief of Maxine Samuels Resseguier.

An Act for the relief of Ginette Monique Cornu Lebegue.

An Act for the relief of Eugene Hartberg.

An Act for the relief of Joseph Pierre Emile Jasmin Rheaume.

An Act for the relief of Elizabeth Jane Marcelin Belanger.

An Act for the relief of Hugh McCrone Dunsmuir.

An Act for the relief of Hazel Winifred Edwards Welcher.

An Act for the relief of Joan Audrey Baur Walker.

An Act for the relief of Pauline Alice Leduc Sponagle.

An Act for the relief of Lillian Greenberg Seligman.

An Act for the relief of Marie Antoinette Demers Vigeant.

An Act for the relief of Yoneyuki Watanabe.

An Act for the relief of Leslie Sutcliffe.

An Act for the relief of Rita Ursule Labadie Huot.

An Act for the relief of Evangeline N. Rodinos Zolotas.

An Act for the relief of Maria Lutz Kaczmarek.

An Act for the relief of Clare Taylor Belanger.

An Act for the relief of Jean Claude Robitaille.

An Act for the relief of Ida Meitin Wooden.

An Act for the relief of Fleur-Ange Francoeur Therrien.

An Act for the relief of Maria Christina Vettore Austin.

An Act for the relief of Roland Lefebvre.

An Act for the relief of Augustine Denonville Leclere.

An Act for the relief of Mary Therese McSheffrey Richard.

An Act for the relief of Pierrette Marsan Short.

An Act for the relief of Greta Irene Kokko Marchand.

An Act for the relief of Yolande Segatore Grandillo.

An Act for the relief of Annie Laker Gillen.

An Act for the relief of Juliette Bertha Langlois Miller.

An Act for the relief of Arthur Johnston.

An Act for the relief of Bela Antal Kelecsenyi.

An Act for the relief of Joseph Roger Gerard Doucet.

An Act for the relief of Elsie Amelia Armistice Wood Lavoie.

An Act for the relief of Joseph Rene Romeo Lafrance.

An Act for the relief of Gweneth Leslie Clarke Atkinson.

An Act for the relief of Muriel Claire Wilson Hart.

An Act for the relief of Violet Doris Hubbard MacGregor.

An Act for the relief of Christina Mellis Campbell Squires.

An Act for the relief of Katharine Hamilton Ellis Bishop.

An Act for the relief of Sheila Kathleen McNaughton Best.

An Act for the relief of Pearl Mendelson Markus.

An Act for the relief of Mary Leona Dalton Dawe.

An Act for the relief of Ethel Tietlebaum Segal.

An Act for the relief of Sheila Mary Power Stone.

An Act for the relief of Vera Grace Westley Stewart.

An Act for the relief of Freda Margery Turton Pellerin.

An Act for the relief of Sieglinde Rosa Wolf Coss.

An Act for the relief of Marie Vina Lebel Duhamel.

An Act for the relief of Florence Pearl Loader Varden.

An Act for the relief of Ethel Elizabeth Smith Tero.

An Act for the relief of Elizabeth Annabel Clouston Grandjean.

An Act for the relief of Miriam Rabinovitch Yampolsky, otherwise known as Miriam Rabinovitch Pollack.

An Act for the relief of George Angus Robinson.

An Act for the relief of Gerald Willy Moore.

An Act for the relief of Desneiges Primeau Gagnon.

An Act for the relief of Gladys Krassner Garoff.

An Act for the relief of Margaret Aitken Robertson Comis.

An Act for the relief of Marie Rose Barsey De Board.
An Act for the relief of Maureen Theresa May Baker Reed.
An Act for the relief of Henry Schoen.
An Act for the relief of Harold Archie Donaghy.
An Act for the relief of Beatrice Ellis Oakes.
An Act for the relief of Rose Blum Brenner.
An Act for the relief of Georges Ovide Normand.
An Act for the relief of Marjory Grace Darling Downey Picktell.
An Act for the relief of Francis Joseph Ellis.
An Act for the relief of John McKinnell.
An Act for the relief of Ada Garland Skakle Campbell.
An Act for the relief of Shirley Elizabeth Saul Hutchison.
An Act for the relief of Rotha Dodgson Webb.
An Act for the relief of Barbara Norma Demaine Davies.
An Act for the relief of Reta Muriel Hadden Moffit.
An Act for the relief of Meta Avard Wheatley Griffin.
An Act for the relief of Emma Melite Latvaityte Vairogs.
An Act for the relief of Marie Jeanne D'Arc Marcelle Bernier Lemieux.
An Act for the relief of Louis Audrey Jemima Patch Howell.
An Act for the relief of Dorothy Izenberg Lenetsky.
An Act for the relief of George Reilly Hunter.
An Act for the relief of Donald William Downie.
An Act for the relief of Rita Barlatti Devlin.
An Act for the relief of Ruby Kitts Shea.
An Act for the relief of Margaret Pearl McNamara Rowlatt.
An Act for the relief of Mabel Kinghorn Marshall.
An Act for the relief of Shirley Norah Farrar Mizener.
An Act for the relief of Jane Schubert Clark Bernard.
An Act for the relief of Irene Joan Fabian Jefford.
An Act for the relief of Lois Silby Walker Torunski.
An Act for the relief of Lillian Dorothy Menzies Drennan.
An Act for the relief of Henry Edwin Lasnier.
An Act for the relief of Elsa Kremer Ellmaurer.
An Act for the relief of Christine Bennie Kelly Mooney.
An Act for the relief of Shirley Patricia King Craddock.
An Act for the relief of Nomi Meijerowicz Goldenstein.
An Act for the relief of Edith Dora Hyndman Ross.
An Act for the relief of Irene Annetta Thomas Bromby.
An Act for the relief of Arthur Edmund Oliver.
An Act for the relief of Joseph Zawiski.
An Act for the relief of Mary Jagiello Kaczynski.
An Act for the relief of Eleanor Honor Connolly Sutcliffe.
An Act for the relief of Marie Laurenza Suzanne Bolduc Hawkins.
An Act for the relief of Daniel Joseph MacLean.
An Act for the relief of Berthe Montpetit Goupil.
An Act for the relief of Joseph Albert Roland Archambault.
An Act for the relief of Evelyn Held Schulman.
An Act for the relief of Antoni Dmysz.
An Act for the relief of Eunice Levine Yelin.
An Act for the relief of Joyce Hodkin Gilhooly.
An Act for the relief of Pauline McDonald McDerment.
An Act for the relief of Velma May Robinson Macaulay.
An Act for the relief of Mary McDonald Gauthier.
An Act for the relief of Andrew Henry Pytel.
An Act for the relief of James Wong, otherwise known as Yon Hong Ark.
An Act for the relief of Ruth Nathan Finkelman.
An Act for the relief of Richard Robert Tomlinson.
An Act for the relief of Sheila Elsie Clarkson Flintoft.
An Act for the relief of Joseph Edouard Alexandre Brunelle.
An Act for the relief of Ruth Evans Silver.
An Act for the relief of Mania Rissman Neftin.
An Act for the relief of Lucien Gagnon.
An Act for the relief of John William Newton.
An Act for the relief of Rita Forest Leblanc.
An Act for the relief of Marcelle Topping Paradis.
An Act for the relief of John Edward Foran.
An Act for the relief of Evelyn Woolls Gallagher McDougall.
An Act for the relief of Edward Satel.
An Act for the relief of Mollie Litvack Rabinovitch.
An Act for the relief of Nora Elizabeth Wolverson Powell.
An Act for the relief of Hazel Miller Clark.
An Act for the relief of Zofia Janina Hurny Slesicki.
An Act for the relief of Carmen Cortez Leigh Pitt.
An Act for the relief of Paraskevy Moshonas Moshonas.
An Act for the relief of Mary Lee Wilson Couttie.
An Act for the relief of Giacinta Villarosa Colucci.
An Act for the relief of Irene Dora Baker Pearson.
An Act for the relief of Gisela Kunz Cobel.
An Act for the relief of Aline Rousseau Laporte.
An Act for the relief of Dorothy Arlin Wintrobe.
An Act for the relief of Hazel Irene McKay Puttee.
An Act for the relief of Demetra Denis Varverikos Kotsos.
An Act for the relief of Therese Deschamps Pare.
An Act for the relief of Beatrice Edith Paige Bouchard.
An Act for the relief of Sheila Edith Emily Little Staniforth.
An Act for the relief of Elias Helakos, otherwise known as Louis Childs.
An Act for the relief of Albina Legault Desjardins.
An Act for the relief of Maia Piibe Paul.
An Act for the relief of John Russell Watt.
An Act for the relief of William Watson Southam.
An Act for the relief of Marie Joyce Kane Grant.
An Act for the relief of Anton Josef Cermak.
An Act for the relief of Myriam Micheline Weil Goldschmied.
An Act respecting The Huron and Erie Mortgage Corporation.
An Act respecting The Roman Catholic Episcopal Corporation of Pembroke.
An Act to amend The Winnipeg and St. Boniface Harbour Commissioners Act.
An Act to amend the Criminal Code.
An Act to amend the National Harbours Board Act.
An Act to amend the Representation Act.
An Act to amend the Financial Administration Act.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, March 29, at 3 p.m.

THE SENATE

Tuesday, March 29, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

APPROPRIATION BILL No. 1

FIRST READING

A message was received from the House of Commons with Bill 284, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave of the Senate, next sitting.

DIVORCE AND MATRIMONIAL CAUSES BILL

NEWSPAPER ARTICLE—QUESTION OF PRIVILEGE

On the orders of the day:

Hon. Mr. Macdonald: Honourable senators, I rise on a question of privilege. In a local newspaper, on Thursday last, March 24, an article appeared entitled:

"Ganged up" to defeat Divorce Bill.

The article quotes the honourable senator from Rosetown (Hon. Mr. Aseltine). I wonder if the honourable senator would like to comment on the article.

Hon. Mr. Aseltine: Honourable senators, I should like to say that I was as much surprised as anyone when the article was shown to me, for I did not at any time make any comment for a publication. In this instance I have certainly been misquoted. However, if at any time I did say anything which offended any member of this chamber, I had no intention of doing so.

PRIVATE BILL

BONAVENTURE AND GASPÉ TELEPHONE COMPANY—COMMONS AMENDMENTS CONCURRED IN

A message was received from the House of Commons returning Bill P-6, an Act respecting The Bonaventure and Gaspe Telephone Company, Limited and acquainting the Senate that they have passed this bill with certain amendments to which they desire the concurrence of the Senate.

The amendments were read by the Clerk Assistant as follows:

Page 1, line 21: Strike out the words "a majority of the shareholders" and insert the following: "not less than two-thirds of the issued shares".

Page 4, line 38: Strike out the word "subscribed" and substitute therefor the word "issued".

The Hon. the Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Stanley S. McKeen: Honourable senators, on behalf of the honourable senator from Grandville (Hon. Mr. Bouffard), I move, with leave, that these amendments be concurred in now.

Hon. Mr. Isnor: What are the amendments?

Hon. Mr. McKeen: The first amendment would provide that the capital stock of the company may be increased by a resolution of a two-thirds majority of the stockholders. The second amendment, having to do with the borrowing powers of the company, provides that sanction must be by a vote of not less than two-thirds of the issued shares, instead of two-thirds of the subscribed shares.

The motion was agreed to, and the amendments were concurred in.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

FIRST READING

Hon. W. D. Euler presented Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. Mr. Lambert: Before the bill receives first reading, may I ask the honourable senator if he will enlighten the house a little more as to what the bill involves, than is indicated in its title?

Hon. Mr. Euler: I am glad my friend asked the question, although I had not expected it, because it has not been the custom in this house to ask questions on first readings. The purpose of the bill is a very simple one; it is that it shall be made obligatory to fill vacancies in the Senate within a period of six months, or in some reasonable time.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Euler: May 4.

CANADA GRAIN BILL

SECOND READING

Hon. T. A. Crerar moved the second reading of Bill 245, an Act to amend the Canada Grain Act.

He said: Honourable senators, I presume that you will require some explanation of this bill—

Hon. Senators: Hear, hear.

Hon. Mr. Crerar: —which, I may add, is the customary practice. Before I come to deal directly with the proposed amendments to the Canada Grain Act, it might be of interest to take honourable members on a brief historical survey of the development of the act.

When settlers commenced to pour into the Prairies it was not long before the marketing of prairie grain became a serious problem. The Canadian Pacific Railway had been built through the West, branch lines were being established and settlers were coming into the country in large numbers. The open prairies were easy to plow and develop, and the large yields of grain even in the late eighties, and certainly during the period from 1890 to 1900, caused grave problems in marketing. Grain was already being produced in tens of millions of bushels. Hitherto, the settlers who had gone to Western Canada had marketed their small crops in Ontario, Quebec, or other eastern provinces where they had come from, but when individual farmers were producing as much as 5,000 bushels of wheat the difficulties of marketing became far greater. It was inevitable that these difficulties should raise serious problems. Elevator companies, patterned after those in operation south of the international boundary line, were formed. They were unregulated, and sometimes they did not treat the producer altogether fairly. There was considerable agitation, so much so that in 1899 a royal commission was set up to examine into the marketing problems of Western wheat.

Incidentally, that was the first royal commission to undertake such a task. Its chairman was Judge Senkler, from Ontario, assisted by three Western farmers. The report of the commission recommended to the Government that a grain act be passed modelled upon the lines of a similar act of the State of Minnesota. In the year 1900 the first grain act, known as the Manitoba Grain Act, was passed. I read the debate on the Act in the House of Commons *Hansard* the other day, and it was very interesting to read about the establishment of the initial piece of legislation. In the year 1899 a grain inspection system had been established and the late David Horn was appointed Chief Grain Inspector. That was simply an effort to classify wheat by grades, and to give the grades Government sanction, and thus afford a reliable index to purchasers in Europe or elsewhere of the quality of grain which was being offered for sale. The original Manitoba Act had 57 sections, and quite a number of schedules. The important part of the legislation concerned the duties assigned to the warehouse commissioner who was to be appointed by the Government under the act:

> The head office of the commissioner shall be at Winnipeg, and his duties shall be as follows:
>
> (a) to require all elevators, warehouses, mills, and grain commission merchants to take out an annual licence;
>
> (b) to fix the amount of bonds to be given by the different owners and operators of elevators, mills, and flat warehouses and by grain commission merchants;
>
> (c) to require the persons so licensed to keep books in forms approved of by the commissioner or by the Governor in Council;
>
> (d) to supervise the handling and storage of grain, in and out of elevators, warehouses and cars;
>
> (e) to receive and investigate all complaints made in writing, under oath, of undue dockage, improper weights or grading, refusal or neglect to furnish cars within a reasonable time, all complaints of fraud or oppression by any person, firm or corporation, owning or operating any elevator, warehouse, mill or railroad, or by any grain commission merchant, and to apply such remedy as is provided by statute;
>
> (f) to enforce rules and regulations made under this act, and to report to the Minister of Inland Revenue such changes therein as he deems advisable;
>
> (g) to institute prosecutions at the Government expense whenever he considers a case proper therefor.

That was the core of the first Manitoba Grain Act. It will be observed that by these provisions a control was imposed upon all dealers in grain, as a consequence of which farmers ceased to suffer losses from defalcations. Prior to these provisions, sometimes a farmer shipped a carload of grain which when sold would not be accounted to him. That was overcome, first, by licensing the dealer and the commission merchant, and, secondly, by imposing upon the dealer or commission merchant a sufficient bond to afford the necessary protection to the producers. The first warehouse commissioner was Mr. C. C. Castles, who was also a member of the first grain commission which I have mentioned. I recall Mr. Castles very well. He was a very efficient and able commissioner.

In spite of the provisions of the act, not all of the problems were solved. In 1906 it was deemed necessary to appoint another royal commission, the chairman of which was Mr. John Miller, of Indian Head, who had associated with him two other gentlemen, Messrs. McNair and Goldie. As a result of the commission's report further amendments to the act were made.

In 1912 there was a somewhat extensive revision of the Grain Act. The position of warehouse commissioner was abolished, and the first Board of Grain Commissioners was provided for. The board was given the supervision and administration of the act, and this system continues to the present time.

In 1923 another inquiry was undertaken, presided over by Mr. Justice Turgeon, who was then a member of the Court of Appeal of Saskatchewan. That was an exhaustive inquiry covering all phases of the trade, and it resulted in further improvements to the legislation.

In 1931, when the late Lord Bennett was Prime Minister of Canada, another royal commission was appointed, of which Sir Josiah Stamp—an economist from England—was chairman, assisted by two other commissioners, namely, Mr. Justice Brown, of Saskatchewan, and Mr. Sanford Evans, of Winnipeg. That commission was authorized to inquire into and report upon what effect, if any, the dealing in grain futures had upon the price received by the producer. At that time there had arisen a great deal of criticism in the prairie provinces in connection with the dealing in grain futures by what were popularly called "options", which it was claimed operated against the interests of the producer. In passing, may I say that I have never been convinced of that, and I think the reverse is the case. However, that is beside the point. The Stamp Commission made a very thorough but rather rapid survey of this single matter referred to it. The commission's report confirmed the impression held by many people, that while the method of dealing in futures in grain that was purchased in the country might be improved, the underlying principle of futures trading was sound and operated to the benefit of the producer.

In 1936 another royal commission was set up, again under the chairmanship of Mr. Justice Turgeon, and a lengthy inquiry was conducted. It is interesting to note in passing that the two commissions headed by Mr. Justice Turgeon and the Stamp commission reported in favour of the maintenance of the futures market as an aid to the Western producer in the selling of his grain.

Many inquiries were conducted also by Parliamentary committees on agriculture; but it is unnecessary to deal with them, and I do not propose to do so. I would again remind honourable senators that it is just fifty-five years since the first Manitoba Grain Act was placed on the statute books and became what the Western farmers later claimed to be the great charter of freedom in the marketing of their grain.

The proposals in the bill before us are few and simple. The first amendment would increase the salaries of the Chief Commissioner and the other two commissioners. My recollection is that at the present time the Chief Commissioner receives an annual salary of $13,500, which would be increased to $15,000.

Hon. Mr. Macdonald: His present salary is $14,000.

Hon. Mr. Crerar: Thank you. I was a little conservative, as I usually am.

Hon. Mr. Macdonald: But liberal in your proposed increase.

Hon. Mr. Crerar: The second amendment would provide for one additional assistant commissioner. At the present time there are three: one resident in Alberta, and one each in Saskatchewan and Manitoba. The proposed new assistant would be located in Saskatchewan, which produces more grain—certainly more wheat—than the other two provinces combined.

An idea of the scope of the business of marketing grain is suggested by the fact that there are more than 5,000 country elevators in the three prairie provinces; and that in addition there are terminal elevators at the head of the lakes, in the cities of Vancouver, Saskatoon, Calgary and one or two other places. Therefore, the appointment of a fourth assistant grain commissioner would appear wholly justified.

The existing law provides that in the weigh-up of terminal elevators, surplus grain may under certain circumstances be taken by the Government; and hitherto such grain has been disposed of, under the law, by the Board of Grain Commissioners. My recollection is that the proceeds therefrom were paid into the consolidated revenue fund. It is now proposed to change the method of disposing of the surplus so obtained. Hereafter, if this legislation passes, the surplus will be turned over to the Wheat Board for disposal, instead of to the Board of Grain Commissioners. In that case, I presume the receipts therefrom would become part of the funds of the Wheat Board and be available at some future time for distribution to the producers. I am not at all clear as to the reasons for this change, and I did not attempt to learn why it is being proposed. This bill, I think, should go to a committee, where we could ascertain the reasons for this.

There are one or two minor amendments: one, dealing with the grading of Durum wheat, results from the experience gained in the marketing of that product. As honourable senators know, Durum wheat has now become an important part of the wheat production of the Prairies. I have no doubt that the recommendations made in the bill in this respect carry the judgment of the Board of Grain Commissioners and all interested parties, including pools, and that the recommendations are in the right direction.

Provision is also made for changing the grading of soybeans. It is interesting to note

that this product is becoming of some importance from the farmer's standpoint and, consequently, provision is made to place the marketing in line with the general marketing legislation establishing proper grades. That, honourable senators, covers the amendments proposed in this bill.

I have one or two general observations to make. It was a matter of regret to me that some criticism was directed against the existing Board of Grain Commissioners. The present chief of the board is Mr. Donald McKenzie. I am sure the honourable senator from Edmonton (Hon. Mr. MacKinnon), who at one time was Minister of Trade and Commerce and had to do with the board, will confirm me when I say that in Mr. McKenzie we have not only a man of ability but a man of outstanding integrity, who enjoys to a remarkable degree the confidence of everyone associated with the marketing of grain.

There has also been some criticism in certain places as to the appointment of a new grain commissioner. I do not propose to deal with that at the moment. The suggestion was made that the western wheat pools should be consulted as to the proper person to fill the vacancy created by the lapsing of Mr. Vallance's term of office by reason of his retirement through having reached the retirement age.

I have always believed—and I have said this before, if not in this house, certainly in the House of Commons—that it is a fallacious and mistaken principle, in the appointment of responsible public boards and commissions, to seek nominations from persons or bodies directly interested in the functions which such commissions have to discharge. It would not be reasonable to give railway companies the right to name members of the Board of Transport Commissioners, or allow the banks to have the final word in the appointment of the Inspector General of Banks—who is a very important official—or to consult the Manufacturers' Association with a view to having them nominate or designate members of the Tariff Board. So, I repeat my conviction that it is wrong in principle, and ultimately subversive of good administration, to seek appointments through the agency of bodies which have a special interest in the administration with which such boards are charged.

I have no hesitation in recommending the amendments to the house. If the bill should receive second reading it will be sent to the appropriate committee.

The story behind this measure is a long one. Fifty-five years is quite a lengthy period to look back upon; and what astonishes me is that, with relatively so little knowledge and experience, the originators of the Manitoba Grain Act, in venturing upon new ground, produced a piece of legislation which in its main essentials has stood the test of more than half a century. It is interesting to read the report of the debate when that measure was introduced. Its sponsor was the then Minister of Inland Revenue, Sir Henri Joly de Lotbiniere. The licence fees which were collected in pursuance of the act were channelled at that time into the Ministry of Inland Revenue, and it was not until much later that the administration of the act came under the Department of Trade and Commerce—the department which, I think, is the proper one to administer it. In reading the report of the debate on the introduction of the bill, I could not but be impressed with the fact that a group of men drawn from both the political parties actively participated in the discussion, with a quite obvious desire to produce the best legislation possible. The result, as I said a moment ago, was an act which in essence has successfully passed the test of fifty-five years; and I venture to say that it will be in existence fifty-five years hence, and that when, at that time, further amendments may be introduced and considered, those who take part in the discussion will say, looking back on the history of the statute, "Those who founded the Manitoba Grain Act built wisely and well".

Hon. Senators: Hear, hear.

Hon. Mr. Reid: May I ask the honourable senator from Churchill one or two questions about the bill? I notice that "western grain" and "eastern grain" are mentioned. To what areas or provinces do these respective designations refer?

Hon. Mr. Crerar: As a matter of fact, eastern grain comprises a very small part of the total grain movement.

Hon. Mr. Reid: Does "eastern grain" cover grain grown in Ontario and Quebec?

Hon. Mr. Crerar: That would be eastern grain.

Hon. Mr. Reid: Why is the word "Mindum" substituted for "Durum" in clauses 5 and 6 of the bill?

Hon. Mr. Crerar: The probable reason is that Durum is very frequently referred to as "Mindum" wheat". I cannot say more than that I think the two names are interchangeable.

Hon. Mr. Reid: By reference to the schedule relating to soybeans it will be noted that, in relation to grade No. 1, the standard of quality is stated to be "cool, of natural odour,

well-screened, of good natural colour". The word "cool" appears all the way down the schedule. I should like to know what it means.

Hon. Mr. Crerar: I am bound to say that my knowledge does not extend to that particular point, but I have no doubt that when the bill gets to committee we shall have a satisfactory explanation of the meaning.

Hon. John T. Haig: I shall not take much of the time of the house. I rose only because some bitter words have been said elsewhere about the Chief Commissioner and one of the deputies who are connected with the administration of the act, and both of whom I personally know very well.

If anyone here supposes that my knowledge of grain does not extend as far back as that of my honourable friend from Churchill (Hon. Mr. Crerar), I want to disabuse his mind of that idea at once. I can remember when we used to pile grain on sidings in bags, for there was nothing else to put it in. The bags would be piled along the right of way for perhaps a quarter of a mile. At many points there were neither elevators nor warehouses. I can recall driving a horse which pulled the scantlings to the site of the first elevator which was built at Alexander, Manitoba, and which was, by the way, one of the first elevators in that province. I also remember that when my father was the grain buyer at that point he discovered, when he weighed out the grain in the spring of his first year's operations, that he was short a thousand bushels; and the company made him pay. I can remember him saying to my mother, "I'll not be short next year." He was there for nineteen years and I think that was the only shortage he ever had. I was a young fellow at the time and I think I heard the country point of view far more forcefully than did the honourable gentleman from Churchill (Hon. Mr. Crerar). He was in the country too, but I do not think this was as active an issue in his day as it was in mine. I can remember my father saying, "It's a cruel world. I gave the farmers what I thought was fair and just weight." As you know, when the grain was weighed the handlers made an allowance of two or three pounds a bushel for dirt and weeds, and he allowed only three pounds when he should have allowed about four. As a result he lost money, but the next year I think he allowed five pounds. The only objection he raised during all those years was this. He said, "You know, when I was behind I paid for it, and when I was ahead they profited by it."

Quite a feeling has been built up about the Grain Board, with the real question concerning grading. In my day there was very little difference between grades 2 and 3, and a person did not have to put a great deal of grade 1 into grade 3 to make the equivalent of grade 2, and you made a profit or otherwise according to the prices of grades 1, 2 and 3, the contract grades. But this sort of thing has been cleared up by various amendments that have been made to the Canada Grain Act throughout the years.

Honourable senators, the Chief Commissioner of the Board of Grain Commissioners, Mr. D. G. McKenzie, is a neighbour of mine in Winnipeg. I knew his family in Brandon as far back as September, 1895, when his brother and I went to school together. I want to assure you that Mr. McKenzie is still the same honest, upright, smart farmer that he was in those days, and it is a credit to Canada to have such a man at the head of our Grain Board. I also know something about Mr. R. W. Milner, one of the commissioners, who I believe is an expert in ironing out the difficult problems that arise with respect to the distribution of freight cars. Mr. Milner is one of the most experienced officials in our whole grain set-up.

I make this speech for the purpose only of supporting the honourable gentleman from Churchill (Hon. Mr. Crerar). I entirely agree with what he says about the appointment of members of the Board of Grain Commissioners. The Government should always appoint the men it thinks are best fitted for the job, whether they be lawyers, farmers, artisans or anything else.

I must tell honourable senators a little story about our system of marketing grain. The first member of this house, His Honour the Speaker, sometimes holds receptions to which the representatives of foreign governments are invited. At one of these receptions a year ago a gentleman representing a European country asked me where I came from. When I told him I was from Winnipeg, he said, "That is where we get No. 1 Manitobas." I advised him that although Manitoba produced a fair amount, most grain came from Saskatchewan and Alberta. He went on to tell me that his government liked to buy Canadian grain because there never was any doubt in their minds that when they paid for grade 2 they would get it. He said that the year before they had bought from Russia some wheat which was supposed to be grade 2, but in every carload there were as many stones as there was grain. I thought he paid a fine compliment to the Board of Grain Commissioners.

I am pleased that the honourable gentleman from Churchill intends, if this bill is given second reading, to ask that it be referred to committee for study. Grain is one of the great basic products of our country and has a tremendous effect upon our economy. It is all right to talk about the oil industry of Alberta, the fishing industry of the Maritimes and of the Pacific, the manufacturing industry of Ontario and Quebec, and so on, but for many years grain has been one of Canada's basic products. Damage caused by rust, rain and frost has brought about a general cut-back in prosperity right across Canada.

I would like to see every member of the chamber show a genuine interest in this legislation. If we can acquire a good understanding of the marketing of grain we shall be in a position to deal intelligently with any ideas that are put forth in connection with grain problems in general.

Honourable senators, I have great pleasure in supporting this bill on second reading; and I especially wanted to say a few words about the two commissioners whom I know.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Crerar: Honourable senators, I move that the bill be referred to the Standing Committee on Natural Resources.

Hon. Mr. Lambert: Honourable senators, with great respect I submit that the appropriate committee for consideration of this bill is the Standing Committee on Banking and Commerce. The bill relates to a marketing problem and has nothing to do with the basic reasons for the existence of the Committee on Natural Resources. This is essentially a Trade and Commerce matter and should be referred to the Standing Committee on Banking and Commerce. Without any invidious references to personnel, I submit that the membership of the Banking and Commerce Committee is better acquainted with this subject than is the membership of any other standing committee of the Senate.

Hon. Mr. Stambaugh: I disagree. I think the Standing Committee on Natural Resources is better equipped to deal with this matter.

Hon. Mr. Lambert: Why?

Hon. Mr. Stambaugh: This bill has to do with agriculture. Natural resources and agriculture are closely associated.

Hon. Mr. Lambert: The bill has nothing to do with that at all.

The Hon. the Speaker: Honourable senators, the question is on the motion of Honourable Senator Crerar, seconded by the Honourable Senator Euler, that this bill be referred to the Standing Committee on Natural Resources. Is it your pleasure to adopt the motion?

Hon. Mr. Lambert: On division.

The motion was agreed to, on division.

PRIVATE BILL

SHARP & DOHME (CANADA) LTD.— SECOND READING

Hon. John J. Connolly moved the second reading of Bill G-10, an Act respecting Sharp and Dohme (Canada) Ltd.

He said: Honourable senators, the purpose of this bill is to grant an effective filing date of July 20, 1950, to Patent Application No. 672,036.

It might be helpful if I said something about the prior history of this matter. On September 4, 1947 a patent application was filed in the Canadian Patent Office, bearing No. 564,079, the subject-matter of which covered certain chemical compounds for use in antibacterial therapy. I am informed that these compounds, together with others to which I shall refer later, are to be used for the treatment of gout and gouty arthritis and to increase the effectiveness of penicillin. The inventors of the material covered in the patent application were two gentlemen by the names of Sprague and Beyer.

In 1950 a new discovery was made for certain chemical compounds, including one described in the patent application already on file. The new material, which was also used for the same general purposes, is sometimes called by the trade names of Benamid and Remanden. The applicants claimed that these new discoveries were based upon an extension of the research work done for the material for which the original patent application was filed. However, the inventors of the new compounds were two gentlemen by the names of Sprague and Miller. Sprague, of course, was associated with both inventions, but Miller was only connected with the second branch of the research work, while Beyer was engaged on only the first branch.

When the new invention was made, the applicants could have proceeded in one of two ways: they could have filed a new patent application for the new material, or they could have filed a supplementary disclosure

and added the new material to the existing patent application. They chose the second method, but the Commissioner of Patents decided they were wrong in adopting that method.

On November 18, 1950, the Commissioner issued a ruling to the effect that the adoption of the method of adding the new material to the pending application was an improper step. He gave as his main reason that the same inventors did not invent both sets of material. The applicants were dissatisfied with the decision of the Commissioner and appealed to the Exchequer Court of Canada; and on March 2, 1954, Mr. Justice Cameron of that court issued a seven-page judgment on the issue confirming the Commissioner. By this date, namely, March 2, 1954, it was too late for the applicants to file a patent application on the new material by reason of the fact that there had already been a patent granted in the Union of South Africa on the same material on November 13, 1950. Under section 28 of the Canadian Patent Act they would have had to act within a year of that time, but they could not do so.

Honourable senators, the argument of the applicant is this: Rule 63 governs supplementary disclosures in the Patent Office. The applicants say there had been no practice and no experience under that rule on the point at issue here. They also say that there has been hardship. Therefore, they come to Parliament—as I think is their right—to ask for relief. The Commissioner, on the other hand, says that he has the judgment of the Exchequer Court to confirm his opinion, and he feels that he is right. I must say to honourable senators that if this bill should go to a committee representations will be made there not only by the applicants, but, I believe, by the Commissioner of Patents.

The only other point that I should add to complete the history of the case is the fact that after the judgment of Mr. Justice Cameron was handed down, on March 2, 1954, the applicants did file another patent application, bearing No. 672,036, which is the number referred to in the bill. What they ask for is that that patent application, which was filed on August 27, 1954 be given an effective filing date as of July 20, 1950, the date on which they filed their supplementary disclosure. The material in the patent application filed in 1954, I am informed, is the same material as in the supplementary disclosure filed some four years earlier.

Since there is some contention about the bill, I suggest that if the Senate passes the motion for second reading its action be considered no more than a tentative adoption of the bill for the purpose of a reference to committee so that the allegations contained in the preamble can be inquired into. If they are not proven to the committee's satisfaction, the committee can so report.

Hon. Mr. Farris: May I ask the honourable gentleman a question? Are there any conflicting interests?

Hon. Mr. Connolly: So far as I know, honourable senators, there are no conflicting third party interests now. However, the situation, as I understand it, is that between the time of the filing of the supplementary disclosure and the time that the present pending patent might issue there could be conflicting interests in Canada if manufacture is commenced. I think the honourable gentleman would be able to get much better information on that point in committee.

Hon. Mr. Davies: May I ask the honourable senator a question? I assume that this bill is in the nature of an appeal against the decision of Mr. Justice Cameron of the Exchequer Court. If that is so, why would this issue not go to a superior court instead of coming to this house?

Hon. Mr. Connolly: I think the first answer to the question of the honourable senator is this: Probably the Honourable Mr. Justice Cameron is right. The second answer is: As the applicant's argument is that the practice under Rule 63 had never been properly developed, or that it was new, and that hardship resulted, a petition to Parliament is perhaps the only real remedy available to the applicant.

Hon. Mr. Haig: Honourable senators, I do not want to speak on the bill, specially, and I hope no one will stop me on a point of order. I hope this bill will go to committee, because there is a rule over in the Patent Office that if you send in an application you must pay a fee of $25; and if they don't like it they kick your application out, but they keep the $25. It is all right for them to keep the $25 if they accept the application, because then a patent is guaranteed; but if it is not accepted there is no guarantee and they are not entitled to keep the $25. I have written

in about it several times, and each time I get the same answer, "That is the law". Well, if that is so, the man who said "The law is an ass" would not be very far wrong. I am going to vote for this bill because I want to see it go to committee where I can discuss some of these points with the officials.

Hon. Mr. Farris: I hope there are some better reasons for voting for the bill.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Connolly: Honourable senators, I am of two minds as to the appropriate committee to which this bill should be referred. As can be seen, there are some complications. Normally, it should go to the Standing Committee on Miscellaneous Private Bills, and under the circumstances I move that it be referred to that committee.

The motion was agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, March 30, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CANADA-IRELAND INCOME TAX AGREEMENT BILL

REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 124.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (124), intituled: "An Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to income tax", have in obedience to the order of reference of March 22, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

CANADA-IRELAND SUCCESSION DUTY AGREEMENT BILL

REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 125.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (125), intituled: "An Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to succession duty", have in obedience to the order of reference of March 22, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES BILL

REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 183.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (183), intituled: "An Act to amend the Members of Parliament Retiring Allowances Act", have in obedience to the order of reference of March 24, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRECIOUS METALS MARKING BILL

REPORT OF COMMITTEE

Hon. Mr. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill C.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (C), intituled: "An Act to amend the Precious Metals Marking Act", have in obedience to the order of reference of March 24, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

FREDERICTON & GRAND LAKE COAL & RAILWAY COMPANY—REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill F-10.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications to whom was referred the Bill F-10, intituled: "An Act respecting The Fredericton

& Grand Lake Coal & Railway Company", have in obedience to the order of reference of March 23, 1955, examined the said bill and now beg leave to report the same with the following amendment:

Page 1, line 19—After the word "duties" insert the following words "of The Fredericton & Grand Lake Coal & Railway Company".

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hugessen: Next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. F. W. Gershaw, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 277 to 297, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. W. Ross Macdonald: Honourable senators, I had expected two bills from the House of Commons to come to us for first reading today. One is the Supply Bill; the other is a bill to amend the War Veterans Allowance Act. It is quite important that they should be passed before the end of the fiscal year, particularly the Supply Bill. My recollection is that the War Veterans Allowance Bill will come into effect on the first day of the month following the day on which the bill is assented to. So if it were given the Royal Assent tomorrow, it would become effective on Friday.

These bills will probably be before us tomorrow, and they could be dealt with in all stages then if the motion that I have on the Order Paper for suspension of certain rules is carried. It occurred to me—and I have been in consultation with the Leader of the Opposition (Hon. Mr. Haig)—that if Royal Assent is to be given to the bills tomorrow afternoon it might be advisable for the house to meet at 2:30 instead of 3 o'clock. We could meet in the morning, except that three or four committees will be sitting then.

I would therefore move that when this house rises today it stand adjourned until tomorrow afternoon at 2:30 o'clock.

The motion was agreed to.

ARCHIBALD DIVORCE PETITION

REFUND OF FEES

Hon. Mr. Gershaw, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved, with leave:

That the Parliamentary fees paid during the session of 1950 upon the petition of Alberta Lomas McLeod Archibald, of Westmount, Quebec, for a bill of divorce, be refunded to the petitioner, less the sum of $25 to apply on printing and other costs.

He said: Honourable senators, may I explain that the petitioner paid the Parliamentary fee of $210 and did not proceed with the petition.

Hon. Mr. Vien: Can the honourable senator explain why so long a period elapsed before a decision to refund the money was made?

Hon. Mr. Gershaw: The request to have the refund made was received quite recently. Apparently the parties resolved their differences after the petition was filed.

The motion was agreed to.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Gershaw, for Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill I-10, an Act for the relief of Isidore Tremblay.

Bill J-10, an Act for the relief of Doris Lydia Kimber Keller.

Bill K-10, an Act for the relief of Letitia MacDonald Lanz.

Bill L-10, an Act for the relief of Kurth Sauer.

Bill M-10, an Act for the relief of Marie Blanche Dionne Krysko.

Bill N-10, an Act for the relief of Edna Florence Helen Dawson Smith.

Bill O-10, an Act for the relief of Eldora Mary Mills Pope.

Bill P-10, an Act for the relief of Roberta Margaret Gilpin Chadsey.

Bill Q-10, an Act for the relief of Anne Wahl Ryshpan.

Bill R-10, an Act for the relief of Marian Toba Wolfe Cohen.

Bill S-10, an Act for the relief of Bernice Elizabeth Lunan Day.

Bill T-10, an Act for the relief of Ross Harold Becker.

Bill U-10, an Act for the relief of Marie Anna Migneault Cloutier.

Bill V-10, an Act for the relief of Maria Camko Kowalew.

Bill W-10, an Act for the relief of Martin Yvon Blais.

Bill X-10, an Act for the relief of Margaret Moffatt Wilkie Johnson.

Bill Y-10, an Act for the relief of Winnifred Herbert Chapman.

Bill Z-10, an Act for the relief of Rocco Aldo Amaedeo Mastrocola.

Bill A-11, an Act for the relief of Marie Mae Seguin Le Moyne.

Bill B-11, an Act for the relief of Amy Joyce Markham King.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Gershaw: With leave, next sitting.

PUBLIC BILLS

SUSPENSION OF RULES

Hon. W. Ross Macdonald moved:

That Rules 23, 24 and 63 be suspended until and including 6th April, 1955, in so far as they relate to public bills.

Hon. Mr. Crerar: Honourable senators, while I have no strong objection to the motion being passed, I would point out that the War Veterans Allowance Bill, which I understand proposes substantial changes by way of increased payments and a different basis for payments to war veterans, will come to us tomorrow when, if this motion passes, these rules will have been temporarily abrogated. There may be no serious grounds for objection to the motion, but I wish to make a protest, if I may call it that, against the sending of this legislation to us at so late a date. The bill could, I think, have been considered and passed prior to the day before it is sought to have it brought into effect. In my humble opinion the procedure adopted in this case is not a desirable one.

Hon. Mr. Isnor: Honourable senators, I think it only fair to say that this particular legislation had to be referred to the House of Commons Special Committee on Veterans Affairs, which naturally took some time to study the suggested changes. That, I think, was the main reason for the delay in our receiving the measure.

The motion was agreed to.

EMERGENCY SITTINGS

AUTHORITY TO CONVENE SENATE DURING ADJOURNMENT

Hon. Mr. Macdonald moved:

That for the duration of the present session of Parliament, should an emergency arise during any adjournment of the Senate, which would in the opinion of the Honourable the Speaker warrant that the Senate meet prior to the time set forth in the motion for such adjournment, the Honourable the Speaker be authorized to notify honourable senators at their addresses registered with the Clerk of the Senate, to meet at a time earlier than that set out in the motion for such adjournment, and non-receipt by any one or more honourable senators of such call shall not have any effect upon the sufficiency and validity thereof.

The motion was agreed to.

The Senate adjourned until tomorrow at 2.30 p.m.

THE SENATE

Thursday, March 31, 1955.

The Senate met at 2.30 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

THE ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, would proceed to the Senate Chamber this day at 9.45 p.m., for the purpose of giving the Royal Assent to certain bills.

APPROPRIATION BILL NO. 2

FIRST READING

A message was received from the House of Commons with Bill 305, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1955.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: I move that this bill be placed on the Order Paper for consideration later this day.

The motion was agreed to.

CANADA GRAIN BILL

REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the report of the committee on Bill 245.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Natural Resources to whom was referred the Bill 245, intituled: "An Act to amend the Canada Grain Act", have in obedience to the order of reference of March 29, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Vaillancourt: I move the third reading now.

Hon. Mr. Reid: May I inquire whether this bill has anything to do with the Wheat Board?

Hon. Mr. Vaillancourt: No, it does not make any change in the Wheat Board. The chief purpose of the bill is to increase the annual salaries of the Chief Commissioner and the other two commissioners of the Board of Grain Commissioners, to appoint an additional assistant commissioner, and to amend the statutory grades of soybeans and certain grades of wheat.

The motion was agreed to, and the bill was read the third time, and passed.

THE BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

On the Orders of the Day:

The Hon. the Speaker: Honourable senators, before the Orders of the Day are proceeded with, may I draw the attention of honourable senators to the following:

On March 17, 1931, the then Speaker of the Senate, the Honourable P. E. Blondin, issued and distributed to honourable senators the following instructions regarding the use of the Senate Gallery in the House of Commons on budget night:

Upon the occasion of the delivery of his Budget Speech by the Finance Minister, none but senators will be admitted to the Senate Gallery of the House of Commons. This step is taken for the purpose of providing accommodation in the gallery for as many senators as possible.

In past years many senators have been excluded from the gallery upon similar occasions on account of many of the places being occupied by relatives and friends of senators.

This practice has been followed ever since by succeeding Speakers.

APPROPRIATION BILL NO. 1

MOTION FOR SECOND READING POSTPONED

On the Order:

Second Reading of Bill (284), intituled: "An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956"—Hon. Senator Macdonald, P.C.

Hon. Mr. Macdonald: Honourable senators, I would suggest that the order for second reading of this bill stand for consideration later this day, after we have considered the supplementary estimates.

PRIVATE BILL

FREDERICTON & GRAND LAKE COAL & RAILWAY COMPANY—COMMITTEE AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the report of the Standing Committee on Transport and Communications on Bill F-10, an Act respecting the Fredericton & Grand Lake Coal & Railway Company.

Hon. Mr. Hugessen: Honourable senators, I move that this report be now concurred in.

I should perhaps explain to the house that the one amendment is merely a matter of draftsmanship, and was suggested to us by the Law Clerk for the purpose of clarification.

The motion was agreed to.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: I move the third reading now.

The motion was agreed to, and the bill as amended was read the third time, and passed.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 277 to 297, dealing with petitions for divorce.

Hon. Mr. Aseltine, for Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Aseltine moved the second reading of the following bills:

Bill I-10, an Act for the relief of Isidore Tremblay.

Bill J-10, an Act for the relief of Doris Lydia Kimber Keller.

Bill K-10, an Act for the relief of Letitia MacDonald Lanz.

Bill L-10, an Act for the relief of Kurth Sauer.

Bill M-10, an Act for the relief of Marie Blanche Dionne Krysko.

Bill N-10, an Act for the relief of Edna Florence Helen Dawson Smith.

Bill O-10, an Act for the relief of Eldora Mary Mills Pope.

Bill P-10, an Act for the relief of Roberta Margaret Gilpin Chadsey.

Bill Q-10, an Act for the relief of Anne Wahl Ryshpan.

Bill R-10, an Act for the relief of Marian Toba Wolfe Cohen.

Bill S-10, an Act for the relief of Bernice Elizabeth Lunan Day.

Bill T-10, an Act for the relief of Ross Harold Becker.

Bill U-10, an Act for the relief of Marie Anna Migneault Cloutier.

Bill V-10, an Act for the relief of Maria Camko Kowalew.

Bill W-10, an Act for the relief of Martin Yvon Blais.

Bill X-10, an Act for the relief of Margaret Moffatt Wilkie Johnson.

Bill Y-10, an Act for the relief of Winnifred Herbert Chapman.

Bill Z-10, an Act for the relief of Rocco Aldo Amaedeo Mastrocola.

Bill A-11, an Act for the relief of Marie Mae Seguin Le Moyne.

Bill B-11, an Act for the relief of Amy Joyce Markham King.

The motion was agreed to, and the bills were read the second time, on division.

THIRD READINGS

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Aseltine: I move the third reading now.

The motion was agreed to, and the bills were read the third time, and passed, on division.

APPROPRIATION BILL NO. 2

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 305, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1955.

He said: Honourable senators will note by the title of this bill that it is for the purpose of granting to Her Majesty certain sums of money for the fiscal year ending today. I have in my hand a pamphlet which sets forth the various items under the heading "Further supplementary estimates". I may say that I was much surprised to learn today that some honourable senators had not received a copy of this pamphlet.

Hon. Mr. MacKinnon: The pamphlet came to some of us.

Hon. Mr. Macdonald: As the honourable senator has said, some members of this house did receive the pamphlet. When I learned that unfortunately some did not receive it I gave instructions that this morning there was to be a general distribution of the pamphlet to every member. This document containing the supplementary estimates should be distributed to all honourable senators not later than one day after they are tabled in the House of Commons. I trust that in future the

officials of this house will make sure that copies of the supplementary estimates are distributed in the same way as are the main estimates. However, in fairness to the officers of this house I should say that it was no fault of theirs that there was an incomplete distribution of the supplementary estimates this year. But in future it will be up to them to check and see that some other department does its work.

The bill before us provides for the payment out of the Consolidated Revenue Fund of a sum not exceeding in the whole $53,934,585, the details of which are set forth in the schedule to the bill. This sum is to cover expenses that have been incurred since the regular estimates came down for the current fiscal year.

Honourable senators will notice that the schedule contains items of votes for the following departments and other bodies: Agriculture, Citizenship and Immigration, Civil Service Commission, External Affairs, Finance, Fisheries, Justice, Labour, Legislation, Mines and Technical Surveys, National Health and Welfare, National Research Council and Atomic Energy, Public Printing and Stationery, Public Works, Secretary of States, Transport, and Veterans Affairs. These votes are for additional expenses incurred during the fiscal year 1954-55, over and above the requirements estimated by the departments.

Hon. Mr. Reid: Does this clear off all the over-expenses?

Hon. Mr. Macdonald: Yes; this is supposed to take care of all the expenses incurred by the Government up to today.

Hon. Mr. Reid: But I said "over-expenses".

Hon. Mr. Macdonald: These items are over-expenditures in this respect, that they are in addition to the amounts the various departments expected to have to spend during the year 1954-55.

Honourable senators, these supplementary estimates, which are set forth in detail in the schedule to the bill, have received careful consideration by the members of the House of Commons, and I now recommend them to you for your favourable consideration.

Hon. Mr. Euler: May I ask my friend a question? This point may not be very important, but it is interesting to note that in a number of the estimates for certain departments an item of $1 appears. I am surprised that a department would ask for as little as $1.

Hon. Mr. Haig: That is to keep the vote alive.

Hon. Mr. Macdonald: If the honourable senator from Waterloo will refer specifically to any items I shall endeavour to get some information on them.

Hon. Mr. Euler: On page 4 of the schedule, for instance, there are two items of $1, one at the bottom of the page and one at the top.

Hon. John T. Haig: Honourable senators will naturally expect me to raise the old question which I have raised so often, namely, the delay in bringing the estimates before us. While the Minister can say that later on the main estimates of the departments come up for consideration we shall be allowed to discuss the supplementary estimates, the difficulty is that some items now before us may not appear again during the coming year.

Secondly, I would point out that in one sense the supplementary estimates are really more important than the main estimates, for the supplementaries cover expenditures which the government itself did not anticipate when it prepared its main estimates. As this bill shows, the expenditures which the Government did not foresee a year ago, have amounted to roughly $54 million. Included in this sum is an item of approximately $28 million for the Canadian National Railways, set out under Transport on page 9 of the schedule.

Ever since I have had the pleasure of being a member of this house, and even long before that, the problem of financing the Canadian National Railways has been discussed in public during every election campaign, and frequently between elections. I recall that in 1936, soon after my appointment to this house, the government of the day brought in a bill respecting the Canadian National Railways, and some sixteen of us on this side decided that we would vote for the bill.

It was only about two sessions ago that Mr. Donald Gordon, President of the Canadian National, appeared before a committee of this house in support of a capital revision bill to transfer $1 billion of the Canadian National System debt to the backs of the Canadian people. At that time I asked him this straight question: "Mr. President, will this be your last request, or will you be coming back wanting more money from time to time?" He replied: "Senator Haig, if this bill passes and business remains normal, I do not think we will have to come back to you." Well, the Government and a great many business men who like to boost things have said that 1954 was a normal year, yet we have the officials of the C.N.R. back asking for a further vote of $28 million.

If I have correctly interpreted the press reports of Mr. Gordon's evidence before a committee of the other house, I gather that

on the first day he appeared he refused to divulge the price at which four C.N.R. hotels were sold to private individuals, but the next day he decided to give the figures. I feel quite keenly about a situation of that kind, because you and I and all the other people who pay income tax in this country are shareholders in that railway, and we are entitled to know how its business is being conducted. For the life of me, I cannot see how the price at which those hotels were sold could effect the overall picture of the C.N.R., and why that information should be withheld from the people of Canada. I think it was just unadulterated nonsense for the President of our railway to decline to give the figures. As a matter of fact, as far as the Prince Edward Hotel in Brandon was concerned, I could have gone to the Land Titles Office in that city and searched the title. As honourable senators know, before the transfer could be registered an affidavit would have to be filed setting out the value of the building and what it cost.

Hon. Mr. Macdonald: What about the chattels in the building?

Hon. Mr. Haig: It would depend on whether or not the chattels were included.

Hon. Mr. Macdonald: But they would not be shown in the affidavit in the Land Titles Office.

Hon. Mr. Haig: I may not be a very good business man, but I believe that transaction had little effect on the overall financial position of the Canadian National Railways.

Further, during his evidence Mr. Gordon was asked about the competition between his railway and the Canadian Pacific. He was a little uncertain as to what his road was going to do by way of competing with the fancy train the C.P.R. proposes to run between Montreal and Vancouver. His evidence left this impression on my mind—and I wasn't looking for such an impression—that the C.N.R. was not going to be able to compete favourably with the C.P.R. I am not at all anxious that that should be the case; indeed, I would be happy to hear him say that the Canadian National is just as good as the privately-owned road, and that his transcontinental train will give as comfortable and efficient service as will be obtainable on the other line. This is a very important matter to the people of Canada, and there is no reason why we should not call Mr. Gordon before a committee of this house. While he has no doubt gone into the situation thoroughly before a committee of the Commons, we too have a responsibility to look into this question.

I say to honourable members that in my opinion the request by the Canadian National for more money is something that will recur year after year. Indeed, I see no escape from it. The railway has suffered a terrific loss this past year, and Mr. Gordon has not given the reason for it. I may be wrong, but in my opinion the deficit was caused by the failure of the Government to sell our grain to the world, as it agreed to do; for as a result the railroad lost much of the revenue it expected to get. I think Mr. Gordon would stand in better light if he put that reason on the record. He does not need to be afraid of the Government; certainly, if he shows ability and judgment, they will not interfere with his position as President of this railroad system. I believe he has all the ability necessary, but he seems to fear something. What it is, I do not know. He hesitates to place before the people of Canada the cold facts about the railway and why it is now in financial difficulties. We did not have such bad times last year, and therefore there must be some good reason why he finds it necessary at this time to ask for another $28 million.

As I have said, this bill shows that the Government underestimated very materially the expenditures on certain items. It is very unfair to the Opposition parties to be confronted with total expenditures amounting to $4,500 million. That is what they will amount to, because we have to add this $54 million to the original estimate of $4,450 million.

Hon. Mr. Euler: My friend has made a comparison between the Canadian National Railways and the Canadian Pacific Railway. I have no particular brief for either of them, although in the past I have been friendly to the Canadian National Railways. I understood my friend to say he had the impression that the new train to be run by the Canadian National Railways between Montreal and Vancouver, April 24, will be an inferior type of train to that provided by the C.P.R.

Hon. Mr. Haig: That is the impression I got from Mr. Gordon's evidence.

Hon. Mr. Euler: I must say that I never saw anything to that effect in his evidence.

Another point: Is it not a fact that the Canadian National Railways had a big decrease in revenues this year, and that the Canadian Pacific did also?

Hon. Mr. Haig: Yes, but the Canadian Pacific paid taxes.

Hon. Mr. Euler: But its revenues also were down.

Hon. Mr. Haig: The C.P.R. pays taxes, but the C.N.R. does not. There is quite a difference

between the two railways. If your business is taxed and mine is free from taxation, there will be quite a difference in the end result.

Hon. Mr. Euler: I think you will find that the Canadian National also pays taxes.

Hon. Mr. Haig: Well, the C.P.R. pays taxes, and its stock is selling at $29 a share on the market.

Hon. Mr. Euler: Is it not a fact that the Canadian National pays taxes to the municipalities it operates in?

Hon. Mr. Haig: Only to municipalities, but not to the dominion Government.

Hon. Mr. Macdonald: The Canadian National does not make a profit. If it made a profit it would pay taxes.

Hon. Mr. Haig: Yes, but it never makes a profit. Last year I raised this very question. Last year it deliberately—I saw "deliberately" —put the accounting in such a way that as to show a surplus. There should have been a deficit budgeted for last year, but somehow or other it was transferred to the next year, and this is the way it comes out.

My argument is that, whether there is a profit or not, we, as members of Parliament, should have the C.N.R. officers before one of our committees and examine them as to the facts of the case.

Hon. Mr. Euler: There is no objection to that.

Hon. Mr. Haig: This bill should not have been brought in here on the last day of the fiscal year. It has to be passed today. It should have been before us two or three weeks ago.

Hon. Mr. Macdonald: That is fair enough.

Hon. Mr. Haig: We are entitled to have these things explained to us.

There are a number of items in this schedule that I would like to discuss. I am not in favour of spending so much money as we are spending. For instance, though I may be a minority of one in the matter, I am not in favour of spending hundreds of thousands of dollars to support the price of butter and other commodities. I do not think the way to do this business is to sell butter at 38 cents a pound when we pay 58 cents for it. You and I pay taxes out of which 58 cents a pound is paid for this butter, and somebody comes along and buys it for only 38 cents. A similar situation exists as to cattle. We made a deal for the sale of cattle to Great Britain, and as a result we are confronted with another $3 million loss. Representatives of the Government should be before us so that we could ask them why they made a deal of that kind.

We senators should look into this. We are paid a reasonably good salary, we have the ability and time, and we should do what we can to have such matters explained. But we cannot do that if the supply bill is brought in to us on the afternoon of the day when we are expected to pass it. I am not at all satisfied with this procedure. The other supply bill that we shall have before us a little later today is different. The items in it can be reconsidered when we come to deal with the main estimates, but there will be no opportunity to reconsider some items in the present bill. I refer especially to the provision of money for the Canadian National Railways and for the payment of a bonus on production. Why should the people be compelled to pay a bonus out of their earnings to enable the government to purchase a product and sell it elsewhere at a much lower price than it can be obtained for in this country? That is a question I would like to put to the minister.

These are matters which we should delve into. They interest more especially the senators from cities. I come from a city, and a decent city it is. The prices of the various articles of food form a very important part of the cost of living, of the labouring people, and they would like to know why out of their earnings they have to pay money to the government for the purchase of products which are in turn sold at a loss to Great Britain, New Zealand and other countries. Why, I would like to know, do the people of Canada have to contribute taxes to buy beef and butter so that people elsewhere can get these foods at lower prices?

Hon. Mr. Beaubien: You can blame margarine.

Hon. Mr. Haig: No. All the government has to do is to leave the price of butter alone.

Hon. Mr. Euler: Isn't there unfair competition with margarine?

Hon. Mr. Haig: Quite honestly I did not look at it in that light. I have been brought up on butter and have used very little margarine, so I am not a good judge, but I do say quite candidly that I would rather pay twice as much for butter as for margarine.

The point I want to come back to is this: We have got to pass the bill today, because the Government has spent the money. I am not questioning the honesty of the expenditures; I do not think that enters into it at all. What I am complaining about is this way of dealing with supply, for we have no chance to question the people who are

responsible for these expenditures. How can we do that when the bill comes here on the last day of March, the end of the fiscal year? I would suggest to the honourable leader of this house (Hon. Mr. Macdonald) that he urge upon the Government, of which he is a member, that next session the estimates be sent to us in February, so that we may be able to examine officials on the estimates in our Committee on Finance. We have not done very much work this session except on the Divorce and Matrimonial Causes bill. Had we been given an opportunity to study these expenditures we could have done a good job, and materially helped the Government in its administration.

Hon. Thomas Vien: Honourable senators, the question raised by the honourable Leader of the Opposition (Hon. Mr. Haig) has many aspects, but I do not intend to deal with all of them this afternoon. However, there is one point to which I would like to draw attention. It is that the Board of Directors of the Canadian National Railway Company is appointed by the Government to administer the railway property in the interest of the public of Canada. Now, under our constitution the executive power is vested, not in Parliament, but in the Government of Canada. Section 9 of the British North America Act states:

> The executive government and authority of and over Canada is hereby declared to continue and be vested in the Queen.

Therefore the Government is accountable—but only accountable—to Parliament. It is the duty of the Government to administer public affairs as best it can. When estimates are presented to Parliament, we may question the good or bad judgment of the Government, or ask for further information, but it is not our function to give administrative directions to the Government, or to the management of the Canadian National Railways, which is an agency of the Government.

If a Minister of the Crown in charge of a department determines it is in the public interest that some information should be withheld, and so declares under his responsibility, then under the rules of debate in the House of Commons and in this house, that ends the matter. Therefore, when an agency of the Government—in this case, the management of the Canadian National Railways—is entrusted with the administration of public property such as that of the Canadian National Railways, in competition with a privately-owned railway, and if in its discretion, on competitive grounds or otherwise, it concludes that it would be against the public interest to divulge certain administrative secrets or competitive factors that enter into the day-in day-out operations of its system, I hold that the management is justified in stating that it would not be in the public interest to divulge such secrets, and I believe it is the duty of members of both houses to consider the matter from that angle. I believe that the statement of the President of the Canadian National Railways to the Committee in the other place, that he would give certain information and withhold certain other information, cannot be discussed by legislators, who are invested not with executive but only with legislative powers. It is our right to inquire into the expenditure of moneys voted by Parliament for the operation of the Canadian National Railways, and in this connection, as well as in matters relating to sales or leases of properties which have been made by the company, to ascertain whether the management is trustworthy; but unless we are prepared to challenge the trustworthiness of the management of the Canadian National Railways it would not be fair, in my opinion, to require it to reveal competitive factors which enter into the execution of the functions entrusted to its care. The question is a constitutional one, and it has been frequently determined. In the House of Commons the decision of a minister that it would be against the public interest to divulge certain information has never, to my knowledge, been challenged; and if it were desired to challenge it, the only recourse would be by a motion of nonconfidence in the Government.

Hon. Mr. Roebuck: Or by withholding the money.

Hon. Mr. Vien: Yes.

Hon. Mr. Reid: Having reference to the new hotel which is being built in Montreal, and in view of the fact that the Canadian National Railways have asked Parliament to provide between twenty and twenty-five million dollars to build it, should we not have the right to ask the President of the company how the money is to be spent, and what interest he expects will be obtained on revenues from the leasing of hotels?

Hon. Mr. Vien: The matter of the lease of the Montreal hotel was debated earlier this session, and I do not want to enter now into that particular subject. If, in their managerial discretion, the administrators of the Canadian National Railway Company deem it expedient to lease the hotel instead of to operate it themselves, that is a question into which, I believe, Parliament should not inquire.

Hon. Mr. Roebuck: I do not agree with that.

Hon. Mr. Vien: I am merely submitting my own opinion on the subject, and with the utmost deference to that of any honourable member who may take a different view. If it were expedient to discuss at this juncture the situation with respect to the Montreal hotel, I would do so with pleasure. It was considered at the last session of Parliament before a committee of the Senate. At that time a number of people, including, I believe, the honourable senator from New Westminster (Hon. Mr. Reid), were opposed to the erection by the Canadian National Railways of a hotel in Montreal. Others—and I am one of them—believe that the decision of the Canadian National Railway management to build that hotel was a wise one; and I may point out that, at the request of the honourable senator from New Westminster, very extensive data as to the results of the operation of all these railway hotels were put on the record.

Hon. Mr. Howden: May I ask the honourable senator whether it is not the general belief that, with very few exceptions, the entire hotel system of the Canadian National Railways is operating at a loss?

Hon. Mr. Vien: If, by "loss", net loss is meant, I would agree with that view. But if the reference is to operating loss, I would say that in many cases there is no such loss. For instance, for years the Chateau Laurier at Ottawa has been operating at a very substantial profit.

Hon. Mr. Reid: In that respect, I think, it stands by itself.

Hon. Mr. Vien: If all fixed charges and overhead expenses are taken into account, it might be found that all the railway hotels, including the Chateau Frontenac at Quebec, are operated at a loss. But if only operating expenses are considered, the Chateau Frontenac, the Chateau Laurier and other well-known hotels are producing a net operating revenue for either the Canadian National Railways or the Canadian Pacific Railway. Hotels operated by the C.N.R. play an important part in the overall operations of this publicly-owned company. Much revenue is derived directly and indirectly from their existence. For one thing, they facilitate the services of the Trans-Canada Air Lines. If there were no Chateau Laurier in Ottawa for instance, many people who now stop over in this city would not do so, and thus substantial amounts of revenue now accruing to the C.N.R. would be lost.

It is the overall picture that must be considered and not just the operation of a single hotel. You cannot put the operations of a railway company into various watertight compartments. You might say that the engine of a train is a losing proposition because it does not carry any passengers or freight. Yet it pulls the cars which carry the passengers or freight. The same thing is true of the railway system as a whole. A small countryside station is not a revenue producer, but it is an essential part of a railway system, for it provides railway patrons with necessary facilities. It may be felt that a hotel run by a railway company does not in itself produce much revenue, but it is a different matter when you take into account the amount of business for which it is indirectly responsible.

Another factor has to be taken into consideration when dealing with the hotel being built in Montreal. It is a difficult thing for an independent hotel to get the same sort of patronage that is enjoyed by a hotel belonging to a hotel chain. The Hilton hotels have purchased the Statler organization, and now operate the largest chain of hotels in the world. A patron of one of these hotels in the United States intending to go to Montreal has only to go to the hotel's registration desk and make a reservation for hotel accommodation in that chain's hotel in Montreal. If the railway-owned hotel in Montreal is linked with Hilton, then all hotels belonging to this chain will direct Montreal-bound hotel traffic to this hotel.

One also has to take into account the various conferences and conventions held in these hotels. If, for instance, some important American association has held its annual convention in a Hilton hotel somewhere in the United States this year and proposes to hold its next convention somewhere in Canada, the Hilton people will do their utmost to direct the association to a Hilton hotel in Canada. This type of business is extremely valuable to any hotel.

Honourable senators, I am simply giving a few illustrations to support my point that as members of Parliament we are hardly in a position to challenge the managerial discretion of those who have been entrusted by the Government to administer the operations of the C.N.R. We are, of course, entitled to receive information as to how this publicly-owned company spends the moneys which are voted to it by Parliament, but I do not believe we should challenge these officials when they tell us they do not want to divulge information that would be useful to their competitors.

In performing our function as legislators we should be very careful to restrict ourselves to the legislative aspect of questions and not interfere with any executive power

which, under our constitution, is vested, not in Parliament, but in the Crown and its agent.

Hon. Mr. Haig: May I ask the honourable senator a question? The first day Mr. Gordon appeared before the House of Commons Railways and Shipping Committee he said that for reasons of secrecy he could not disclose the price paid the railway for the four hotels sold last year, but the next day he gave the figure. Why did he change his mind?

Hon. Mr. Vien: It is very understandable that this sort of thing can happen when an official such as Mr. Gordon is called before a parliamentary committee. Could you expect an executive officer of any large corporation to have at his fingertips all kinds of information concerning the operation of an annual business of some $250 million?

Hon. Mr. Haig: That is not it. In the first instance Mr. Gordon refused to answer the question at all. Why did he change his tune the next day?

Hon. Mr. Vien: I do not know what particular question the honourable gentleman is referring to.

Hon. Mr. Haig: The price paid the railway for the four hotels it sold last year.

Hon. Mr. Vien: He may not have had the information at his fingertips.

Hon. Mr. Haig: That was not his reason.

Hon. Mr. Vien: I am not competent to answer my honourable friend, because I have not seen the report of what was said. In any event, I would say that nothing is scandalous about a man changing his mind. If a question is put to a public official and he feels the answer should be withheld, and if after due consideration he feels the information can be divulged without injury to the public interest, Parliament should understand. If my honourable friend were to appear as a witness before a parliamentary committee he might be taken by surprise by some question.

Hon. Mr. Macdonald: May I interrupt? I understand that when the question was asked and he did not answer someone told him that the information could be obtained at the Land Titles Office.

Hon. Mr. Haig: That is correct.

Hon. Mr. Macdonald: When he was told that, I think he answered the question. However, I do not think the information could be obtained at the Land Titles Office.

Hon. Mr. Haig: In Manitoba it can be obtained from the Land Titles Office.

Hon. Mr. Macdonald: You can obtain information with respect to the sales of land. For a hotel that is sold, there is a price; if there is a sale of land, there is another price; if there is a sale of chattels, there is still another price; and for goodwill there is an additional price.

Hon. Mr. Haig: As a matter of fact, the Brandon paper contained the whole information of what it was sold for. I could have brought the information, if I had wanted to.

Hon. Mr. Vien: I am not familiar with the facts concerning the matter to which the honourable gentleman has referred. Also I should point out that I am not raising the question. It is being discussed in a committee of another place, and I do not think it is a proper subject to be discussed here. However, perhaps I may be allowed to say my information is to the effect that Mr. Gordon's first answer was that it would not be fair to the purchaser to reveal the price; but that later, after learning that the deed of sale had been registered he had no objection to giving the information.

Hon. T. A. Crerar: Honourable senators, I do not intend to discuss either the sale or the building of C.N.R. hotels, but I wish to make this observation: I suspect that the reason why the President of the Canadian National Railways did not wish to disclose the price received for the hotels was that he felt under an obligation to the purchaser. If my honourable friend the Leader of the Opposition (Hon. Mr. Haig) will take the trouble to examine the matter I think he will find that in the interval between two sittings of the committee Mr. Gordon obtained the consent of the purchaser to disclose the purchase price.

As to the hotel now being built in Montreal, it was under consideration in the Senate last session, when we approved an appropriation bill for the C.N.R.

Hon. Mr. Reid: The bill was not approved by all of us, for it was passed on division. I did not approve it.

Hon. Mr. Crerar: I do not question that the bill was passed on division, but is my honourable friend suggesting that the minority vote should prevail?

Hon. Mr. Reid: I am trying to keep the record correct, that is all.

Hon. Mr. Crerar: The bill may have been passed on division, but we approved it, and the Canadian National Railways were authorized to proceed with the building of the hotel. However it is not my purpose to discuss that.

I would like to draw the attention of the house to one or two items in the supplementary estimates. Of course, the big item is the amount required to meet the deficit of the Canadian National Railways, but I think other items invite comment. For instance, under Vote 554 $2 million is included for freight assistance on western feed grains. Honourable senators, it may be that at the end of the last session it was impossible for the Government to determine within $2 million the amount required for the movement of feed grains, but I think it is very important to maintain the principle, observed by Parliament since days long past, that when a government brings down its main estimates it should provide for everything that it believes to be reasonably required during the next year. Formerly, supplementary estimates were for relatively small amounts, in contemplation of a possible change of conditions, and were introduced towards the end of the session. As regards the supply bill that is now before us, the main estimates were known a year ago; extensive supplementary estimates were brought in before the close of last session; yet now, at the end of the year, a further amount of $53 million is required. In my judgment that is very poor estimating.

Reverting to the proposed subsidy on feed grains: I think the time has arrived when it should be discontinued. The provision for assistance in the movement of feed grains was a purely war emergency measure, with which I had something to do. If subsidies are given when they are no longer needed, the habit of asking for them will become fixed in our economy.

Hon. Mr. Macdonald: There was a change this year with respect to the payment of moneys for the movement of feed grains, and a few weeks ago my colleague (Hon. Mr. Godbout) explained the change in replying to a question which was asked by the honourable member from New Westminster (Hon. Mr. Reid).

Hon. Mr. Crerar: The honourable leader may recall that the change was a reduction of the amount of the subsidy.

Hon. Mr. Macdonald: That is right.

Hon. Mr. Crerar: But the principle is unchanged. We continue to subsidize the movement of feed grains; and the fiscal year ends tomorrow.

Honourable senators, I ask, is this necessary, and is it equitable? We pay the freight on feed grains from the head of the lakes to say, Sudbury. That helps all the feeders in eastern Canada. If the western farmer were put on a comparable basis, the movement of his hogs and cattle should be subsidized, so far as freight is concerned, for a corresponding distance, because his prices are governed by prices in eastern Canada. I merely want to point out that it is so easy for Parliament to fall into the habit of accepting these things, and that once accepted they become fixed and you can never get rid of them. I do not think this is in accord with sound principles.

The same reasoning applies to Vote 555. That item represents the loss that the Agricultural Products Board has sustained, and which, I believe, has something to do with the importation of New Zealand butter. The amount under this item to be provided from the taxpayers' pockets is $278,494. Surely the time is near when we should get away from price supports, otherwise this practice will spread and infiltrate our whole economy. If a vote to support the price of butter is justified, why not a vote for lumbermen, or a subsidy for base metal or, as a matter of fact, anyone else? The same arguments apply to the Fisheries Prices Support Board, whose operating losses last year amounted to $744,000.

But I come back to the distinction I made earlier in my remarks. These estimates should be properly prepared in the first instance. It is easy, but not commendable to keep the main estimates down and come in with supplementaries at the end of the year to get what is needed.

There are, of course, occasions when supplementaries are necessary and I will give one instance to illustrate the argument I am trying to make.

Vote 562 contains an item of $600,000 for the welfare of Indians. Now, I cannot conceive that any new circumstances have arisen during the year which could not have been foreseen, at any rate when we passed the supplementary estimates before the end of last session. The Indian Affairs Branch of the Department of Citizenship and Immigration knew in advance the requirements of our Indian population. What happened is that without having obtained the approval of Parliament, the department went on and incurred this further expense, and now comes along and asks for $600,000 to meet it.

On the other hand, a vote which quite properly comes within the ambit of supplementary estimates is item No. 581, for the relief of the distress caused by that distortion of nature known to us as Hurricane Hazel. That event no one could have foreseen, and on the basis of the principle I am discussing, Hurricane Hazel vote is entirely justifiable.

I have drawn the attention of the house to these matters because I believe that we should not depart very far from the traditional methods which have always been associated with the practice of democratic government.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: Honourable senators, I would like an explanation of item 556, page 2:

To provide assistance for the replacement of maple production equipment—Further amount required, $100,000.

Hon. Mr. Euler: The honourable senator from Kennebec (Hon. Mr. Vaillancourt) can explain that item.

Hon. Cyrille Vaillancourt: Honourable senators, some fifteen years ago the importation of maple products into the United States was prohibited, and any shipments in transit were stopped at the border. The United States Government took this step because of the presence of lead in the maple syrup. On learning of this condition, the industry made an investigation and discovered that the maple sap when coming in contact with the tinplate of the sap buckets picked up some lead, which, it was supposed, got into the syrup. Knowing what importance the health authorities of various countries attach to the presence of lead in food products, we in the industry realized that we were faced with a serious situation. Honourable senators must know that no longer may tea be packed in lead foil, nor can chocolate bars be wrapped in lead foil, and similar precautions are taken in the packaging of other articles of food.

The solution of our problem lay in the use of a different type of sap bucket. This meant a very heavy loss for the farmers who were faced with discarding their present type of maple sap buckets. Discussions were held with the governments of the United States, Canada, Quebec and Ontario as to what steps should be taken to avoid contamination of the maple sap by lead from the buckets. After discussions lasting two years, the conclusion was arrived at that it would be absolutely necessary to replace the present type of buckets with buckets made of some other material.

Experiments were conducted with buckets made of different materials, including plastic, paper, and so on, and as a result it was decided that the best course was to replace the tinplate buckets with buckets made of aluminum. To have made that change immediately would have worked great hardship, and so further conferences were held with the governments of the United States, Canada, Quebec and Ontario and it was finally decided that the change-over would have to be made within a period of ten years. The Government of Canada agreed to pay one-third of the cost of the aluminum buckets, and the provincial Governments agreed to pay one-third, so the farmers whose buckets are being replaced have to pay the remaining third. The vote under discussion is to provide the Government with money to pay its share of the cost of replacement.

In the past the farmers did not take full advantage of the money voted by Parliament for replacement of these buckets. If they had done so the Government would have paid out $1 million additional. As honourable senators will realize, the farmers cannot be expected to change over from a long-established custom in two or three years. It is very difficult to convince them that they should replace their tinplate sap buckets. As a matter of fact, in order to obtain complete replacement it will be necessary for the Government to extend the ten-year period by another year. Since financial assistance was provided by the federal and provincial Governments, some 17·5 million buckets out of a total of 21 million have been replaced, and if a subsidy is provided next year I think the situation will be entirely corrected. Then there will be no more lead in the sap and consequently no more lead in the bodies of consumers.

Hon. Mr. Haig: Are the tin buckets being turned in, to be exchanged for the other type of buckets?

Hon. Mr. Vaillancourt: No, we are destroying the old buckets.

Hon. Mr. Haig: That is what I thought. Every farmer is replacing his old type tinplate buckets with aluminum buckets and the Government is paying part of the cost of these new buckets.

Hon. Mr. Vaillancourt: Yes. The federal Government is paying one-third of the cost, the provincial Governments are paying one-third, and the remaining third is being paid by the producer.

It is exactly the same principle as is followed by the Government in providing funds for the purchase of butter at a floor price and for its storage. The Government also contributes to the cost of cold storage plants for apples, cheese and other products. But the maple products industry is not asking the Government to fix a floor price: all that is required is the provision of one-third of the cost of new buckets. When yields have been low this industry has never asked the Government to pay it a subsidy. All that it has asked for, and all that is being given in this vote, is a grant to help in replacing unsuitable maple sap buckets.

Hon. Thomas Reid: Honourable senators, I am very sorry that a few senators who spoke to us a short time ago are not now present, because in reply to their remarks I wanted to say a word or two.

First, let me comment on the remarks of the honourable senator from De Lorimier (Hon. Mr. Vien) concerning the Canadian National Railways hotels question. I realize, as he no doubt realizes, that there are certain questions that it would not be good business for the railroad management to answer. For instance, they might be embarrassed by inquiries as to the salaries that are being paid to the staff. But on this question of hotels I think Parliament would be well advised to watch the attitude of the President of the C.N.R. In many men holding high office one sees a tendency to refuse to members of Parliament information to which, in my opinion, we are entitled. It is a fact that last year I opposed the vote for the construction of a Canadian National Railways hotel in Montreal. I differ in this matter from the honourable senator from De Lorimier (Hon. Mr. Vien). I am one who believes that hotel ownership by railway companies is no longer justified, because it does not fulfil the only purpose which would warrant the building and running of hotels, namely the provision of more business for the railroads. There was a time, in the early days of this country, when a railway-owned hotel existed in practically every town or city of any size. But today people travel by bus and car and airplane as well as by rail. I wonder how much revenue will be obtained by this hotel from the travelling public. And if the purpose in building it is not to make revenue, in Heaven's name let us know why $25 million of the people's money is to be spent in this manner. It may or may not be the fact that the management is responsible to the Government, but, after all, we members of Parliament are responsible to the people, and I think the people are entitled to some information about so large an outlay of public funds.

Let me point out—whether or not the information may be divulged later—that no one in Parliament has at this time any information as to the terms of the lease to a United States company. My thought in this respect is, if the hotel should fail to make a profit, what guarantee will the Government or the Canadian National Railways have that interest will be paid? And if the return on the principal is less than three per cent, the project must be regarded as a dead loss. So I repeat that as the people of this country are putting up $25 million for the hotel, they are entitled to know what security the Government has for the payment of interest on the property. Mr. Donald Gordon has taken the stand that this information should not be disclosed. I differ from him, and I am sorry that the estimates now presented to us cannot be sent to a committee, where we might ask him this particular question.

Reverting to some remarks of the honourable member from Churchill (Hon. Mr. Crerar), I must admit my astonishment that anyone from the prairie provinces objects to subsidies on wheat. Not much objection was heard to a subvention of some $65 million a short time ago to the prairie provinces, although I am sure that people living in other parts of Canada did not much relish the transaction. I think the policy of the prairie producers should be to make it easy to market their wheat. I serve notice now that at the proper time I shall be very critical about a condition of affairs under which men who run turkey and poultry ranches cannot use their own wheat in their own business. We have set up in this country the greatest combine Canada has ever known, yet very little is said about it. As a result, a man who grows wheat in one of the prairie provinces cannot use it to feed his poultry elsewhere, and the Canadian National Railways will not haul it until a permit is received from the Wheat Board. I know of cases in which men have been prevented from obtaining wheat in payment of a debt. As a matter of fact, to my knowledge at least half a dozen people in British Columbia who had sold their prairie farms, and had undertaken to take wheat from the purchasers to feed flocks of turkeys as large as five or maybe ten thousand—and one British Columbian carries a flock of something like 20,000—have been forbidden to draw wheat from their own farms for feed purposes.

Hon. Mr. Euler: I wish to say a word in justice to my desk-mate, the senator from Churchill (Hon. Mr. Crerar). I believe he has just been criticized in connection with a subsidy of $65 million to the farmers of Western Canada. Does not the senator from New Westminster (Hon. Mr. Reid) know that the honourable senator from Churchill voted against that contribution?

Hon. Mr. Reid: Well, my reference was not personal; I did not direct my remarks at him.

Hon. Mr. Beaubien: He was in the minority.

Hon. Mr. Reid: Just think what a great combine this is. I well remember that, when members of British Columbia poultry associations wrote to me, as a member of Parliament, to the effect that unless I supported the control of wheat marketing by a federal board, at least 5,000 of their members would

vote against me. I told them that they would regret their attitude, that they were being led up the wrong path by some very fancy speakers. Last year I had the doubtful pleasure of speaking on this matter to some poultrymen who are now complaining that they are required to pay a very high price for a very inferior grade of wheat. However, I will enlarge on these remarks at the proper time.

I rose particularly to protest, on behalf of the poultrymen of British Columbia, against any interference with the subsidy from which they are now benefiting. After all, what was the reason for it? It began during the war. All of us recollect the conditions. The Government wanted an increase in the production of eggs, poultry, and every agricultural product; and subsidies were provided to encourage the production of wheat and the supplying of feed grains to the West and clear across as far as the Maritimes. Of course, when people have come to rely on a crutch of that sort it is hard to withdraw it. One could instance a dozen items of the same kind. But we in this country have reached a very serious position when the Liberal party, the party of free enterprise, commits itself to the maintenance of such combines as we find in the three prairie provinces. The whole thing is wrong, and needs a great deal of investigation.

Hon. Mr. Aseltine: I believe there is a test case at present before the courts.

Hon. Mr. Reid: That is so, but I am speaking in generalities because I do not want to seem to interfere with any case on which a judgment may be pending.

I should also like to know whether the $58,000 included in the estimates of the Clerk of the House of Commons has to do with our elevator service. The service in fact is nothing to boast about. In my opinion the new elevators are slower and less efficient than the old ones. Would the honourable leader explain that item?

Hon. Mr. Macdonald: I had intended to answer all questions when I close the debate.

Hon. George H. Ross: Honourable senators, a year ago we voted a subsidy of $17 million for freight assistance on western feed grains. Today we are being asked to vote another $2 million for the current year, and for the next year commencing tomorrow we are being asked to vote a further $15,500,000 subsidy on feed grains. I agree with the honourable gentleman from Churchill (Hon. Mr. Crerar) that in the interest of economy this subsidy should be done away with.

During the last war many controls were introduced and the payment of many subsidies provided for. They were necessary during the war and were intended to be of a temporary nature. Since the war many of them have been discontinued. In my opinion, in the interest of economy more of them should be discontinued; for example, the payment of freight assistance on western feed grain.

In giving my reasons for believing that these payments ought to be discontinued I think I should state the circumstances under which the Government decided to pay freight on feed grains shipped from Fort William to the Eastern provinces and from Calgary and Edmonton to British Columbia.

In the year 1941 we had in Canada a surplus of wheat and a shortage of meat and dairy products. In that year farmers were bonused to the extent of $4 an acre for each acre by which they reduced their wheat acreage. We were then engaged in a hot war. Throughout the war, as at present, the Government kept a close check on agriculture right across the country. The bonus of $4 an acre was paid to maintain a balanced diet, particularly for the armed forces and those actively engaged in producing munitions. I will quote the words of the Minister of Agriculture, the Right Honourable Mr. Gardiner, in sponsoring the bill:

> There are certain products that ought to be produced this year to greater volume than you have been producing them before. We want more butter; we want more cheese; we want more hogs; we want more cattle, and if we are going to be able to produce these products in Canada we must have more feed grain . . . Wheat is a product which will keep for a long term of years. It will be just as good as a food three or four years from now as it was when it was grown. 1941 *Hansard*, p. 3512.

The bonus was accordingly paid. As a result of this policy, dairy and meat products rapidly increased. The Minister of Agriculture was also authorized by Order in Council P.C. 5434, passed under the provisions of the War Measures Act, to pay freight assistance on western wheat, oats, barley, rye and mill feeds transported from Port Arthur, Fort William and Armstrong to any part of Eastern Canada for use exclusively as feed in Canada for livestock. Shortly afterwards a similar provision was made under P.C. 6387 for shipments from Calgary and Edmonton to any part of British Columbia. They were introduced as temporary measures. Under these Orders in Council, Canada has been paying freight charges on such shipments. Up to the end of the last fiscal year, ending on the 31st of March, 1954, Canada paid $207,165,850 freight on such shipments or approximately $6.16 a ton. The

reason for paying this subsidy was stated by Mr. Gardiner in these words:

> Last winter the eastern provinces, particularly the Maritimes, asked us to give some assistance in the bringing of feed grains from Fort William. A little later on, the provinces of Quebec and Ontario became involved in the discussion. In the first instance we did agree to pay half the freight on feed grains from Montreal to the Maritime provinces, but that was not considered satisfactory. The other two provinces were brought into the discussion, and we finally offered to pay the freight on feed grain from Fort William to all the five Eastern provinces. After we had made that offer, much to our surprise, the only province that took it up was Ontario, which perhaps needed it the least. 1941 *Hansard*, p. 3520.

At a later date he said:

> We are paying the freight from Fort William east to points in all the provinces east, and on grains going west from Calgary and Edmonton to British Columbia to be used for feeding purposes. 1942 *Hansard*, p. 3036.

For the fiscal year commencing April 1, 1955, the subsidy is reduced from $19 million to $15,500,000, as shown in the Estimates, p. 122. Now that the hot war is over it seems to me that no further freight assistance should be voted and that the item should be deleted from the estimates.

The honourable senator from New Westminster (Hon. Mr. Reid) has suggested that the payment of this subsidy is providing a market for our grain. It is not helping the prairie farmers one bit in so far as the price of grain is concerned. The farmers have to sell their grain on the world market. If the Government wishes to assist the farmers of the prairie provinces let them pay the prairie farmers a similar subsidy—that is, $6.16 a ton—on grain they feed to livestock. If it is necessary to raise more livestock let the Government pay the farmers of the prairie provinces that subsidy, and they will produce more livestock. They can do it just as well as the farmers of the other provinces. Furthermore, all farmers in Canada are being taxed to pay this subsidy.

Hon. Mr. Euler: All Canadian citizens are taxed for that purpose.

Hon. Mr. Ross: Yes.

Hon. Mr. Euler: My friend said "all farmers".

Hon. Mr. Ross: All Canadians are being taxed to pay this subsidy. The farmers of the prairie provinces are being taxed as well as the farmers of the other provinces, and it is not sound economic policy to tax an industry in one province in order to pay a subsidy to its competitors in another province. That is in effect what this tax is doing. We are taxing the prairie farmers to pay a subsidy to the farmers in the other provinces who are competitors in raising livestock.

Hon. Mr. Reid: It is not one class of farmer that is being taxed. Everyone in Canada is contributing.

Hon. Mr. Ross: Yes.

Hon. Mr. Reid: It is not the farmers alone.

Hon. Mr. Ross: The farmers are being taxed as well.

Honourable senators, in the interests of economy, I submit that this subsidy should be done away with.

Hon. Joseph A. Bradette: Honourable senators, when the honourable senator from Calgary (Hon. Mr. Ross) and the honourable senator from Churchill (Hon. Mr. Crerar) say that the subsidy on western feed grains is of no assistance to the farmers in the West and should be abolished, I do not know on what basis they can support their argument. About four years ago there was no kind of crop in the northern Ontario clay belt from Hearst to Cobalt; the grain was left on the ground and we could not gather it for harvest. It is hard to visualize the seriousness of the situation as it existed then. We have been trying to widen the scope of agriculture in northern Ontario for some years, and with that purpose in mind a delegation, of which I was a member, went to the Department of Agriculture. We tried to impress the department with the fact that we should get the same help as the western provinces were already receiving, but that there was no legislation to provide for it. We also asked for a further reduction in freight on grain going to the coast, so as to relieve our serious situation, but the request was not granted.

Like most members of this chamber, I think subsidies should be done away with as quickly as possible, but when they are necessary it is vital to retain them. When subsidies are discussed we must think nationally and not parochially. It is a fact that when the farmers of northern Ontario or northern Quebec suffer a bad crop situation the rest of the farmers of Canada to some extent also suffer the consequences. I am of the opinion that this subsidy is one of the best ever voted, and that it has helped our farmers and stimulated the growth of industry both in northern Quebec and northern Ontario. Western producers of coarse grains and feed wheat have been provided with a profitable market in the eastern provinces and also in British Columbia. I venture to predict that if the assistance they now receive were removed, a good domestic market would be lost.

Hon. W. D. Euler: Honourable senators, this debate seems to be on the question of whether the farmers of western Canada are getting too much, or whether the farmers of northern Ontario are not getting enough.

As a humble citizen of Ontario, representing citizens of Ontario, I would like to have a word to say, because, after all, subsidies come out of the taxes which are paid by the people of Canada, and I think the greater proportion comes from the people of Ontario and Quebec.

Hon. Mr. Bradette: Yes.

Hon. Mr. Euler: In principle, I am absolutely opposed to subsidies. I am opposed to even the Crowsnest Pass Agreement, which is really a subsidy to reduce freight rates. However, I am in favour of carrying out the terms of an agreement. I think the western farmers should realize that they are getting a great deal of money because the C.N.R. have to charge rates so low that we in the eastern provinces have to help pay the losses.

Hon. Mr. Ross: It is a profitable business for the railways.

Hon. Mr. Euler: It would be more profitable if they were able to charge proper rates across the country. I do not like discrimination between one class and another. I have every sympathy for the farmer, but I do not think farmers have any more right—except in an emergency—to a subsidy than people in any other line of business have. There is distress in our manufacturing industries in Ontario, and I think also in Quebec. Sometimes our manufacturers—for reasons I will not discuss here—are unable to export their goods because costs are too high. Must we subsidize all our manufacturers for that reason?

Hon. Mr. Ross: We are doing it with high tariffs.

Hon. Mr. Euler: I think the principle of subsidies is absolutely unsound. They are given to favoured people. I may get into hot water for saying this, but I think governments are unduly given to subsidizing the farmer. I have nothing against the farmer, but I think he has become the "favourite boy" in this country, and perhaps in other countries as well. I do not like favouritism as between one industry and another. I realize that in time of war we have to adopt measures that are abnormal, but as soon as possible after the war ends all such measures should be dropped. Except in an abnormal situation, I think we should wipe subsidies clean off the map, because to grant them is an unfair discrimination against the taxpayer.

Hon. Mr. Beaubien: What about a tariff, is that a subsidy?

Hon. Mr. Euler: No.

Hon. John P. Howden: Honourable senators, I am in agreement with the honourable senator from Waterloo (Hon. Mr. Euler). I was born in the east, but grew up in the west, and I consider myself to be a western man. I am thoroughly in sympathy with the interests of western Canada. I think we should get the right idea about this subsidy. The western farmer grows a great deal of barley, wheat and oats, but particularly barley and wheat. Barley is used in Canada for certain purposes, and the Government saw fit to pay a subsidy of 15 cents a bushel on the freight rate from western to eastern Canada, because the eastern farmer was not able to even feed his own pigs and cattle for market. The western farmer greatly resented that subsidy, and I think he had a right to do so. It is senseless to say there should not be animosity between eastern and western groups in Canada. The basis of business is competition, in every activity or industry. The western farmer has been at a decided disadvantage in the matter of subsidies. Therefore, I am not in favour of them.

Hon. Mr. Bradette: The subsidy of which you spoke did not cover the whole of the freight charges.

Hon. Mr. Howden: It was actually 15 cents a bushel on the price of barley.

Hon. Mr. Bradette: No, it does not work that way.

Hon. Calvert C. Pratt: Honourable senators, not being from either Ontario or the prairie provinces, may I, nevertheless, say a word or two on this delicate subject of subsidies? I wish to refer first to what has just been said about subsidies as a general policy. It is very easy for a person to say—as was said a moment ago—"I am not in favour of subsidies." That could be logical thinking but illogical practice. In theory, my honourable friend might be right, but theories give a poor living. In practice, subsidies can be construed, and can be applied, as an equalization of opportunity by a payment for indirect benefits which others are denied. In geographical areas where people contribute proportionately more to other provinces than they receive, by trading with those other provinces, subsidies to equalize trade and opportunity are no doubt necessary. Then again, aren't protective tariffs on industry a subsidy? The only difference is in the form of payment made by the people. For instance, the province of Newfoundland, the province of Prince Edward Island, and maybe other provinces, are examples of what occurs

when the preponderance of trade is one way only. Practically no trading benefits come to Newfoundland from the other provinces, and my province has to sell elsewhere in the competitive markets of the world to get the money required to pay for purchases made in the other parts of Canada. Such a situation, I think, requires subsidies of one kind or another, depending on the conditions. To say that subsidies should be wiped out may sound feasible in theory, but it is entirely wrong in ethical principle, as between provinces.

I should like to refer to one item in the supplementary estimates before us pertaining to the movement of coal, which appears on page 6 of the bill. The vote number is 591, and the amount is $1,604,000. It comes under the heading of "Mines and Technical Surveys," and is sub-titled "B—Dominion Coal Board." The item reads as follows:

Payments in connection with the movements of coal under conditions prescribed by the Governor in Council.

I realize that this item in the schedule was introduced as a protective measure for places in the central areas of Canada where United States competition in the sale of coal is acute and undoubtedly has a marked effect on the coal industry and labour situation in Cape Breton. The subsidy is therefore highest where coal is cheapest. There are some areas where coal is very, very cheap and where the subsidy, I understand, runs as high as $4.50 a ton.

Honourable senators, Newfoundland has been a buyer of coal from Sydney Mines as long as there has been a Sydney mine. The purchases have been running of late around 200,000 to 250,000 tons yearly. The condition of the coal as it arrives in Newfoundland is somewhat inferior to the coal that can be purchased from sources in the United States. This occurs by reason of the facilities for loading on board ships, during which the coal becomes badly broken, some of it being reduced to dust. The coal therefore is not as well screened as when delivered by railway cars.

Now it does not seem right that that subvention or assistance on coal should be cancelled out as applying to Newfoundland. The subsidy recently in force for a period amounted to $2.40 a ton.

The reason why it was eliminated, I believe, is that there appeared to be an absence of direct competition from outside and a feeling that, well, the Cape Breton mines might get the orders anyway.

Honourable senators, I am not too sure that that is a broad enough view to have on this issue, although I am aware that the primary purpose of the subsidy is to meet foreign competition. The areas of Newfoundland where this subvention is required most are where the price of coal is highest, and where the people can least afford to pay the highest prices. However, passing over that, I would say this, that there is a distinct possibility and a likelihood that vessels will be bringing in foreign coal to St. John's, and perhaps some other ports, and local vessels will be loading this outside coal, and as a result Sydney will be by-passed. That is a possibility, and I am told by people in the industry that it is very likely to happen.

In Newfoundland we have a different condition too because most of the coal, I think more than 50 per cent of it is handled by small freighting schooners and is taken from one place to another. These schooners can go to Sydney at the present time; in fact there is a constant flow of the vessels in and out of Sydney, but I can foresee the possibility that Sydney Mines will be by-passed and not continue making as substantial shipments as it has made in the past.

This $2.40 subsidy has suddenly been withdrawn and at the moment there is no subsidy whatever paid on coal from Sydney Mines brought into Newfoundland, although provision has been made annually in the estimates for something like $10 million susbidy for the movement of coal in Canada. I think that is a matter that should be more closely considered on its merits and in the light of the special circumstances involved. I am not speaking now to defend the principle of subsidies and subventions as a general policy, but it is a policy under which scores if not hundreds of millions of dollars are paid out, and while that is so justice should be done.

Hon. Mr. Aseltine: May I ask the honourable senator a question? I would like to know if Newfoudland does not receive some benefit from item 584, which provides for the amount required to recoup the Fisheries Prices Support Account to cover the net operating loss on completed programs of the Fisheries Prices Support Board as at March 31, 1955, the amount required being $744,382.

Hon. Mr. Pratt: Yes, that is undoubtedly a payment which is made to assist the fisheries industry in Newfoundland.

Hon. Mr. Aseltine: But you would like to get a subsidy on coal that is consumed in Newfoundland?

Hon. Mr. Pratt: I would like to see proper consideration given to the matter of freighting coal to Newfoundland as to elsewhere. I would like to see the subsidy paid out fairly in the light of the circumstances involved, and not purely by the book of rules,

which may not be applicable to the whole need and the special circumstances.

Hon. Mr. Aseltine: That is what I thought you meant.

Hon. J. Wesley Stambaugh: Honourable senators, as a western farmer I would like to make a few remarks with regard to these subsidies. One point that I wanted to make has been covered by the honourable senator from St. John's West (Hon. Mr. Pratt). I agree with him that subsidies often provide just an equalization of opportunity.

Now, honourable senators, I know that many western farmers would like to see the freight subsidies on feed grains wiped out, because these special freight rates actually subsidize our competitors, the eastern farmers who are raising hogs and cattle. We in the west have to ship our stock to the east, because our market is there. In order for us to get similarly favourable treatment, we should have the benefit of special freight rates on our stock going east.

Speaking for myself, as a western farmer, I do not begrudge these subsidies to the eastern farmers. To repeat: they provide an equalization of opportunity. We can raise grain in western Canada more cheaply than it can be raised in the east. Most eastern farmers are dairy farmers, and I know they work very hard, and put in long hours.

The western farmers subsidized the people of eastern Canada in their food supply for over three years during the war. Every time that some of you overweight gentlemen down here in eastern Canada ate a slice of bread or a piece of pie or cake, one big bite out of that was given to you free by the western farmers, because we were held down to a price for our grain much less than we would have received had we been allowed to sell on the open market. At the time I did not even mind that, but when you same gentlemen get up and tell us about the way you subsidized us and made us a gift of $65 million, you add insult to injury and you make me think that perhaps we fed you too well in those three years. It has been fairly figured out that the western farmers lost upward of a billion dollars by not being allowed to sell their wheat on the open market. However, we are used to making our money the hard way. We do not mind too much feeding the people of Central Canada and preventing the grass from growing on their streets by buying their manufactured articles and keeping their factories going, but we do think we should be thanked for doing this, and not criticized.

So, honourable senators, I would say this. We are glad to allow our eastern friends these subsidies on feed grains. I know they need them and I believe they should be kept up. I realize that we in the West help to pay them, and that we are building up a market which to some extent operates against us.

In closing, I would like to suggest to honourable senators who oppose subsidies on feed grain that they should train their guns on other subsidies. For instance, we are giving millions to subsidize the operation of gold mines.

Hon. W. Rupert Davies: Honourable senators, I am not going to get mixed up in this fight. Many years ago I heard the Right Honourable Mackenzie King state, in the course of a speech at a public meeting, that Canada was a very hard country to govern. After listening to the discussion this afternoon, I assume that he was right. I simply got up to ask the honourable leader of this house (Hon. Mr. Macdonald) a question about a matter that I know something about, under "Public Printing and Stationery," items 598 and 599. Can the honourable leader (Hon. Mr. Macdonald) tell us, when he is answering the various questions, why a further amount of $55,000 is required for the publication of the *Canada Gazette*? Assuming there is a very able man in the estimates department of the Printing Bureau, he should be able to tell, at the beginning of the fiscal year, what it is going to cost to produce the *Canada Gazette;* and I am not quite clear why the additional amount of $55,000 is needed.

Again, under "Printing and binding the annual statutes" a further amount of $6,500 is required. The only conclusion I can come to is that the Bureau has had to face higher wage demands or something of that kind. Perhaps the leader will explain these matters when he answers the other questions that have been asked.

Hon. Arthur W. Roebuck: Honourable senators, I should like to say a word before the debate is closed. Having been busy elsewhere, I am not in a position to argue this question of subsidies, but I could not allow the occasion to pass without stating my position, lest anyone should mistake it, with regard to subsidies. All my life I have objected to the granting of subsidies to the manufacturers in our cities. I come from a city; I am a free-trader; and I do not believe in charging people more than commodities are worth in order that one man shall pay profits to another. In the same general way I am opposed to subsidies. It may be that there are times when, on compassionate grounds, or under very special circumstances, such as in time of war, it is fair and honest and decent to ask the taxpayers generally to

pay something to particular classes which are contributing in a special way to the common good. But to make a practice of taking from one business a portion of its profits to make up the profits of another business is, in my view, dishonest, uneconomic and disastrous; and if we go on doing it we shall run into serious economic and financial difficulties. The country can stand a little of this kind of thing without too much hurt, but if the process goes deep enough it will, beyond all question and with absolute certainty, run into disaster.

It is difficult to attack any one specific subsidy, because the beneficiaries, who depend on their profits on other business, will say "Look at this one; look at the other one." The farmer will tell us to look at the manufacturer. The manufacturer will point to favours to the gold-mining industry. The gold miners will ask us to look at some other interest. All of them have got their probosces in the public or the communal treasury. The use of the Government's power to interfere in the natural order of things works out badly all the time.

Let me recall one incident. It will be remembered that the Government interfered in the matter of the value of money. It was stated that our money should be worth so much in relation to American money, irrespective of the facts, and we poured a billion and a half dollars down the drain. And so we go on, poking the nose of the Government into places where it has no business to be, and with the same results—loss, and disaster, and the dishonest exercise of our powers over other people.

I want to add that I voted against the $65 million grant that has been referred to. I do not propose to argue this matter again, but I want it thoroughly understood that I have had no part in approving the payment of that grant.

There is one more thing I should like to say before I sit down. I am not really taking part in the debate; I am merely stating my position. The honourable senator from De Lorimier (Hon. Mr. Vien), in his comments with regard to the constitution, read from the British North America Act to the effect that the Government of Canada is vested in the Queen, and he drew from that circumstance the deduction that the business of our country is to be transacted by the executive. That is true enough; and there is a special rule which allows a minister to say that it is not in the public interest to give certain information: it is out of order to try to compel him to do so. For instance, were a resolution passed that, notwithstanding such a declaration by a minister, he be required to give that information, the Speaker would rule it out of order. But in my judgment, that rule does not in any way curtail the rights of debate, the right of the individual to question an amount and to declare his mind with respect to it; and furthermore, to enforce his views by voting, if he so desires, against the appropriation. In this matter the supremacy of Parliament is involved, and that supremacy was in the first place acquired, and throughout the years has been maintained, by control over the purse-strings. So, although my honourable friend from De Lorimier is thoroughly acquainted with constitutional matters and the rules of the house, I cannot, because I am jealous of the rights of Parliament, agree with him when he says that such a statement by a minister in any way controls the limits of debate.

Hon. Mr. Macdonald: Honourable senators,—

The Hon. the Speaker: Honourable senators, if the honourable Leader of the Government (Hon. Mr. Macdonald) speaks, he will close the debate.

Hon. Mr. Macdonald: Honourable senators, I am sure that this has been a very helpful debate. Considering the very short time at our disposal, we have gone into the estimates thoroughly. The debate proves that honourable senators have studied the Supplementary Estimates before coming into the house today.

I quite agree with the honourable Leader of the Opposition (Hon. Mr. Haig) that it would have been much better had we been able to have this debate two or three days ago. Last year, which was the first year I was a member of this house, the honourable gentleman reminded me that a similar bill had come to the Senate too late for thorough consideration. On that occasion I stated I would do what I could to have the bill come in earlier this year. Well, I think I started off all right. I saw the appropriate minister about it, and he introduced the bill in the House of Commons a week ago tomorrow.

From my experience I recall that this appropriation bill was usually introduced in the House of Commons on the last day of the fiscal year, which meant that the Senate had practically no time at all to consider it. The fact that the bill has not reached us until today is not the fault of the Government, but I am not blaming anyone. Probably next year the minister may be able to introduce the bill in the other house even earlier than he did this year.

Honourable senators, we have had a discussion about the operation of the Canadian National Railway and its hotels. I do not intend to deal with that subject any further.

There is no doubt that both the hotel management and the Government will be made aware of what has been said here today, and whether or not it will affect the administration of the railway I cannot say. In any event, I am sure that the Government will take notice of what has been said during this debate.

We have had a very interesting discussion on subventions, some honourable senators speaking in favour of them, and others against. There was a discussion on the subsidy of feed grains, during which one honourable gentleman from Western Canada advocated the subsidy be abolished, while another said that by all means it should be maintained. I am sorry that my deskmate, the honourable gentleman from Montarville (Hon. Mr. Godbout), is not here at the present time, for he is an expert on the subject of subsidies and made a very clear statement when replying to a question that was asked earlier in the session by the honourable gentleman from New Westminster (Hon. Mr. Reid).

I think it was my honourable colleague from Churchill (Hon. Mr. Crerar) who said he did not understand why there should be an increase in the subsidy on feed grains over the amount placed in the original estimates. The fact is that more grain was shipped than had been anticipated. It is very difficult to estimate these expenditures right down to the last dollar. My recollection is that the original estimate was $16 million, and this is for an extra $1 million.

Hon. Mr. Ross: The original estimate was $17 million.

Hon. Mr. Macdonald: And this is an extra $1 million.

Hon. Mr. Ross: $2 million.

Hon. Mr. Macdonald: Well, roughly speaking, that represents an increase of about 12 per cent. In some instances, although not in many, the original estimates were over the amount required. I am sure we are all agreed that the departmental officials who submit these estimates do so to the best of their ability, and that by and large they do a good job.

Reference was made to the floor price—one might call it a subsidy—on butter. The honourable Leader of the Opposition (Hon. Mr. Haig), thought there should be no floor price on butter, so perhaps I should remind the house that the farming population is one section of our population whose income has notably dropped during the past year. This has had an effect on our dairy farmers, and as a result the dairy industry is not in a sound position today. I am convinced that if the floor price were removed from butter it would be disastrous to many farmers and would bring about a chaotic condition in the dairy industry. It is true that some people might get butter a little cheaper, but do you think it would be in the best interests of Canada to put many dairy farmers out of business? I certainly do not think so.

The honourable senator from Churchill (Hon. Mr. Crerar) referred to a further amount required with respect to operation and maintenance in the Indian Affairs Branch. The Government is endeavouring to do what it can to enhance the lot of Canada's Indians, many of whom suffer from tuberculosis, but before their health can be improved it is necessary to build them hospitals and improve their general living condition. This item was not foreseen when the Main Estimates were brought down, but I am sure we all approve of any effort made to better the lives of Canada's Indians.

Hon. Mr. Roebuck: This is certainly a justifiable expenditure.

Hon. Mr. Macdonald: The honourable gentleman from New Westminster (Hon. Mr. Reid) asked a question with respect to the legislative grant to the House of Commons. He wanted to know if the money was for the new elevators in the main building. The Main Estimates for the House of Commons for 1954-55 amounted to $1,250,777. There were additional Supplementary Estimates totalling $58,000, making the total amount required $1,308,777. The amount of $58,000 includes an additional $50,000 for the publishing of debates. By way of explanation, I suppose the officials of the house miscalculated the length of the debates, and there have probably been some wage increases. There are further additional requirements of $3,500 for office stationery, supplies and equipment, and $4,500 for committee expenses, for witnesses, etc. The honourable senator from New Westminster (Hon. Mr. Reid), who is Chairman of the Special committee on the Narcotic Drug Traffic, will appreciate that as a result of the work of that committee there may be some unforseen expenses in connection with witnesses and so on.

The honourable senator from St. John's West (Hon. Mr. Pratt) referred to the subsidies which had been taken off coal movements to Newfoundland. I shall bring his representations to the attention of the government. My recollection is that while some ports could take advantage of the subsidies, other ports could not, and it was thought that to be fair the subsidies should be taken off

altogether. However, as he has raised the question, I will see that it is again considered.

The honourable senator from Kingston (Hon. Mr. Davies) asked me a question with respect to Votes 598 and 599. Vote 598 covers a supplementary estimate by the Department of Public Printing and Stationery for the printing and binding of the annual estimates, in the amount of $6,500. The original estimate was, of necessity, conjectural, being dependent on the extent of the legislation, on the length and number of pages of the statutes enacted, and on the number of copies printed and bound. The costs incurred for the last session of parliament exceeded the original estimates and therefore additional funds are required.

Vote 599 would cover the supplemental costs incurred for publishing the *Canada Gazette*. The original estimate was, of necessity, conjectural, being dependent on the quantity of printed matter submitted and upon the number of regular copies printed each week and extras as required. A consolidation of Statutory Orders and Regulations increased a number of issues of the *Canada Gazette* to several times the normal size. Those are the reasons for the increased cost.

I hope I have answered all the questions honourable senators asked of me. I do not pretend to be an expert on this subject, but with the assistance of a book which contains the supplementary estimates from the various departments with an explanation for each item, I trust I have been able to give satisfactory answers.

Hon. Senators: Hear, hear.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: I move the third reading now.

Hon. Mr. Haig: Honourable senators, I am not going to speak on the third reading of this bill, for one reason. I spoke on the second reading, and I lost all my supporters; now, if I were to try to speak on the third reading I might even lose myself.

The motion was agreed to, and the bill was read the third time and passed.

APPROPRIATION BILL NO. 1

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 284, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

Hon. Mr. Haig: Honourable senators, may I make an interjection? Assuming that we will have the opportunity of discussing the provisions of this bill on the general estimates, I suggest that it be put through its various stages at this time and be ready to receive Royal Assent this evening.

Hon. Mr. Aseltine: There was no debate at all on this bill in the other house.

Hon. Mr. Haig: Carried.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: I move third reading now.

Hon. Mr. Haig: Honourable senators, I just want to make it clear that we have an undertaking by the Leader of the Government that these estimates can be discussed in the general estimates.

Hon. Mr. Farris: Such an undertaking has always been given.

Hon. Mr. Macdonald: I am prepared to give an undertaking that the passage of this bill will not prejudice the rights of any honourable senator to criticize or discuss the items when they come before the house itself or any committee.

The motion was agreed to, and the bill was read the third time, and passed.

Hon. Mr. Macdonald: Honourable senators, I have just been informed that the Veterans Allowance bill is still under consideration by the House of Commons. I am still hopeful that we shall receive it by 8:30 this evening. Would it meet with the favour of honourable senators if I suggested that the house rise now to reassemble at 8.30 this evening?

Some Hon. Senators: Agreed.

Hon. Arthur W. Roebuck: Honourable senators, may I ask the indulgence of the house for a moment? I was engaged on the Divorce Committee while the house was dealing with routine proceedings. May I now introduce some divorce bills?

Some Hon. Senators: Agreed.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill C-11, An Act for the relief of Maureen Demers Kezber.

Bill D-11, An Act for the relief of Eva Levine Shapiro.

Bill E-11, An Act for the relief of Rejane Plamondon Levine.

Bill F-11, An Act for the relief of Marie Irma Marquette Lalonde.

Bill G-11, An Act for the relief of Marion Tannenbaum Rabow.

Bill H-11, An Act for the relief of Walter Williamson.

Bill I-11, An Act for the relief of Eileen Beatrice Sloan Douglas.

Bill J-11, An Act for the relief of Madelyn Jane Picard Gilbert.

Bill K-11, An Act for the relief of George James Marshall.

Bill L-11, An Act for the relief of Luigi Martallino, otherwise known as Louis Martellino.

Bill M-11, An Act for the relief of Bernice Balinsky Friedman.

Bill N-11, An Act for the relief of Rose Marie Lescarbeau Deschenes.

Bill O-11, An Act for the relief of Florence Aleatha Geraldine Hamilton Gardner.

Bill P-11, An Act for the relief of Mary Veronica Hamilton Campbell.

Bill Q-11, An Act for the relief of Aba Awner.

Bill R-11, An Act for the relief of Grace Elizabeth Sinclair Peterkin.

Bill S-11, An Act for the relief of Sybil Lavine Markowitz.

Bill T-11, An Act for the relief of Gabriel Boisclair.

Bill U-11, An Act for the relief of Betty Weiner Schwartz.

Bill V-11, An Act for the relie fof Lili Gourd Lajeunesse.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

PRIVATE BILL

S & M PIPELINE LIMITED—FIRST READING

Hon. J. Wesley Stambaugh presented Bill W-11, an Act to incorporate S & M Pipeline Limited.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Stambaugh: Wednesday, May 4.

The Senate adjourned until 8.30 p.m.

The Senate resumed at 8.30 p.m.

WAR VETERANS ALLOWANCE BILL

FIRST READING

A message was received from the House of Commons with Bill 164, an Act to amend the War Veterans Allowance Act, 1952.

The bill was read the first time.

SECOND READING

Hon. W. Ross Macdonald moved the second reading of the bill.

He said: Honourable senators, it is certainly very trying on the patience of the members of the Senate to wait several days for a bill, especially for a bill that we realize should be passed today in order that thousands of veterans throughout Canada may benefit from it just as soon as possible. If it were not for the provision that the bill will come into effect on the first day of the month following the day on which it receives Royal Assent, I would not suggest that it should be considered by us this evening. However, in view of that provision, and in view of the splendid service which these men and women have given Canada I trust that the Senate will see fit to pass the bill tonight.

The main feature of this bill is to increase the basic rate of war veterans allowances by 20 per cent.

Hon. Mr. Reid: I have no copy of the bill here.

Hon. Mr. Macdonald: The bill has just reached us from the House of Commons, and I do not think it has been distributed. It is possible that a number of senators have seen the bill while it was being considered by the Commons.

Hon. Mr. Aseltine: We all received a copy of it in the mail.

Hon. Mr. Reid: Were any amendments made to the bill in the Commons?

Hon. Mr. Macdonald: Yes, there was one amendment, which I will refer to.

Then I take it that honourable senators have received the bill which was considered in the Commons, and which is now before the Senate with one amendment, to which I will refer.

As I said, the main feature of this bill is to increase the basic rates of war veterans

allowances by 20 per cent. A veteran under the act who is single and is receiving $50 a month will now receive $60 a month. Similarly, a married veteran who is now receiving $90 a month will, under the provisions of this bill, receive $108 a month.

There is also a provision whereby the ceiling, that is to say the total income permissible under the act, is increased in the case of the single veteran from $720 to $840 a year, and in the case of a married veteran from $1,200 to $1,440 a year.

Hon. Mr. Davies: Is that in addition to the allowance?

Hon. Mr. Macdonald: No, not in addition to the allowance, but including the allowance.

Hon. Mrs. Hodges: Does that permissible income include casual earnings?

Hon. Mr. Macdonald: No. Perhaps I might refer to casual earnings at this time. They are earnings by a recipient or by his wife, or by both of them for work of an irregular nature, commonly termed odd jobs—that is, small jobs complete in themselves for one or more employers. These casual earnings are allowed over and above the permissible income. There is also a provision that earnings by a recipient and his wife, or by both of them, from part-time regular employment—for instance, as the caretaker of a church or a school or a Legion hall, or a canteen attendant or a crossing guard, or self-employment at home on a part-time basis—are exempt up to twenty-five days at a maximum amount of $2 a day. That is to enable a war veteran to take a job such as I have described, and if he works twenty-five days a month—

Hon. Mrs. Hodges: Is it a month?

Hon. Mr. Macdonald: Twenty-five days a month.

Hon. Mr. Aseltine: He could earn $50 a month that way.

Hon. Mr. Macdonald: Yes, he could earn $50 a month in that way. A veteran might work two or three days a week, and even if it is regular work throughout the year he may retain whatever earnings he makes.

Hon. Mrs. Hodges: Is there any other definition of casual earnings?

Hon. Mr. Macdonald: Casual earnings are also earnings from odd jobs.

Hon. Mrs. Hodges: Yes, but is there any other definition?

Hon. Mr. Macdonald: Well, they include earnings from small jobs which are complete in themselves.

Hon. Mrs. Hodges: I ask the question because I happen to know of a case where a claim was based on small earnings, and the stand taken by the department at the time was that they were not casual earnings. I was wondering if there were any definition in this bill.

Hon. Mr. Macdonald: No, there is no change in the act so far as a definition of casual earnings is concerned, but I think you will find that in administering the act the officers will be quite generous in their interpretation of that term.

Hon. Mr. Roebuck: Why the discrimination against a regular job?

Hon. Mr. Macdonald: There is no discrimination in the case of part-time regular employment; it is regarded as casual earnings. But if the man had regular full-time employment which took him well beyond the income ceiling he would not be eligible under the act. I am informed that the widest possible interpretation is given to the term "casual earnings".

Hon. Mr. Davies: Could the Leader of the Government (Hon. Mr. Macdonald) tell us whether, if a married man gets the pension and also works twenty-five days in a month, he can also earn a certain amount by casual jobs? If so, what is the total of permitted earnings?

Hon. Mr. Macdonald: If he were in receipt of the full amount allowed under the act he could then work twenty-five days in the month at the rate of $2 a day, but that would be the total amount he would be permitted to earn on a casual basis. Should his earnings exceed that amount, there would be a reduction of the veterans' allowance.

As regards earnings by the recipient or his wife resulting from full-time temporary employment of limited duration, such as in summer camps, the provision may be explained in this way. It is possible that a veteran or his wife would get a job for, say, two or three months in the year by which he or she earned two or three hundred dollars. That would be regarded as casual earnings, because it would be allowed to him as on an extended basis throughout the year. The fact that the money was earned in a few months and that for the rest of the year he was unemployed would not be held against him in respect of, say, the few hundred dollars so earned. He would not be deprived thereby of his war veterans allowance.

As regards the remuneration which a veteran may earn from a single transaction: suppose he helped another person to sell a house, and received a commission for his services,

so long as he was not a real estate agent and the incident was an isolated one, the amount so received would not have the effect of reducing consideration of his war veterans allowance.

Hon. Mr. Gershaw: What is the position of the man who is eligible for old age security payments?

Hon. Mr. Macdonald: The old age security payment would be the first he would get. If he were a single man it would amount to $40 a month, which is $480 a year. As a single man he is entitled under this act to $840 a year, so he would receive in war veterans allowance the difference between $480 and $840, which is $360. His war veterans allowance would, therefore, be at the rate of $30 per month.

Those are the main provisions of the bill, but if honourable senators wish me to do so I will go over the various sections and explain them.

Hon. Mr. Beaubien: Has the honourable the Government Leader particulars of the amendment to the original bill?

Hon. Mr. Macdonald: There has been one amendment. Probably, as we are not in a great hurry, I might explain the bill clause by clause.

Hon. Mr. Roebuck: I think it would be a service.

Hon. Mr. Macdonald: Clause 1 widens the meaning of the word "parent" to include an adoptive or foster parent or a step-parent. So, under this definition, if the parent should die, the child would be entitled to the payment of the allowance as an orphan. If the child is a girl it is to be paid until she attains the age of 17 years; if a boy, until 16 years. But if the child, whether a boy or a girl, is following and making satisfactory progress in a course of instruction approved by the district authority the allowance is to be continued until he or she attains the age of 21 years.

Hon. Mr. Roebuck: These parents, I suppose, must be *in loco parentis*.

Hon. Mr. Macdonald: Yes, in all cases they have been *in loco parentis*, although there may not have been an order of adoption made. Where there is one child, the amount payable is $40; if there are two children it is $70; if there are three children, $85. The last is the maximum amount.

Section 3 of the present act provides for an income ceiling on a yearly basis; and section 4, an income ceiling on a monthly basis. Under the act the provisions of the ceiling on a monthly basis apply to male veterans only, but under the amendment these ceilings will apply also to female veterans and to widows.

I come to clause 3 of the bill, whereunder the new section 5 provides that the widow of a veteran who is in receipt of war veterans allowance receives the allowance at the married rate for one year after the death of her husband. If a man who is in receipt of war veterans allowance dies, the allowance is continued to the widow for one year at the married rate. Similarly, if a woman who has served in the armed forces and is in receipt of war veterans allowance at the married rate on behalf of her husband, should die, the allowance is continued to the widower for a year.

Hon. Mr. Roebuck: That is a good provision.

Hon. Mr. Reid: What happens after the year?

Hon. Mr. Macdonald: In the case of the widow, after the year, she would get, if she is eligible in her own right, the allowance under the act as a single person.

Hon. Mrs. Hodges: And if she remarried?

Hon. Mr. Macdonald: Remarriage would affect the entitlement because of the income ceiling. It would depend on the income of her new husband as well as her own.

Hon. Mrs. Hodges: If she married within a year of her husband's death would the amount of the allowance be affected?

Hon. Mr. Macdonald: It would be affected if her income increased.

Clause 3 of the bill makes the increases applicable to those who are now getting the benefit of the act as widows or as widowers. Suppose a veteran in receipt of an allowance died last January. His widow would be receiving the benefits under the present act, and under this bill she would get the increase when it goes into effect.

Clause 3 of the bill has been amended by adding a new subparagraph 2, as follows:

Where any veteran or surviving spouse of a veteran was receiving or was eligible to receive an amount under section 5 of the said act as it was immediately prior to the date of the coming into force of this Act, in respect of a period ending on or after that date, the district authority may, in its discretion and in lieu of any further amount under that section, award to such veteran or spouse

(a) in respect of the portion of that period that is prior to that date, an amount determined in accordance with subsection (1) or (2), as the case may be, of section 5 of the said act as it was immediately prior to the coming into force of this act, and

(b) in respect of the portion of that period that is on or after that date, an allowance determined in accordance with subsection (1), (2) or (3), as the case may be, of section 5 of

the said act as enacted by this section, less any amount received by such veteran or spouse in respect of that period pursuant to an award made under section 5 of the said act as it was immediately prior to the coming into force of this act.

That means this. Suppose an application is pending and will not be determined until after this bill comes into force. If a person is entitled to the benefits of the act he will get them at the old rate up to this date, after which time he will get the benefits at the new rates.

Hon. Mr. Davies: If a married man in receipt of the allowance died, his widow would receive the same allowance until the end of the year. After that time would she benefit only from a single allowance?

Hon. Mr. Macdonald: Yes.

Hon. Mr. Davies: Suppose she has two or three children?

Hon. Mr. Macdonald: In that case she can get additional assistance under the Act. Under this act there is no provision for paying an allowance to children if one of the parents is living, but if both parents are dead then there is a payment to the children as orphans.

Clause 4 of the bill is for administrative purposes only. Under the present act it has been necessary for a widow or a widower, upon the decease of his or her spouse, to make an application under section 5 of the act. This amendment will enable the board to make a grant immediately upon notification of the death.

Clause 5: Under the present Act a veteran cannot get the benefits of the married rate if he enters into what is generally known as a "death-bed marriage". The purpose of this clause is also to make it impossible for the widow of such a veteran to obtain benefits under section 5 of this act.

Section 6 provides for an increase in the salary of the Chairman of the Board from $10,000 to $11,000 per annum, and in the salary of each of the other four members from $8,500 to $9,500 a year.

Hon. Mr. Roebuck: Is there any definition of a "death-bed marriage"?

Hon. Mr. Macdonald: Yes, I think there is. I have heard of a death-bed repentance. Section 11 of the present act reads as follows:

Notwithstanding anything in this act, no allowance shall be paid to a widow of a veteran who dies within one year from the date of his marriage . . .

Hon. Mrs. Hodges: Surely you do not call that a death-bed marriage? The average man does not spend a year on his death bed.

Hon. Mr. Macdonald: If a veteran gets married and dies within one year I think that marriage would come within the classification of a death-bed marriage, unless at the time of the marriage, the veteran was, in the opinion of the Board, in such a condition of health as to justify his having a reasonable life expectancy of at least one year.

Hon. Mrs. Hodges: What if a veteran died from a heart attack within one year of getting married, although he had shown no signs of having any heart trouble? It would seem very unfair to me that his marriage should be considered a death-bed marriage.

Hon. Mr. Macdonald: That would not be considered a death-bed marriage, for probably he would have had a reasonable life expectancy of more than one year.

Hon. Mr. Aseltine: Certainly.

Hon. Mrs. Hodges: Who decides these things?

Hon. Mr. Macdonald: The Board; and I think the Board has always acted most fairly. No question has been raised if a man is likely to live for a few years. I do not think there are many women in the world who, for the purpose of getting certain benefits would marry a man just because he was about to die.

Hon. Mr. Haig: There were such cases after the Civil War in the United States.

Hon. Mr. Macdonald: Honourable senators must remember that this act does not apply to men only. There are women who served in our armed forces and are entitled to benefits.

Hon. Mrs. Hodges: It is not only women who contract a death-bed marriage then?

Hon. Mr. Macdonald: Supposing a woman veteran eligible for the benefits of this act became ill. I hope there are not any men who would marry her just so that they could benefit under this act after her death.

Subclause 1 of clause 7 simply spells out the definition of a Canadian forces veteran, instead of referring to the definition in the Veterans Benefit Act. There is a small change in subclause 2 for the purpose of clarification in the meaning of World War II. The present act states that World War II commenced in September 1939, and the amendment specifies the date as September 1, 1939.

Subclause 3 deals with a common-law widow, or the widow of an irregular union. Under the present act, in certain circumstances the common-law wife of a veteran may be deemed to be his wife for the purposes of the act. The amendment makes it clear that if the veteran dies she is also deemed to be his widow.

Hon. Mrs. Hodges: Suppose he marries her on his death bed so as to make an honest woman of her, does she not benefit under the act?

Hon. Mr. Macdonald: Considering the provisions of this act, I would say that if he could have married her previously he should have done so.

Hon. Mrs. Hodges: Yes, but supposing he didn't?

Hon. Mr. Macdonald: Then she would not be recognized as a common-law wife. The department only recognizes common-law wives where one or the other cannot marry.

Hon. Mr. Reid: It is not as clear as all that. I was turned down in a case last week on account of the fact that the man had died before it was drawn to the attention of the authorities that the woman he had lived with was his common-law wife. I have been dealing with a case like that for six years. The woman has raised three children, and she has been denied an allowance. It is not as clear as the leader's explanation makes it appear.

Hon. Mr. Macdonald: I have been trying to explain it as well as I can.

Hon. Mr. Aseltine: The man who died might leave two widows.

Hon. Mr. Macdonald: Yes. The honourable senator from Victoria (Hon. Mrs. Hodges) asked what the woman's position would be if the man married her within a year prior to his death. I replied that if he was in a legal position to marry her before that time he should have done so.

Hon. Mr. Isnor: I understand that the purpose of the amendment is to provide for a case such as the honourable senator from New Westminster (Hon. Mr. Reid) just mentioned.

Hon. Mr. Macdonald: That may be so. I am not familiar with the case he spoke of, but if this bill is passed I suggest that he renew his representations to the board.

An Hon. Senator: I did not hear what the honourable senator from Victoria (Hon. Mrs. Hodges) asked. What was her question?

Hon. Mr. Macdonald: The honourable senator from Victoria asked me this question: If a man were living with a woman in a common-law relationship and he married her on his death bed, would that be considered a death bed marriage? My answer was that if they could have got married a year before they should have done so.

Hon. Mr. Roebuck: Supposing his true wife died just before he was about to pass away, and he then made his common-law wife an "honest woman", as the saying is, would the fact of the marriage cause the woman to lose the right she might otherwise have had as a common-law wife?

Hon. Mrs. Hodges: That is the point.

Hon. Mr. Macdonald: I think that is a very good point, and I hope the board will take note of that situation which might arise. I am satisfied that she would not lose the benefits of the act.

Hon. Mr. Haig: That question was put to one of the commissioners the other day by the honourable senator from Rosetown (Hon. Mr. Aseltine) and myself, and he said, "Yes, she would get the allowance."

Hon. Mr. Macdonald: I feel sure that a wide enough interpretation would be given to the act in order to ensure that she would get the allowance.

Hon. Mr. Aseltine: That is right.

Hon. Mrs. Wilson: You have been speaking of the widow in all cases, but I suppose the widower is equally entitled to an allowance?

Hon. Mr. Macdonald: Oh, yes, a widower would be entitled to an allowance if his wife had been in receipt of a war veterans allowance on his behalf.

Hon. Mr. Davies: But there would be no pension in addition, would there?

Hon. Mr. Macdonald: There are cases where a veteran receives a small pension under the Pension Act, and that is considered as part of his earnings.

Hon. Mr. Reid: Nothing can touch it?

Hon. Mr. Macdonald: Nothing can touch it, because he gets it as a matter of right. Anything he receives under this act will be in addition to that.

Honourable senators, subclause 4 is a little complicated. It is a direct result of the subclause wherein the common-law wife of a veteran is, after his death, deemed to be his widow. There are cases where a veteran living with a common-law wife has a legal wife still living, and if he dies he leaves a legal widow and a common-law widow who has been recognized under this act.

Hon. Mr. Reid: Is it clear, then, that the common-law wife of a veteran receives the benefit of the allowance after his death?

Hon. Mr. Macdonald: Where there has been a divorce, the common-law wife would receive the allowance.

Hon. Mr. Reid: That is a question to which I have been trying for seven years to get an answer, but without success. I see the honourable the Minister in the gallery tonight. Perhaps I should refer to him the case that I mentioned.

Hon. Mr. Macdonald: Of course, the woman would have to qualify as a common-law wife.

Hon. Mr. Haig: Does she not have to live with the veteran seven years?

Hon. Mr. Davies: When there is a common-law wife and a legal wife, who gets the allowance?

Hon. Mr. Haig: Both of them.

Hon. Mr. Macdonald: I am about to come to the case in which a deceased veteran leaves a common-law wife and a legal wife. He may have been receiving payments of pension through the Canadian Pension Commission. As honourable senators know, when a pensioner is married he gets an increased pension and the increase may be paid direct to the wife. If the legal wife is receiving her portion of the veteran's pension and the veteran dies, she may continue to receive the pension payable to her as a widow under the Pension Act. The common-law wife is eligible under the War Veterans Allowance Act at the married rate. That is provided for under section 5 of the act. Therefore, under the act it could happen that two women would receive benefits on behalf of the same veteran, and that the aggregate payments made to the two "widows" on behalf of one veteran would be more than the maximum payable under either act on behalf of one veteran.

Hon. Mr. Roebuck: Would you call that polygamy?

Hon. Mr. Macdonald: I would not call it polygamy, because when these benefits are payable the veteran is dead.

Hon. Mrs. Hodges: May I ask a question? In the Divorce Committee and in a recent debate in the house we have heard a good deal of discussion about divorced people. If the wife of a Canadian soldier got a divorce in England on a ground not recognized in Canada, and he, being unable to get a divorce here, took up with a common-law wife, would his wife in England still be his legal wife?

Hon. Mr. Macdonald: I would not think so. If she has obtained a divorce, she has put herself out of the picture.

Hon. Mrs. Hodges: But would that divorce be recognized here?

Hon. Mr. Macdonald: If she has obtained a divorce she could hardly come and ask for benefits under this act.

Hon. Mr. Aseltine: The marriage is already dissolved.

Hon. Mr. Macdonald: Honourable senators, may I return to the rather interesting case of the man who leaves a common-law wife and a legal wife. This bill provides that the total amount payable to the two women shall not exceed the amount provided for under either the War Veterans Allowance Act or the Pension Act, whichever is the greater.

Hon. Mr. Roebuck: Who loses out?

Hon. Mr. Macdonald: The amount is apportioned between the two women as determined by the War Veterans Allowance Board and the Pension Commission after a conference.

Hon. Mr. Reid: Do I understand that if the legal wife is living in England and she refuses to come here, the man in Canada is still married to her?

Hon. Mr. Macdonald: Yes. Of course those circumstances would be taken into consideration by the Pension Commission and the War Veterans Allowance Board.

Hon. Mrs. Hodges: That was the particular question I asked, and I understood the leader to say that she would not be considered in the matter.

Hon. Mr. Macdonald: The honourable senator from New Westminster (Hon. Mr. Reid) referred, as I understood him, to the case of a man whose wife was living in England but had not obtained a divorce there.

Hon. Mrs. Hodges: I understand.

Hon. Mr. Macdonald: In such a case the woman would not be divorced.

Hon. Mrs. Hodges: And the man in Canada would be legally married to her.

Hon. Mr. Macdonald: Yes. However, I am satisfied that a woman who obtained a divorce in England could not come back to Canada and claim benefits under this act as a veteran's widow.

Hon. Mr. Aseltine: The marriage would have been dissolved, as far as she was concerned.

Hon. Mr. Macdonald: Yes.

Hon. Mr. Davies: Honourable senators, I must say that in the light of the explanations I have heard from the honourable leader I do not think too highly of this bill. My sympathy is with the widows. Do I understand

correctly that when a veteran dies his widow is entitled to an allowance of $50 a month?

Hon. Mr. Macdonald: Under the bill, she would get $60.

Hon. Mr. Davies: All right, let her have $60, and also let her have the family allowance for, say, three children. She is still not going to have more than about $20 a week to live on. Where is she going to get the money to rent suitable accommodation, and dress and feed herself and the children? I am quite sure that she would have great difficulty living on that kind of money in Kingston or in a larger city like Ottawa.

Despite all the improvements we have made, we still appear to be quite niggardly with the widows of war veterans, especially those with children. I do not think we have done very well by them.

Hon. Mr. Macdonald: There is also what is known as an assistance fund out of which an additional amount can be paid to a widow, to bring her total income up to $840 a year.

Hon. Mr. Davies: But does she benefit from that fund as a right or as a privilege? And can she get assistance under any provincial legislation? I know that in Ontario we have what is called the Mothers' Allowance Act.

Hon. Mr. Aseltine: There is a similar act in Manitoba, and I believe in all of the provinces.

Hon. Mr. Davies: I know only about Ontario.

Hon. Mr. Macdonald: I doubt if she could get an allowance from two Government sources, even if one were federal and the other provincial. I think other income would be taken into consideration when her case was being considered.

Hon. Mr. Davies: I must say that I am sorry we have not had opportunity of discussing this bill in committee. A widow with three children is placed in an unfortunate position, because she cannot take casual work.

Hon. Mr. Macdonald: I sympathize with the point of view expressed by the honourable senator from Kingston (Hon. Mr. Davies). This bill would provide allowances for men who were not wounded but who have been burned out because of war services and are considered unable to work. Of course, quite apart from this act there is the Pension Act.

Hon. Mr. Davies: That is for disabled veterans.

Hon. Mr. Macdonald: Veterans disabled by war service.

Hon. Mr. Roebuck: Does the act not make provision for children?

Hon. Mr. Macdonald: Yes, the act does make provision for widows with children. Perhaps I should have emphasized that point. A widow with children who qualifies under section 3 of the act will get the allowance at the married rate.

Hon. Mr. Davies: That is quite a different situation.

Hon. Mr. Macdonald: Yes; she would get a larger allowance than I indicated to the honourable member from Kingston (Hon. Mr. Davies). I am sorry that my explanation in that respect was not entirely clear.

Some Hon. Senators: Question.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

Hon. Mr. Macdonald: Honourable senators, I wish to take this opportunity of thanking you for giving this bill the three readings tonight. I am sure that thousands of veterans throughout the country will be grateful to you. Honourable senators may be interested to know that approximately 44,000 veterans will benefit from the provisions of this bill.

NORTHWEST TERRITORIES BILL

FIRST READING

A message was received from the House of Commons with Bill 179, an Act to amend the Northwest Territories Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Macdonald: Honourable senators, this is the first time this bill has come to the attention of the house. I do not think we should be called upon to consider it this evening.

Hon. Mr. Reid: I do not think that would be proper.

Hon. Mr. Macdonald: Next sitting.

YUKON BILL

FIRST READING

A message was received from the House of Commons with Bill 180, an Act to amend the Yukon Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the Order Paper for second reading?

Hon. Mr. Macdonald: Next sitting.

As his Honour the Speaker indicated earlier, the Deputy of His Excellency the Governor General will attend in this chamber for the purpose of giving the Royal Assent to certain bills at 9.45 p.m. I therefore move that the house now adjourn during pleasure, to reassemble at the call of the bell, at approximately 9.40.

The motion was agreed to, and the Senate adjourned during pleasure.

The Senate resumed at 9.40 p.m.

ADJOURNMENT

Hon. Mr. Beaubien: Honourable senators, I move that when the Senate adjourns today it do stand adjourned until Tuesday next, at 7.30 o'clock in the evening.

The motion was agreed to.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

The Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act respecting The London and Port Stanley Railway Company and the Corporation of the City of London.

An Act respecting The Bonaventure and Gaspe Telephone Company, Limited.

An Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to income tax.

An Act to implement an agreement between Canada and Ireland for the avoidance of double taxation with respect to succession duty.

An Act to amend the Members of Parliament Retiring Allowance Act.

An Act to amend the Canada Grain Act.

An Act to amend the War Veterans Allowance Act, 1952.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1955.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until Tuesday, April 5, at 7.30 p.m.

THE SENATE

Tuesday, April 5, 1955

The Senate met at 7.30 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

EXPORTATION OF POWER AND FLUIDS AND IMPORTATION OF GAS BILL

AMENDMENTS CONCURRED IN BY COMMONS

A message was received from the House of Commons returning Bill 4, an Act to regulate the exportation of power and fluids and the importation of gas, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill, without amendment.

SENATE ACCOUNTS

TABLED—REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that, in conformity with Rule 103, the Clerk has laid on the Table the accounts and vouchers of the Senate for the fiscal year ending March 31, 1955.

Ordered: That the said accounts and vouchers be referred to the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

PRIVATE BILL

PETROLEUM TRANSMISSION COMPANY—FIRST READING

Hon. Mr. Lambert presented Bill X-11, an Act to incorporate Petroleum Transmission Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Lambert: May 4.

DIVORCE PETITIONS AND STATISTICS

REPORTS OF COMMITTEE CONCURRED IN

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 298 to 318, dealing with petitions for divorce.

The Hon. the Speaker: Honourable senators, when shall these reports be considered?

Hon. Mr. Roebuck: With leave, I move that the reports be concurred in now.

Honourable senators, at this time I would like to make a brief statement. The other day the honourable senator from Ottawa West (Hon. Mr. Connolly) was kind enough to commend the committee for making fairly frequent reports on its progress in dealing with the large number of cases before it. I was encouraged by that chance remark, and since we shall be adjourning tomorrow for the Easter recess, I take this opportunity to report the progress of the committee to date.

So far this session 307 petitions have been heard and recommended, four have been rejected, six have been withdrawn, and four have been partially heard. The number of petitions pending is 152. This makes a grand total of 473 petitions presented, which is one more than I reported on a previous occasion. Of the 152 petitions still remaining on the docket for this session, I think it is a fair estimate that probably 100 of them will be proceeded with after the Easter recess.

It is for the purpose of assisting the Committees Branch in its work that I am asking that these reports be concurred in tonight.

The motion was agreed to, and the reports were concurred in.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house rises this evening it stand adjourned until tomorrow afternoon at 2.30.

The motion was agreed to.

PUBLIC SERVICE SUPERANNUATION BILL

SECOND READING

Hon. John J. Connolly moved the second reading of Bill 189, an Act to amend the Public Service Superannuation Act.

He said: Honourable senators, I shall try to be as brief as I can in explaining this bill, which has already been passed by the House of Commons. The bill contains some thirteen sections.

The present Public Service Superannuation Act, Chapter 47 of the 1952-53 Statutes, which replaced the Civil Service Superannuation Act, was passed at the session of 1953 and was proclaimed on January 1, 1954, so it has been in existence about a year and three months.

In April and May, 1953, the Public Service Superannuation Bill was debated at great length in the Senate, and was referred to the Committee on Banking and Commerce not once, but twice. It was amended in order to give the Senate and the House of Com-

mons certain control over the retirement of some of the employees of both houses. That debate was interesting and illuminating.

Honourable senators, while much of the information about the act is already known to many of you, it still may be helpful to give some general information on the conditions underlying the existing legislation. In the first place, under the Public Service Superannuation Act pensions are provided as a matter of right, whereas under the old Civil Service Superannuation Act pensions were given as a matter of grace.

Under the Public Service Superannuation Act, which is the legislation this bill seeks to amend, some 67,000 temporary employees of the Government of Canada became eligible to contribute and so to qualify for pensions. At the present time a total of about 130,000 civil servants, both temporary and permanent, can take advantage of the legislation. Before this act was passed only some 63,000 could take advantage of the act and become available for pensions. I am informed, and perhaps honourable senators may be interested to know, that 93 per cent of these 130,000 people are paid through the Central Pay Office here in Ottawa.

Under the 1953 legislation, the 67,000 temporaries who wished to qualify under the act and to contribute for their past service had to exercise an option to do so before December 31, 1954. At that date some 35,000 applications had been handled, or a little more than 50 per cent of the total. Obviously the volume of work was very great, and I am informed it is essential that this option period which expired on December 31, 1954, should be extended in order that the applications of the remaining 50 per cent of the temporaries who wished to qualify can be handled.

According to information which I have received, each election involves special attention and the processing of these applications against a background of a rather complicated piece of legislation is sometimes slow work. Therefore, it does seem to me to be reasonable that the time should be extended by one year. It is proposed that if a further extension is deemed necessary it will be handled by regulation.

I might say something about contributions. One aspect covers current service and the other aspect covers past service. For current service the contributions required to be made by male employees is 6 per cent of current salary, and for female employees it is 5 per cent of current salary; and for past service the same rates apply to the appropriate salary.

The Government matches these contributions except where the past service was not in the Public Service of Canada, in which case the contributions for past service must be made entirely by the employees themselves at the same rate. Therefore, in effect, their rates are doubled. At the present time some 34,000 employees of the Government of Canada are not eligible to qualify for benefits under the Public Service Superannuation Act. These include such people as prevailing rate employees, seasonal employees, casual employees, new employees and sessional employees. It is obvious that a great many of these are temporary employees. I am informed that there is a considerable turnover within this group.

In the fiscal year ending March 31, 1954, 17,317 people drew pensions amounting to $16,517,000.

One of the purposes of Bill 189 now before us is to qualify certain sessional employees of the House of Commons and of the Senate for benefits under the Act. Some 365 people could be affected, 50 of whom are employed in the Senate, and 315 in the House of Commons. To qualify under the act a sessional employee would probably be required to establish a record of some 60 months service. I understand that the requirements with reference to qualification are prescribed by policy, and that an order in council ultimately determines the entitlement of an employee to participate in the benefits provided by the act.

The purpose of sections 3 and 10 of the bill is to extend the application of the act to certain former employees of the Government of Newfoundland who were transferred to the Public Service of Canada at the time of union. These persons are known as "unestablished" civil servants under Newfoundland law. About 25 persons are affected, and their right to pick up past service would be determined by their entitlement as it existed under the Newfoundland act before union. At that time those civil servants were entitled to pick up 50 per cent of their past service. That is the entitlement that they will have under this act by the amendments proposed.

I should say something about the actuarial position of the superannuation fund, because in 1953 that was discussed at great length. The capital deficit of the fund at that time was $189 million, and I am informed that the present capital deficit stands at the same amount. However, I should add that no interest deficit has accumulated in the meantime, because the government has paid annually into the fund four per cent on account of the interest on the $189 million capital deficit. So that while the capital deficit remains the same, the fund is not running behind in so far as further annual interest deficit accumulations are concerned.

Honourable senators, I am also informed that the Government made a capital payment of $38 million into the fund at the time of the general Civil Service salary increase in December of 1953, and that again was for the purpose of maintaining the corpus of the fund and leaving the deficit at $189 million. I may say that the capital shortage, which was reported at $189 million as of March 31, 1953, remains the same.

If honourable senators are interested in the actuarial position of the fund, I would direct attention to a report containing pertinent information which was tabled in the House of Commons in March, 1952. I may add that the honourable Leader of the Government (Hon. Mr. Macdonald) has tonight tabled in the Senate the report to the Minister of Finance on the Public Service Superannuation Act for the fiscal year ending March 31, 1954. This document, which was tabled in the House of Commons on March 31, contains some useful and illuminating information on the workings of the act up to the present time.

This bill also contains a few consequential changes, mostly of an administrative nature, to which I might refer briefly. Section 5 of the bill would allow the right to amend or revoke an election made under the act with respect to benefits for past service. The purpose of this amendment is to relieve from hardship persons who elected to pay up for past service and then found that the calculation of the amount they were required to pay was inaccurate. I understand that this happens occasionally, and that as the legislation is at present framed there is no relief from it. It seems only reasonable that some relief should be provided in cases of hardship. I am informed, however, that the adminstrative policy in dealing with this particular power will be one of caution, so as not to imperil the position of the fund.

Section 6 of the bill would preserve the rights of a common-law wife who marries a pensioner after his retirement. Under the act as it stands the dependents of a pensioner who marries after retirement are shut off from benefits under the act. Section 7 would preserve the rights of children of a first marriage, and any other persons who were dependent upon the pensioner at the time of his marriage after retirement. In other words, the rights of the dependents of a pensioner who were lawful dependents at the time of retirement are not, under these amendments, to be adversely affected by the marriage of the pensioner after retirement.

The necessity for certain other administrative changes arises out of cases in which employees leave the public service, take their superannuation, and later are re-employed by the Public Service. I am informed that certain inequities emerge in such cases, particularly by reason of accumulated leaves of absence without pay. It seems advisable at this time that in the cases where injustices arise provision should be made to deal with them.

Section 9 provides a period for the making of an election to pick up past service within a certain time after a medical examination has been held. Obviously this is an administrative change too, and I think it would commend itself to the judgment of honourable members.

Finally, section 11 provides for certain arrangements where there has been an interval between services in the armed forces or the Royal Canadian Mounted Police on the one hand and the Public Service on the other. I understand that the amendments in section 11 will make it easier for a person covered by the Royal Canadian Mounted Police Act or the Defence Services Pension Act to come under the Public Service Superannuation Act.

Honourable senators, I must confess that I find it rather difficult to explain this type of complicated legislation, and I regret that the explanation was so confusing.

Hon. Mr. Pratt: May I ask the honourable gentleman a question? While his explanation has been clear, the subject is an involved one. Section 10 of the bill, which deals with Newfoundland civil servants, uses the term "unestablished civil servant". Under this legislation have the federal civil servants in Newfoundland the same rights and privileges as those who were members of the federal civil service prior to the date of union?

Hon. Mr. Connolly: I think the answer is yes, so far as current service is concerned. So far as past service is concerned, the employees you have in mind are in the same position as any other employees of the Public Service who qualify under the provisions of this act. They would be entitled to pick up fifty per cent of their past service. In other words, their entitlements under Newfoundland laws are to be recognized under the measure now before the house.

Hon. Mr. Hugessen: We are indebted to the honourable gentleman from Ottawa West (Hon. Mr. Connolly) for the explanation that he has given of this bill, though I must confess that, clear as his explanation has been, some of these sections are rather complicated and difficult to understand. The honourable senator said that one of the purposes of this bill is to provide that sessional employees of the Senate may become contributors to the superannuation fund. I believe this is covered by section 1 of the bill.

My only purpose in rising is to suggest that it would be wise to send this bill to committee. I feel we have a duty to our Senate employees to find out just what is involved in this proposed legislation and to ascertain what their position will be if they are brought under the superannuation account. I therefore trust that if the bill is given second reading its sponsor will move that it be referred to a standing committee of the Senate.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly, the bill was referred to the Standing Committee on Banking and Commerce.

DIVORCE BILLS

SECOND READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill C-11, An Act for the relief of Maureen Demers Kezber.

Bill D-11, An act for the relief of Eva Levine Shapiro.

Bill E-11, An Act for the relief of Rejane Plamondon Levine.

Bill F-11, An Act for the relief of Marie Irma Marquette Lalonde.

Bill G-11, An Act for the relief of Marion Tannenbaum Rabow.

Bill H-11, An Act for the relief of Walter Williamson.

Bill I-11, An Act for the relief of Eileen Beatrice Sloan Douglas.

Bill J-11, An Act for the relief of Madelyn Jane Picard Gilbert.

Bill K-11, An Act for the relief of George James Marshall.

Bill L-11, An Act for the relief of Luigi Martellino, otherwise known as Louis Martellino.

Bill M-11, An Act for the relief of Bernice Balinsky Friedman.

Bill N-11, An Act for the relief of Rose Marie Lescarbeau Deschenes.

Bill O-11, An Act for the relief of Florence Aleatha Geraldine Hamilton Gardner.

Bill P-11, An Act for the relief of Mary Veronica Hamilton Campbell.

Bill Q-11, An Act for the relief of Aba Awner.

Bill R-11, An Act for the relief of Grace Elizabeth Sinclair Peterkin.

Bill S-11, An Act for the relief of Sybil Lavine Markowitz.

Bill T-11, An Act for the relief of Gabriel Boisclair.

Bill U-11, An Act for the relief of Betty Weiner Schwartz.

Bill V-11, An Act for the relief of Lili Gourd Lajeunesse.

The motion was agreed to, and the bills were read the second time, on division.

THIRD READINGS

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Honourable senators, I ask the indulgence of the house in order to have third reading of these bills this evening. We shall be adjourning for Easter shortly, and I would like to get them over to the House of Commons as soon as possible. I therefore move, with leave, that these bills be read the third time now.

The motion was agreed to and the bills were read the third time, and passed, on division.

THE BUDGET SPEECH

On the motion to adjourn:

Hon. Mr. Macdonald: Honourable senators, I have just received information from the House of Commons that seats in the Senate gallery are available for senators who would like to hear the Budget Speech.

The Senate adjourned until tomorrow at 2:30 p.m.

THE SENATE

Wednesday, April 6, 1955

The Senate met at 2.30 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PUBLIC SERVICE SUPERANNUATION BILL

REPORT OF COMMITTEE

Hon. L. M. Gouin, Acting Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 189.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (189), intituled: "An Act to amend the Public Service Superannuation Act", have in obedience to the order of reference of April 5, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

Hon. Mr. Gouin moved the third reading of the bill.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

SHARP & DOHME (CANADA) LTD.—COMMITTEE AMENDMENTS CONCURRED IN

Hon. A. K. Hugessen, Acting Chairman of the Standing Committee on Miscellaneous Private Bills, presented the report of the committee on Bill G-10.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Miscellaneous Private Bills, to whom was referred the Bill G-10, intituled: "An Act respecting Sharp & Dohme (Canada) Ltd.", have in obedience to the order of reference of March 29, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 1, line 3: after the word "Office" insert the words "on the 27th of August, 1954,"
2. Page 1, line 7: after the word "disclosure" insert the words "to a pending application"
3. Page 1, line 11: after the word "conferring" strike out the word "the" and insert the words "an effective"
4. Page 1, line 23: after clause 1 add the following as clause 2:

"2. If any person has, before the 24th day of March, 1955, commenced in Canada the manufacture and sale of the invention described in the said application serial No. 672,036, such person may, notwithstanding the issue of any patent pursuant to this Act, continue such manufacture and sale in as full and ample a manner as if this Act had not been passed."

The Hon. the Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Mr. Hugessen moved, with leave, that the amendments be concurred in.

Hon. John J. Connolly: Honourable senators, before the motion passes, may I say that when this bill came before us for second reading some honourable members were concerned about two points: first, whether or not passage of the bill would in any way prejudice third parties or the public generally; and secondly, whether by passing the bill the Senate would create an undesirable precedent.

We had a very good discussion at the committee meeting this morning, under the chairmanship of the honourable senator from Inkerman (Hon. Mr. Hugessen), when we had with us not only the proponent of the bill but also the Commissioner of Patents. I think it fair to say the members of the committee were satisfied on both points, namely, that an undesirable precedent would not be established by referring the bill back to the Senate with some fairly substantial amendments, and that there would be no prejudice to the public or to third parties if the bill as amended were passed.

As this is a private bill perhaps honourable senators would consent, in view of the impending Easter adjournment, to give the bill third reading this afternoon in order that it might be dealt with in the House of Commons before the Senate reassembles.

The motion was agreed to, and the amendments were concurred in.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Connolly: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

BUSINESS OF THE SENATE

Hon. W. Ross Macdonald: Honourable senators, I move that when the Senate adjourns today it stand adjourned until Tuesday, May 3, at 8 p.m.

The House of Commons is adjourning today until April 18, at which time, I understand, it will resume consideration of the budget. One reason for suggesting that we adjourn until May 3 is that by then that house may have passed the budget and sent over some bills for us to deal with. I think one would be an optimist to expect the Commons to pass the budget in less than two weeks. In

any event, even if nothing has come over for our consideration when we resume, there will be certain other work with which we can proceed at that time.

Another reason for suggesting that we adjourn until May 3 is that our Special Committee on the narcotic drug traffic, which will commence holding sittings at Vancouver on April 18, will likely continue sitting there all that week and possibly run into the following week.

Hon. Mr. Roebuck: May I take this opportunity to call attention to the fact that the Standing Committee on Divorce will meet on May 3 at 10.15 a.m. Although the Senate will not reassemble until 8 o'clock that evening, it is hoped that the members of the Divorce Committee will be present in the morning.

The motion was agreed to.

NARCOTIC DRUG TRAFFIC

COMMITTEE SITTINGS IN VANCOUVER— QUESTION OF PRIVILEGE

On the Orders of the Day:

Hon. Gray Turgeon: Honourable senators, I wish to rise on a question of privilege respecting certain articles appearing in the press with reference to the hearings to be held at Vancouver during the Easter recess by the Special Senate Committee on the traffic in narcotic drugs in Canada. While the articles are undoubtedly well meant, they might create a wrong impression in the minds of the public with respect to this phase of the committee's operation. I am sure the public would be interested to know that this undertaking is not being made at great public expense. On the contrary, these hearings at Vancouver will materially reduce the cost of the investigation.

Twelve of the 23 senators comprising the Senate Drug and Narcotic Committee will attend hearings at Vancouver. The hearings will begin on April 18, and it is expected that they will continue until April 25, depending on circumstances.

Members of the committee are contributing both their time and effort during the Easter recess in order to assist in the elimination of the social hazard caused by addiction to narcotic drugs. In reaching its decision to hold the hearings in Vancouver the committee took several factors into consideration. It was felt that inasmuch as most of these twelve senators lived in the West and would be spending the Easter holidays there, this was an opportune time to hold the hearings and thus eliminate the expense of bringing witnesses to Ottawa. Of the members designated, the Honourable Senators King, McKeen, Hodges, Reid and Turgeon will be spending the Easter recess at their homes in British Columbia. The Honourable Senators Gershaw and Stambaugh will attend from Alberta, Horner from Saskatchewan and Howden and Beaubien from Manitoba. The only Eastern members to attend the hearings will be the Honourable Senators Vaillancourt from Quebec and Leger from New Brunswick. Inasmuch as senators enjoy the privilege of free transportation on the railways, it was felt that the cost of this investigation would be insignificant compared with that of bringing to Ottawa the 25 or more witnesses who it is expected will be called during the visit to Vancouver. If they were brought to the capital an expenditure of well over $10,000 would be incurred.

A further value to be derived from this project lies in the fact that inasmuch as approximately 75 per cent of the drug addicts of Canada reside in and about the city of Vancouver, members of the committee will be able to appraise the situation more accurately for the preparation of the committee's report.

Costs of the undertaking have been reduced to a minimum by procuring reporters on the West coast instead of using the members of the Senate reporting staff who would normally cover the proceedings of the committee.

The decision to meet in Vancouver was made by the committee as a whole. It was based largely on the demand by various groups in the West wishing to make representations. A wide variety of views are held on the best way of meeting the drug addiction problem, and the suggested remedies are so wide in scope and so vigorously supported that opposing factions wish to be heard. It will, therefore, be the duty of the committee to decide which witnesses can make the greatest contribution to the study of the drug traffic problem.

For the above reasons it is felt that invaluable evidence may be obtained at a minimum of expense, and certainly in an amount far less than that which would be necessary to bring witnesses to Ottawa.

Hon. Senators: Hear, hear.

EASTER RECESS

On the motion to adjourn:

Hon. Mr. Macdonald: Honourable senators, may I take this opportunity of extending to all members of the Senate, their wives and families, best wishes for a happy Easter.

The Senate adjourned until Tuesday, May 3, at 8 p.m.

THE SENATE

Tuesday, May 3, 1955

The Senate met at 8 p.m., Hon. Cairine R. Wilson, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

HISTORIC SITES AND MONUMENTS BILL

FIRST READING

A message was received from the House of Commons with Bill 182, an Act to amend the Historic Sites and Monuments Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

NEW WESTMINSTER HARBOUR COMMISSIONERS LOAN BILL

FIRST READING

A message was received from the House of Commons with Bill 187, an Act respecting the New Westminster Harbour Commissioners.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADIAN FORCES BILL

FIRST READING

A message was received from the House of Commons with Bill 257, an Act respecting the Canadian Forces.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

RADIO BILL

FIRST READING

A message was received from the House of Commons with Bill 260, an Act to amend the Radio Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

NATIONAL PARKS BILL

FIRST READING

A message was received from the House of Commons with Bill 261, an Act to amend the National Parks Act and to establish a National Park in the Province of Newfoundland.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILLS

COMMERCIAL TRAVELLERS' ASSOCIATION OF CANADA—FIRST READING

Hon. Salter A. Hayden presented Bill S-12, an Act respecting The Commercial Travellers' Association of Canada.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time.

Hon. Mr. Hayden: Thursday next.

STANMOUNT PIPE LINE COMPANY—

FIRST READING

Hon. W. D. Euler presented Bill T-12, an Act to incorporate Stanmount Pipe Line Company.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Euler: Thursday next.

DIVORCE BILLS

FIRST READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill Y-11, an Act for the relief of Franga Beryl Harker Stinson.

Bill Z-11, an Act for the relief of Enid Gertrude Brooks Bray.

Bill A-12, an Act for the relief of Shirley Pollack Nadler.

Bill B-12, an Act for the relief of Isidore Hoffman.

Bill C-12, an Act for the relief of Ethel Dworkin Abrams.

Bill D-12, an Act for the relief of Michael Moses Scullion.

Bill E-12, an Act for the relief of Clifford Joseph Linehan.

Bill F-12, an Act for the relief of Irene Furlong Walters.

Bill G-12, an Act for the relief of Joyce Davies Javallas.

Bill H-12, an Act for the relief of Freida Schecter Lupovitch.

Bill I-12, an Act for the relief of Gertie Tryansky Katz.

Bill J-12, an Act for the relief of Olive Gertrude Meredith Bateman.

Bill K-12, an Act for the relief of David Sandler.

Bill L-12, an Act for the relief of Marcel Deslauriers.

Bill M-12, an Act for the relief of Delmar Ross Andreis.

Bill N-12, an Act for the relief of Elizabeth Blanche Nelson Mallozzi.

Bill O-12, an Act for the relief of Glennice Maude Hunter Garayt.

Bill P-12, an Act for the relief of Irene Jessie Hillson Towes.

Bill Q-12, an Act for the relief of Vivian Ruth Law Alarie.

Bill R-12, an Act for the relief of Joseph Antonio Campeol.

The Bills were read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

PRIVATE BILLS

TRANS-PRAIRIE PIPELINES, LTD.—FIRST READING

Hon. T. A. Crerar presented Bill U-12, an Act to authorize Trans-Prairie Pipelines, Ltd. to construct, own and operate an extra-provincial pipe line.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Crerar: Thursday next.

ROMAN CATHOLIC EPISCOPAL CORPORATION OF PEMBROKE—REFUND OF FEES

Hon. Charles L. Bishop moved, with leave:

That the parliamentary fees paid under the Bill A-6, entitled: "An Act respecting The Roman Catholic Episcopal Corporation of Pembroke", be refunded to Messrs. Clark, Macdonald & Co., solicitors for petitioners, less printing and translation costs.

The motion was agreed to.

EMERGENCY GOLD MINING ASSISTANCE BILL

SECOND READING

Hon. Joseph A. Bradette moved the second reading of Bill 190, an Act to amend the Emergency Gold Mining Assistance Act.

He said: Honourable members, I beg to move the second reading of this bill, the purpose of which is to amend the Emergency Gold Mining Assistance Act and to extend its application, subject to certain modifications, to the years 1955 and 1956.

On March 30 last year I had the honour to move the second reading of Bill 376, which also was for the purpose of amending the Emergency Gold Mining Assistance Act, and I appreciate the fact that this year the honourable the Government Leader in the Senate (Hon. Mr. Macdonald) has requested me to move the second reading of the present bill. Before I proceed with my remarks, which may be rather lengthy, may I say that I believe this honour has been extended to me because it was my great good fortune and great honour to represent for many years in the other place one of the greatest gold-mining areas of Canada, namely, the Porcupine section in Ontario, which is adjacent to the Kirkland section and also to Rouyn Noranda, on the Quebec side. To some extent, therefore, I am familiar with what the gold and silver mining industries have done, particularly for the province of Ontario, since the end of the last century, when great silver deposits were found at Cobalt, and later, when the railways were extended into Northern Ontario, including the Porcupine section, and some great gold mining districts were opened up.

I should like to make a few remarks by way of presenting reasons why this legislation is being introduced at this time.

The Emergency Gold Mining Assistance Act was inaugurated in 1948, effective for a period of three years, to assist Canadian gold mine operators in meeting greatly increased costs of production. Unlike the situation in respect of other primary mine products, no compensating increase in the price of gold has been granted for many years. The present measure was designed primarily to assist the high-cost or marginal mines to continue in operation over a difficult period and to maintain their dependent communities. Because of the high cost of production of gold, in relation to a fixed price, the gold mines

made strenuous efforts to increase their efficiency and to keep their costs at a minimum.

In this they have been very successful, but in spite of these efforts the upward trend of costs has continued. This trend has been aggravated by the appreciation in the value of the Canadian dollar, the effect of which, so far as gold mines are concerned, is that they receive less for their product. The recent change in the exchange rate will be welcomed by the industry, I am sure.

The original act would have expired at the end of 1950, but it was renewed and continued to the end of 1954. In the formula as originally designed there were two parts. The first was the rate of assistance. The second factor was the part of production to which the rate of assistance applied. These two factors have, from time to time, been modified to meet current conditions. It is an advantage to the gold mines, in order to allow adequate planning, that the extension should be for a longer term than one year. As the economic conditions which necessitated the passing of the act continue to exist, it is now proposed to extend the act for 1955 and 1956, on a somewhat reduced basis.

As indicated, the proposal to extend the act is based on a new formula which still maintains the two main factors on a revised basis. Under the new formula the rate of assistance is two-thirds of the amount by which the average cost of producing an ounce of gold from the mine during the year exceeds $26.50 per ounce. But the rate paid per ounce will in no event exceed $12.33.

In the old formula the number of production ounces to which assistance applied was dependent on a base year which had been defined by the act. The new proposal does away with the base year. The rate of assistance will now apply to two-thirds of the total production of the current calendar year. This in effect simplifies the assistance calculations and maintains an equitable distribution of the payments to the mines receiving assistance.

It will be noted that the rate of assistance will not exceed $12.33 per ounce. This means in the application of the formula that the maximum allowable cost for the production of an ounce of gold under which payments will be made must not exceed $45. This is the same maximum allowable cost which was in effect in 1953 and 1954. In the new formula, raising the factor in the rate of assistance from $18 to $26.50 makes some of the lower cost mines ineligible for assistance, and distributes a proportionately greater part of the payments to the higher cost mines.

There has been some change in the policy here. Personally I would like to see what was done in previous years maintained. However, I believe this is a step in the right direction, and at least it should be given a fair trial.

It is hoped that by this distribution of payments the higher-cost mines will be able to continue and employment will be maintained. Payments under the act vary according to the cost of producing an ounce of gold in each mine. The new formula has been designed to aid the communities which are dependent on gold mines for their existence.

I am not going to elaborate on the question of subsidies. I have always been open-minded on that great problem. During the last war, for instance, I was in favour of subsidies that were placed on some foods and commodities. I was absolutely in favour of their abrogation immediately after, or not long after, the war ended. The same principle would also apply to the gold mining industry. If the day should come when gold receives the same consideration, as far as price is concerned, as any other mining or industrial product, I would be the first to ask for abolition of such a subsidy.

Honourable senators, I would like to speak for a brief moment on the present price of gold, which is the crux of the existing situation, and the problem that the gold mining industry is working on at the present time. When the question of subsidies to assist the gold mining industry first came up I was then a member of the other house, and I told the members of that branch of Parliament that, based upon the experience of the district which I had the honour to represent, assistance had to be given to the industry. It seems to me parodoxical, if not ironical, that gold, which is synonymous with wealth or opulence, should require assistance in its production. Gold is different from any other metal produced in this country. It is the only metal universally accepted for monetary purposes, and by reason of that fact it plays a large part in the national economy of many countries.

How has the price of gold fluctuated over the past 24 years? In the year 1931 the Government of Canada asked gold producers to send all their gold to the Mint, and by the Gold Export Act of 1932 gold mining companies were compelled to comply with that request. That was done at a time when Britain went off the gold standard, and when the price of gold was just over $20 an ounce. Bear in mind, honourable senators, that this

was in the year 1932. During the period from 1930 to 1933 the average price of gold increased each year, until in 1933 it reached $28.60 an ounce. That was the maximum price the Canadian producers could obtain, regardless of the effect of the supply of and demand for gold on the world market. While all other metals and commodities have increased in price tremendously since 1941, the price of gold has remained rigidly pegged. On January 31, 1934, President Roosevelt announced that the price of gold would be pegged at $35 an ounce, and the price has remained the same since then.

Honourable senators, I took it upon myself personally to make two journeys to the United States—not in an official capacity, but because my section of the country was so vitally interested in gold mining production and the situation was becoming more and more precarious—and I discovered that it had been definitely decided, so far as the authorities were concerned, with the Government of the United States, that there would be no increase in the price of gold for the time being, at least, and probably for some time to come. The stock argument used at the time was that if the price of gold were increased it would be inflationary. The only answer I could give was that if this were true of the price of gold it must also be true of the prices of all other products, including all metals, as well as other necessities of life. Another argument advanced was that a certain country had been holding a tremendous amount of gold which had been taken away from satellite countries—from Spain, for example, and other nations—and that the said country was producing a large amount of gold by slave labour. Some of the high officials felt that if the price of gold were suddenly increased, the American market would to some extent be flooded by gold from one country in particular. Whether that prediction was well founded or ill founded, no one can say. It was argued at that time that if the gold were ear marked the United States treasury would know precisely the country from which it had come. It was said, and I believe it was right, that it would be impossible to find out exactly the country from which the gold came.

During the debate on this bill in another place there was some criticism, and I believe it was unfair criticism, concerning the situation as to the disease of silicosis in the gold mining industry. Every honourable senator realizes that hard-rock miners are exposed to silicosis, which is occasioned by silicose dust, and that it is a disease about which the provincial Governments and the federal Government have been fully seized ever since it became known to the medical profession. For instance, today and for many years past, no employee is hired as a hard-rock miner until he has passed a thorough physical examination in order to assure his employer that he is unlikely to contract silicosis readily.

I am reminded that the honourable senator from Churchill (Hon. Mr. Crerar) while he was Minister of Mines in the federal cabinet, visited my section of the country on several occasions and left a profound impression on the people of that area. Other honourable members in this house have also visited Northern Ontario and Northern Quebec on several occasions have viewed the extent of the great development which has taken place in that part of our country and have become familiar with the problem of silicosis amongst hard-rock miners.

Perhaps it would be in order for me to take a few minutes to inform the house generally about what has been done to reduce the incidence of this dreadful disease. I believe something should be placed on the record to show what has been accomplished in this field. With your permission, honourable senators, I will read to you a review of the experience with silicosis in Ontario as it appears in the records of the Workmen's Compensation Board:

A review of the Ontario mining experience from the Compensation Board records:

(1) The number of cases of silicosis developing each year has been decreasing at a rapid rate.

(2) The average age at which silicosis develops has increased from 41·5 years (1926-1930) to 56·5 years (1951-53), or by 36 per cent.

(3) The average number of years of dust exposure required to develop silicosis amongst the few who contract the condition has increased from 15·4 years (1926-30) to 24·8 years (1951-53), or by 60 per cent.

(4) Only forty-five cases, or less than 4 per cent of the 1146 known cases of silicosis in the industry, have occurred amongst those men who commenced mining after 1928.

(5) The average age at death has increased from 44 years (1926-30) to 62·2 years (1951-53), or by 41 per cent.

(6) Life expectancy after silicosis develops has increased from two years (1926-30) to 11·6 years (1951-53), or by six times.

(7) The proportion of cases who died of silicosis, or silicosis plus tuberculosis, has decreased from 91·8 per cent (1926-30) to 55·1 per cent (1951-53).

(8) The average number of silicotic cases from 1926 to 1953 was 40·9 per year, whereas the average from 1950 to 1953, inclusive, was 14 per year. There were only 7 new cases in 1953.

Honourable senators, I have also a short table, consisting of some thirteen lines, which gives some silicosis statistics over a five-year period, which, with the consent of the house, I would now place on the record.

Hon. Senators: Agreed.

Hon. Mr. Bradette: Thank you. The table is as follows:

Deaths of persons with silicosis by five-years periods, 1926 to 1953, in which they occurred, showing average age, elapsed time from silicosis to death, and proportion of total deaths due to silicosis or silicosis plus tuberculosis.

Five year period	Total number of deaths	Average age at death (Years)	Average elapsed time from silicosis to death (Years	Percentage of deaths from silicosis and silicosis with tuberculosis
1926-1930 ..	49	44·0	2·0	91·8
1931-1935 ..	90	47·9	5·4	81·1
1936-1940 ..	105	50·7	7·2	69·5
1941-1945 ..	119	54·4	8·6	75·6
1946-1950 ..	162	58·9	9·8	58·0
1951-1953 ..	98	62·2	11·6	55·1
Totals ..	623	54·4	8·2	68·9

The Dominion Bureau of Statistics report shows the death rate among all males in Canada at 56·4 years. This figure is not quite fair as a basis for comparison because it includes males under the age of eighteen years; figures were not available for the mine-age group. However, it does indicate the great improvement in the control of silicosis.

With your permission, honourable senators, I shall now give some detailed information of the important changes and improvements which have taken place in Ontario from 1926 onward.

1926—Silicosis was made an industrial disease for compensation purposes. (At industry's request). When the act was passed, in 1926, making silicosis a compensatable industrial disease, provision was made to include deaths from tuberculosis in the presence of silicosis. (Presumably because one suffering from silicosis would be more prone to develop tuberculosis after contacting the tubercular virus.)

1928—Legislative provision was made for compulsory pre-employment X-ray examination and certification for dust exposure occupations. (At industry's request).

1925 and continuing—(a) Dust prevention; (b) Dust collection; (c) Design of machines to avoid making dust. Improvements in mine ventilation have been such that in many mines a greater tonnage of air is now pumped underground than the tonnage of ore hoisted.

1944—General application of aluminum powder prophylactically in Ontario's gold mines.

I recall that many honourable senators present tonight visited the McIntyre mine only a few years ago and saw some of the work that was being done to prevent silicosis.

I should like to say a few words about what is known as "ore blocking", and about which there has been, I think, some unfair criticism. We have all read press dispatches from British Columbia and the prairie provinces containing rumours to the effect that large and effective oil and gas producing wells had been blocked and that the people would not get the benefit of their production. The same kind of rumours exist with respect to "ore blocking" in gold mines.

A gold mine must of necessity know for years ahead how much ore is available for treatment and where it is located, so that the management will be able to decide just what ores are to be used in a certain period. This applies to all mines. Those senators who went on the trip to Noranda saw the plans and profiles of the various ore bodies that had been blocked out by the Noranda Company, through which the management was able to determine far in advance what ore bodies they would work on during the next ten years.

Similarly, those engaged in the mining of gold must know the extent of the various ore bodies in the entrails of the earth, and they must have this information to work on many years in advance.

It has been suggested that gold mining companies have been making changes in the milling grade of their ore to suit changed conditions. We must remember, however, that the product of a mine is a wasting asset. There is no way possible to replace what has been taken from the earth. Certainly it will never come back; it has gone for ever. I am in a position to say this, knowing the situation first-hand, that if tomorrow the price of gold were to be increased by $20 or $25 an ounce, the effect might be to prolong the life of many mines for perhaps fifty or a hundred years—yes, almost indefinitely. This is understandable, because a good many mines at the present time must of necessity work on their high grade ore only. They certainly cannot touch their low grade ore, because the recovery would mean a loss to them. That alone, I am sure, will make honourable senators realize what effect the price of gold has on the life of a mine. I might say that when you speak in terms of gold mining you always have to visualize a tremendous amount of investment before there is any initial production.

Without in any way trying to pose as a geologist or as a prophet, I may say that the life of the mines in the Porcupine section will be secure for many many more years. From personal inquiry I found out that over a ten-year period, from 1942 to 1952, there was only

a small variation in the amount of gold produced per ton of ore. The figures are as follows:

Ounces of fine gold produced per ton of ore.

Year	Amount in ounces per ton
1942	·240
1943	·240
1944	·230
1945	·230
1946	·230
1947	·240
1948	·230
1949	·230
1950	·230
1951	·220
1952	·240

In this ten-year period the maximum variation has been only two one-hundredths of an ounce of gold per ton of ore. It might be easily said that there has been no ore selection, because again I repeat it is up to the management to see that they have enough ore blocked out ahead so that there will be no stopping of the activities in the mine.

I believe these figures show conclusively that the ore mined has not been affected by the amount of the payment under the Emergency Gold Mining Assistance Act and the ore mined under other conditions. As I said before, the product of a gold mine is a wasting asset.

I was also surprised to notice that in the other place an honourable member in making reference to the mining industry in general expressed the opinion that every man working in a mine should be taken from underground and the mine shafts sealed, stating that a mine was no place to earn a living in, and hoping these men could some day be employed in factories and plants where they could enjoy sunshine and fresh air and work at producing something useful to mankind. In answer to that I would say that I do not think there is any industry in Canada that is more fundamental to our prosperity and progress than is the mining industry. I am sincerely convinced that those engaged in that industry are of the very best class of people, and they are at that work from choice, not because they are forced to be in that industry. I would venture the opinion that total automation will never be realized in the gold mining industry, or in the mining industry in general. In fact, I would venture to say that it will even be a long time before total automation will be reached in our manufacturing plants.

If you will allow me, honourable senators, I will make a few comments concerning an interim report of a committee set up a year ago by the Ontario Government to study the economics of the gold mining industry, and I will give a summary of the conclusions arrived at by that body. The report, which is signed by Professor F. A. Knox of Queen's University, Professor E. E. Reilly of the University of Western Ontario and Professor H. R. Rice of the University of Toronto, was released last week. No doubt most senators have received a copy by the present time.

Premier Frost at last year's session of the Legislature of Ontario announced the appointment of a committee to examine and report on conditions affecting the position and prospects of the industry, causes underlying trends in employment, wages, working conditions, profits, dividends and so on, and the effect of these developments on communities in the northern part of the province. The report said known ore bodies will eventually be exhausted, but that prospect is not imminent.

I will read from the report:

> In a few years the growth of the north itself may save these communities even if the gold industry declines. The last ten years have brought a spectacular expansion in population and wealth throughout northern Ontario. This growth will be continued with the uranium and base metal developments, perhaps even close to the towns.

Looking to the future, the committee said agricultural land in a clay belt would support a large population, providing nearby markets which would lead to manufacturing. The arrival of natural gas would give many advantages to the communities and improve their prospects of diversifying industry. Industry was needed to provide alternative opportunities for the miners.

I quote again from the report:

> There are always possibilities of better times for the gold industry itself. Great improvements in cost of production may yet occur; new ore bodies may be discovered; the price of gold may even be raised.
>
> Any one of these would help to ease some of the strain of the present problem in the gold mining communities.

In the concluding observations of the 52-page report, the committee said gold mining is a striking example of industries caught in a tightening "cost-price squeeze" against which it struggles by resisting increases in wages and striving to improve their efficiency. A "great investment" in more productive tools and machinery and an improvement in mining methods have greatly retarded the rise in the cost of mining. However, costs have risen considerably and most mines have made lower profits. Some mines have only six or seven years of life left. Some mines

have closed, and others might have done so had not the federal government extended emergency aid to gold mines since 1948.

The report states that at the present time it is not clear when or how the present cost price situation in the gold mines in Ontario will change, but there is no ground for writing the industry off.

Although the United States has shown no inclination to raise the price it pays for gold, it is buying gold as it is offered. Production is still at high levels in the province, many workers are employed, and important communities are depending on their earnings.

I quote again:

> In a country growing so rapidly as Canada is, and in a region with the prospects which seem ahead for Northern Ontario, it would be a hardy pessimist indeed who would firmly deny the gold towns a future.

The committee state further:

> Before too long the steady increase in productivity now going on in the mines might make it possible for all but those which are near their end to pay higher wages without aid.
>
> In the meantime, the Federal Government aid now being given under the Emergency Gold Mining Assistance Act should be continued. The mining communities now receive payments from the provincial Government, not only through the regular grants for education, health and welfare, but also by special grants.
>
> Since standards in the public services of the province constantly improve and the cost price situation in the mines is likely to change, both the federal and provincial governments should keep under review the levels of aid required to assure health and education of youth and the maximum mobility of labour.

Since this report appeared some negotiations have been going on between management and labour in the gold mining sections of the community, and particularly in the Porcupine. I take this opportunity to make an appeal that management and labour shall find it possible, by means of the conciliation board or through a round table conference and all the present machinery at their disposal, to come to an agreement without having recourse to a strike. As I mentioned in the first speech I made in this honourable assembly, there was a strike two years ago, and I know that it hurt everybody in the section—indeed, everybody in Canada. I believe that the idea of a strike is not in the minds of any of the negotiators at the present time, and I have implicit confidence in the good judgment and good Canadianism of the labour unions and also of the gold miners and the management.

No doubt some honourable senators are wondering what has been the cost of the present subsidy. The details are contained in a tabulation which, with the consent of the house, I will put on the record:

Summary of gold assistance received by all gold mines in Canada:

Year	No. of mines	Total ounces produced	Total assistance paid	Average assistance per oz.
1948	117	3,164,370	$10,546,315	$3.33
1949	122	3,614,725	12,569,144	3.48
1950	105	3,521,500	9,015,970	2.56
1951	94	3,258,407	10,750,720	3.30
1952	86	2,880,937	10,852,549	3.77
1953	70	3,048,904	14,621,176	4.80
1954	Estimated	3,000,000	14,000,000	4.67
Total	7 Years	22,488,843	$82,355,874	$3.66

For seven years 1948 to 1954 inclusive the total production of gold was 22,488,843 ounces. The assistance paid was in the sum of $82,355,874, representing an average assistance per ounce produced of $3.66. The cost to the country in those seven years was substantial. I think it is proper to suggest, however, that the net cost is something else, because if all those mines paid income tax, not only on the assistance but on other profits, estimated at from 60 to 75 per cent of the gold assistance, the net cost for the seven-year period would be reduced from $20 to $33 million, which is not a very large sum of money when one considers the results obtained.

I shall not refer at length, because honourable senators know the facts as well as I do, to the value and the meaning of our gold mining industry in the Canadian economy. We all realize that at least 20 to 25 thousand persons are directly employed, and each, in turn, keeps four more people engaged in serving the requirements of these mine activities.

Of course this industry is of particular interest to the 130,000 Canadians living in cities, towns and mining centres—some thirty in number—in Ontario, the Maritimes, Quebec, Manitoba, British Columbia, the Yukon and the Northwest Territories. Moreover, honourable senators, we should not forget that the livelihood of many farmers, settlers and lumber operators established on lands in the vicinity of mining centres in the parts of the country that I have just mentioned depends almost exclusively on the gold mining industry. These people are greatly concerned, because the survival of the industry is of vital importance to them. All of us recall the horrible forest conflagrations which, in 1911, devastated the Porcupine, Matheson and Cochrane sections, and resulted in the loss of many lives. Since then, new mines have been developed, like that at Golden City—which is non-existent at the present time—in South Porcupine, and Timmins. We asked at

that time what was going to happen to the clay belt settlement of Northern Ontario and Northern Quebec, one of the finest pieces of agricultural land which can be found anywhere on this continent. We all took heart and hope when the McIntyre, Hollinger, Dome and several of the other producers decided to resume operations. It was quite a struggle at the time to find sufficient capital to get started, but in very large measure the great developments which have occurred in the northern Quebec clay belt and in Ontario have resulted from the enterprises which have been carried on in that great mining section of Canada. It is difficult to estimate what it means to the Porcupine, the Kirkland Lake and the northern Quebec districts. For example, in the fine centres of population of Timmins, South Porcupine and Schumacher, all located in the Porcupine mining area, the future of many thousands of people is closely linked with gold, and there an agglomeration of 50,000 people has developed on account of that industry, and the investing public have placed many millions of dollars to bring huge enterprises like the Hollinger, the McIntyre, the Dome and many others to their present state of production.

I speak very feelingly on this problem. What I have said applies to Kirkland Lake and Rouyn-Noranda on the Quebec side, and also to the other centres I have mentioned, and even more forcibly to northern Canada generally, because we must remember that most of this area is not suitable for farming or other settlement or for agricultural purposes generally, and the greatest factor in the development of most of the great Cambrian shield—that great treasure house—is the search for mineral wealth, which means a lot at the present time to Canada, and will mean much more as the nation continues to grow.

Before I came into the chamber this evening, one of the honourable senators on the opposition side remarked to me that he had never made much money from his ventures in gold mines. The same observation holds good of most classes of mining, and it is true as far as I personally am concerned. Very, very few men, even those who were "in on the ground floor", have made very much money out of mining of any kind, but let it never be forgotten that it was the investing public who made possible the developments to which I have referred, and which have meant so much to great centres of population like Winnipeg, Vancouver, Toronto and Montreal. The investing public will always be needed.

Honourable senators, I am very thankful to you for having listened to what has perhaps been a too lengthy presentation of a subject in which I am deeply interested, and with which I have been associated most of my life in my northern section of Canada. I leave it to the decision of the members of this house as to whether or not they desire this bill to be referred to the Standing Committee on Banking and Commerce. I am positive that all senators realize the necessity and urgency of voting for the continuation of this measure, and I hope that it will be passed unanimously by the Senate.

Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: Could the sponsor of the bill inform us how many gold mines were in production in Canada in 1954?

Hon. Mr. Bradette: I do not have the statistics with me, but this information can be found in detail in the *Hansard* of the other house.

Hon. Mr. Aseltine: Can the honourable senator tell us how many mines carry on operations at less than $26.50 an ounce?

Hon. Mr. Bradette: I do not have that information at hand either. Perhaps it would be well to refer the bill to committee.

Hon. Mr. Aseltine: I have quite a few questions to ask, and I am wondering if this bill is going to be referred to committee.

Hon. Salter A. Hayden: Honourable senators, before the bill is given second reading there are one or two things I should like to say. First of all I want to thank the honourable senator from Cochrane (Hon. Mr. Bradette) for the information he has just given and to congratulate him upon the knowledge he has displayed of the mining industry, particularly the gold mining industry.

I feel that the Government has shown wisdom in continuing the policy of emergency gold mining assistance. At the moment I am not prepared to express an opinion as to whether the curtailment that is involved in the method proposed in this bill is too drastic for the well-being of the gold mining industry. I do not have enough information to pass such an opinion now, but it appears to me that this legislation works in the following way. The value of this act becomes very considerably lessened as the costs of gold mining increase beyond the $26.50 level and approach more closely the more or less fixed price at which the product can be sold. Therefore, it seems to me that two results will inevitably flow from implementing by legislation the formula contained in this bill. One is that the marginal properties, the high cost operations, whose costs press up pretty closely to the price that can be realized for the product, will go out of business. Nobody would carry on a gold mining operation

solely for the purpose of earning his costs of operation, for he would be dealing with a wasting asset and he might as well leave the gold in the ground for a better day and a stronger sun.

The second result will occur with respect to these properties whose costs are such as to qualify for some assistance, but yet which do not come too close to the price that can be realized. In order to get any real benefit out of the operation of this formula it will be necessary for them to try to reduce still further their cost of operation by a process of selection or a mixing of their millheads so as to mill a higher grade of ore. As you know, a mine tries to strike an average in its milling during the year by drawing low grade ore from certain areas in the mine and mixing it with high grade ore that is drawn from other areas in the mine. In that way a standard of production and earnings is achieved during the year and the life of the mine is prolonged. Now, in order that more mines may be able to continue to operate and to get any benefit from the formula in this bill, it will be necessary for them to reduce their cost of operation by increasing the value of their millheads. This means they will have to put more high grade ore in the millheads in the year, and that will cause a definite shortening in the life of the mine.

Many things are dependent upon the maintenance of a standard or average life of a mine. For instance, other industries and businesses in the community are dependent upon the earnings which come out of the mines. If the effect of this bill will be to shorten materially the useful life of these mines, then it will bring that much closer the serious question of what is going to happen to the dependent communities and their people.

At the same time, we should not consider gold mining solely on the basis of the amount of money involved, which runs into some millions of dollars, translated in terms of an average subsidy of $3.66 per ounce during the years in which this act has been in force. Do not let us become too terrified of that. I can recall that during the war years we were thankful to have a gold mining industry which produced a substantial amount of gold. It helped Canada materially in maintaining balances in its foreign trade, an exceedingly important thing to this country at that time.

It has been said that gold mining is of more value to a country when conditions are bad than when conditions are good. That may be so, but do not let us get wrapped up with the idea that we can abandon or water down our gold mining industry until it becomes a mere shadow, for in the long run Canada would have to pay a price for just that kind of situation.

Until such time as other countries are prepared to get on the basis of a commodity dollar, when gold would have no value in international trade or exchange relations, it is very definitely of real value to Canada to have a gold mining industry operating even if it has to be subsidized. While I am not a lover of subsidies I am prepared to translate subsidies into a picture of national benefit. Do not let us start picking on the gold mining industry as the one whose so-called subsidies should be shut off or cut down to a basis where they have no significant value. If we are going to debate the question of subsidies or no subsidies we should put all businesses and industries, even natural resources, on the line and analyse them all in the same way.

Honourable senators, I commend the Government in principle for continuing this legislation, but I say this with some hesitation, for I am not sure whether the proposed formula goes far enough to give real benefit to enough gold producers at this time.

Some Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: I do not think it does, but would the honourable senator give the house his opinion as to whether it would be better to increase the price of gold from $35 an ounce instead of making a subsidy such as this?

Hon. Mr. Hayden: I thank my friend very much for flattering me by suggesting that my view on what the Government policy should be might have any particular value. The price of gold is regulated by many circumstances. Under the present Emergency Gold Mining Assistance Act, mining companies which do not wish to enjoy the benefit of the payments under the act do not have to sell their gold to the Government, but are at liberty to sell it wherever they can in the world market. As to whether that is a good or bad thing may be judged from the fact that very few gold mining companies have availed themselves of the opportunity. Whether or not an increase in the price of gold would be the answer to the problem is a matter on which I have no opinion at the moment. However, I will say this, that if the price of gold were higher, this so-called subsidy, or assistance, would become unnecessary for the time being, and more gold mining companies would come

into production and remain in production. I say "for the time being", because of course the old story remains true in this industry as in any other: as soon as profits start to grow, costs of operation go up, the labourer wants more for his hire, and so on. I am not critical of that, but you have to face that situation. The Government, I assume, decided to approach the matter on the basis of reimbursing the companies with a percentage of the costs so as to get away from any suggestion that this was an overly profitable kind of business, which it might be regarded as being if the price of gold itself were raised.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Bradette, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, May 4, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine Proceedings.

THE ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, would proceed to the Senate Chamber this day at 5.45 p.m., for the purpose of giving the Royal Assent to certain bills.

PRIVATE BILLS

EQUITABLE FIRE INSURANCE COMPANY OF CANADA—FIRST READING

Hon. Cyrille Vaillancourt presented Bill V-12, an Act respecting the Equitable Fire Insurance Company of Canada.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Vaillancourt: With leave, next sitting.

DOMINION OF CANADA GENERAL INSURANCE COMPANY—FIRST READING

Hon. G. Peter Campbell presented Bill W-12, an Act respecting The Dominion of Canada General Insurance Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Campbell: Tuesday next.

YUKON PIPELINES LIMITED—FIRST READING

Hon. William H. Golding, for Hon. Mr. Reid, presented Bill X-12, an Act to incorporate Yukon Pipelines Limited.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Golding: With leave, next sitting.

CANADIAN UNION CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS—FIRST READING

Hon. Arthur W. Roebuck presented Bill Y-12, an Act to incorporate The Canadian Union Conference Corporation of Seventh-day Adventists.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Roebuck: Tuesday next.

TRANS-BORDER PIPELINE COMPANY LTD.—FIRST READING

Hon. G. Peter Campbell, for Hon. Mr. Bouffard, presented Bill Z-12, an Act to incorporate Trans-Border Pipeline Company Ltd.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Campbell: Tuesday next.

PARLIAMENTARY RESTAURANT AND SENATE CHAMBER

TEMPERATURE

On the Orders of the Day:

Hon. Mr. Hardy: Honourable senators, before the Orders of the Day are proceeded with may I make a gentle appeal to the Senate members of the Joint Committee on the Restaurant to use their influence to have the heat in the restaurant moderated. It is anything but pleasant to dine there at the present time, and I would ask the members of that committee, including His Honour the Speaker, who is joint chairman, to endeavour to have conditions made more comfortable.

Perhaps a similar request could be made with respect to the temperature in this chamber.

The Hon. the Speaker: For one thing, the doors of this chamber can be opened now.

NORTHWEST TERRITORIES BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 179, an Act to amend the Northwest Territories Act.

He said: Honourable senators, you will notice that the first two items on the Order Paper have to do with the Northwestern part of Canada. The first is for the second reading

of Bill 179, an Act to amend the Northwest Territories Act; and the next is for the second reading of Bill 180, an Act to amend the Yukon Act. I intend to deal with both of these bills today, as they apply to one section of the country. This is indeed a section which is rapidly growing, and its potentialities must fire the imagination not only of the youth of Canada but of all our people. Those who possess the spirit of adventure can find there openings offering the widest possible scope. That part of the country is developing so rapidly that it has been found necessary to amend the legislation affecting the local government.

The bill to amend the Northwest Territories Act is a simple one. Section 1 increases the sessional indemnity of elected members of the Northwest Territories Council. The Northwest Territories Act of 1951 provided a daily indemnity of $50 for each day of attendance at a session of the Council, but the total amount payable to a member in any one year was $1,000. It was provided in that act that it would come into effect on a day fixed by proclamation, and it was proclaimed to come into effect on April 1, 1955. The reason for not bringing it into effect in 1951 was that the former act contained penalties for certain criminal offences which were not included in the 1951 act. It was anticipated that those offences would be provided for in the revised Criminal Code, which honourable senators will recall came into effect on April 1, 1955. As the Northwest Territories Act of 1951 did not contain these provisions with regard to criminal offences, it follows that if that act had been proclaimed to come into force in that year there would have been a period of four years without legislation covering crime in respect to the sections referred to in the act.

However, provision was made by other legislation to increase the sessional indemnity of elected members of the council to $50 a day, with a maximum annual payment of $1,000. Honourable senators will appreciate that the work of members of the council has increased, with the growth of the Northwest Territories. The bill proposes, therefore, to increase the indemnity to $100 a day, with an annual maximum of $2,000. If a session continues beyond 20 days no additional payment will be made. Perhaps I should say that it is seldom that the sessions run beyond that time. These indemnities are paid out of revenues received from permits and licences of different kinds, and from grants under a tax rental agreement between the Northwest Territories and the dominion Government.

The act provides that the Commissioner in Council may make payments from territorial revenues. Section 2 of the Bill deletes the words "territorial revenues" and substitutes therefor the word "money", so under the bill it is clear that moneys received under the tax rental agreement will be available for distribution by the Commissioner in Council.

Section 3 of the bill states that the act shall be deemed to have come into force on April 1, 1955.

To summarize, honourable senators, the bill provides, first, for an increase in indemnity of the elected members; secondly, for clarification of the words "territorial revenues", and thirdly, for the coming into effect of the act as of the 1st day of April, 1955.

The Northwest Territories are governed by a commissioner and a council consisting of four elected members and five members appointed by the Governor in Council. I may say that the four elected members come from the District of Mackenzie, where most of the people of the area live, although there are two other districts, Keewatin and Franklin.

The Commissioner is R. G. Robertson, Deputy Minister of Northern Affairs and National Resources. He receives no remuneration for his work on the council. The five appointed members of the council are the following:

F. J. G. Cunningham, of the Department of Northern Affairs and National Resources, who is the Deputy Commissioner. L. C. Audette, a member of the Canadian Maritime Commission. Mr. Audette was appointed because much of this territory extends along the Arctic Ocean; and it was felt that the Maritime Commission should have a representative on the council. C. M. Drury, Deputy Minister of National Defence, was appointed because of the great developments in national defence in the Northwest Territories. And in view of the fact that there are within this area a large number of Indians and Eskimos, it was felt advisable to appoint to the council a representative of the Department of Citizenship and Immigration. He is Jean Boucher. Then it is obviously advisable that the Royal Canadian Mounted Police be represented on the council; hence the fifth appointed member is the R.C.M.P. Commissioner, L. H. Nicholson.

Hon. Mr. Haig: Are these members paid?

Hon. Mr. Macdonald: No, none of the appointed members are paid.

Hon. Mr. Quinn: They all receive salaries from the departments with which they are connected.

Hon. Mr. Macdonald: They received no pay in addition to their salaries as departmental officials.

Hon. Mr. Haig: That is what I meant.

Hon. Mr. Macdonald: There are four elected members: Frank Carmichael, from Aklavik, is the representative for MacKenzie Delta; R. Porritt, of Hay River, for Mackenzie South; John Parker, of Yellowknife, for Mackenzie North, and J. W. Goodall, of Fort Simpson, for MacKenzie River. At the elections held last year the members for MacKenzie North, MacKenzie South and MacKenzie Delta had to contest their elections, but the member for Mackenzie River was returned by acclamation. Perhaps honourable senators will be interested to know the number of votes cast: in MacKenzie North, 1,222; MacKenzie South, 753; and MacKenzie Delta, 678.

Hon. Mr. Turgeon: Do the same regulations as to residence and other qualifications which apply to voters in other parts of Canada apply in the territories?

Hon. Mr. Macdonald: I think there may be some little difference. Canadian citizens who have attained the age of twenty-one years and have been ordinarily resident in the Territories for at least twelve months immediately prior to the date of elections are entitled to vote. The following however are not entitled to vote: Returning officers, judges and stipendiary magistrates, inmates of penal institutions, insane persons, and persons guilty of election offences.

Hon. Mr. Davies: Where does the council meet?

Hon. Mr. Macdonald: The council sometimes meets at Ottawa, but it can meet at Yellowknife or at Fort Smith. Honourable senators will recall that the act was amended in 1951 to provide for payments of travelling expenses of members who attend the meetings. I will probably discuss that a little more fully when I explain the Yukon Bill.

Hon. Mr. Bradette. What is the total number of voters on the voters lists of the different districts?

Hon. Mr. Macdonald: In the MacKenzie North district, there are 2,052 voters on the list; MacKenzie South, 1,297; MacKenzie Delta, 1,019; and MacKenzie River, 904.

There was great interest taken in the election in the MacKenzie North constituency. Four candidates contested the riding, and 1,222 votes were cast, of which the successful candidate received 403. In each of the other two ridings there was a contest between two candidates.

Hon. Mr. Euler: Do they run as party candidates?

Hon. Mr. Macdonald: I have no information on that point. I know they run as party candidates in federal elections, but I am not sure whether they do so in the elections we are discussing. I can, however, give the house this information, that when the council votes it does not divide on party lines. I was told that on one occasion when an important piece of legislation was before the council about half of the elected representatives voted one way and half of the appointed representatives voted the other way.

Hon. Mr. Roebuck: Is there any municipal organization?

Hon. Mr. Macdonald: I am not sure on that point but I am inclined to think that there is not.

Hon. Mr. Roebuck: Is there any provision in the act for it?

Hon. Mr. Macdonald: No, there is not.

Hon. Mr. Dupuis: What relationship exists between that organization and the Hudson's Bay Company?

Hon. Mr. Macdonald: No relationship. It is possible that the Hudson's Bay Company get licences from the council. I cannot speak definitely as to that, but so far as the Northwest Territories Council is concerned the Hudson's Bay Company has no relationship with it.

Hon. Mr. Dupuis: Does the company take any part in the elections?

Hon. Mr. Macdonald: I presume the factors would be entitled to vote, and no doubt they would exercise their franchise.

I believe I have explained the main features of the bill. Considering the important part this section of the country is playing in our national development at the present time, and the large areas from which these representatives come and for which they are responsible, I think honourable senators will agree that the proposed increase in indemnity should be granted to them. Accordingly I move second reading of the bill.

Hon. Mr. Hardy: Do the Indians and Eskimos have votes in the territories?

Hon. Mr. Macdonald: Some of them do, but not all of them, I am informed. Of course, many of them live in such outlying districts that it would be impossible for them to get to a poll to cast their vote.

Hon. Arthur W. Roebuck: Honourable senators, when this bill was before the Senate in 1951 I called attention at that time to this

utterly undemocratic form of government, whereby five civil servants hold the majority over four elected representatives of the people.

True there was a time when the government of the territories was entirely appointive; so it was a step forward when provision was made for elected representatives. But this is an important and a growing part of Canada, as the honourable senator has just said, and at some time in the future it may be a very much more important part than it is today. Therefore, I would like to see some indication, some intimation, of a better form of government than now exists, whereby a little more democracy by way of self-government will be granted to these people. As I remember the act there is no provision for municipal organizations at all. If we gave the different communities an opportunity to form themselves into towns or villages or townships, or something of that kind, they could then govern many of their important local affairs themselves. But so far as I am aware there is no such provision, nor has the prospect of anything along that line been indicated by the sponsor of this bill. It is all very well to say that people are separated so widely one from the other and the districts are so sparsely populated that local government is difficult, but that is not a good answer. Difficulties are made to be surmounted; and democracy has always met with difficulties. I would like to see these civil servants gradually withdrawn from the council and replaced with elected representatives of the people living in the territory.

The proposed increase in sessional indemnity does not seem unreasonable. In these northern lands men are usually self-supporting; they have their living to make and their families to keep, and it is not to be expected that, without adequate pay, they will devote a great length of time to public service. But I question the limitation of $2,000. It may be that the subjects to be considered will require a little longer time than is allowed under the payments schedule; if so, the representatives should stay and finish the business. Were any limitation of that kind placed upon our provincial governments the consequences would be disastrous. Most of the legislatures sit for a longer period than is allowed for this council. I see no reason for an arbitrary limitation, under penalty of working for nothing after the expiry of the time they may sit. The increase I approve; the limitation I do not like; the form of government I deplore. At the same time we must pass this bill now, but I think it ought to go to a committee before it is given final sanction.

Hon. T. A. Crerar: Honourable senators, I think this is a bill we can support without reservations. As the Leader of the Government (Hon. Mr. Macdonald) explained in his introductory remarks, the area is a huge one. I have been over most of it, from Yellowknife to Aklavik and from Great Bear Lake to Fort Smith; and I know the intervening territories. One needs an experience of that kind to realize the vast extent of the area for which we are legislating in this bill.

I agree wholly with the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) in his desire that democratic ideals shall prevail. If I rightly understood his remarks, apparently he doubts that the bill goes quite far enough in the way of self-government, because, of the council of nine members, which is really a legislature, five are appointed and only four elected. In fact, the five are federal Government officials of one kind or another.

Hon. Mr. Roebuck: Civil servants.

Hon. Mr. Crerar: But notwithstanding my adherence—I trust, in full measure—to democratic ideals, I think that in these early years it is as well to proceed rather slowly. When, many years ago, the original Northwest Territories Council was set up, it was not endowed with full powers of self-government. As the members gain experience, and with experience wisdom, they are enabled to deal better with the problems of self-government which affect their various communities. If my memory serves me right, the present Northwest Territories Act gives the council pretty broad powers in legislating for the area it supervises. It is true that the federal Government reserves to itself the right to veto legislation or acts of the council; but it does so in much the same way as it reserves the right to veto provincial acts which it considers to be *ultra vires* or not in the national interest. As the trapper from Aklavik and other elected members sit in session with the appointed members and they become better informed on the problems with which they have to deal, they will realize the importance of sound measures of taxation and, I am sure, their duty to watch expenditures carefully.

The council will have substantial revenues. As the law stands, it can expend only revenues collected within its own territory, but, as the Leader of the Government has pointed out, it operates in conformity with an agreement modelled on the interprovincial agreements relating to monetary assistance. The bill would confer on the council authority to deal with revenues it secures in that way, as well as the money it obtains through its own modes of taxation or that it may get, for

instance, from profits on liquor, from trapping and fishing licences, and the like. So I have no apprehension that we shall retard the processes of democratic self-government if we proceed, as provided under the bill, with cautious steps. It may be that some of us here, or those who succeed us in future years, will be asked to legislate to set up another province in that area. No one can tell. At any rate, I think, the legislation proceeds upon quite sound lines.

Regarding the remuneration of members of the council; as the honourable leader has pointed out, the *per diem* allowances apply only to the elected members. Of course, if the appointed members have to travel to Yellowknife or Fort Smith for a meeting of the council, their expenses will be paid; the elected members, when they come to Ottawa from their respective constituencies for meetings—and it is a good experience for them to attend once in a while meetings here at the capital——are similarly compensated. It seems to me that the proposed remuneration is on a fair basis. The maximum that can be paid any elected member in any year is $2,000. The scheme also gives effect to a very salutory principle, in that if a member fails to attend meetings he is penalized by the withholding of some of his indemnity.

Honourable senators, from my knowledge of the whole problem I have no hesitation in supporting this bill.

Hon. A. K. Hugessen: Honourable senators, like the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck) I have some recollection of the debate which took place when the Senate dealt with the predecessor of this legislation in 1951. As I recall it, the question was raised at that time as to why there was a nominated majority on the council with only a minority actually elected by the residents of the Northwest Territories. As I remember it, the answer which was given to that question, and which satisfied me, was this: A very considerable majority of the residents of the territories are Indians and Eskimos, most of whom are not entitled to vote for their representatives, and the dominion government, considering itself the guardian of the indigenous population, appoints members to the council who are expected to look after the interests of these people. I assume that is still the position.

Hon. Mr. Macdonald: The honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck) has referred to the amount of the indemnity. It is very difficult, of course, to determine what is a fair indemnity, but the Government has taken into consideration the indemnities paid to members of provincial legislatures. I admit there is no direct relationship and one cannot very well compare the work of a member of the Northwest Territorial Council to that of a member of, shall we say, the Ontario Legislature, but at the same time there is some relationship. Honourable members may be interested to know just what the indemnities of the members of the provincial legislatures are, and with the permission of the house I will place the following table on *Hansard*:

RATES OF INDEMNITY PAID TO MEMBERS OF THE LEGISLATIVE ASSEMBLY OF EACH OF THE PROVINCES OF CANADA

Province	Sessional indemnity	Expense allowance	Travelling expenses	Special session allowance	Deductions for absence
Alberta—(Legislative Assembly)	$2,400	$1,000 (tax free)	—	$14 for any special session called lasting more than 10 days + $7 for each sessional day.	$14 for each day over 5 days from sessional indemnity + $7 for each day over 5 days from expense allowance.
British Columbia—(Legislative Assembly)	$2,000	$1,000	—	—	—
Manitoba—(Legislative Assembly)	$3,000	—	—	—	—
New Brunswick—(Legislative Assembly)	$2,000 (annual)	$1,000 expenses and $500 (contingencies).	Paid	—	—

RATES OF INDEMNITY PAID TO MEMBERS OF THE LEGISLATIVE ASSEMBLY OF EACH OF THE PROVINCES OF CANADA

Province	Sessional indemnity	Expense allowance	Travelling expenses	Special session allowance	Deductions for absence
Newfoundland—(House of Assembly)....	$3,000	—	—	—	—
Nova Scotia—(House of Assembly)....	$2,400	—	—	—	—
Ontario.....	$2,600	$1,300 (tax free)	Paid	—	—
Prince Edward Island—(Legislative Assembly)	$1,000	$500	—	—	—
Quebec—(Legislative Assembly)	$4,000 for every session of the Legislature extending beyond 30 days.	$2,000 including travelling expenses.	—	—	—
Saskatchewan—(Legislative Assembly)	Members from constituencies of Meadow Lake, Athabaska and Cumberland—$2,700 Other members—$2,400	Members from constituencies of Meadow Lake, Athabaska and Cumberland—$1,350 Other members—$1,200	Paid	—	$10 for each day over 5 days on which member does not attend.

Honourable senators, it has been suggested that the bill be sent to committee. I have no objection to that. I think probably it should go to committee in view of the remarks of the honourable gentleman from Inkerman (Hon. Mr. Hugessen) with respect to the rights of Indians and Eskimos to vote.

The honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck) and the honourable gentleman from Churchill (Hon. Mr. Crerar) mentioned the non-existence of municipal governments in the territories. Some municipalities are being developed there. For instance, Yellowknife is quite a centre at the present time. I do not know to what extent these municipalities have power over their local areas, and probably honourable members would like to obtain this information in committee.

Hon. Mr. Farris: Have there been any requests from these municipalities that they be given local powers?

Hon. Mr. Macdonald: I do not know of any direct request, but I understand that the question has arisen from time to time. I do know that the members of the council consult the inhabitants of these areas on questions affecting local matters. Just to what extent there is a demand for municipal government I cannot say, but no doubt we could also get that information from the minister or from an official of his department.

Hon. Mr. Farris: If there was much of a demand we would soon hear about it.

Hon. Mr. Macdonald: Probably. As I say, if the house wishes this bill to go to committee I have no objection.

Hon. Mr. Kinley: Can the honourable leader put on record how much it costs the federal Government to administer the Northwest Territories through the council?

Hon. Mr. Macdonald: I have that information in a financial statement, and with the unanimous consent of the house I would place it on *Hansard*.

Hon. Mr. Roebuck: Could we have the total?

Hon. Mr. Macdonald: For the fiscal year 1952-53 the revenue totalled $660,026.43, and the expenditure totalled $433,762.71.

Hon. Mr. Davies: Where does the revenue come from?

Hon. Mr. Macdonald: From licences of various kinds. The honourable gentleman from Churchill (Hon. Mr. Crerar) has more

knowledge of this than I have, and he referred to one very important source of revenue, the sale of liquor.

Hon. Mr. Euler: Apparently there is a balance. What becomes of it?

Hon. Mr. Macdonald: Revenue is derived from many types of licences which are granted in that large territory. For instance, there are mining licences and probably oil and trappers' licences.

Hon. Mr. Roebuck: What becomes of the surplus of approximately $200,000?

Hon. Mr. Macdonald: The honourable gentleman from Waterloo (Hon. Mr. Euler) has just asked me that question. The surplus would go into the Consolidated Revenue Fund.

Hon. Mr. Haig: How much does the Government spend in the Northwest Territories in a year?

Hon. Mr. Macdonald: I have given the expenditure.

Hon. Mr. Haig: Well, the Government shows more than that in the estimates.

Hon. Mr. Macdonald: The Government may show more than that in the estimates. My information is taken from the Statement of Revenue and Expenditure, Northwest Territories. If honourable senators want more information with respect to this they can obtain it from departmental officials in committee. In the meantime, I would place the following tables on *Hansard*:

STATEMENT OF REVENUE AND EXPENDITURE
NORTHWEST TERRITORIES

	Fiscal Year 1952-53
Revenue	
Liquor profits	$288,191.29
Repayment on debenture—Yellowknife School District No. 1	12,487.50
Tax revenue	18,177.57
Licence revenue	91,928.89
Fee revenue	2,472.25
Workmen's compensation ordinance	3,288.87
Fines	3,458.07
Payment under tax rental agreement with the Government of Canada	239,276.24
Miscellaneous revenue	745.75
	$660,026.43
Expenditure	
Education	$208,550.99
Health	119,808.21
Welfare	19,282.33
Roads	23,932.92
Expenses of council	6,680.15
Workmen's compensation	2,581.27
Aid to municipalities	37,243.45
Enforcement of ordinances	9,037.42
Administration	
Contingencies	6,645.97
	$433,762.71

	Fiscal Year 1953-54
Revenue	
Liquor profits	$295,553
Payments under tax rental agreement with the Government of Canada	267,494
Fur export permits	50,979
Workmen's compensation receipts	33,096
Grants, hospital construction and health	19,272
Fuel tax	17,883
Repayment on debenture—Yellowknife School District No. 1	12,164
Motor vehicle licences	10,471
Other	36,666
	$743,578
Expenditure	
Education	$246,677
Health	229,840
Welfare	39,904
Development services	37,591
Municipal affairs	19,957
Administration	32,357
Liquor system	1,772
	$608,098

Hon. Mr. Dupuis: Can the honourable senator inform the house whether the Indians in the Northwest Territories come under the direct control of the Indian Affairs Branch?

Hon. Mr. Macdonald: My impression is that those who live on reservations come under the direct control of the Department of Citizenship and Immigration. It may be that all of them come under the direction of this department. The honourable senator will recall that among the members of the council whom I named was a representative of the Department of Citizenship and Immigration.

Hon. Mr. Dupuis: In consequence, these inhabitants would be considered as minors from the point of view of law?

Hon. Mr. Macdonald: No doubt some of them would be, but I am not prepared to discuss the details of this. As honourable senators know, some Indians in Ontario have the franchise. I would prefer that honourable members obtain this information in committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Macdonald, the bill was referred to the Standing Committee on Natural Resources.

YUKON BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 180, an Act to amend the Yukon Act.

He said: Honourable senators, some of the remarks which I made with respect to the

Northwest Territories Council, when speaking on the previous bill, apply also to the Yukon Council.

The purpose of this bill is threefold: to increase the indemnity of members of the Yukon Council; to provide for living allowances to members while in attendance at a session of the council; and to provide for payment of the indemnity to a member if he should become ill at the place where the council is sitting, and cannot be in attendance.

The bill provides for living allowances to members when the council is in session but not actually sitting. It also provides for the payment of travelling expenses.

The bill specifies that the date on which the Yukon Act shall be deemed to have come into force is the 1st day of April, 1955.

Payments are made from the Yukon Consolidated Revenue Fund, and the indemnity to each member is increased to $100 a day, up to a maximum of $1,000 per calendar year, if the total number of days in session is ten or less, or a maximum of $2,000 if the total number of days in a session exceeds ten. The bill further provides for travelling expenses from the member's home to the place where the council is sitting, and for an allowance for living expenses of $25 for each day of attendance at a sitting. The same allowance for living expenses is payable to members of the Northwest Territories Council.

I cannot think of anything which needs further explanation, but if there are any questions I shall try to answer them.

Hon. Mr. Roebuck: May I ask the honourable leader for the names of the council members?

Hon. Mr. Macdonald: Perhaps I should say, first, that the five members of the council are all elected. The form of government is democratic, just as the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) desired it should be in the Northwest Territories. The Commissioner, W. G. Brown, resides in the territory. The electoral districts and the members elected on August 20, 1952, are as follows: Carmacks, represented by A. R. Hayes, total number of votes cast: 86; Mayo, represented by A. F. Berry, total number of votes cast: 199; Dawson, represented by James Mellor, elected by acclamation; Whitehorse East, represented by J. L. Phelps, total number of votes cast: 472. Whitehorse West, represented by F. D. Locke, total number of votes cast: 525. The total number of votes cast in the 1952 election was 1,282.

Hon. Mr. Lambert: I am not sure whether the leader stated the populations of the various districts in the Northwest Territories when he was explaining the previous bill, but may I ask if he has these statistics for the Yukon?

Hon. Mr. Macdonald: Yes. In 1951 the total population of the Yukon Territory was 9,096, of which approximately 1,500 were natives. I presume "natives" means Eskimos and Indians. The populations of the electoral districts in that year were as follows: Whitehorse, 2,548, plus about 1,500 military personnel and their families; Dawson, 773; Mayo, 236; Carmacks, 154.

The Yukon Council meets at Whitehorse. I am sure honourable senators will agree that an increased indemnity should be paid to members of the council, and that their allowances for travelling and living expenses should be similar to those of the members of the Northwest Territories Council. Accordingly, I would recommend this bill to the favourable consideration of the house.

Hon. W. M. Aseltine: Honourable senators, I have listened with much interest to the explanation of these two bills by the honourable Leader of the Government. It occurs to me that it will be a long time before the population of these two areas will warrant their being made into provinces. When the Department of Northern Affairs and National Resources Bill was before the house in December 1953 I suggested that the land comprising these territories should be incorporated into the four western provinces: that is to say, that the portions of the territories above British Columbia, Alberta, Saskatchewan and Manitoba should become, respectively, parts of these provinces. My suggestion received wide publicity in the press at that time and, I may say, drew some criticism in the newspaper published in the Yukon Territory. But I still think it would provide the proper solution for the administration of government in that area.

I had occasion to read the record of proceedings of the Special Committee on the Estimates of the other house when the Minister of Northern Affairs and National Resources appeared before it and outlined expenditures involving many millions of dollars to take care of the territories. In my opinion all that area could well be administered by those provinces in close proximity to it.

I thought it might be worth while at this time, honourable senators, to renew my suggestion for the amalgamation of the Northwest Territories and the Yukon Territory with the four western provinces.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Macdonald, the bill was referred to the Standing Committee on Natural Resources.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING POSTPONED

On the Order:

Second Reading of Bill H-10, intituled: "An Act to amend the British North America Acts, 1867 to 1952"—Hon. Senator Euler.

Hon. W. D. Euler: Honourable senators, may I be permitted to say that it is not my intention to move second reading of this bill this afternoon; however, I definitely intend to proceed with it on Wednesday next.

The Hon. the Speaker: The order stands for second reading on Wednesday next.

PRIVATE BILL

S & M PIPELINE LIMITED—SECOND READING

Hon. J. Wesley Stambaugh moved the second reading of Bill W-11, an Act to incorporate S & M Pipeline Limited.

He said: Honourable senators, as there have been many pipe line bills passed by this house and more are on the Order Paper, one begins to wonder whether so many such bills are necessary. I believe there is a valid reason for the multiplicity of pipe line bills, and I shall explain the situation as I see it.

In 1953 Parliament passed a statute known as the Pipelines Act, section 10A of which prohibits any person, other than a person having authority under a special act, from constructing or operating an extraprovincial pipe line, which is defined in section 2, subsection (cc), as meaning a pipe line for the transportation of oil or gas connecting a province with any other or others of the provinces, or extending beyond the limits of a province. By reason of the above section the proposed special act company is therefore required for the purpose of constructing and operating small pipe line gathering systems or branch lines which cross provincial boundaries.

I am informed, honourable senators, that Bill W-11 follows the pattern established by bills of a similar nature, and our Law Clerk tells me that it is in the form recommended by the government.

It should be said that as long as pipe line companies operate within provincial boundaries federal incorporation is unnecessary. However, as soon as a company finds it necessary to transport oil or gas by pipe line across a provincial boundary a special federal act, such as that proposed by this bill now before us, is necessary.

In the four western provinces there are numerous oil fields immediately adjacent to provincial boundaries. For instance, in the Peace River district of British Columbia, near Dawson Creek, there are a number of wells within half a mile of each side of the provincial boundary. Dawson Creek, which is in British Columbia, is supplied with gas from Alberta. In the Fort St. John area, where there are tremendous quantities of natural gas but very little oil, cost of transportation is so high that it is uneconomical to operate the wells already established in the area. However, since an Alberta firm is building a refinery at Dawson Creek this year, it is expected that the refining of oil and manufacturing of oil products will take place in the very near future, and oil will probably come from both sides of the provincial boundary.

The oil industry in Western Canada, and especially in Alberta, has developed into a major industry during the past two or three years. Development is also taking place in the other western provinces, particularly Saskatchewan.

In Alberta, at the end of 1954, there were fifteen large producing fields and about fifty small ones. To give the house an idea of how fast this development is continuing to grow, I would point out that six new oil fields and eleven new gas fields were discovered in the month of January this year. I might add, incidentally, that because of the moderate temperature and frozen ground conditions, January proved to be a better month to operate drilling rigs than July or August. Still referring to the end of 1954, there were more than 6,000 producing wells in Alberta, and their present daily production is about 300,000 barrels. It is estimated that in the present proven fields there are about 2 billion barrels of recoverable oil, besides which there is estimated to be between 100 billion and 200 billion barrels in the Great Athabaska Tar Sand field.

This oil industry has been a major source of revenue for our western provinces, and this is true especially of Alberta. Since the Leduc discovery—which, by the way, was in 1947—the Alberta provincial Government has received a total revenue from its various oil and natural gas sources of $350 million. The banner year was 1953-54, in which the Government received a record amount of $96 million.

Now the same of course is true to some extent of Manitoba, British Columbia and Saskatchewan, although from information I have I believe that the province of Alberta

owns a larger proportion of its oil rights than does any other province, and that in this respect Saskatchewan comes next.

In the past two or three years there has been quite extensive exploration and development in the oil industry in Saskatchewan. At the present time there are slightly in excess of 1,000 wells in Saskatchewan capable of producing oil, and the production in 1954 amounted to 5 million barrels. I might say that within the last few weeks I saw an estimate made by the Saskatchewan Government that during this year the output of last year, would be doubled; that is, that this year the total production in the province would be about 10 million barrels.

Manitoba too has profited from the oil industry, though to a lesser extent. At the end of 1954 there were in Manitoba 300 wells capable of producing oil, with a total production slightly in excess of 3 million barrels.

British Columbia has not a great deal of oil, but it has tremendous resources of natural gas. According to figures issued by that province, its proven resources are estimated at something over 3 trillion cubic feet of gas. Alberta, it is estimated, has from 11 trillion to 14 trillion cubic feet of gas.

The pipe line company which this bill proposes to incorporate is interested in several fields in Saskatchewan, Manitoba and Alberta, but at the present time it is particularly interested in what is known as the Frobisher field, in the southeastern corner of Saskatchewan. The company wishes to build as soon as possible a pipe line from the Frobisher field to Cromer, Manitoba, a point on the Interprovincial Pipe Line which, by the way, is the pipe line running from Edmonton to Sarnia.

If honourable senators see fit to give second reading to this bill today, I will move that it be sent to the Committee on Transport and Communications.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Stambaugh, the bill was referred to the Standing Committee on Transport and Communications.

DIVORCE BILLS

SECOND READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill Y-11, an Act for the relief of Franga Beryl Harker Stinson.

Bill Z-11, an Act for the relief of Enid Gertrude Brooks Bray.

Bill A-12, An Act for the relief of Shirley Pollack Nadler.

Bill B-12, an Act for the relief of Isidore Hoffman.

Bill C-12, an Act for the relief of Ethel Dworkin Abrams.

Bill D-12, an Act for the relief of Michael Moses Scullion.

Bill E-12, an Act for the relief of Clifford Joseph Linehan.

Bill F-12, an Act for the relief of Irene Furlong Walters.

Bill G-12, an Act for the relief of Joyce Davies Javallas.

Bill H-12, an Act for the relief of Freida Schecter Lupovitch.

Bill I-12, an Act for the relief of Gertie Tryansky Katz.

Bill J-12, an Act for the relief of Olive Gertrude Meredith Bateman.

Bill K-12, an Act for the relief of David Sandler.

Bill L-12, an Act for the relief of Marcel Deslauriers.

Bill M-12, an Act for the relief of Delmar Ross Andreis.

Bill N-12, an Act for the relief of Elizabeth Blanche Nelson Mallozzi.

Bill O-12, an Act for the relief of Glennice Maude Hunter Garayt.

Bill P-12, an Act for the relief of Irene Jessie Hillson Towes.

Bill Q-12, an Act for the relief of Vivian Ruth Law Alarie.

Bill R-12, an Act for the relief of Joseph Antonio Campeol.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

Hon. Mr. Macdonald: Honourable senators, I move that this house now rise and stand adjourned during pleasure, until approximately 5.45 p.m.

The motion was agreed to, and the Senate adjourned during pleasure.

THE ROYAL ASSENT

The Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their

Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act for the relief of Olga Maikowski Hocaloski.

An Act for the relief of Mary Evelyn Martinson Ross.

An Act for the relief of Donald Muir Langton.

An Act for the relief of Albert Ritchot.

An Act for the relief of Annie Esther Vetter Meister.

An Act for the relief of Carmen Lister Lees.

An Act for the relief of Dawn Elsie Coles Ekers Bowen.

An Act for the relief of Marion Murray Redburn.

An Act for the relief of Anna Pearl Lingo DesMarais.

An Act for the relief of Phyllis Geraldine Brown McLean.

An Act for the relief of Eva Lilly Ware Deslauriers.

An Act for the relief of Agnes Rose McKiernan Popadick.

An Act for the relief of Rosalind Elaine Beinhaker Katz.

An Act for the relief of Louis Kenneth Laurin.

An Act for the relief of Eva Amelia Richardson Keyton.

An Act for the relief of Francois-Xavier Lange.

An Act for the relief of Aline Pelland Myre.

An Act for the relief of Roscoe Winston Percy Soule.

An Act for the relief of June Patricia Potter Cashman.

An Act for the relief of Paul-Emile Roland Boisclair.

An Act for the relief of Kathleen Swanson Butler.

An Act for the relief of Freda Lutsky Perzow.

An Act for the relief of Susie Earl Young.

An Act for the relief of Joseph Willie Walter Stonehouse.

An Act for the relief of Alexander Jakobszak.

An Act for the relief of Margaret Thomson Kelso Midlick.

An Act for the relief of Pansy Joy Cowen Kirby.

An Act for the relief of Isabel Taylor Page Kingsley.

An Act for the relief of Dorothy Winnifred Patricia Lawson Disken.

An Act for the relief of Annie Kofman Liebman.

An Act for the relief of Harry Elsworth Allton.

An Act for the relief of Desire Cherry Szabo.

An Act for the relief of William Edward Shanassy.

An Act for the relief of Fernand Seguin.

An Act for the relief of Joanna Florence Ritchie Leinonen.

An Act for the relief of Joseph Telesphore Origene Dragon.

An Act for the relief of Dorothy Katherine Beattie Gunston.

An Act for the relief of Ellis Hamilton.

An Act for the relief of Joan Shirley Davies Marchand.

An Act for the relief of Joseph Leon Gilles D'Avignon.

An Act for the relief of Mary Ritchie Fleming Benjamin.

An Act for the relief of Doris Wagner Arkin.

An Act for the relief of Lena Robitaille Barre.

An Act for the relief of Antonio Michetti.

An Act for the relief of Joseph Andre Roland Roy.

An Act for the relief of Ida Rose Amyot White.

An Act for the relief of Anne Gorin Seward.

An Act for the relief of George Daniel van der Beek.

An Act for the relief of Rhoda Beatrice Cree Denis.

An Act for the relief of Roma Gisser Baron.

An Act for the relief of Marie-Angeline Delledonne Salotti.

An Act for the relief of Mary Black Guthrie.

An Act for the relief of Albert Menard.

An Act for the relief of Patricia Galley Berger.

An Act for the relief of Elizabeth Glencross Marcoux.

An Act for the relief of Lorraine Bella Spegel Weisberg.

An Act for the relief of Frances Kellerman Rappoport.

An Act for the relief of Eleanor Grace Jones Graham.

An Act for the relief of Gabrielle Dallaire Boulet.

An Act for the relief of Phyllis Elizabeth Warner Collins.

An Act for the relief of Margaret Gwendoline Turner Williams.

An Act for the relief of Mary Ferguson Wynter.

An Act for the relief of Sheila Winnifred Richardson Hiscock.

An Act for the relief of Anne Roitman Aronovitch.

An Act for the relief of Kathleen Gertrude King Laffin.

An Act for the relief of Gardner Hinckley Prescott.

An Act for the relief of Ethel Cope Veary.

An Act for the relief of Gordon Stewart Norris.

An Act for the relief of Lucille Grenier Desjardins.

An Act for the relief of Joseph Alexandre Roland Simard.

An Act for the relief of Winnifred Blanche Brook McGurk.

An Act for the relief of Gitel Shepsel Moscovitch.

An Act for the relief of Susan Frosst Cohen.

An Act for the relief of Norma Constance Parsons Lindsey.

An Act for the relief of Erna Reiter Kastelberger.

An Act for the relief of Nickola Bochna, otherwise known as Nicholas Bockan.

An Act for the relief of Robert Fraser Callahan.

An Act for the relief of Ruth Barsuk Cohen.

An Act for the relief of Bernice Noble Comm.

An Act for the relief of Francis Ambrose Higgins.

An Act for the relief of Elizabeth Coyle Ellis Gibbons.

An Act for the relief of Blanche Mary Shurge Labelle.

An Act for the relief of Beatrice Teressa Mathewson Connell.

An Act for the relief of Joyce Hilda Street Janson.

An Act for the relief of Joyce Gertrude Haworth Rawlings.

An Act for the relief of Jean Eudes Deschenes.

An Act for the relief of Isidore Tremblay.

An Act for the relief of Doris Lydia Kimber Keller.

An Act for the relief of Letitia MacDonald Lanz.

An Act for the relief of Kurth Sauer.

An Act for the relief of Marie Blanche Dionne Krysko.

An Act for the relief of Edna Florence Helen Dawson Smith.

An Act for the relief of Eldora Mary Mills Pope.

An Act for the relief of Roberta Margaret Gilpin Chadsey.

An Act for the relief of Anne Wahl Ryshpan.

An Act for the relief of Marian Toba Wolfe Cohen.

An Act for the relief of Bernice Elizabeth Lunan Day.

An Act for the relief of Ross Harold Becker.

An Act for the relief of Marie Anna Migneault Cloutier.

An Act for the relief of Maria Camko Kowalew.

An Act for the relief of Martin Yvon Blais.

An Act for the relief of Margaret Moffatt Wilkie Johnson.

An Act for the relief of Winnifred Herbert Chapman.

An Act for the relief of Rocco Aldo Amaedeo Mastrocola.

An Act for the relief of Marie Mae Seguin Le Moyne.

An Act for the relief of Amy Joyce Markham King.

An Act for the relief of Maureen Demers Kezber.

An Act for the relief of Eva Levne Shapiro.

An Act for the relief of Rejane Plamondon Levine.

An Act for the relief of Marie Irma Marquette Lalonde.

An Act for the relief of Marion Tannenbaum Rabow.

An Act for the relief of Walter Williamson.

An Act for the relief of Eileen Beatrice Sloan Douglas.

An Act for the relief of Madelyn Jane Picard Gilbert.

An Act for the relief of George James Marshall.

An Act for the relief of Luigi Martellino, otherwise known as Louis Martellino.

An Act for the relief of Bernice Balinsky Friedman.

An Act for the relief of Rose Marie Lescarbeau Deschenes.

An Act for the relief of Florence Aleatha Geraldine Hamilton Gardner.

An Act for the relief of Mary Veronica Hamilton Campbell.

An Act for the relief of Aba Awner.

An Act for the relief of Grace Elizabeth Sinclair Peterkin.

An Act for the relief of Sybil Lavine Markowitz.

An Act for the relief of Gabriel Boisclair.

An Act for the relief of Betty Weiner Schwartz.

An Act for the relief of Lili Gourd Lajeunesse.

An Act to regulate the exportation of power and fluids and the importation of gas.

An Act to incorporate Victoria Insurance Company of Canada.

An Act to incorporate Caledonian-Canadian Insurance Company.

An Act to incorporate St. Mary's River Bridge Company.

An Act to amend the Public Service Superannuation Act.

An Act to consolidate and amend Acts relating to The Royal Architectural Institute of Canada.

An Act respecting The Fredericton & Grand Lake Coal & Railway Company.

An Act respecting Sharp & Dohme (Canada) Ltd.

An Act to amend the Territorial Lands Act.

An Act to implement the Convention on damage caused by foreign aircraft to third parties on the surface.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, May 5, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

NORTHWEST TERRITORIES BILL

REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the report of the committee on Bill 179.

The report was read by the Clerk Assistant, as follows:—

The Standing Committee on Natural Resources, to whom was referred the Bill (179) intituled: "An Act to amend the Northwest Territories Act", have in obedience to the order of reference of May 4, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Vaillancourt: With leave of the Senate, I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

YUKON BILL

REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the report of the committee on Bill 180.

The report was read by the Clerk Assistant, as follows:

The Standing Committee on Natural Resources to whom was referred the bill (180), intituled: "An Act to amend the Yukon Act", have in obedience to the order of reference of May 4, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time

Hon. Mr. Vaillancourt: With leave of the Senate, I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

50437—28½

PRIVATE BILLS

EXTENSION OF TIME FOR FILING PETITIONS

Hon. Charles L. Bishop, Chairman of the Standing Committee on Standing Orders, presented the committee's third report.

The report was read by the Clerk Assistant as follows:

Your committee recommend that the time limit for filing petitions for private bills, other than petitions for Bills of Divorce, which expired on March 11, 1955, be further extended to Friday, May 6, 1955.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Bishop: With leave, I move that the report be now concurred in.

The motion was agreed to.

RAINY RIVER BRIDGE

SUBSTITUTION OF PETITION—REPORT OF COMMITTEE

Hon. Charles L. Bishop, Chairman of the Standing Committee on Standing Orders, presented the committee's fourth report.

The report was read by the Clerk Assistant as follows:

Your committee recommend that the petition of the village of Baudette, in the State of Minnesota, one of the United States of America, praying for the passing of an act for authority to construct, operate and maintain an international toll bridge across Rainy River between the village of Baudette, Minnesota, and the town of Rainy River, in the province of Ontario, for vehicular, passenger and pedestrian traffic, presented to the Senate on February 24, 1955, be withdrawn; and the petition of P. Melvin Vennes, and others, of the town of Rainy River, in the province of Ontario, praying to be incorporated under the name of "Baudette and Rainy River Municipal Bridge Company" be substituted therefor.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Bishop: With leave, now.

Hon. Mr. Roebuck: Explain.

Hon. Mr. Bishop: Honourable senators, I would ask that this report be taken into consideration at the next sitting.

PRIVATE BILL

GILLESPIE MORTGAGE CORPORATION—FIRST READING

Hon. Nancy Hodges presented Bill A-13, an Act to incorporate Gillespie Mortgage Corporation.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be placed on the order paper for second reading?

Hon. Mrs. Hodges: Wednesday next.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house rises this afternoon it stand adjourned until Tuesday next at eight o'clock in the evening.

The motion was agreed to.

DIVORCE BILLS

THIRD READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill Y-11, an Act for the relief or Franga Beryl Harker Stinson.

Bill Z-11, an Act for the relief of Enid Gertrude Brooks Bray.

Bill A-12, an Act for the relief of Shirley Pollack Nadler.

Bill B-12, an Act for the relief of Isidore Hoffman.

Bill C-12, an Act for the relief of Ethel Dworkin Abrams.

Bill D-12, an Act for the relief of Michael Moses Scullion.

Bill E-12, an Act for the relief of Clifford Joseph Linehan.

Bill F-12, an Act for the relief of Irene Furlong Walters.

Bill G-12, an Act for the relief of Joyce Davies Javallas.

Bill H-12, an Act for the relief of Freida Schecter Lupovitch.

Bill I-12, an Act for the relief of Gertie Tryanski Katz.

Bill J-12, an Act for the relief of Olive Gertrude Meredith Bateman.

Bill K-12, an Act for the relief of David Sandler.

Bill L-12, an Act for the relief of Marcel Deslauriers.

Bill M-12, an Act for the relief of Delmar Ross Andreis.

Bill N-12, an Act for the relief of Elizabeth Blanche Nelson Mallozzi.

Bill O-12, an Act for the relief of Glennice Maude Hunter Garayt.

Bill P-12, an Act for the relief of Irene Jessie Hillson Towes.

Bill Q-12, an Act for the relief of Vivian Ruth Law Alarie.

Bill R-12, an Act for the relief of Joseph Antonio Campeol.

The motion was agreed to, and the bills were read the third time, and passed on division.

PRIVATE BILLS

PETROLEUM TRANSMISSION COMPANY—SECOND READING

Hon. J. W. de B. Farris moved the second reading of Bill X-11, an Act to incorporate Petroleum Transmission Company.

He said: Honourable senators, this is a rather ordinary bill. As honourable senators know, the Pipe Lines Act, 1949, provides that no company can construct or operate pipe lines for the transportation of gas or oil unless it has been specially authorized by an act of Parliament. There are many precedents for the incorporation of companies of this kind—for instance, Trans-Canada Pipe Lines Limited, Westcoast Transmission Company Limited, Interprovincial Pipe Line Company, Trans Mountain Pipe Line Company, and others—and I believe there are bills for incorporation of other such companies now on our Order Paper. Each bill has to be different from others merely as to the details of capitalization, sponsors, and matters of that kind. In form, this bill is the same as the others that have been passed.

I think in this case the high status of the company will be evident when I name the petitioners, who are officers of the company. They are George L. McMahon, William N. Graburn, A. Patrick Bowsher, of Calgary and Leonard M. Youell, all of Calgary; and Ronald C. Merriam, of Ottawa. These men are respectively the president, two vice-presidents and secretary of Pacific Petroleums Ltd.

Mr. Merriam, the solicitor of that company at Ottawa, is a well-known lawyer of this city.

Pacific Petroleums Ltd. is one of the great pioneers in the development of oil in Canada. I know something about its inception. The company was incorporated in British Columbia with power to do business in British Columbia and Alberta. Frank McMahon was the inspiring head of the company. For at least fifteen years he has been an outstanding personality in Canada, in my judgment, at all times showing great courage, and bent on one object—the development of gas and oil in northern Alberta and northern British Columbia.

I have here a memorandum containing some information which I think honourable senators would approve of hearing. Pacific Petroleums Ltd. of whom Frank McMahon is the real head, although his brother is the president, is approximately four years old. In four years that company and its associates have drilled 100 wells, and have been directly responsible for the proving up of more than 3 trillion cubic feet of natural gas in British Columbia. Significant oil strikes also have

been made. The Pacific company and its associates, notably Peace River Natural Gas Co. Ltd., which is a subsidiary of Pacific Petroleums Ltd., and Canadian Atlantic Oil Company Ltd., and an American company, Sunray Oil Corporation, have shown great courage in putting up money to explore and develop the oil and natural gas resources of Northeastern British Columbia and adjoining areas in Northwestern Alberta.

Honourable senators, it is hard to believe that since the Pacific company drilled its first well the company and its associates and other major companies in that northland have spent approximately $30 million, and the rate of expenditure is today increasing rapidly. This makes the petroleum industry a major business in British Columbia, although there is as yet no market for the product.

I want to pay a particular tribute, although I do not think it is necessary in this case: no man in Canada deserves more admiration for his work and his courage than that British Columbian, Frank McMahon, in association with his two brothers George and John—all of them born in Cranbrook. The honourable senator from Kootenay East (Hon. Mr. King) was the attending physician when they arrived in this world. Recently we have heard some discussion about "immigrants",—whether it is better that they be drawn from outside Canada or come to us by way of the cradle. Personally, I hold with Mr. Pickersgill, and I am astonished at some of the critical comments which have been made. Nobody has objected to immigration, but surely there is no better way of adding to our population than the good old-fashioned way, and these men are a living demonstration of the fact. I know of no man who has gone ahead with more courage, more persistence and more inspiring insight, when all the odds were stacked against him, than Frank McMahon. Last year, it may be remembered, an application by these promoters was turned down at Washington, and to the casual observer it appeared as though they were ruined; but the set-back never fazed Frank McMahon. He had vision, ambition and courage; he went ahead; and within a few weeks, according to my information, the Westcoast Transmission Company, with its big scheme to bring gas from Fort St. John and adjacent territory down through the heart of British Columbia to the coast and on to the south, will be an accomplished fact.

The company for which I now seek incorporation desires to be invested with wider powers than its parent company, which is incorporated only in British Columbia, with powers limited to that province and Alberta. I may say that at the second or third subsequent sitting of this house another bill will be introduced for the purpose of enlarging the powers of the Westcoast Transmission Company Limited by increasing its capitalization, and for related objects. I would like to have the two bills considered in committee together, and the officers from Calgary will attend to give the fullest explanation on any matter as to which information is required. Meanwhile, as I am not particularly in the humour for making speeches today, I think I will say no more.

Hon. Mr. Haig: Honourable members, if, as the honourable senator from Vancouver South (Hon. Mr. Farris) tells us, he is not in just the humour for making a speech today, I should hate to be in opposition to him when he was in the mood to speak. I admired his speech. Whether or not I might have been inclined, when I came into the chamber, to vote againt the bill, I now say quite candidly that I am going to vote for it.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Farris, the bill was referred to the Standing Committee on Banking and Commerce.

COMMERCIAL TRAVELLERS' ASSOCIATION OF CANADA—SECOND READING.

Hon. John J. Connolly moved the second reading of Bill S-12, an Act respecting The Commercial Travellers' Association of Canada.

He said: Honourable senators, the sponsor of this bill, the honourable senator from Toronto (Hon. Mr. Hayden), was not able to be here this afternoon to move the second reading, and I ask leave to do so on his behalf. It is a very simple measure: it affects the corporate structure of The Commercial Travellers' Association of Canada.

This company was incorporated by Act of the Parliament of Canada in 1874, so that it is almost as old as the country itself. At that time the powers conferred on the company were very broad: it was entitled to hold lands, to devote its revenues to the objects of the association, and to invest in certain types of securities. Two years later—in 1876—it applied to Parliament for an amendment which would permit it to make contracts of insurance on behalf of its members with accident insurance companies. Presumably after 1876 it carried out those purposes to some considerable extent. However, by 1882, apparently its funds became large enough to permit it to embark upon projects of this kind on its

own behalf, so it again applied to the Parliament, and at that time was empowered to issue its own sickness, accident and mortuary benefit policies. At that time the general laws with respect to supervision of fraternal benefit societies were less strict than they are today. Accordingly one of the restrictions contained in the Act of 1882 required the approval of the Governor in Council for amendments of the by-laws with respect to the issue and regulation of its policies. Those by-laws were a schedule to the act of 1882.

Through the years since that time the insurance laws of the Dominion of Canada have been greatly changed in the interests of the policy holders of the company, and a detailed supervision is now conducted on behalf of the Minister of Finance through the office of the Superintendent of Insurance. It is therefore felt unnecessary for this company, when it amends its bylaws with reference to the policies it issues, to submit these amendments to the Governor in Council for approval. I have been informed that over the past few years every amendment made to these bylaws has in fact been approved by the Governor in Council. I have also been informed by the office of the Superintendent of Insurance that it is really a waste of the time of the Superintendent, of the company and of Council to require this procedure to be continued.

It may be of interest to know that the company has its head office in Toronto, that there are some 13,000 members in the association and that it enjoys a high status throughout the country, particularly in insurance circles.

Honourable senators, if this bill is given second reading I will move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Roebuck: Do other insurance companies submit their by-laws to council for approval or are they required to do so?

Hon. Mr. Connolly: Perhaps I would be a little too quick if I were to say "No" to that inquiry. I think, generally speaking, they would not be required to do so.

Hon. Mr. Roebuck: I believe you are right.

Hon. Mr. Connolly: As honourable senators know, the supervision which is given at all times to the affairs of insurance companies in this country by the office of the Superintendent of Insurance is extensive. I am sure we all realize that one of the reasons for the stability of our insurance companies is that they operate in a manner prescribed by the Canadian and British Insurance Companies Act, and under the careful and reasonable supervision of the Superintendent of Insurance.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On the motion of honourable Mr. Connolly, the bill was referred to the Standing Committee on Banking and Commerce.

TRANS-PRAIRIE PIPELINES, LTD.—SECOND READING

Hon. T. A. Crerar moved the second reading of Bill U-12, an Act to authorize Trans-Prairie Pipelines, Ltd. to construct, own and operate an extra-provincial pipe line.

He said: Honourable senators, this bill that I am sponsoring today is a comparatively simple one, and I am sure it will commend itself to the favourable consideration of the house. Before dealing with the precise provisions of the bill perhaps a word or two of general explanation would be useful.

Geologists tell us there is a considerable area known as the Williston Basin in which oil and gas will probably be found. This basin embraces a substantial area in southwestern Manitoba and southeastern Saskatchewan, and extends beyond the international boundary line into North Dabota and part of Montana. Over the past four or five years considerable exploration work has been carried out in the Manitoba part of the Basin, with quite substantial results. It may be of interest to know that the oil production in Manitoba is now running at the rate of 260,000 barrels a month. The February production alone amounted to 261,000 barrels, and at the present time there are 315 producing oil wells in that part of Manitoba.

Hon. Mr. Aseltine: Is it light or heavy oil?

Hon. Mr. Crerar: I am not sure, but if my friend is sufficiently interested in that we can probably obtain the information in committee. However, I think it is not the heavy kind such as is found in some parts of Northern Saskatchewan.

Hon. Mr. Aseltine: That is what I wanted to find out.

Hon. Mr. Crerar: It is the ordinary type of oil—decent oil.

It will be recalled that a few years ago an interprovincial pipe line was constructed to carry oil from the Edmonton area in Alberta to Superior at the western end of

Lake Superior. This line has since been continued to Sarnia in Western Ontario.

Of course, when these oil fields were discovered in Manitoba the problem arose of getting the oil to market. The interprovincial pipe line passes close to a small village called Cromer, which is from 10 to 15 miles southwest of Virden. The growing town of Virden is about 75 miles west of the City of Brandon, and Brandon is 140 miles west of the city of Winnipeg. I mention those distances to give an idea of the location of the field. North of Cromer, an oil field known as the Daly field has been found. Another field north of Virden has been discovered, known as the Roselea field, and, indeed, in the town of Virden itself there are now several producing oil wells.

I now come to the purpose of this bill. A company was incorporated in Manitoba, under the Manitoba Companies Act, to build pipe lines within the province, to convey oil from these fields to where it would tap the interprovincial pipe line at Cromer. Since the incorporation of the company the area has been extended. Cromer is eight miles from the Saskatchewan-Manitoba boundary, but over the boundary in the province of Saskatchewan oil has been discovered at a point called Alida, roughly 25 miles from Cromer. Here are now 15 producing oil wells. This company seeks through this proposed legislation to get power to cross the interprovincial boundary line and build its line into the province of Saskatchewan in order to tap these new developing fields; and of course in seeking such power it necessarily comes under the general Pipe Lines Act.

Hon. Mr. Macdonald: Does the company have to incorporate in Saskatchewan?

Hon. Mr. Crerar: No. Even if it incorporated in Saskatchewan it would need to come to Ottawa for authority for the interprovincial line under the general Pipe Lines Act. This bill merely gives the company power—subject to approval by the authorities under the general Pipe Lines Act—to extend its pipe line into the province of Saskatchewan, tap this oil producing area, and carry oil to these areas: that is, to Cromer, which is the nearest point at which it can tap the interprovincial pipe line, and where, in addition, the interprovincial pipe line has a pumping station.

Hon. Mr. Aseltine: Is there any opposition?

Hon. Mr. Crerar: There is no opposition of which I know.

Hon. Mr. Davies: May I ask the honourable senator from Churchill (Hon. Mr. Crerar) a question A pipe line bill was introduced yesterday, and I notice that four pipe line bills appear on today's Order Paper. Can he tell us whether any of these pipe line companies conflict with one another in what they are trying to do?

Hon. Mr. Crerar: I cannot see how they conflict in any way with Trans-Prairie Pipe Lines, Ltd. This is really a local company that is serving its own community, and as oil has been discovered and is now being produced in the province of Saskatchewan immediately over the interprovincial border the company seeks power to extend its line; but it cannot cross the interprovincial boundary to tap a well which might be only two miles within Saskatchewan without the approval of the authorities here, under the general Pipe Lines Act.

Hon. Mr. Macdonald: Would the company obtain that authority by virtue of this bill?

Hon. Mr. Crerar: Yes, this bill would give it power to extend into Saskatchewan, subject to approval of the proper authorities, under the general Pipe Lines Act.

Hon. Mr. Aseltine: The passing of this bill would simply give the company authority to apply to the Transport Commission.

Hon. Mr. Crerar: That is right.

Hon. Mr. Roebuck: Is this the first bill of its kind that has been passed by this house?

Hon. Mr. Crerar: I think so. Other bills with which we have dealt from time to time were much wider in their application.

Hon. Mr. Roebuck: Yes, and they were bills of incorporation, were they not?

Hon. Mr. Crerar: Yes.

Hon. Mr. Roebuck: The bill would give powers that are in the hands of the federal parliament to a provincially incorporated company. I have not seen that done before.

Hon. Mr. Macdonald: The purpose of the bill which was explained by the honourable senator from Vancouver South (Hon. Mr. Farris) was to incorporate Petroleum Transmission Company. The bill before us now does not seek an incorporation. I presume the honourable senator from Churchill (Hon. Mr. Crerar), is not applying for incorporation through this bill?

Hon. Mr. Crerar: Oh, no.

Hon. Mr. Macdonald: I take it that he is applying to Parliament in order to bring the company within the provisions of the Pipe Lines Act.

Hon. Mr. Crerar: That is it, precisely. It is not a new incorporation.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Roebuck: I presume that the honourable senator from Churchill (Hon. Mr. Crerar) will move that this bill be referred to a committee, because it will require some thought.

On motion of Hon. Mr. Crerar, the bill was referred to the Standing Committee on Banking and Commerce.

EQUITABLE FIRE INSURANCE COMPANY OF CANADA—SECOND READING

Hon. Cyrille Vaillancourt moved the second reading of Bill V-12, an Act respecting Equitable Fire Insurance Company of Canada.

He said: Honourable senators, the purpose of this bill is to extend the period of time during which the Minister of Finance may grant a certificate of registry to this insurance company.

The Equitable Fire Insurance Company obtained a federal charter in 1952, chapter 61. This federal company is to replace the company bearing the same name and which has operated since 1901, pursuant to a provincial charter. Therefore, the purpose is to transfer the operations of the Equitable Fire Insurance Company from its provincial charter to a federal charter.

Subsection 2 of section 4 of the Canadian and British Insurance Companies Act provides that the charter granted to an insurance company shall expire unless the certificate of registry is obtained within a period of two years after the charter has been granted. In the present case the delay is due to the fact that the company had problems to settle with federal and provincial income tax authorities, concerning the payment of the capital of the provincial company and the transfer of the surplus to the new federal company. These income tax problems were settled only recently, and the consent of the shareholders of the provincial company had to be obtained for this purpose.

The present bill is similar to other bills which have been passed under similar circumstances. Reference may be made to 11—12 George VI, chapter 86, and 14 George VI, chapter 58.

This bill is presented at the suggestion and with the complete approval of the federal Department of Insurance. If the bill receives second reading this afternoon, I will move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Euler: Before the motion passes, may I ask the sponsor of the bill whether any objection has been registered to the use of the name "Equitable Fire Insurance Company of Canada"? I have in mind a company in Waterloo, Ontario, which has a somewhat similar name, the Equitable Life Insurance Company.

Hon. Mr. Vaillancourt: There has been no objection to the name.

Hon. Mr. Davies: It is an old name, is it not?

Hon. Mr. Vaillancourt: Yes, very old; it goes back to 1901.

Hon. Mr. Roebuck: Honourable senators, I think it is usual to extend the time for the filing of a certificate to a reasonable period after incorporation, when a satisfactory explanation for the delay has been given. I think that the honourable gentleman from Kennebec (Hon. Mr. Vaillancourt) has given such an explanation in this instance, and that he is quite in order in asking for the extension of time.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Vaillancourt, the bill was referred to the Standing Committee on Banking and Commerce.

YUKON PIPELINES LIMITED— SECOND READING

Hon. William H. Golding moved the second reading of Bill X-12, an Act to incorporate Yukon Pipelines Limited.

He said: Honourable senators, this bill seeks to incorporate Yukon Pipelines Limited. Clause 1 reads as follows:

Frank H. Brown, president of the White Pass and Yukon Corporation Limited, Clifford J. Rogers, president of British Columbia-Yukon Railway Company, Edward M. C. McLorg, barrister, and Albert P. Friesen, accountant, all of the city of Vancouver, in the province of British Columbia; Alexander Neill McGregor, barrister, James Ralph Johnston, barrister, and Diantha Alice Herbert, stenographer, all of the city of Ottawa, in the province of Ontario, together with such persons as may become shareholders in the company, are incorporated under the name of Yukon Pipelines Limited, hereinafter called "the Company".

I understand, honourable senators, that this bill follows the usual pattern of pipe line bills which have come before the Senate. Clause 5 states:

5. The Company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of the Pipe Lines Act, and any other general legislation relating to pipe lines enacted by Parliament with respect to the transportation and transmission of oil and gas and other liquid and gaseous hydrocarbons.

Hon. Mr. Aseltine: To what territory does this proposed company's business apply?

Hon. Mr. Golding: The explanation of the bill given to me is as follows:

The proposed legislation is for a pipe line bill limited to British Columbia and the Yukon in Canada, and outside Canada. It will be noticed that the applicants for incorporation are officers of the White Pass and Yukon Route. The immediate purpose of the incorporators, if the legislation is enacted, is to provide for:

(a) The continued operation of the existing 4-inch pipe line between Skagway, Alaska, and Whitehorse, Yukon Territory, used for the transportation of fuel and diesel oils.

(b) The construction and operation in due course of a pipe line between the same points for the transportation of gasoline and other volatile petroleum products.

The existing 4-inch pipe line was constructed by the American Army in 1942 along the right of way of the White Pass and Yukon railway for the purpose of pumping all types of liquid petroleum products from Skagway to Whitehorse and thence to Alaska. The petroleums in question were brought up from California by tanker, unloaded into storage tanks at Skagway and in due course pumped north for Army and Air Force use —both Canadian and American and for civilian use in the Whitehorse area.

The pipe line has continued in operation to the present date, except that since the end of the war only low volatile fuel and diesel oils, instead of both gasoline and fuel oils, have been put through the line—the elimination of gasoline being out of regard for safety of passenger traffic on the railway.

Some time this summer the American Army will probably discontinue use of this line in favour of their new 8-inch pipe line, now nearing completion, which runs from Haines, Alaska, to a point on the Alaska Highway about 100 miles northwest of Whitehorse and then on to Fairbanks.

The White Pass and Yukon Route has been intimately associated with the operation of this line from its inception. Through its section hands it maintains continuous inspection. Its repair gangs carry out all required repairs on behalf of the United States Army. The line follows all the company's tunnels, snow sheds and bridges in the railway's precipitous passage through the mountains. In many places the line is at the end of the ties and in a few places is in between the rails.

The White Pass and Yukon employees are fully familiar with the pumping and other operating facilities of the system and are completely equipped to take over its operation at a day's notice. It thus becomes a natural thing that when the United States Army ceases to operate the line the White Pass and Yukon Route should seek to take over this function in its place.

That is the explanation of the bill which has been given to me. If the bill is given second reading I will move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Isnor: Honourable senators, I would draw the attention of the sponsor of this bill to the fact that in addition to the provisions concerning the pipe line itself the bill also contains provisions dealing with radio, telephone and telegraph communication facilities. It would seem to me, therefore, that the bill should go to the Committee on Transport and Communications.

Hon. Mr. Macdonald: Are there no provisions in the other bills dealing with radio, telephone and telegraph communication facilities?

Hon. Mr. Isnor: I do not think there are.

Hon. Mr. Macdonald: I have before me the bill to incorporate Petroleum Transmission Company and I notice that in clause 6 there is authority to operate such facilities. There is a similar clause in other bills.

Hon. Mr. Golding: Honourable senators, it would be quite agreeable to me to have the bill referred to the Standing Committee on Transport and Communications.

The Hon. the Speaker: Honourable senators, the question is on the motion of the Hon. Senator Golding for second reading of the bill. Is it your pleasure to adopt the motion?

Hon. Mr. Turgeon: Honourable senators, before the motion is voted on, I would like to ask one question which perhaps the honourable senator from Huron-Perth (Hon. Mr. Golding) can answer.

Yesterday the honourable senator from Toronto (Hon. Mr. Campbell) presented Bill Z-12, and Act to incorporate Trans-Border Pipeline Company, Ltd., the second reading of which he proposes to move on Tuesday. Now, the same project is envisaged in the bill before us as is envisaged in Bill Z-12. I would like to ask whether the second reading of the bill we are now considering would interfere with proper consideration of the bill to be explained later by the honourable senator from Toronto (Hon. Mr. Campbell).

I am assuming that at any rate the passing of these bills would give the two companies only the right to apply to the Board of Transport Commissioners for authority to operate

this particular pipe line, and that therefore both bills could pass through parliament. Am I right on that?

Hon. Mr. Golding: The matter can be dealt with in committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Golding: Honourable senators, I move that this bill be referred to the Standing Committee on Transport and Communications.

Hon. Mr. Macdonald: Honourable senators, before this bill is referred to that committee I should bring the attention of the members of the Senate to the fact that the other bills of a similar nature have been referred to the Standing Committee on Banking and Commerce, and it does seem to me that the one committee should consider all bills of the same type.

Hon. Mr. Stambaugh: Honourable senators, I introduced a bill which is very similar to this one, namely, a bill to incorporate S and M Pipeline Limited, and yesterday it was given second reading and referred to the Committee on Transport and Communications. A meeting of that committee has already been called to consider the bill, and I think that the bill before us should go to the same committee. In almost every case that I can remember a pipe line bill has been referred to the Committee on Transport and Communications.

Hon. John T. Haig: Honourable senators, all these pipe line bills are presented to Parliament simply for the purpose of complying with the general Pipe Lines Act, and whether they come within the ambit of that act is largely a legal matter. In the past legal matters have always been referred to the Banking and Commerce Committee. Furthermore, an additional point is involved here. I am advised that a bill introduced yesterday covers the same operation and will be before us shortly. If that bill happens to be referred to the Banking and Commerce Committee and the present bill is referred to the Transport and Communications Committee, and both committees report the bills, we may have a conflict over apparently the same territory. I may say that I for one am not going to vote for two bills covering the same territory. That would be nonsense. It will take all the money that can be got to develop one facility.

Parliament will no doubt have to deal with a large number of these bills, because if oil is found it will have to be transported from place to place by a pipe line, and every company that desires to transport across a boundary will require a federal bill. That is the reason behind the bill, for instance, which the honourable senator from Churchill (Hon. Mr. Crerar) explained this afternoon. If Trans-Prairie Pipelines Ltd. were to operate its pipe line in Manitoba only, no federal legislation at all would be required, but in order to extend its pipe line across a provincial boundary legislation of this type is needed. I know that in parts of Saskatchewan there is an area which is presumed to contain large quantities of oil, and if oil is to be transported from that area a pipe line will have to cross into Manitoba to connect up with the interprovincial pipe line somewhere. A pipe line will be necessary, because certainly in these days oil cannot be transported by wagon.

It seems to me that we should adopt a uniform policy when dealing with these pipe line bills. And I think we should frown—that is only my opinion, mind you—on legislation that would give two companies the right to do business in the same district. I would therefore suggest that the honourable gentleman from Huron-Perth (Hon. Mr. Golding) should not press too hard for reference of this bill to the Transport and Communications Committee. I am impressed by the statement that the bill taps the same territory as does a bill introduced yesterday; and I submit that if it does, the one committee should decide the whole thing. Other pipe line bills have been referred to the Banking and Commerce Committee. Experts will be in attendance at that committee and we can ask them questions. Of course, any decision arrived at by a committee does not have to be accepted if the house does not like it. Any recommendation of a committee can be set aside, and then we can discuss the matter in Committee of the Whole.

I appeal to the house to send all these pipe line bills to the one committee in order that they can be dealt with uniformly. We want to encourage development of pipe lines so that all areas of British Columbia, Alberta, Saskatchewan and Manitoba, and maybe other parts of Canada—I hope so, but especially the four provinces that I have named—will be able to transport oil to the markets. The great need, of course, is to get the product to the markets. I venture to say that if we can arrange a uniform way of dealing with these bills, capital will feel safer in making investments.

Hon. Mr. Stambaugh: Honourable senators, may I make one further remark? The bill to incorporate Inter-Provincial Pipe Lines, which operates the largest pipe line

in the world, was referred to the Committee on Transport and Communications, and was approved by that committee. The bill to incorporate Trans Canada Pipe Lines Bill, which proposes to transport gas from Alberta to Toronto and Montreal, was also referred to the Committee on Transport and Communications. It seems to me that that is the proper committee to consider the present bill.

Hon. Mr. Golding: I think there is some merit in the arguments both of the Leader of the Government (Hon. Mr. Macdonald) and of the Leader of the Opposition (Hon. Mr. Haig), and I now move that the bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Macdonald: When I rose a few minutes ago I was under the impression that all the bills of this type which have come before us were sent to the Banking and Commerce Committee, but it appears that some have gone to the Standing Committee on Transport and Communications. I think it is unfortunate that bills of the same general character have been referred to two different committees. Apparently the first measure of this kind was referred to the Standing Committee on Transport and Communications. I agree with the honourable Leader of the Opposition (Hon. Mr. Haig) and the honourable senator from Huron-Perth (Hon. Mr. Golding) that the same committee should have dealt with them all.

Hon. Mr. Euler: In this matter we should have uniformity, and if a mistake has been made, in that previous bills of the same general subject-matter have been referred to two different committees, let us decide to which committee such bills should be referred. If some have already been referred to another committee, we should reverse our action and deal with them all on a basis of uniformity.

Hon. Mr. Isnor: May I be informed, by either the honourable Leader of the Government or by the honourable Leader of the Opposition, what authority issues licences in connection with pipe lines?

Hon. Mr. Haig: The Department of Transport.

Hon. Mr. Isnor: I think that answer should settle the point.

The motion was agreed to, and the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until Tuesday, May 10, at 8 p.m.

THE SENATE

Tuesday, May 10, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 319 to 345, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

CRIMINAL CODE

FIRST REPORT OF JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW

Hon. J. W. de B. Farris, for Hon. Slater A. Hayden, Joint Chairman of the Special Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment, presented the committee's first report.

The report was read by the Clerk Assistant as follows:

Your committee recommends that it be empowered to adjourn beyond the precincts of the House of Parliament to take evidence at a place within the seat of Government from an executioner on the present method of capital punishment in Canada.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Veniot: Honourable senators, may I ask, with leave of the Senate, that this report be considered now, because tomorrow morning the committee desires leave to hold a sitting at a place beyond the precincts of the Houses of Parliament.

The Hon. the Speaker: Has the honourable senator from Gloucester (Hon. Mr. Veniot) unanimous consent of the Senate to move that this report be considered now?

Hon. Senators: Agreed.

Hon. Mr. Veniot: Honourable senators, I move that the report be concurred in.

Hon. Mr. Vien: Before the motion is carried, may I ask for an explanation of the report?

Hon. Mr. Veniot: Leave is asked by the committee to hold a meeting tomorrow outside the precincts of the Houses of Parliament for the purpose of examining a special witness.

Hon. Mr. Vien: Where?

Hon. Mr. Veniot: Well, that cannot be stated publicly, but I can tell the honourable member in private where it will be held. I can say now that it will be held in the city of Ottawa.

Hon. Mr. Vien: Thank you.

The motion was agreed to, and the report was concurred it.

PRISONS AND REFORMATORIES BILL

FIRST READING

Hon. W. Ross Macdonald presented Bill B-13, an Act to amend the Prisons and Reformatories Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time.

Hon. Mr. Macdonald: With leave of the Senate, next sitting.

ALBERTA-BRITISH COLUMBIA BOUNDARY BILL

FIRST READING

Hon. W. Ross Macdonald presented Bill C-13, an Act respecting the boundary between the provinces of Alberta and British Columbia.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon Mr. Macdonald: With leave, next sitting.

NARCOTIC DRUG TRAFFIC

COMMITTEE SITTINGS IN VANCOUVER

On the Orders of the Day:

Hon. Thomas Reid: Honourable senators, before the Orders of the Day are proceeded with, may I be allowed to make a brief statement concerning the sittings which the special committee on the narcotic drug traffic held in Vancouver during the Easter recess of the Senate? But first may I point out that this was the first time since Confederation that a committee of this house has sat outside Ottawa. Of course, it must be remembered that the committee, wherever it sits, is investigating the serious problem of the drug traffic on behalf of the entire Senate body.

Eleven of the twenty-three members of the committee attended the sittings in Vancouver. We sat for five days, starting at 10 o'clock in the morning, and at times we were not finished until 5 o'clock in the afternoon.

The committee was well received both by the press and by the public generally. We were welcomed by the mayor of the city of Vancouver, who before we ended our sittings provided us with a lunch in Stanley Park.

We were beseiged by press reporters, and television representatives sought permission to televise our proceedings; but I took upon myself the liberty of refusing to grant this permission, believing that our committee was a court of investigation and not one whose proceedings should be televised.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: We held two secret sessions. At one of these, which lasted all day, drug addicts and their relatives came before us and told their stories. The press wanted to follow us and write these stories up, but this request was refused. We visited Oakalla Prison Farm, where we saw 150 drug addicts, who were given the opportunity to ask questions or make statements; and before leaving we interviewed two women drug addicts out of a total prison population of some 80.

It is not often that laudable remarks are made by the press about the Senate, but with your permission I will quote some remarks of this kind concerning the committee's visit to Vancouver. This appeared in the *Globe and Mail* of Saturday last:

> The heroes of Vancouver's long war against the drug traffic are 11 members of the Senate's committee on narcotics.
>
> A few weeks ago, when they first proposed a precedent-setting departure for Ottawa to hold on-the-spot hearings in the heartland of the drug trade, the senators were dubbed "tired old men who want to spend springtime in the Rockies."
>
> In five days of sessions they toured the provincial prison at Oakalla, considered a score of detailed briefs and cross-examined 33 witnesses, a dozen of whom admitted they were addicts—the men who know narcotics best.
>
> Doctors and investigators hailed the hearings as a major step forward in the painstaking search for a solution to the problem that has presented this city with what Mayor Fred Hume calls "a first-class crisis."
>
> The editors of the Vancouver *Sun* went one step further. Impressed by the committee's vigor, they suggested that such Senate bodies might take over some of the tasks normally handed to Royal commissions.

Hon. Senators: Hear, hear.

Hon. Mr. Reid: At all times the committee realized they were acting on behalf of the whole Senate. Speaking as the chairman, may I say I was proud not only of the attendance, but of the impression the committee left with the press, with the witnesses who came before us and the public generally.

Hon. Senators: Hear, hear.

RADIO BILL

SECOND READING

Hon. W. Rupert Davies moved the second reading of Bill 260, an Act to amend the Radio Act.

He said: Honourable senators, this is, I think, a non-contentious bill. It consists of amendments to the Radio Act, brought about, I understand, through representations which have been made to the Department of Transport by a number of the larger Canadian municipalities which have become rather alarmed at the density of the television antennae which are to be seen on the roofs of our cities. I am informed by the Telecommunications Branch of the Department of Transport that "radio" means the transmission of all communications by means of Hertzian waves. I am afraid I cannot explain what Hertzian waves are; but, in any event, the idea is to have control of the erection of these television antennae and a properly regulated inspection of them when and after they are put up. I am sure most honourable senators will agree that these provisions are long overdue. The Department of Transport, in common with a number of the larger and some of the smaller municipalities, feels that these antennae are not only a danger at times to air navigation, but somewhat of a fire hazard. Therefore these amendments to the Radio Act are presented in Bill 260.

By paragraph (ee) in section 1 of the bill, there are exempted from the operation of section 5 of the Radio Act "radio stations not capable of emitting Hertzian waves of a field strength greater than that prescribed by such regulations." I was rather astonished to learn that a certain type of garage door which opens when a car is driven in, is actuated by a Hertzian wave, but the impulse is not strong enough to interfere in any way with radio or television broadcasts.

Section 2 of the bill prescribes the penalty for unlawful interception of radio communications. The purpose of this amendment is well explained in the explanatory notes, namely "to implement the obligations assumed by Canada under the International Telecommunication Convention with respect to the preservation of the secrecy of radio communications" in this country.

That is about all there is to this bill. I do not think it is necessary to refer it to committee, but if any honourable senator feels it should go to committee I will move that this be done.

Hon. Mr. Isnor: I wonder if the sponsor of this bill would be good enough to explain where the authority rests with regard to inspections?

Hon. Mr. Davies: My information is that the authority rests with the Department of Transport. As I understand it, the Telecommunications Branch of the department would refer all complaints to the Inspection Branch for action.

Hon. Mr. Vien: Honourable senators, I think it would be wise to have this bill referred to committee, where departmental officials and technicians could give us specific information. I appreciate that in the public interest certain measures may have to be adopted to regulate these antennae, receiving stations and appliances, and to control secret communications which may be received by private stations. At the same time, I do not believe that we should give approval to this bill without being informed in detail of the extent to which the proposed regulations would infringe upon certain freedoms which we all cherish.

Hon. Mr. Davies: I am quite agreeable to having the bill sent to committee.

Hon. Mr. Hugessen: Honourable senators, I should like to add a word to what has been said with reference to the desirability of sending this bill to committee. I am somewhat puzzled by the implications of section 2 of the bill, which provides that every person who, having become acquainted with any radio communication not intended for public use or information, makes use of such communication or divulges it to any person, shall be liable to a certain penalty.

In my opinion the following question arises. If an individual hears some radio communication, how is he to know whether the communication is not intended for public use? In what way is he to know that what he has heard over the air is of a private nature and is not intended for public communication? It seems to me that this is an interference with the liberty of the subject which we should inquire into rather carefully.

Hon. Mr. Reid: Hear, hear.

Hon. Mr. Davies: I am willing that the bill should go to committee.

Hon. Mr. Roebuck: Honourable senators, this kind of legislation always provokes my suspicion. It puts me on guard. In the first instance, apparently a radio commission is to take unto itself authority to appoint inspectors and to give them the powers of peace officers. One does not grant the powers of peace officers to inspectors unless there is very good reason for doing so. In my judgment this provision requires a great deal of explanation, and I would hesitate to approve of it until I was thoroughly satisfied that it is *bona fide* and required.

Section 2, to which my honourable friend from Inkerman (Hon. Mr. Hugessen) directed his remarks, provides that a person is not allowed to communicate to someone else information which is not intended for public use or information. Who does the intending? Does every clerk in some public office do the intending? How do we find out who does this? How do we know what is intended for public use or information and what is not? It does seem to me that if you want to keep secrets in a free country like Canada you should not put them on the air. Anything that is top secret should be kept secret. As soon as it is divulged to more than one person it is no longer a secret. The legislation looks to me to be high-handed, unnecessary, and very likely inadvisable. I agree with those who say that this bill should be referred to committee, and I would commend to that committee the greatest care in studying all its various implications.

Hon. Mr. Vien: This bill creates a very serious offence for divulging certain information not intended for public use. Anyone found guilty of this offence is liable to a fine not exceeding $500 or to imprisonment for a term not exceeding six months or to both fine and imprisonment. But how can the owner of a private receiving station ascertain whether a certain radio communication is not intended for public use or information? Furthermore, as the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) has asked, who is in authority to determine whether such communication is not intended for public use or information? These questions need clarification.

Hon. Mr. Roebuck: Perhaps my honourable friend from De Lorimier (Hon. Mr. Vien) would agree with me that the penalty should be levied on the person who puts this communication on the air and not on the person who overhears it.

Hon. Mr. Vien: Yes.

Hon. Mr. Davies: May I make—

The Hon. the Speaker: Honourable senators, I would point out that if the honourable senator from Kingston (Hon. Mr. Davies) speaks now he will close the debate.

Hon. Mr. Davies: I just want to make one explanation. The honourable senator from Toronto-Trinity referred to a "radio commission". I would point out that this is not a CBC matter; it has nothing to do with the CBC. This bill to amend the Radio Act has

been put forth by the Department of Transport. If the motion for second reading is passed I will move that the bill be referred to committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Davies: Honourable senators, I would move that this bill be sent to the appropriate committee, but I am not certain just what committee that is.

Hon. Mr. Vien: I would suggest the Standing Committee on Transport and Communications.

On motion of Hon. Mr. Davies, the bill was referred to the Standing Committee on Transport and Communications.

PRIVATE BILLS

STANMOUNT PIPE LINE COMPANY— SECOND READING

Hon. W. D. Euler moved the second reading of Bill T-12, an Act to incorporate Stanmount Pipe Line Company.

He said: Honourable senators, this bill is similar to others which either have been given the third reading in the Senate or are still on the Order Paper. However, it differs somewhat from some of the bills which have been accepted, in that other charters which have been granted deal with oil or gas produced in Canada, and which in most cases is transported to other points within Canada.

This bill would incorporate a company which proposes to build a pipe line of approximately 140 miles from the Beaver Lodge field, North Dakota, through the Tioga field, North Dakota, through southeastern Saskatchewan to Cromer, Manitoba, where it would join the interprovincial pipe line, which at first is carried along Lake Superior, and thence to Sarnia. The reason for doing so is to obviate the necessity of building a line direct to the United States markets to which this oil is supposed to be carried. The company proposes not to sell the oil in Canada, but to take it to the interprovincial pipe line at Cromer, which would carry it in bond to a point in the United States where it would be sold and distributed to the consumers in that country. An American company has been incorporated under the name Stanmount Pipe Line Company, Inc., and it is proposed that it will be a wholly owned subsidiary of Stanmount Pipe Line Company.

Hon. Mr. Macdonald: It has nothing to do with the Interprovincial Pipe Line Company?

Hon. Mr. Euler: Nothing to do with it at all, except that the Interprovincial will transport the oil at this point, and it will be carried east and then back into the United States, in order to save the cost of building a main pipe line entirely within the United States. I would judge that there could be no objection to it; in fact, everything is in favour of using the interprovincial pipe line if it has accommodation for 30,000 or 40,000 barrels a day, and assurance has been given that this is the case. The cost of the project would be in the neighbourhood of $6 million, about half of which, it is said, will be expended in Canada. I understand that these fields are located in the Williston Basin, which has estimated reserves of 600 million barrels of crude oil.

Honourable senators, there is not much further information that I can give. I should perhaps point out that the line will be so constructed that the transportation may be reversed in case of an emergency. Whereas most of the oil, perhaps, would come from the United States to the interprovincial line at Cromer, it could also be reversed, and oil could be carried from the Canadian fields into the United States for use there.

If the bill receives second reading, I will move that it be referred to an appropriate committee, where further questions could be asked and answered.

Hon. Mr. Farris: May I ask my honourable friend if any consideration has been given to the question of jurisdiction?

Hon. Mr. Euler: I cannot answer that question.

Hon. Mr. Aseltine: Probably that can be answered in committee.

Hon. Mr. Haig: Cromer is about 75 miles straight west of Brandon and the interprovincial line runs southeast and hits the boundary of the United States at about Emerson.

Hon. Mr. Euler: On the plan here it says Gretna, Manitoba.

Hon. Mr. Haig: Well, both Gretna and Emerson are south, and only a few miles apart. The proposed route would save a great deal of construction expense.

Hon. Mr. Euler: In reply to the question raised by the senator from Vancouver South (Hon. Mr. Farris), I dare say that the jurisdiction over the Canadian portion of the line will lie with the Canadian Government, or with some body representing the Canadian Government. My notes here say that the American company "has made application to Washington, D.C., for a Certificate of Necessity, and this application is pending. In addition, such other and formal steps as may be required for the purpose of constructing and

operating the proposed line within the United States are being taken." I do not know if that answers my friend's question.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Euler, the bill was referred to the Standing Committee on Transport and Communications.

DOMINION OF CANADA GENERAL INSURANCE COMPANY—SECOND READING

Hon. G. Peter Campbell moved the second reading of Bill W-12, an Act respecting the Dominion of Canada General Insurance Company.

He said: Honourable senators, this bill provides amendments to the original act of incorporation of the Dominion of Canada General Insurance Company, which was incorporated by Act of Parliament in 1887. Naturally, quite a number of changes have taken place in the business and the capital of this company since its original act of incorporation. It is one of the old, leading insurance companies, having its head office in the city of Toronto, and it engages in all branches of insurance business except that of writing participating life insurance.

Honourable senators may be interested in a brief history of some of the changes which have taken place. The company was originally incorporated in 1887 under the name of the Manufacturers Accident Insurance Company. Its capital at that time was $500,000, and subsequently, in 1893, its name was changed to the Manufacturers Guarantee and Accident Insurance Company; and certain of its powers to write liability insurance were extended by the amendment at that time. In 1898 the name of the company was changed to the Dominion of Canada Guarantee & Accident Insurance Company, and in 1929 to its present name, The Dominion of Canada General Insurance Company.

As I have said, honourable senators, from time to time there have been many changes in the capital structure of this company. The present authorized capital is $6,500,000, of which $5 million is divided into 50,000 class A shares of $100 par value each, and 15,000 ordinary shares of the same par value. The class A shares carry no voting rights whatsoever. The issued and outstanding capital at the present time consists of 10,103 ordinary shares, and the total amount paid on those shares is $1,010,300. No class A shares are outstanding.

The bill before the house provides for the reduction of the authorized capital of the company from $6,500,000 to $2 million, and for the division of the capital into 200,000 ordinary shares having a par value of $10 each; and the subdivision of the 10,103 shares, issued and outstanding and having a par value of $100 each, into 101,030 shares, having a par value of $10, on the basis of ten new shares for each one now outstanding.

The explanatory notes to the bill set forth the changes which have taken place in the capital structure of this company.

I should draw to the attention of honourable senators the fact that certain technical questions arise with respect to preference shares which were at one time outstanding and which, with the unanimous consent of all the holders, were redeemed. A technical question has been raised as to whether the redemption of the preference shares was proper within the provisions of the act of incorporation and amending acts up to that time. Therefore, this bill would, if passed, rectify any irregularities which may have taken place. A full explanation will be available when the bill goes to committee.

The bill would authorize the company to increase its capital by by-law to an amount not exceeding $6 million, upon approval having first been obtained in the usual way by two-thirds of the votes cast at a special general meeting of the shareholders called for the purpose of considering the matter.

Further, the bill would clarify the voting rights of shareholders after the subdivision of shares on the basis of ten shares for one. The original act of incorporation provided specifically that there should be one vote for each share of $100 par value. Now that there will no longer be shares of a par value of $100, it is necessary to have a declaration that each shareholder shall have one vote for each share of stock registered in his name.

Provision is made that the company shall be authorized to carry on the business of insurance in all its forms, except participating life insurance. That, I may say, is a clarification of the powers of the company, and merely confirms the various amendments which from time to time have been made and which permit the company to write the insurance it is now writing.

Hon. Mr. Euler: May I ask my friend a question? Is it proposed to change the name of the company in any way?

Hon. Mr. Campbell: No, the name remains the same.

Hon. Mr. Vien: Honourable senators, I also should like to ask a question. Since section 1 of the bill repeals subsection 2 of section

4 of chapter 105 of the statutes of 1887, why is it necessary to say in section 5 of the bill: "Notwithstanding the provisions of subsection 2 of section 4 of chapter 105 of the statutes of 1887"? I am merely trying to reconcile sections 1 and 5 of the bill.

Hon. Mr. Campbell: Section 5 is merely to clarify the voting rights of shareholders.

Hon. Mr. Vien: But would it not suffice to commence section 5 with the words "At any meeting of shareholders . . ."?

Hon. Mr. Macdonald: May I be permitted to say that in 1887 subsection 2 of section 4 of chapter 105 was in effect.

Hon. Mr. Vien: Yes, but this bill would have no retroactive effect. The provision is only for the future, and the bill repeals subsection 2.

Hon. Mr. Macdonald: But it was not repealed when that earlier act came into effect.

Hon. Mr. Vien: True; but as I say, we are legislating for the future, and upon the passage of this bill subsection 2 of the earlier act will be repealed.

Hon. Mr. Macdonald: I am not sure that I follow.

Hon. Mr. Campbell: Honourable senators, I do not want to get into a discussion on the interpretation of the act at this time. However, I may say that the act provides for voting rights of the shareholders. With the new capitalization a new basis for voting is prescribed. Perhaps section 5 could be better worded than it is.

Hon. Mr. Vien: It is only a technical point.

Hon. Mr. Campbell: It is a technical point, and it can be discussed in committee.

Hon. Mr. Reid: May I ask one question?

Section 6 says:

> The company shall be authorized to carry on the business of insurance in all its forms save and except the business of life insurance on the participating plan.

Do I understand that this would in any way extend powers which the company now has and which have been obtained by various amendments to the original act of incorporation?

Hon. Mr. Campbell: In reply to the honourable senator, I may say I am advised that the company does business in all forms of insurance except participating life insurance. This provision does not in any way extend the powers the company now enjoys.

Hon. Mr. Isnor: May I ask a further question as to a point raised a few moments ago? Do I infer from section 5 that the shareholders represented by $2 million worth of stock will have full voting power, while holders of the balance, possibly $4,500,000 worth of stock, will have no voting power?

Hon. Mr. Campbell: Under the new capitalization all shares will carry equal voting rights. As I have already said, the original act of incorporation, which was subsequently amended, provided for Class A shares and ordinary shares of authorized capital, but no Class A shares were ever issued. Upon the passage of this bill all shareholders will have voting rights.

Hon. Mr. Euler: Honourable senators, I would just like to know whether I am quite clear in my understanding of what the senator from Toronto (Hon. Mr. Campbell) has said. I think he said that this bill would not add any powers to those which this company now has in the field of insurance. Is that correct?

Hon. Mr. Campbell: Yes.

Hon. Mr. Euler: This company has been doing life, fire,—

Hon. Mr. Campbell: Life, fire, casualty and other kinds of insurance.

Hon. Mr. Euler: This bill, then, would not extend the company's powers as far as insurance is concerned, but it has merely to do with the financial structure and that sort of thing?

Hon. Mr. Campbell: It deals principally with capitalization and the subdivision of shares, and clarifies the voting rights.

Hon. Mr. Euler: The reason for my question is this: There are already several life insurance companies in Canada whose name contains the word "Dominion", and if the powers of this company were extended in the life field confusion might result. It is the policy of the Government, I think, to avoid confusion in this respect, particularly in the use of the word "Dominion" which, by the way, does not now seem to be as popular as it once was.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Campbell, the bill was referred to the Standing Committee on Banking and Commerce.

CANADIAN UNION CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS—SECOND READING

Hon. Arthur Roebuck moved the second reading of Bill Y-12, an Act to incorporate The Canadian Union Conference Corporation of Seventh-day Adventists.

He said: Honourable senators, the bill itself is a very ordinary one so far as form is concerned. In form, it is probably not in the least degree controversial; but its purpose, of course, is another matter. The purpose is to unite two of the very important religious institutions of this country into one conference for all Canada. The bill, I think, is quite regular, and if it is given second reading I will move that it be referred to the appropriate committee.

But while the bill seems so entirely regular, a few words, I think, are in order with reference to the organization itself and its accomplishments, and the reason why the bill is being introduced at the present time. Some senators may know very well of the sect or denomination known as the Seventh-day Adventists, for it is spread all through the provinces of Canada, and in very considerable numbers of membership. There are others, however—I myself am one—who until recently knew it only as a name. That is why I think that a few words with regard to the institution, what it is and so forth, may be found of interest.

The name itself is indicative of the tenets of the church. An Adventist, as I understand it, is one who awaits the second coming of the Founder of Christianity to this earth. And the Seventh-day Adventist is one who endeavours to follow literally the commandments of both the Old and the New Testaments. The Church accepts the account of the creation as stated, that it was accomplished in seven days, the seventh day being the day of rest, and according to its tenets and calculations that day of rest falls on Saturday. So, in common with the men and women of the synagogue, the Church accepts Saturday as the day of the week to keep holy.

It is not a radical church by any means. The Seventh-day Adventists are not, as I understand, innovators in any respect, but look upon themselves as an orthodox Christian church. The history of the movement is interesting at this time, since we are dealing with it in a legislative way. In the last few years of the eighteenth century and the early decades of the nineteenth century there developed among a good many Christians of practically all denominations a profound conviction of the second coming of Christ, and that that coming was imminent, was at hand.

Some students of the sayings of the prophets set the date for the return of Christ to earth in the year 1844. These were the forerunners of the present Seventh-day Adventists. Of course, these good people, devout Christians as they were, and students of Holy Writ, were disappointed, and then they seem to have joined their theological opponents in interpreting the prophesies to mean a moral regeneration. They still, I understand, expect the second coming, and they also expect, as they phrase it, that righteousness will cover the earth "as the waters cover the sea"—to quote the words of Isaiah.

It was out of that movement, a thoroughly devout and serious movement, that the present Seventh-day Adventists organization arose. In its early years, the movement was very loosely knit and it was not until 1863 that a formal denominational organization was established. At that time, it had a constituency of 125 churches and 3,500 members. The headquarters were first located in Battle Creek, Michigan. That was in 1863; but in 1903 they were transferred to Washington, where they are at present.

Since that early establishment the Church has spread throughout practically the civilized world and has enjoyed a phenominal growth. By 1954 the Church had just short of one million members—to be exact, 924,822 baptized, adult members. There were 11,158 churches, with 39,225 salaried workers, in 198 countries of the world. The Church's educational system comprised 4,842 schools and 234,000 students. In 1952, the Church was operating 114 hospitals and sanatoria, with staffs of 8,785 employees.

Hon. Mr. Davies: Has the honourable senator the figures for Canada?

Hon. Mr. Roebuck: Yes, I will quote them in a moment.

The accredited Church institutions graduate annually about 90 physicians and 450 nurses. In 1953 the members of this Church gave over $60 million for church work, together with $10 million for welfare work in aid of 1,200,000 persons. These figures relate to North America only.

The denomination operates 40 publishing houses, of which 34 are overseas. In 1953 it printed its literature in 198 languages, with sales running to $17 million.

These statistics, relating to the general Church, show that it is an institution of very considerable magnitude.

I will now give some figures relating to Canada, in which honourable senators will be more interested, I suppose, than in the general statistics.

The movement spread to this country over one hundred years ago. The first organized

church of Seventh-Day Adventists was founded in the Eastern Townships of Quebec in 1857, so that in 1957 the Church in Canada will celebrate its one hundredth anniversary of organized activities in this country. As congregations were established in the various provinces of Canada, they formed themselves into local Conferences, with certain managerial functions. In Canada today, there are six Conferences. British Columbia has one Conference, Alberta another, Saskatchewan-Manitoba a third, Ontario-Quebec a fourth, the Maritimes—New Brunswick, Nova Scotia and Prince Edward Island—a fifth, and the new province of Newfoundland, the sixth. There is also what is known as the St. Lawrence Mission for French-speaking Canadians, with local headquarters in Montreal.

The three Eastern Conferences and the St. Lawrence Mission decided to incorporate, and in 1916 they combined to form The Eastern Canadian Union Conference Corporation of Seventh-day Adventists. They were incorporated by Act of the Parliament of Canada on May 18, 1916: 6-7 George V, chapter 56. The three Western Conferences, namely British Columbia, Alberta, and Saskatchewan-Manitoba, followed suit, and were incorporated, by chapter 103 of the statutes of 1920, as The Western Canadian Union Corporation of Seventh-day Adventists.

I have no doubt that the great distances and more limited travelling facilities of the times influenced the leaders to form two union conferences. But, in keeping with present-day progress, in communications and otherwise, these churches have now determined to ask Parliament to allow them to combine into one Union Conference for all Canada. The name chosen is "The Canadian Union Conference Corporation of Seventh-day Adventists". The head office is to be in the city of Oshawa, Ontario.

Hon. Mr. Quinn: That is the main object of the bill?

Hon. Mr. Roebuck: That is the object of the bill.

The rapid growth of the Church movement in Canada since the incorporation of 1920 is, no doubt, a further reason for the amalgamation.

As of the year 1954, in the Western Union there were 93 Churches; an adult, baptized membership of 8,505 persons, 37 ordained ministers, and 25 employed persons doing ministerial work.

Hon. Mr. Vien: Does that comprise the United Conferences?

Hon. Mr. Roebuck: No. The bill relates to all Canada; the Western Union, to which I have just referred, consists of the three Conferences of British Columbia, Alberta, and Saskatchewan-Manitoba; and it is to these three Conferences that the figures I have just given relate. In the Eastern Union there were 60 churches, 4,134 baptized, adult members, 23 ordained ministers, and 20 employed persons doing ministerial work. So that, if and when this bill becomes law, the new all-Canadian Union will comprise 153 churches, 60 ordained ministers, and an adult baptized membership of 12,639 persons.

The new Union Corporation will operate 48 elementary schools in Canada, with an enrolment of over 1,200 pupils. There is, also, a senior college at Lacombe, Alberta, and a junior college at Oshawa, Ontario. There is a publishing house at Oshawa, with a net worth of just under $1 million, and a hospital at Sidney, British Columbia. Another hospital is now under construction near Toronto.

Honourable senators will observe from this short and concise outline that the organization of Seventh-day Adventists in Canada is a going concern of very considerable magnitude, with enterprise and industry to its credit. It is an institution, I submit also, which by its virility and good works, and by the large number of devout, Christian, Canadian citizens whom it serves, justifies our most careful consideration.

I feel that I am honoured in asking my fellow senators to join with me in helping this good work along by giving this bill second reading.

Hon. Mr. Vien: Would the honourable senator tell the house if the Canadian organization is autonomous and what its relationship is to the headquarters in Washington to which he has referred?

Hon. Mr. Roebuck: The American and Canadian organization hold the same tenets and ideals, but the corporation referred to in the bill is given power to hold property and to dispose of it, together with certain managerial authority. The new body is an ordinary Canadian corporation with entirely autonomous rights and powers, with no subservience to any other authority in the United States or elsewhere. The American leaders will no doubt exercise great influence in many conferences between the parties, but there will be no domination or control by the United States organization over the Canadian corporation.

Hon. Mr. Vien: The Canadian corporation is autonomous?

Hon. Mr. Roebuck: It is undoubtedly so.

Honourable senators, I intend to move that this bill be referred to committee, and so I need not go over the details. The two present

acts of incorporation are repealed by the bill which creates the new corporation, which is given authority to hold property and to dispose of it.

Hon. Mr. Quinn: Is membership limited to the United States and Canada?

Hon. Mr. Roebuck: By no means. There are just something less than 200 countries in which this organization is active at the present time. The movement started in Europe, not in the United States. The early movement to which I have referred, when these good people thought that the second coming of Christ was at hand, was largely in Europe, and it spread from there to the United States and from the United States to Canada. It was spreading all over the civilized world at the same time.

Hon. Mr. Quinn: Did 1844 mark the beginning?

Hon. Mr. Roebuck: Well, the beginning was away back in the latter years of the eighteenth century, when certain devout people expected the coming of the Founder of Christianity again to earth. That was the start of the movement. The organized movement took place in 1863.

Hon. Mr. Vien: Are there any dissenting factions among this organization or are its members unanimous?

Hon. Mr. Roebuck: As far as I know, they are unanimous. Resolutions were passed by each of the Union Conferences asking for this legislation, and so far as I know there is no opposition. I suppose there is always opposition in a small way in any big organization, but I have heard of no objections so far.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Roebuck: Honourable senators, I would move that this bill be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Euler: Honourable senators, this bill has nothing to do with banking or commerce and it seems to me that the appropriate committee for it is the Standing Committee on Miscellaneous Private Bills.

Hon. Mr. Roebuck: I think the suggestion is a good one, and if I may I will change my motion.

On motion of Hon. Mr. Roebuck, the bill was referred to the Standing Committee on Miscellaneous Private Bills.

TRANS-BORDER PIPELINE COMPANY LTD.—SECOND READING

Hon. G. Peter Campbell, for Hon. Mr. Bouffard, moved the second reading of Bill Z-12, an Act to incorporate Trans-Border Pipeline Company Ltd.

He said: Honourable senators, this is the usual form of private bill for the incorporation of a pipe line company under the provisions of the general Pipe Lines Act passed in 1949 and amended last year. Before any company can engage in the operation of a pipe line which crosses a provincial or international border, it must be incorporated by a special Act of Parliament under the provisions of the Pipe Lines Act, and it must adhere to the standard provisions required by the Department of Transport.

The incorporators of this legislation are residents of British Columbia and Alberta, and they seek the usual powers, except so far as the power to construct a pipe line is concerned. The object of the incorporators is to acquire a pipe line constructed as one of the Canol projects during the war. On Thursday last the honourable gentleman from Huron-Perth (Hon. Mr. Golding) moved the second reading of a bill to incorporate Yukon Pipelines Limited, the incorporators of which apparently seek to obtain and operate the same pipe line. In other words, if the bill we are now dealing with becomes law there will be at least a little competition for the purchase of this particular pipe line.

Some Hon. Senators: Hear, hear.

Hon. Mr. Campbell: I need not repeat much of what was said last Thursday by the honourable senator from Huron-Perth, for he made a good explanation of the objects of his incorporators. I should point out, however, that the incorporators under this bill seek to lease or purchase the existing pipe line between Skagway, Alaska, and Whitehorse, Yukon Territory. It was constructed in 1942, by the American authorities, with the consent of the Canadian government, to receive the petroleum products that were brought up by tanker from California and discharged into storage facilities, and then transported by the pipe line for use in the services of the army and the air force. It is a four-inch line and has been in use carrying certain products since the end of the war, but my information is that the United States had constructed, or was in the course of constructing, a new eight-inch line from Haines, Alaska, to a point on the Alaska highway, and then to Fairbanks.

Hon. Mr. Davies: The point in Alaska would have nothing to do with the Canadian Senate would it?

Hon. Mr. Campbell: No. But I was going to explain that when the eight-inch line is constructed by the United States authorities it is likely that this four-inch line crossing the Canadian territory will no longer be required by the American authorities, and it will probably be available for lease or purchase.

Hon. Mr. Davies: Can the Senate grant two separate companies the power to establish pipe lines over an international line at the same place?

Hon. Mr. Campbell: No power is given by this bill to construct any particular pipe line, and Parliament does not deal with that matter at all. That is dealt with by the Transport Board, upon application of the company after it is incorporated. By passing an act incorporating the company Parliament does not give any power whatsoever to construct a particular pipe line, or to lease or operate a pipe line. But an act of incorporation is required before any negotiations may be opened or before any application may be made to the Transport Board.

To continue with my remarks, there is no doubt that whoever will be successful in negotiating a lease or purchase of the four-inch line crossing the Canadian territory will be required to give an undertaking that it will be maintained at all times, and subsequently it might be required by the Canadian authorities for use in transporting petroleum products.

Honourable senators, the rest of the bill is in the usual form. As I have stated, the purpose of seeking the act of incorporation is to enable the company, if it is successful in negotiating a lease or purchase of the line, to apply to the Transport Board for permission to operate.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Campbell: Honourable senators, I move that this bill be referred to the Standing Committee on Transport and Communications.

Hon. Mr. Haig: Honourable senators, I do not care what is done with the bill, but I should like to point out that the other bill for the same line was referred to the Banking and Commerce committee.

Hon. Mr. Howard: Were they not both referred to the same committee?

Hon. Mr. Haig: Unlike some others, I was here when that bill was referred to the Banking and Commerce committee. I think this bill should also go to that committee, so that the whole matter can be discussed by the same members. If there is a fight between the two companies, I have no objection. I am sure if I were a shareholder in the Yukon railroad I would be tickled to death to see them fight for the line.

Hon. Mr. Campbell: I move, then, that the bill be referred to the Banking and Commerce committee.

Hon. J. Wesley Stambaugh: Honourable senators, I would like to give some reasons why I think all these pipe line bills should be referred to the Standing Committee on Transport and Communications. It was a mistake to refer one or two bills to the Banking and Commerce committee, and we should not make a further mistake of that kind.

I would like to take honourable senators back to the year 1949, when the original bill was introduced for the regulation of all companies incorporated to transport gas and oil by pipe line. It was considered so important a matter that we had the Hon. Mr. Chevrier, then Minister of Transport, come to the Senate and explain the bill. It was pointed out that we were breaking new ground, that it was a new form of a bill, and that because oil and gas had been discovered in vast quantities, especially in Alberta, numerous pipe line companies had asked for permission to transport oil and gas across both provincial and international boundaries. Mr. Chevrier explained that five different companies were waiting for, or had applied for, federal incorporation, and they could not receive incorporation until that general Pipe Lines Bill had been passed. Two of those companies waiting for incorporation were Interprovincial Pipe Line Company and Westcoast Transmission Company Limited, and they were very important companies. After his explanation, Mr. Chevrier said that he hoped we would give very careful consideration to the bill. In order that the bill might receive the careful consideration that the minister urged, the present Speaker of this house, who was then the Leader of the Government in the Senate, moved that the bill be referred to the Committee on Transport and Communications. It was referred to that committee, as were the bills for incorporation of the five companies that were waiting for incorporation, which bills were later passed by both houses.

Last Thursday it was suggested that legal questions were involved in these pipe line bills, and that the Committee on Banking and Commerce was particularly competent to

study the bills and give them the necessary consideration because many members of the legal profession are on the committee. I must confess that I do not see any reason for so many lawyers being members of a committee. Two should be enough—one on each side—and when they have given their reasons pro and con the other members of the committee, ordinary people like myself, could be, as it is called in legal phraseology, "a jury of their peers".

However, if it would make anyone feel better, I would like to point out that a number of legal men are members of the Committee on Transport and Communications. I think the Chairman of that committee —Senator Hugessen—has the best legal mind in the house.

Some Hon. Senators: Agreed.

Hon. Mr. Stambaugh: Looking down the list I see the names of some other lawyers: Senators Aseltine, Bouffard, Campbell, Connolly, Haig, Hayden, Kinley—

Hon. Mr. Macdonald: He has not yet been called to the Bar.

Hon. Mr. Stambaugh: He talks like a lawyer, so I thought he was one.

Hon. Mr. Haig: In the profession we call him a "sidewalk lawyer".

Hon. Mr. Stambaugh: I note also the names of Senators Roebuck and Vien. No doubt other lawyers are members of that committee, but surely I have named enough. And we always have Mr. MacNeill, the Law Clerk of the Senate, to keep us on a straight course in legal matters.

This bill is in the standard form. In view of the explanation given, I am sure no one can reasonably object to it being referred to the Committee on Transport and Communications, where it would receive most careful consideration.

The motion of Hon. Mr. Campbell was agreed to, and the bill was referred to the Standing Committee on Banking and Commerce.

RAINY RIVER BRIDGE

SUBSTITUTION OF PETITION—REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the fourth report of the Standing Committee on Standing Orders.

Hon. Charles L. Bishop, Chairman of the Standing Committee on Standing Orders, moved concurrence in the report.

He said: Honourable senators, when this report was presented, on Thursday last, the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), requested an explanation. As I did not clearly grasp at the moment just what he wished to have clarified, I asked that consideration of the report be allowed to stand until tonight.

The explanation is very simple. On February 28 a petition was presented to the Senate asking for an act to authorize the construction of a toll bridge between the village of Baudette, in Minnesota, and the town of Rainy River, in Ontario. That petition has been withdrawn and a new one now is substituted. The incorporators mentioned in the first petition were from Minnesota. Those in the substitute petition are mainly from the Ontario side, which I am told brought the petition into conformity with the usage in the parliamentary incorporation of a Canadian company.

The motion was agreed to, and the report was concurred in.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, May 11, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

INTERNATIONAL TRADE

MOTION FOR AUTHORITY TO PRINT COMMITTEE PROCEEDINGS

Hon. Gray Turgeon, for Hon. A. N. McLean, Chairman of the Standing Committee on Canadian Trade Relations, presented a report of the committee.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Canadian Trade Relations beg leave to report as follows:

The committee recommend that it be authorized to print 800 copies in English and 200 copies in French of its proceedings in respect to the inquiry into what, in their opinion, might be the most practical steps to further implement article 2 of the North Atlantic Treaty, and that Rule 100 be suspended in relation to the said printing.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Turgeon: Next sitting.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING—DEBATE ADJOURNED

Hon. W. D. Euler moved the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

He said: Honourable senators, the purpose of this bill, as is quite evident to those who have read it, is to correct a practice which has grown since Confederation itself, is contrary to the public interest and is a challenge to the usefulness of the Senate. I refer to the practice which seems to have grown into a government policy of postponing the filling of vacancies in the Senate, permitting very large accumulations of vacancies, until today out of 102 seats in this chamber 21 are unfilled—a fifth of our total membership. To my mind this policy threatens the integrity of this branch of Parliament.

This bill proposes to correct that situation and the possibility of its recurrence by making it mandatory to fill every vacancy within a period of six months from the date on which it occurs. Let me emphasize, lest there be some misunderstanding, that in bringing forward this bill I have not the remotest desire to embarrass the Government. In fact, my desire is the reverse, as I shall show later on.

True, I am not thinking of the political implications and considerations which have, perhaps, actuated governments in delaying these appointments and permitting this remarkable accumulation of vacancies. I am quite sincerely thinking of the public good and of the usefulness and efficiency of the Senate, which it is the duty and the responsibility of every senator to defend and to protect.

I remember very well the late Prime Minister King's frequent practice of quoting from the scriptures, and one of his favourite quotations was:

The letter killeth, but the spirit giveth life.

If the spirit of the constitution were observed there would be no need for this bill.

Let me read from our constitution, the British North America Act, clause 24:

The Governor General shall from time to time, in the Queen's name, by instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions of this Act, every person so summoned shall become and be a member of the Senate and a senator.

Of the present 21 vacancies, 6 have existed for one year, 5 for two years, 3 for four years, 5 for five years, and 1 is well on to the seventh year.

Now, surely the clause which I have just read implies that appointments to the Senate should be made within a reasonable time after the vacancies occur; and, though I am not a lawyer nor the son of a lawyer, I imagine that the courts would so construe it. Surely, also, no senator will say that two, four, five and seven years is a reasonable time. The bill, therefore, makes specific what is already inherent in the constitution.

I have inserted the term of six months in the bill because it seems reasonable, and for the additional reason that we have an excellent precedent in an amendment which was made in 1919 to the House of Commons Act. That year Mr. S. W. Jacobs, a close personal friend of mine in the House of Commons, of which I was then a member, introduced a bill providing that within sixty days after the Speaker was notified that a vacancy existed in the Commons a writ must issue for a by-election. It happened in many cases that when a vacancy occurred in the Commons a by-election was not called, and the constituency affected was without a representative until the next general election. Speaking in support of his bill, Mr. Jacobs said:

It proposes to amend the House of Commons Act and it declares that within sixty days after the Clerk of the Crown in Chancery receives a warrant for the issue of a new writ for the election of a member, the writ in question shall issue. In other

words, it provides that the election shall take place automatically within a fixed period after the electoral seat has been declared vacant.

That statement was made on the motion for first reading. As honourable senators who are ex-members of the Commons know, it is the custom to give a brief explanation of a bill on first reading in that chamber—a practice which is not usually followed here. In the debate on the second reading Mr. Jacobs spoke as follows:

This measure, Mr. Speaker, is designed to correct certain abuses which have arisen under the House of Commons Act with respect to electoral matters. It provides for automatic by-elections. As is well known, under the present system there is no provision for elections to be held at a certain stated period when a seat has been declared vacant and the result is that vacant seats have been made political footballs by the party in power ever since the House of Commons Act was placed upon the statute-books. I submit that the law as it now stands is undemocratic, that it is not according to British precedent, and that it is high time that some change be made whereby constituencies which have become vacant shall not be kept disfranchised for periods ranging from six months to three years.

Hon. Mr. Roebuck: What is the reference?

Hon. Mr. Euler: House of Commons *Hansard*, September 18, 1919.

Mr. Jacobs, and the House of Commons also, seemed to think that a period of six months to three years was a rather long time for a constituency to be without a member to represent it; but as I have stated already, in this house we have a good many vacancies which have extended for a much longer period.

We note also that the period he inserted in his bill was sixty days. The bill was referred to a committee, and there the period of sixty days was amended to read six months, the same period as I have inserted in the bill before us. Perhaps it is remarkable that, although the Union Government was then in office, a government to which Mr. Jacobs, a Liberal, was opposed politically, it accepted his bill.

Hon. Mr. Macdonald: Was that a bill to amend the British North America Act?

Hon. Mr. Euler: No; a bill to amend the House of Commons Act. But the result would be the same. Parliament, I understand, now has the power which it had not at that time, to amend the British North America Act. I might remark, perhaps more by way of jest than otherwise, that if a Government could accept a bill submitted by a member of the Opposition—perhaps an almost unprecedented circumstance —it should not be too much to hope that the present Government will accept a bill which is submitted by a man who still calls himself a Liberal.

At any rate, I hope the bill will be accepted. I think it should be welcomed by the Government. Someone has suggested that passage of the bill might embarrass the Government. That may be one argument advanced against the bill—I do not know—but I think it can be argued that the present condition is a greater embarrassment to the Government than there would be if this bill were passed. I submit that, once the present vacancies are filled, there should be very little embarrassment to the Government, if any at all, for there would no longer be any great accumulation of vacancies.

From time to time suggestions have been made for the reform of the Senate, but I am not going to make any proposals of that kind. These suggestions have been made in the press, in the House of Commons and in the Senate itself, some regarding the method of appointment—on which I have my own opinions—some for an age limit—and I believe there is a bill before the House of Commons now with regard to that—some for an elective Senate, and some even for its abolition. I have some views with regard to reforms that could be made, but this is probably not the time to discuss them. None have received strong support, and so nothing has been done. I have not included any of them in the bill before the house, for I felt they would merely create unnecessary discussion. The amendment which I propose is a legitimate and logical one, upon which I think all senators might well agree without offence to the government or the Senate.

I am not even suggesting that the Senate should continue. I am on record in another place with regard to that, and I have no particular apologies to make for it. However, I do submit in all sincerity that if we are to have a Senate at all it ought to be fully constituted, and not be destroyed by this slow process of attrition.

This bill is not primarily a criticism of the Government; it is a criticism of a practice to which the Government has fallen heir and which it has continued, and for that it must assume its share of responsibility.

The Senate, when fully constituted, has 102 members: 24 from the three Maritime provinces, 24 from Quebec, 24 from Ontario, 24 from the provinces west of Lake Superior, and 6 from the new province of Newfoundland.

Let me give some facts and figures to substantiate my statement that other administrations have been guilty of this practice. I could go back practically to Confederation, but shall confine myself to the last six Parliaments, some twenty-five years.

In the 18th Parliament, 1930-35, under the Bennett administration, there was an accumulation of 19 Senate vacancies. They were all filled before the general election.

In the next Parliament, under the King Government, there was an accumulation of 14 vacancies. All but one—and that one in Quebec—were filled before the general election of 1940. Here I am going to anticipate a possible reproach that might be made with regard to myself, for I had the honour to be a member of the Government in that Parliament. Some may say, "Why didn't you make a protest at that time?" I have no particular feeling of guilt with regard to the matter, for after all while each member of the Government has a responsibility for everything that takes place, that responsibility is not placed particularly upon any private member of the Government. However, if there was any responsibility on me, perhaps I might make my apology by saying that, pursuing the course which members of the Senate are supposed to follow, I am now taking a "sober second look". Perhaps this Act to amend the British North America Acts might be regarded as an Act of penitence for my sin of omission at that time.

Hon. Mr. Reid: How many Senate vacancies were there at the time of the 1930 election?

Hon. Mr. Euler: I have not that information. I am beginning with the administration of 1930-1935.

Hon. Mr. Reid: I understood that there were quite a number of vacancies which Prime Minister Mackenzie King did not fill in 1930.

Hon. Mr. Euler: That is probably true. For the purpose of saving time, I am not going back further than 1930.

The Parliament of 1940-1945 saw an accumulation of 18 vacancies. All but one, in Nova Scotia, were filled before the election. All those vacancies occurred under the King administration, except the one in Nova Scotia.

In the next Parliament there was an accumulation of 11 vacancies. Only 3 were filled before the election, and 8 remain unfilled: 3 in Newfoundland, 2 in Nova Scotia, 2 in Ontario and 1 in British Columbia.

In the Parliament of 1949-1953 there was actually an accumulation of 23 vacancies—approaching one-quarter of the normal membership of the Senate; 10 were filled before the election, and 13 were left vacant: 2 in Manitoba, 2 in Ontario, 4 in Quebec, 3 in New Brunswick, and 2 in Nova Scotia.

In the present Parliament, as I have stated, there are already 21 vacancies, and —perhaps I should not say this, because of its implications—the term of this Parliament has not nearly run its course. These vacancies apply to all of Canada with the exception of British Columbia and Saskatchewan. There is 1 in Alberta, 2 in Manitoba, 3 in Ontario, 6 in Quebec, 4 in New Brunswick, 3 in Nova Scotia, 1 in Prince Edward Island and 1 in Newfoundland, making a total of 21. One of these has existed for less than a year; and, as I mentioned earlier, 6 have existed for a year, 5 for two years, 3 for four years, 5 for five years, and one is now in its seventh year.

Surely no one will argue that this is a wholesome situation. Nor, I am sure, will anyone deny that the appointment of 21 men or women of ability, of mature judgment, with a sense of public duty—people who are not too old and not too young, with a reasonable degree of independence of thought and action—

Hon. Mr. Reid: Hear, hear.

Hon. Mr. Euler: —would increase the efficiency of the Senate and raise it in the estimation of the people of Canada. In my opinion, there are hundreds, perhaps thousands, of citizens in this country of 16 million people who are well qualified to give excellent service as members of the Senate. And does anyone believe that among them there cannot be found 21 who could be persuaded to accept the honour and the duty? I believe there are many who are capable, willing, and possibly even anxious to serve their country in this manner, and I have no real fear that it would be necessary to resort to conscription to obtain them.

Hon. Mr. Reid: You can say that again!

Hon. Mr. Euler: It may be that the six months' period prescribed in the bill will be regarded as either too short or too long. I think it is ample and reasonable. However, if the bill should be given second reading—and I hope it will—it could be referred to committee, and that point could be dealt with and adjusted to the satisfaction of the Senate.

Honourable senators, I submit this bill with the conviction that it is reasonable and right in principle, and that it would correct a situation that is without doubt prejudicial to the public interest and to the usefulness and reputation of the Senate.

If the bill is given second reading I will move that it be referred to the appropriate committee.

Hon. Mr. Paterson: Before the honourable senator sits down, may I ask him if he can

tell us what the total saving to Canada in dollars has amounted to by reason of the vacancies?

Hon. Mr. Euler: I am not able to answer the question, but if the saving of money is the point at issue it is obvious that the saving would be greater still if the Senate were abolished altogether.

Hon. Mrs. Wilson: The honourable senator from New Westminster (Hon. Mr. Reid) asked a question a moment ago. I can answer his question by saying that I happen to know that all the Senate vacancies were filled prior to the election of 1930.

Hon. T. A. Crerar: Honourable senators, before my colleague the honourable senator from Waterloo (Hon. Mr. Euler) gave his address he suggested to me that he would like me to second his motion for second reading of this bill to amend the Constitution in respect of the Senate. I agreed to do so, because I think the matter is one that is well within the compass of propriety for this house to discuss. It may be that this proposal will receive a mixed reception in the Senate, and I can understand some reasons for that. But I wish to say at once that there should be no feeling in the mind of anyone here that this is in any sense a reflection on the Government, or on the Prime Minister, who has the main responsibility of making these recommendations to his colleagues. I have the very highest respect for the integrity and character of the Prime Minister, and I am as certain as that I am addressing this assembly today that his earnest desire is to serve the public weal in the best manner he can.

Hon. Mr. McDonald: Then, why not leave it to his judgment?

Hon. Mr. Crerar: Let me add that I conclude from my observations over a good many years that perhaps no greater problem comes before the Prime Minister than that of filling vacancies in the Senate. The Senator from Waterloo (Hon. Mr. Euler) seemed to indicate that there might be some difficulty in finding candidates who would accept a call to the Senate.

Hon. Mr. Euler: I said the reverse was true.

Hon. Mr. Crerar: My experience and observations have certainly not led me to conclude there might be any difficulty.

Hon. Mr. Euler: But I did not say there would be.

Hon. Mr. Crerar: Further, some senators may fear that if we pass this bill and it goes to the House of Commons it is possible that the Senate might come in for some sharp criticism in that house; indeed that some members of the Commons might want to amend this bill, and it might be the occasion for a discussion which would be detrimental to the Senate. Let me say at once that I have no fear of such criticism. While there is the possibility of criticism of that kind, the sober sense of this country wants a question of this nature discussed on the basis not of cheap political appeals but of what is best for the country. I am sure that in the end that would be the consensus of opinion in the House of Commons as well.

The fact that this proposed measure is not in any sense a criticism of the Government is proven amply, I think, by the statistics which the honourable senator from Waterloo gave the house. The situation which now presents itself is not a new development; it has persisted for probably fifty years. However, I do believe that immediately after Confederation, when Canada was a young country attempting to establish itself, Senate vacancies were filled much more quickly than they have been in recent years. But I would submit to the house that the practice which has grown of delaying appointments brings no credit to the Parliament of Canada, no laurels to the governing institutions of the country, and in a sense reflects upon this house.

Not long ago a friend of mine, discussing with me the number of vacancies in the Senate, asked me when I thought they would be filled. I replied that I had not the remotest notion of when they would be filled. His observation was, "Well, the Government can't think very highly of the Senate if it leaves some seats vacant for as long as five and seven years." While that may be an unfair criticism, it is a criticism that finds easy lodgement in the public mind. So, for the honour of this house and for the prestige of Parliament, I think the proposal advanced in this bill is one that deserves our most favourable and earnest consideration.

I am sure all my colleagues in this house agree with me that there is nothing more important for the people of a democracy or of any country than how they govern themselves. Broadly speaking, there are two methods of government: there is the authoritarian system, where freedom is denied the individual to have a voice in his government; and there is what we sometimes loosely call our democratic system, where the individual citizen has his say in how he shall be governed. The latter method is the basis of our free institutions. Once we lose the right to govern ourselves, we lose inevitably, or take the risk of losing, all our other rights. Liberty, the right to criticize, the right to speak one's own mind, the right to attend a place of worship of our choice, the privilege

of being equal before the law, are, I am sure all honourable senators will agree, the priceless freedoms which we should cherish and protect at all times. Now, if we are going to preserve those freedoms, I submit that it is most important that we in Parliament should conduct ourselves in such a way that the people will have respect for and confidence in not only the legislative programs that may be put forward, but in our great institutions of freedom.

We have no guarantee, honourable senators, that the present state of affairs will continue indefinitely. The greatest danger to free institutions is the apathy and indifference of the electorate. It is frightening to note that at times in municipal elections, for instance, only 25 or 30 or 40 per cent of the electors think it worth while to register a vote for the candidate of their choice; indeed, that is too often the result after large sums of money are spent on publicity and promotion of various kinds to induce the electorate to vote. And under similar conditions in provincial and federal elections, on occasion, less than two-thirds of the electors have voted.

I submit that if that state of apathy and indifference increases we shall be nearing a slippery slope which we should do everything in our power to avoid. Particularly is that a danger sign in these days when our free institutions are challenged throughout the world. Every one of us who follows events in the world today knows that there is a grave challenge to the whole concept of freedom and liberty, as we have understood it and practised it. Therefore I submit that it is of the utmost importance that we maintain our own house in order, that we keep alive not only in our own bosoms, but in the hearts of the people throughout the land, the great blessing of freedom; for there is something more important even than old age pensions or social security, more important than anything else, and that is the preservation of individual freedom. I believe this measure is one that will tend to increase interest in public affairs, and that it will find a good reception among the Canadian people. Let us seek the cause for this apathy, this indifference that we see around us. Let us seek the cause for the remark that was made to me by a pretty intelligent voter when I asked him what interest he was taking in the election and he said: "Not very much. I am going to vote for the party that will promise to do the most for me". He was a sincere individual, and quite honest in expressing that view.

That attitude represents a serious state of affairs which should never be absent from our minds.

There are two dangers, it seems to me, to this great cause of freedom. In a generation two wars were fought which have undoubtedly upset and disturbed the balance of constructive and reasonable thinking in matters of government. There can be no gainsaying that. This phenomenon is not confined alone to Canada. You will see it elsewhere throughout the democratic nations.

Now, another thing—in saying this I trust I shall not be misunderstood—I do think that the philosophy of the welfare state has made a very definite impact on the thinking of our citizens everywhere. The more the idea grows in the mind of the individual that in some beneficient fashion the state is going to aid him and look after him the more you undermine his concept of freedom and liberty and his concept of responsible government. And so today we have—not widespread, it is true—those who advocate that some forms of social security should be increased. We have some who advocate that family allowances should be doubled. We have some who advocate that old age pensions should be increased to $60 a month. I am not arguing at the moment for or against them, but I ask honourable senators to reflect on the possible effects, the growing effects, the expanding effects of that upon the judgment of many voters who should be guided as much as possible by their reason and judgment as to the policies this country should follow.

I come now to a brief discussion of the Senate itself. Sometimes we talk a good deal about what the Fathers of Confederation had in mind when they framed our constitution. They provided for a Senate, that is, a second chamber, in our legislative machinery; and it is not too much to say that, whatever the reasons for it may have been, confederation of the Canadian provinces could not have been achieved if there had not been provisions for a second chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Crerar: That was in keeping of course with the practice in almost every democratic country. I am using the term "democratic" in the sense of a self-governing country, where the people govern themselves through their elected representatives.

Now, those who framed our constitution recognized that the Senate should be a different kind of body from the House of Commons; and so in order that it might as far as possible be free from, shall I say, the gusts of emotion that sometimes arise in the elective chamber, this house should be an appointive chamber to which the members should be appointed for life.

But so far as my study of the matter indicates, it was never in the minds of the Fathers of Confederation that the Senate should be merely a body to support whatever legislation came to it from the Government in power; and that is where I sometimes have found myself at variance with honourable colleagues in this house who belong to the same political party as I do. In my judgment it is not enough—and I say it very respectfully—it is not enough for this house to cross the t's and dot the i's of all the legislation that comes to us from the other place. I do not think that is fulfilling our function.

Of course there is a difference between the Senate and the House of Commons. When I was in the House of Commons I was a partisan: I wanted the Government of which I was a member, and the party which I supported, to win the next election, and I did all I modestly could to ensure that. There, that kind of thing is entirely appropriate. Issues are debated, and the only way people have an opportunity to register their decision on those issues is through the candidates they vote for in general elections. That is quite proper, and no exception can be taken to it; but I do think that when legislative proposals come to the Senate this house should act as a sort of court of review. That does not mean that this body should flout the decisions of the House of Commons. Far from it. Once the people have clearly registered their verdict on a question of public policy, whether we consider that verdict a wise or unwise one, I certainly do not wish to stand in the way of passing such legislation. But I do think there are occasions, frequent occasions, when measures from the Commons should be further considered, and I take it that the main function of the Senate is to amend such measures, or perhaps delay them—to give, if I may use again the phrase that has often been used before, an opportunity for a sober second look at the proposed legislation.

One other point I wish to mention; and I trust I shall not be misunderstood. This bill merely provides that appointments to the Senate shall take place within a certain time after the vacancies occur. But there are other matters of some importance for this house to consider with a view of making this body more effective. There have been many criticisms of the Senate, deriving mainly from the idea it is a useless sort of body which does whatever the Government of the day wants it to do. I would like to briefly refer to this notion that the Senate is an assembly of old men;—I once heard them described as doddering old men".

An Hon. Senator: And young ladies!

Hon. Mr. Crerar: I have heard some excellent speeches in this chamber during the session. I listened to what I thought was a very powerful speech by the honourable senator from Vancouver South (Hon. Mr. Farris) when the Divorce and Matrimonial Causes Bill presented by the honourable senator from Rosetown (Hon. Mr. Aseltine) was under consideration; and I thought that, for "a doddering old man" in his seventies, he did pretty well.

Hon. Mr. Macdonald: What about yourself?

Hon. Mr. Crerar: I am, I believe, senior to the honourable senator from Vancouver South. I offer no opinion whether I am "doddering" or not; I leave that to the judgment of the house. But the criticism is both silly and false, and we need pay no attention whatever to the sources from which it comes.

Hon. Senators: Hear, hear.

Hon. Mr. Crerar: Another criticism one hears is based on the theory that the Senate should be elective. I cannot agree with that. If honourable senators are to be elected, though even for a term longer than members of the House of Commons, there will be brought into this body the political differences which exist in the other house, and we shall cease to be what in my judgment we should be, a more or less independent body, and become partisans, holding aloft the banners of our respective parties. On that ground, if the choice were between an elected Senate and the abolition of this chamber, I would vote to abolish the Senate altogether.

The next criticism to which I wish to refer is that appointments should be for a fixed term; that the Fathers of Confederation erred when they provided that appointments should be for life. I am bound to admit that argument is worth consideration; but if there are to be term appointments, the period should be, in my humble opinion, at least twelve years. I have an open mind concerning this proposal: I am willing to consider it.

It has also been suggested that there should be a different basis of selection. There again, it might be possible to make some improvement. Today, as everyone knows, the selection is made by the Prime Minister, though usually with the approval of the Minister from the province concerned, and of the Government as a whole. Is it possible to have a wider basis of selection; to find ways whereby those who have served in, for example, provincial legislatures, municipal work, and other fields of the kind, could be brought in more frequently than at present, to add their experience to ours? I am not advocating that proposal; I am merely putting it forward as a suggestion. But I think that the subject

as a whole should have some consideration. We hear talk of a constitutional conference, and if it is to be held, not only these but other matters might be considered. Of one thing I am firmly convinced: it would be a mistake to modify or change in any substantial degree the territorial representation in this house; and this I say as one who comes from one of the smaller provinces. I hope that the balance as between the two central provinces and the outlying provinces will be held about where it is at the present time. All these matters could, perhaps, profitably engage our attention.

I have already referred to the confusion, the apathy and the indifference so evident in popular thinking everywhere, and which we all deplore. I repeat that nothing is more important for the preservation of our freedoms than that Parliament, in both its branches, should not only earn but maintain and increase the respect of the people, because, if we forfeit popular respect, some demagogue may come along and say, "Let us sweep these institutions away, and I promise you a new heaven and a new earth if you will let me do it." We have too often seen what has resulted from that sort of appeal to contemplate without misgiving anything of the kind happening here. Some may say that it is not possible in a country like Canada. I do not agree. Maybe I am wrong, but I believe it is possible for public opinion to become so dulled, so atrophied, so indifferent that by default our liberty may go and tyranny take its place. The only safe principle is to be eternally on guard.

In closing, I suggest that our paramount duty is to do our work honestly and faithfully at all times. If we do so, one need have no doubt what the verdict of tomorrow will be. If we fail, there can be no question but that history will mark our failure. And so in these difficult days there is a great obligation resting upon both branches of Parliament to maintain the respect and confidence of our people in order that our institutions may grow and prosper, and that liberty and freedom shall always prevail.

Hon. Senators: Hear, hear.

Hon. James H. King: Honourable senators, I do not propose to detain the house, but I feel I should follow the honourable gentlemen who have just spoken, for they were former colleagues of mine in the Government of Canada. During the last session I had occasion to refer in this house to some 12 or 15 vacancies that were then existing in the Senate. I did not do so with the hope that I could influence the Government, but I did feel that the attention of the Government and of Parliament should be called to those vacancies. I felt that the situation then prevailing was not in the best interests of Parliament, and that the vacancies should be filled as soon as possible. I realized at the time, of course, that the filling of vacancies in the Senate presents one of the most difficult problems which confronts the Prime Minister of Canada.

Hon. Senators: Hear, hear.

Hon. Mr. King: I must say that I was pleased to hear the speech made this afternoon by my colleague from Waterloo (Hon. Mr. Euler). He spoke in a modest and moderate tone. I agreed almost entirely with his remarks, but I hesitate to follow him to the point of agreeing that we should approve legislation requiring the Government and the Prime Minister to fill Senate vacancies within a six-month period.

The speech of the honourable gentleman from Churchill (Hon. Mr. Crerar) was a masterpiece which was well understood and recognized in this chamber, and it will be highly thought of throughout the country. However, I had hoped he would conclude his remarks by saying that the honourable gentleman from Waterloo would be well advised not to insist on any time limit for the filling of vacancies. I am sure that both speeches have served a useful purpose and will be looked on with favour by the present Government and governments that follow. However, I am not inclined to support a time limit for the filling of vacancies. I think this is a matter which should be left to the responsibility of the Prime Minister and his colleagues in the Government.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable senators, this is a difficult question to speak on, but let me describe the situation with which I am faced today. When I came to the Senate in 1935 I was one of 65 Conservative members, only 7 of whom are alive today. The reason for the difficulty in which the Senate finds itself is really simple. I can quite understand why the honourable senators from Waterloo (Hon. Mr. Euler), Churchill (Hon. Mr. Crerar) and Kootenay East (Hon. Mr. King) did not mention the reason, and if I were a former member of the Liberal Government I would not mention it either. The fact is that the Senate was created on the basis of what had occurred between the years 1841 and 1867. In those days the government changed frequently and there was no danger that the nominees of any one party would constitute an overwhelming majority in the upper chamber.

The trouble today is that there is insufficient opposition to bring out the best in the

Government party in this house. We can talk as we like, but that is the real crux of the argument. The four representatives of Manitoba in this house are all former members either of the House of Commons or of the Manitoba Legislature. Senator Beaubien served nineteen years in the House of Commons, Senator Crerar twenty-three, and Senator Howden twenty, and I was a member of the Manitoba Legislature for sixteen years. That accumulated experience should give the four of us a pretty good understanding of the present problem. I remember well that whenever there was a strong Opposition in the Manitoba Legislature there was a far better Government. In 1920 the Government's majority was small and the Opposition was very stern; in 1922 the Government was strong and the Opposition was weak, and in 1927 the Opposition became strong—in fact, so strong that the Speaker had to decide numerous contentious points.

There is nothing personal in my viewpoint. No one has received finer treatment from his associates in this chamber than I have. In all my public life, including thirteen years' service with the Winnipeg School Board and sixteen years' service in the Manitoba Legislature, I have never been better treated than I have in the Senate. But I maintain that a democratic parliamentary system is based on the idea of a Government and an Opposition. What has been the experience in Great Britain? There a three-party system was tried but, as predicted by many people, one of the parties fell by the wayside. A third political party was introduced in the United States, but it got nowhere. Democratic parliaments which try operating a multi-party system usually drift back to a two-party system. However, people who live in different sections of a country the size of Canada are bound to differ a little in their thinking. The country is just too big for everyone to travel from one end to the other. For example, how many Maritime members have visited the Prairie provinces and British Columbia, and how many members from the West have visited the Maritime provinces? I know a good bit about Ontario and Quebec and I have done some curling in Nova Scotia and New Brunswick, but I am ashamed to admit that I have never been in Prince Edward Island or Newfoundland.

A stronger Opposition is needed in the Senate, but the question is how to achieve it.

I want to say a few words about Canada's Prime Minister, a gentleman for whom I have a very kindly feeling. Perhaps that is not something which the Leader of the Conservative party in the Senate should say, but that is my feeling. I am sure that the Prime Minister is just as much concerned about the problem of Senate appointments as anyone else is. On various occasions he has chatted with me about the judiciary in my province, and from what he has said I know that he feels a heavy responsibility regarding appointments to the Bench and to the Senate.

As to Senate appointments, a great variety of opinion has been expressed. In *Maclean's* magazine, a year or so ago, suggestions were made by persons from all parts of Canada. One man from Quebec, an author, said: "They should appoint me, because my dad would like to know I was a senator." A man from New Brunswick said that his wife should be appointed, because she was a smart woman and he knew she would be smart in the Senate. Another man, from somewhere else, who forgot that one must be 30 years of age to be eligible for a Senate appointment, proposed that a 19-year old girl, described as Canada's best looking girl in 1953, should be made a senator because she would make a good exhibit in this house. That kind of nonsense, published in *Maclean's,* was circulated all over Canada.

It is all right for the honourable senator from Churchill (Hon. Mr. Crerar), to say that before selecting a person for appointment as senator the Prime Minister usually obtains the approval of the minister from the province concerned and of virtually the whole Cabinet, but the final say in making an appointment is by the Prime Minister. I speak with authority. I know how I was appointed. I was not appointed by any committee. A man telephoned me long distance and said, "Will you accept a senatorship?" I said, "What?" He said again, "Will you accept a senatorship?" I replied, "Well, I thought you had to be a member of the House of Commons to become a senator." He said, "Oh, no; anybody can be a senator if he is appointed." So I asked, "Will the P. M. appoint me?" The reply came back, "He says he will." I said, "But he doesn't like me." The man answered, "Oh, that doesn't make any difference—he wants you." So I became a senator.

Honourable senators, as I have mentioned, Manitoba has four senators in this Parliament now. I will challenge any province in Canada to produce four senators who have given longer public service than the four members of Manitoba.

I am of the opinion that, to qualify as a senator, any man or woman should have at least experience as a member of a school board, a city council, or a legislature, or as member of Parliament. It is quite true that in this chamber there are men and women

without such experience, but they cannot be quite as useful as if they had it. Certainly, greater service can be given with the background of that experience than without it. There may be differences of opinion on that, but that is my opinion, based on what I have observed here.

I hope the Prime Minister will accept the resolution moved by my honourable friend from Waterloo (Hon. Mr. Euler). If I thought the bill would make any trouble for the Prime Minister I would not vote for it. I am willing to vote against the Prime Minister, absolutely, on political questions—on the budget, or on financial matters that I do not agree with. This, however, has to do with the choice of members for the Senate. My experience of 20 years here has taught me that the task of the Prime Minister in making appointments to this chamber is very, very difficult. I think he should appoint men and women to this house from a cross-section of the people of Canada, not some man or woman with a high social status, or a free spender, or some notable person who has written a book. There should be no nonsense like that. Every appointee should be a man or woman who has given real public service to the people of his or her province, the type of person who responds when volunteers are called for to raise money for federated charities or the Community Chest. That is the type of person we need. I urge the Prime Minister to accept the word of the honourable member from Waterloo (Hon. Mr. Euler) that he is not introducing this bill to embarrass him or the Government. I accept his word for it. Waiting is not going to improve the situation one iota.

The Prime Minister has the difficult task of considering appointments from among those who have been workers on behalf of himself or of his party, and whose appointment is recommended by other members of the party. On the other hand, he must remember that he has got to do something about appointing to this chamber some men and women who will not be on the Government side. That is a hard thing to do, but that is the very thing he must do, whether he obtains assistance by putting the responsibility on the Leader of the Opposition to make recommendations or by some other means, I care not. The problem will never be solved so long as the Government restricts appointments exclusively to persons of its own political party.

I might mention, incidentally, that criticism of the Government by a Conservative senator is not regarded in the same light as criticism by a Liberal senator. For instance, anything I say against the Government is struck out, or at least all the political part is, and they say, "That is what John Haig thinks." But if I were a Government supporter they would say, "That is what he really thinks; he is a traitor underneath, and we didn't know it."

I did not intend to speak at length on this bill. From discussion I had with them today, I know that many senators thought they would vote against this bill. Well, I do not believe they would be helping the Prime Minister by voting against the bill. I think it should be referred to a committee where it could be examined and we could hear one another's opinions. If we are then so advised by the Prime Minister, directly or indirectly, as far as I am concerned I will not vote for the bill to come back, because I will trust him to do what is right. I think he is as much interested in, and as loyal to, Canada as I am, and that he is just as determined to make the Senate of Canada great, as any other man in Canada is.

Some Hon. Senators: Hear, hear.

Hon. Mr. Haig: He is bound to do that, and I am trying to do that, too. I think that he owes it to Canada, as I do, to give that kind of service to our great country. The Prime Minister has been very highly honoured by the people of Canada, and we hold him in deep respect. He has the great responsibility of dealing with the problem of vacancies in the Senate; in fact, I think it is one of the greatest problems he has had to face, to organize the Senate so that there is sufficient opposition—which may only require 25 members—to properly express the opinion of the minority of the people of Canada, so that when the majority comes to a conclusion it knows what the minority thinks.

Probably I have spoken long enough. I have not consulted my own supporters; I have not many to consult. I do not know what view they will take, and I am speaking for myself. An appointment to the Senate is a personal matter, it is not and never was a party matter. One hundred and sixty-five people wanted the place I occupy here. I never asked for it. The others asked too hard, and the Prime Minister at the time didn't listen to them. If I had asked, I think he would have turned me down.

Honourable senators, I hope that when I leave this chamber any man or woman who speaks of my life here will say, "John T. Haig made many mistakes; he made a lot of poor speeches, and cast a lot of bad votes, but we never once caught him voting against Canada".

Hon. Senators: Hear, hear.

Hon. Thomas Reid: Honourable senators, it was not my intention to take part in this

debate, because I think it is the kind of debate no one would desire to take part in. However, because of certain remarks made by the mover (Hon. Mr. Euler) and the seconder of the bill (Hon. Mr. Crerar), and also by the Leader of the Opposition (Hon. Mr. Haig), I feel obligated to say something, at least. I went along with the opening remarks by the honourable Leader of the Opposition when he indicated that what was wrong with the Senate was the large number of Liberals on one side and the small number of Conservatives on the other side. Then, after eulogizing the Prime Minister, he expressed himself as feeling that he should vote for the bill. I was quite unable to follow his reasoning in reaching that conclusion. However, I emphasize that in my opinion his opening remarks touched on the very heart of this problem.

In all kindliness I say to the honourable senator from Churchill (Hon. Mr. Crerar) that in my opinion the Prime Minister is much closer to the public of Canada than he is. If my honourable friend does not know it, I will tell him that there has been a rising tide of criticism of the Senate because of the very situation referred to by the Leader of the Opposition, namely, the overwhelming strength of the Government members and the scarcity of Opposition members. I do not know what is in the mind of the Prime Minister on this point, but I am quite sure that he is as fully aware of the situation as I am, and that, being a good Liberal and a democrat, he is paying some attention to the criticism expressed by the people.

The honourable mover of the bill (Hon. Mr. Euler) is trying, improperly I think, to draw an analogy between the situation in the House of Commons as it was prior to 1919 and the present situation in the Senate. My reason for saying there is no relationship between the two is that prior to the amendment of the House of Commons Act it was possible for a government which had a very small majority in the house, and which lost one or two members by reason of death or otherwise, to delay the holding of by-elections for fear of losing its slim majority. It was to prevent that situation that the House of Commons Act was amended. But that act applies to the people's elected representatives, not to members of the Senate, who are appointed for life.

While I differ strongly with some of the remarks of the honourable mover of the bill and the honourable senator from Churchill, I hope neither of them will take my criticism in a personal way. It was rather amusing to hear the mover talk about the impairment of the Senate by reason of some twenty-one vacant seats. I have not been in this house very long, but I spent twenty-one years in the other house and have had considerable experience in public life, and I know something about what happens around parliament. May I say to my honourable friend that I have never been afraid of embarrassing the Government. As a matter of fact, when I was in the Commons I was regarded as the rebel of that house, and I did not wait to become a cabinet member or to join another party before becoming a rebel. I came to Parliament as a Liberal to fight the battles of the people I represented, and although that may have prevented me from being appointed a cabinet minister, I had to do my duty as I saw it. However, it did not prevent my being summoned to this house.

Talking about independence, let me say that I take second place to no man, ex-cabinet minister or anybody else, and whether in the House of Commons or in the Senate I am still an independent. With that in mind, I am wondering how much more independence this house would have with twenty-one new appointees. In my opinion it is not numbers that count, but quality of appointees.

One of the things that is wrong with the House of Commons today is that many members on the Liberal side are afraid to get up on their feet and express their views. They are looking for promotions or other favours. When I was in that house I spoke out rebelliously on behalf of the people I represented.

Hon. Mr. Euler: I should like to ask my friend whether he really knows very much about my actions in the House of Commons. Is he aware that, in the first instance, I was elected as an independent Liberal, and that on occasions I have voted against the Government in that house? Does he know that I exercised as high a degree of independence as he did, or perhaps a little higher?

Hon. Mr. Reid: I am glad to hear that my friend exercised independence, but he did not do it during my time in the other house. I say he was a different man then, and I know whereof I speak.

Hon. Mr. Euler: Not entirely.

Hon. Mr. Reid: The most amazing statement in this afternoon's debate was that of the honourable senator from Churchill that if he had a choice between making the Senate an elective body or abolishing it, he would vote for its abolition.

Hon. Mr. McDonald: He was wrong.

Hon. Mr. Reid: Now, I do not ask that everyone share my views, but if I had any feeling in favour of abolition of the Senate I would resign right now.

Hon. Mr. Euler: Not a chance.

Hon. Mr. Reid: I did not interrupt my honourable friend when he was speaking, and I would ask him not to interrupt me. I am giving my views, and I hope that he will not take any criticism in a personal way.

I am all in favour of an elective Senate. I was elected to the House of Commons five times, and I think I could win another five elections. I had an independent mind and was not afraid to stand up and express my views before the Government, irrespective of whether I was made a cabinet minister or not.

My honourable friend from Churchill stated that he did not believe there would be any sharp criticism if this bill went to the House of Commons. I can only say to him that he had better get wise to the general feelings of some of the members of that house and how they carry on. Those who would tear this bill apart are members who have no hope of ever getting into the Senate. When they go out to their constituencies they make great political capital by running down the Senate. I, as one who has tried to uplift the Senate, feel very much annoyed at the way in which some members of Parliament deride this body when they are speaking before their constituents. Therefore, in my opinion, if this bill were to go to the other house, certain members would have a field day with it.

I come back to the comments made by the honourable Leader of the Opposition. How the state of imbalance between the two parties in this house can be corrected, I do not know, but I am sure the same problem troubles the Prime Minister.

Honourable senators, I am not opposing this bill because of any fear that it might embarrass the government. I am voting against the bill, with apologies to no one for the stand I have taken.

Hon. Senators: Hear, hear.

Hon. John P. Howden: Honourable senators, after listening to some very able speeches this afternoon, my contribution will perhaps seem monotonous. But let me say at the outset that I am in full accord with the bill and intend to vote for it. My only criticism is that it does not go far enough.

There can be no doubt in any one's mind that a great deal of criticism has been directed at the Senate. However, I should like to quote from an article in the Winnipeg *Free Press* of May 2 last which throws some light on the other side of the picture. Incidentally, the Right Honourable Mackenzie King said to me on more than one occasion that the *Free Press* carried the best editorials of any paper in Canada. Under the heading of "The Senate's Future" there appears the following editorial comment:

> The Senate reconvenes on Tuesday. The Government may soon have to face up to the question of what to do about it. Senator W. D. Euler has introduced a bill that would make it obligatory to fill Senate vacancies within a reasonable time—six months after they occur. If the Senate approves the bill, it will go to the House of Commons for debate and the Senate issue will then be squarely in the Government's lap.
>
> The Government has three courses open to it. It can amend the British North America Acts and abolish the Senate. It can continue the present process of abolishing the Senate piecemeal, by the slow attrition of leaving vacancies unfilled. Or it can embark on a vigorous program of Senate reform.
>
> Abolition of the Senate has been advocated by some members of Parliament. Yet, even though the Senate is so often treated as one of our oldest public jokes, no one who understands and values the principles of our federal constitution would advocate a unicameral Parliament. Continued criticism has created a mood in which the good work performed by the Senate is often overlooked, but it cannot be set aside indefinitely. For instance, had it not been for the Senate, Canadians would not be able to buy margarine today. Senator T. A. Crerar's courageous and thoughtful committee has had an influence on economies in Government spending far greater than is generally appreciated.

The article continues, but I need not read more.

Honourable senators, I repeat that my only criticism of the bill is that it does not go far enough. It still does not satisfy the public demand. If alternate senators were nominated by the various provinces of Canada it would make for a much better representative institution of Government, and thus do away with the criticism that we hear on all sides almost daily.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Roebuck, the debate was adjourned.

PRIVATE BILL

GILLESPIE MORTGAGE CORPORATION—SECOND READING

Hon. Nancy Hodges moved the second reading of Bill A-13, an Act to incorporate Gillespie Mortgage Corporation.

She said: Honourable senators, this incorporation, under the Loan Companies Act, is being sponsored by a long established real estate investment and mortgage company in Vancouver, R. Kerr Houlgate and Summerfield Limited. The sponsoring company at present acts as principal in placing funds in conventional mortgages for some of the largest financial institutions on the continent. The purpose of the incorporation is to further establish the position of this company in the mortgage lending field and to enable it to participate in insured loans under the National Housing Act.

The bill is extremely brief and follows the form prescribed by the Loan Companies Act. It merely specifies the name, head office and share capital and, in all other respects, the proposed company will be subject to the Loan Companies Act. If incorporated, the company would be subject to the meticulous supervision of the Superintendent of Insurance in all its operations.

If the bill is given second reading I shall move that it be referred to the Standing Committee on Banking and Commerce, where the sponsors of the bill will be available to answer any detailed questions relating to the operation of the proposed company.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mrs. Hodges, the bill was referred to the Standing Committee on Banking and Commerce.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 319 to 345, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the committee, moved that the reports be concurred in.

The motion was agreed to, on division.

COMMITTEE SITTINGS

On the motion to adjourn:

Hon. Mr. Macdonald: Honourable senators, before the house adjourns may I remind members that immediately after we adjourn there will be a meeting of the Banking and Commerce Committee. I understand from the Chairman that there are a number of bills to be considered, and if consideration of the bills is not concluded this afternoon we would like the committee to meet after dinner.

Hon. Mr. Reid: Honourable senators, let it not be forgotten that the Narcotic Committee is meeting too this evening.

SITTING POSTPONED

Hon. Mr. Isnor: Honourable senators, a short while ago I sent a note to His Honour the Speaker asking that I be permitted to give a notice to the house. As the Honourable the Minister of Northern Affairs, who was to appear before the Tourist Traffic Committee tomorrow morning, is at present on the West Coast and unable to be here tomorrow, the meeting of that committee scheduled for the morning is necessarily postponed until further notice.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, May 12, 1955

The Senate met at 3 p.m., Hon. James H. King, P.C., Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

EMERGENCY GOLD MINING ASSISTANCE BILL

REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 190.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (190), intituled: "An Act to amend the Emergency Gold Mining Assistance Act", have in obedience to the order of reference of May 3, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: Honourable senators, with leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILLS

COMMERCIAL TRAVELLERS' ASSOCIATION OF CANADA—REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of the Standing Committee on Banking and Commerce on Bill S-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (S-12), intituled: "An Act respecting The Commercial Travellers' Association of Canada", have in obedience to the order of reference of May 5, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

50437—30½

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PETROLEUM TRANSMISSION COMPANY—REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of Standing Committee on Banking and Commerce on Bill X-11.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (X-11), intituled: "An Act to incorporate Petroleum Transmission Company", have in obedience to the order of reference of May 5, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

YUKON PIPELINES LIMITED—REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of the Standing Committee on Banking and Commerce on Bill X-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (X-12), intituled: "An Act to incorporate Yukon Pipelines Limited", have in obedience to the order of reference of May 5, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

TRANS-PRAIRIE PIPELINES LTD.—REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of the Standing Committee on Banking and Commerce on Bill U-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (U-12), intituled: "An Act to authorize Trans-Prairie Pipelines, Ltd. to construct, own and operate an extra-provincial pipe line", have in obedience to the order of reference of May 5, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

EQUITABLE FIRE INSURANCE OF CANADA—REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of the Standing Committee on Banking and Commerce on Bill V-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (V-12), intituled: "An Act respecting Equitable Fire Insurance Company of Canada", have in obedience to the order of reference of May 5, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

S & M PIPELINE LIMITED—REPORT OF COMMITTEE—AMENDMENT CONCURRED IN

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill W-11.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (W-11), intituled: "An Act to incorporate S & M Pipeline Limited", have in obedience to the order of reference of May 4, 1955, examined the said bill and now beg leave to report the same with the following amendment:

Page 1, line 23: strike out the words "four hundred thousand" and substitute therefor the words "one million".

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hugessen: With leave of the house, I move that the amendment be concurred in now.

The motion was agreed to.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Hugessen: With leave, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE BILLS

FIRST READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill D-13, an Act for the relief of Mary Matilda Getto Paquin.

Bill E-13, an Act for the relief of Ruth Nourse Tomlinson Wilson.

Bill F-13, an Act for the relief of Joseph Henri Marcel Giguere.

Bill G-13, an Act for the relief of Edith Isabella Bond Brown.

Bill H-13, an Act for the relief of Yolande Joos Thompson.

Bill I-13, an Act for the relief of Norva Florence Lemon Farley.

Bill J-13, an Act for the relief of Freda Marie Johnston Storey.

Bill K-13, an Act for the relief of Jack Beattie Thompson.

Bill L-13, an Act for the relief of Florence Mary Ann Meakin O'Ranski.

Bill M-13, an Act for the relief of Theophile Kulczycki.

Bill N-13, an Act for the relief of William Michael Grayburn.

Bill O-13, an Act for the relief of Katharine Leitner Bouchard Frankenburg.

Bill P-13, an Act for the relief of Clara Gaetan Milot Fullterton.

Bill Q-13, an Act for the relief of Lily Shenker Silverton.

Bill R-13, an Act for the relief of Alsye May Lissemore Masterson.

Bill S-13, an Act for the relief of Sylvia Knelman Wiseman.

Bill T-13, an Act for the relief of Sara Beiss Stein.

Bill U-13, an Act for the relief of Veronica Vera Bordenuik Reidt.

Bill V-13, an Act for the relief of George Gerald Melville Scally.

Bill W-13, an Act for the relief of Joseph William James Tanney.

Bill X-13, an Act for the relief of Aline Mailloux Simoneau.

Bill Y-13, an Act for the relief of Margaret Violet Oswald Nicol MacIver.

Bill Z-13, an Act for the relief of Irving Umansky.

Bill A-14, an Act for the relief of Veronica Forrester Rose Kennedy.

The bills were read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house rises this afternoon it stand adjourned until Tuesday next at 8 o'clock in the evening.

The motion was agreed to.

VISITORS IN GALLERY

ST. CATHARINES COLLEGIATE STUDENTS

On the Orders of the Day:

Hon. Mr. Golding: Honourable senators, before we proceed with the Orders of the Day I should like to draw attention to the fact that in the Senate Gallery this afternoon we have a fine group of students from St. Catharines Collegiate Institute. I think it would be in order for me to extend to them a hearty welcome on the occasion of their visit, and to express our appreciation of their interest in Parliament and in our parliamentary procedure.

Hon. Senators: Hear, hear.

MEMBERS OF LA CAISSE POPULAIRE OF QUEBEC

Hon. Mr. Vaillancourt: Honourable senators, I should like to join in the remarks of welcome just made by the honourable senator from Huron-Perth and, at the same time, to extend them to members of La Caisse Populaire of Quebec who also are in the Senate gallery this afternoon. These members are in Ottawa to attend a convention of the Credit Union National Association.

Hon. Senators: Hear, hear.

NARCOTIC DRUG TRAFFIC

NEWSPAPER REPORT

Hon. Mr. Reid: Honourable senators, I should like to point out an error in a press article entitled "Narcotic Group Questions Addicts" which appeared in yesterday's edition of the Ottawa *Citizen*. The article relates that the committee sat in Vancouver for two days and held two secret sessions. That is not in accordance with the report I made to the Senate on Tuesday night. I said that the committee sat in Vancouver for five days and held two secret sessions.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Euler for the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. Arthur W. Roebuck: Honourable senators, I see no reason for any lengthy address in connection with this bill, and, from the standpoint of a constitutional lawyer, I see no great difficulty in answering the question which this legislation propounds.

When Canada was brought into being and became a nation, the Imperial Parliament passed an act which forms our constitution, the British North America Act. If honourable senators will permit me I should like to read an outstanding section of that act, section 17, which is historic in its words and concise in its form. It provides:

> 17. There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

Honourable senators, until that section is amended or repealed, it stands as a vital part of the constitution of Canada; and I submit that anyone who subscribes to our constitution is under a duty to maintain it, and not to do anything tending in the opposite direction, either by taking action or failing to take action. The original act declared in very plain language that the Senate shall consist of 72 members. Of course, when Prince Edward Island, the western provinces and Newfoundland were successively admitted to confederation, the act was amended to provide for increased membership, but the principle involved in the section remained unchanged. Section 21 of the act reads:

> The Senate shall, subject to the Provisions of this Act, consist of Seventy-two Members, who shall be styled Senators.

It is of no use to brush aside such a statement in an act when it is concise and perfectly clear. The section says: "The Senate shall . . . consist of seventy-two members". Honourable senators will note it does not say that the Senate shall consist of seventy-two members, or the survivors of them. On the contrary, the wording of the section is as clear, short and concise as it could be. It says that the Senate shall consist of seventy-two members—and that is the Constitution of Canada.

The distribution of the membership is also very important in the Constitution of our country. Honourable senators will remember —and we need not be constitutional lawyers to be thoroughly familiar with the fact—that the Senate was created, devised and designed to protect the numerically weaker provinces from being outvoted and perhaps not well used by the larger and more populous provinces. For that reason, the Senate was devised to give territorial representation and thus to offset in some degree, numerical representation in the House of Commons.

May I now be permitted to read section 22 of the original act:

22. In relation to the constitution of the Senate, Canada shall be deemed to consist of Three Divisions:

1. Ontario
2. Quebec
3. The Maritime Provinces, Nova Scotia, and New Brunswick; which three divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia and Twelve thereof representing New Brunswick.

In the case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A to Chapter One of the Consolidated Statutes of Canada.

Of course, the Senate now includes as well representatives from Prince Edward Island, British Columbia, Alberta, Saskatchewan, and Newfoundland, and the full membership is 102. The provision for additional numbers did not, however, change the principle involved in the act. Therefore, to leave any one of these divisions unrepresented for any appreciable time upsets the whole balance of the constitution, and deprives a section of the community wholly or in part of the protection which representation in the Senate would afford. To that extent, the constitution of Canada is destroyed.

The maintenance of the specified number of members in the Senate was very carefully taken care of by the wording of two sections of the act. The Senate was not merely launched by the planners of the constitution and then left to its own devices; rather, they foresaw what might happen, and as well as arranging for appointment of the original members of the Senate, provision was made for the maintenance of their numbers. Section 24 reads thus:

24. The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

The act specifically provides that the successors to those whose seats have been vacated through death, resignation or otherwise, shall be appointed when the vacancy occurs. Just because a provision happens to be short and concise, and seemingly not emphatic, it should not be brushed aside. Personally, I am more impressed by short, clear and direct sentences, than by long and involved passages. With that in mind, I quote section 32 of the British North America Act:

32. When a vacancy happens in the Senate, by Resignation, death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

Honourable senators will observe that the duty of making appointments is placed upon the Governor General, not upon the Governor in Council; but of course, in accordance with modern parliamentary procedure under a limited constitutional monarchy, the Governor General acts upon the advice of his constitutional advisers—in this instance the Prime Minister who, of course, consults his cabinet.

This does not change the form of the appointment, which is by the Crown. The principle of the appointment of Senators is identical with that of the appointment of the Prime Minister and cabinet ministers: all are appointed by the Crown on the advice of constitutional advisers, and all subscribe to the oath of office. When, therefore, a question arises as to the maintenance of the constitution of the Senate by its members, it is inappropriate to bring too strongly into consideration the convenience of the Prime Minister or anyone else. By their appointment, the Prime Minister, members of the cabinet and members of the Senate are of co-ordinate jurisdiction; all of them are appointed by the Crown, and all are charged with very important responsibilities. Therefore, I submit to my fellow senators that on great questions of this kind we must each take his own responsibility for the course which we think right to pursue, and we must let the chips fall where they may.

I am sure that no one in this chamber has the slightest desire to inconvenience or embarrass the present Prime Minister or the

Government. I am sure we all share the confidence in the Prime Minister, which was so ably expressed yesterday by the honourable Leader of the Opposition (Hon. Mr. Haig). None of us would wish to place obstacles in his way. As a matter of fact, I am strongly impressed that the passage of this bill by Parliament will assist him in carrying out the provisions of the Act of Confederation. However that may be, we each have a duty to perform, just as he has; both duties are important, and each individual in public life must stand on his own feet and carry his own responsibilities.

Some honourable senators have questioned whether the filling of vacancies in the Senate is any part of our responsibility. That very thought may have passed through the minds of the framers of our constitution, because the British North America Act answers the very question. I read section 33:

33. If any Question arises respecting the Qualification of a Senator or a Vacancy in the Senate the same shall be heard and determined by the Senate.

Hon. Mr. Isnor: May I ask my honourable friend whether that section does not apply to section 31, on the question of qualifications?

Hon. Mr. Roebuck: Section 31 refers to the vacation of places in the Senate by senators. There are other sections which set forth the qualifications of senators. When questions arise with regard to these qualifications it is the duty of the Senate to determine them. But the section is also perfectly clear in its wording with regard to vacancies occurring in the Senate. Let me read the section, leaving out the words that do not apply:

If any Question arises respecting . . . a Vacancy in the Senate the same shall be heard and determined by the Senate.

Now in this instance, it is not one vacancy that has occurred, it is 21 vacancies, and the question, honourable senators, is whether those vacancies are being filled within a reasonable time or whether the appointments are unreasonably delayed. That is the question, and that question has been specifically referred to us for determination by the constitution of our country.

The honourable senator from Waterloo (Hon. Mr. Euler) in a very excellent speech which I entirely admire, stated his opinion, and he has written it into his bill that six months is a reasonable time for the filling of a vacancy in the Senate. That is the maximum time. Some may think it is a little too long, some may think it is a little too short, as he himself said. But it seems to me that the time limit should be something in this order. Six months was chosen by the senator because that is the rule in the Commons. For many years there was no limitation of time for the filling of vacancies in the Commons. Seats were held vacant and constituencies unrepresented for weeks and months, and sometimes actually for years, until it became something of a scandal. Finally the conscience of the house was aroused; a private bill was introduced and accepted and a time limitation of six months after a vacancy in the Commons occurs was placed upon the issue of the writ. I think that is the rule in all the provinces of Canada; it certainly is in the province of Ontario. There is such a limitation in my province, and I never heard anyone complain that the limitation is a hardship. There are more complications in the holding of by-elections than in the appointment of senators, more difficulties to be overcome and much more procedure to go through, and yet that provision made in the Commons has been accepted by common consent throughout all Canada. Were a bill introduced in the Commons today to repeal that measure and give to the executive an unlimited time in which it might disfranchise a community, I am sure the bill would be voted down almost unanimously.

The reason that this house does not have a similar provision is that the constitution itself is so clear and plain upon that subject. The Act of Confederation distinctly says that appointments shall be made when they occur. Now, of course, that does not mean the moment they occur, because that would be impossible. The rule of law in interpreting directory words of this kind is that action must be taken within a reasonable time. That is the rule when no exact time is given, and the court is judge of what is reasonable under the circumstances. In this instance, we must determine what is reasonable. The honourable senator from Waterloo has suggested six months is a reasonable time as an outside limit, and with that six-months limit I agree.

Now, I cannot but suspect that when the drafters of our constitution inserted certain provisions to which I will refer, they had in their minds a threat, which has been held over the House of Lords in England, of swamping the house by the appointment of a number of newly created peers. I think that was in their minds, for in the British North America Act they have taken care of such an eventuality most carefully and emphatically. They have seen to it that this house shall not be subject to coercion by threats of the appointment of a large number of new members in order to force upon an unwilling Senate something desired by some Government of the moment. I will read section 26 of the Act:

26. If at any time on the Recommendation of the Governor General the Queen thinks fit to direct that Three or Six Members be added to the

Senate, the Governor General may by summons to Three or Six qualified Persons (as the case may be) representing equally the Three Divisions of Canada, add to the Senate accordingly.

I am reading the original text, honourable senators; of course the figures have been changed by amendment in the meantime, but not the general wording of the Act.

In 1915 it was provided that, when additions were made by the Queen, no further appointment shall be made except by her until the number of members has been reduced to the normal 24 senators for each division, and then follows this significant section:

28. The Number of Senators shall not at any Time exceed Seventy-eight.

That was revised in 1915 to 104. At the same time, a provision was inserted that, in event of Newfoundland's admission to Confederation, the normal number should be 102 and the maximum 110, and that as I understand it is the law today. And then there is added this further significant phrase: "and no more".

And so the framers of the constitution took care that there should be no possibility of swamping the Senate by the appointment of new members in order to carry out by coercion the wishes of some Government of the moment against the will of this body. If there ever has been any desire to swamp the Senate by the addition of members over and above its normal complement, any such manoeuvre has been effectively prevented by the Act.

But now, gentlemen, a different possibility arises. I am not accusing anybody of having ideas of this nature. I do not think it is in the mind of anyone at the moment, but there is now a possibility of the Senate being swamped, as another great house within the empire once was threatened to be.

This danger does not lie in the appointment of senators over and above the normal complement, but rather in reserving for an unreasonable time the filling of vacancies, and then filling them all at once, with pledged members.

Now I do not fear anything of that kind under the present administration, or indeed when a Liberal party is in power, but who knows what the future has in store for Canada? Who knows who will be in control of Parliament in perhaps a very short time, in accordance with Parliamentary procedure in this country? How easy it might be when 21—and who knows whether that is the end of it—when 21 or 31 or 41 seats in this house are vacant, how easy it would be to subvert the intentions of the framers of the constitution and override the wisdom of this house by the appointment of a number of instructed senators. It is a possibility. Some may say it is a very remote possibility, a figment of the imagination: I hope it is. But I suggest that you and I, in the quiet of the present moment, should see the possibilities of the future and provide for them as we can. This bill will help to maintain the integrity of the Senate.

The honourable senator from Kootenay East (Hon. Mr. King) suggested that the purpose of the honourable senator from Waterloo had already been accomplished and that he might now well withdraw the bill and leave the future to take care of itself. Well, were I assured that the present Government would remain in office for all time, or that one of the other great political parties would control the destinies of Canada with the degree of responsibility which is now exhibited, I might agree with him. But I am unable to look far into the future, and I fancy that my fellow senators are in the same position. Now when this question has been raised is the time for us to take our courage in our hands and settle the matter. I believe that senatorial seats should be filled within six months after they become vacant. It is destructive of the institutions of our country to allow a beggarly array of empty benches to remain unfilled, such as one now sees in this chamber. No less than twenty-one chairs are unfilled. They ought to be filled. I think the Senate would be a better place, that its purposes would be served more effectively, if twenty-one more senators were added to our numbers. Speaking as chairman of the Divorce Committee, I would like to have added to our number two or three more lawyers. The honourable senator from Calgary (Hon. Mr. Ross) looks at me and smiles: he and I are two of the lawyers on that committee; and in carrying on its most important work we could very well use the services of several more. I mention lawyers only because the reference happens to be pertinent. So fully engaged are the members of the Senate that it would be impossible or at least very difficult at this time to constitute another special committee of inquiry. The number of members of the Senate was, no doubt, intelligently set. The obstacles, if any, to the making of these appointments should be surmounted; the chairs should be filled, so that the Senate may carry on its work to the best advantage. That being my opinion, I do not see how it would be possible for me to vote against this bill. I shall support it.

Hon. J. W. deB. Farris: Honourable senators, I regard this subject as one of considerable importance. Its consideration involves the integrity and composition of the Senate itself—an issue which at any time demands

our serious consideration. I congratulate the mover of the resolution on his speech, though not so much on the bill he has introduced, because I have some criticism of the measure itself. He made a dignified and statesman-like presentation of a question which is very important to the Senate and, I believe, to the people of Canada. I also congratulate my good friend the honourable senator from Churchill (Hon. Mr. Crerar), who seconded the motion. He presented the philosophic aspects of this matter as, perhaps, no other member of this body could do, and he did it with credit to the Senate and to himself. With all deference to the honourable senator from New Westminster (Hon. Mr. Reid), who is one of my closest friends here, I do not think that either of the gentlemen I have mentioned merited his fulminations.

Let me also compliment my honourable friend the Leader of the Opposition (Hon. Mr. Haig) on the broad tolerance with which he expressed himself on this question. His comments concerning the Prime Minister of this country, coming from a dyed-in-the-wool Tory like himself, reflected great credit on him, on the party he represents, and on the Senate itself. He touched a point which it took a little courage to mention when he said that one of the greatest problems affecting the Senate at this time is the lack of an active Opposition. I agree with him, and I do so without any reflection on himself or the small remnant of his party which survives here, in contrast to the situation nineteen years ago, when I became a senator and when the Conservative party was a dominant influence in this assembly.

I have some comments to make on the form in which the issue before us is raised. It purports to amend the British North America Act—a proceeding which until the method was changed a few years ago, was confined exclusively to the Parliament of the United Kingdom. A part of that power, but only a part, has been delegated to the Canadian Parliament. Whether amendments of this kind are to be made by the British Parliament or the Canadian Parliament, they are not to be lightly undertaken. With all deference to the honourable senator from Waterloo (Hon. Mr. Euler), a constitutional question is a little different from an amendment of the House of Commons Act. True, it may relate to the same subject-matter; but the Fathers of Confederation, who inspired the provisions of the British North America Act, saw fit to make a distinction between the constitution of the House of Commons and changes therein, and the constitution of the Senate, which is incorporated in the British North America Act itself.

I should like to make a comment on the address just delivered by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck). I have nothing in my notes about congratulating him on it, for I wrote these notes before hearing him speak, but I am sure his remarks will be indelibly recorded in the annals of this chamber.

Hon. Senators: Hear, hear.

Hon. Mr. Farris: Whether I agree with all the results which he expects would flow from the bill, I find myself in complete accord with every pronouncement he made. He referred to a number of sections of the B.N.A. Act, particularly section 32, which deals with Senate vacancies. It reads:

When a vacancy happens in the Senate by Resignation, Death, or otherwise,—

That covers the entire field.

—the Governor General shall—

It does not say "may".

—by Summons to a fit and qualified Person fill the Vacancy.

No lawyer would stake his reputation upon the proposition that this means the vacancy shall be filled some three, five or even seven years after it occurs. The question is entirely one of what is a reasonable time. It cannot possibly mean an indefinite time in the indefinite future.

That brings me to the first consideration of the amendment. It arbitrarily fixes a time of six months. No penalty can be provided for the failure of the Governor General to carry out the mandate of the constitution. Under our constitutional practice the responsibility for any failure to perform a duty by Her Majesty or her representative must fall on her constitutional advisers, and in Canada that responsibility must fall on the constitutional advisers of His Excellency the Governor General.

I am not building up to an attack on our Prime Minister, Mr. St. Laurent. When he was nominated for the leadership of the Liberal party it was my privilege and pleasure to support him against all comers, and I have never regretted doing so. Our Prime Minister possesses advantages enjoyed by few political leaders. To begin with, he is an outstanding constitutional lawyer, and as such he is fully conscious of his responsibility as Prime Minister of Canada.

Had the sponsor of this bill (Hon. Mr. Euler) asked me for my opinion I would have suggested he adopt a different method of approach. I jotted down in my notes what occurred to me as being a way to deal with the subject without becoming involved in

the complications of the constitution; and I am bound to say that I am not entirely satisfied as to the constitutional aspects of this question.

By this proposed legislation we are seeking to take unto ourselves the power to amend the constitution in matters that are purely federal. I do not know whether my honourable colleague from Toronto-Trinity (Hon. Mr. Roebuck) has given thought to this question, and I must confess I have not given it sufficient thought to justify offering an opinion. However, I have considered it enough to raise in my mind a question that might be given further consideration.

The honourable senator from Toronto-Trinity pointed out that under the constitution the Senate was created as a body to be representative of the different parts of Canada, the representation being designated by provinces. In the light of these circumstances I ask this question: can we say that in all its aspects the matter of Senate appointments is so divorced from provincial consideration that it comes entirely within federal jurisdiction, and that therefore the dominion has full power to deal with it? This issue should not be lightly raised; whenever members feel something is not going just right in the Senate they should not jump up and offer amendments to the constitution. That sort of thing gives me concern. It may be presumptuous on my part, but if the honourable senator from Waterloo had asked my opinion I would have suggested that he present a resolution something like this:

> The Senate views with concern the practice of undue delay in Senate appointments and would urge on the Government discontinuance of the practice as being contrary to the intention of the constitution, not contributing to the efficiency of the Senate, and not in the public interest.

However, that is not the form in which this matter is before us, and whether any individual member is in entire accord with the bill he cannot escape giving it careful consideration.

In listening to the speeches that have been made so far it occurs to me that one question has not been dealt with. There seems to be complete unanimity of opinion in this house that Mr. St. Laurent, as Prime Minister of Canada, is conscious of his responsibility. Those of us who know his constitutional capacity have no doubt that he fully appreciates the significance and importance of section 32 of the B.N.A. Act, but yet he has deliberately delayed filling vacancies in the Senate. There must be some reason for it, and it is only proper that we ponder on what that reason may be.

I was rather hopeful that the Leader of the Government in this house (Hon. Mr. Macdonald) would have given direction to this discussion immediately after the bill was introduced, and no doubt he may still give us direction. Certainly the reason the Prime Minister has failed to make certain appointments to this chamber cannot be the one implied by the honourable senator from Thunder Bay (Hon. Mr. Paterson), when he asked the mover what the total saving to Canada in dollars amounted to by reason of the Senate vacancies. Let us deal with that question. If it had any significance it would mean that the country is better off because of the money it has saved in this way. To put it in other words: any persons appointed to fill these 21 vacancies would not be worth their cost to the country. If that were so, it could apply not only to new appointees but to existing members. I am sure my honourable friend never seriously meant to make any suggestion of that kind. If he did, he could always cure it to a certain extent.

Some Hon. Senators: Oh, oh.

Hon. Mr. Farris: In looking for reasons for the delay in filling vacancies—there was a lapse of seven years in one case—I am sure one reason cannot be that the Prime Minister is unable to find anyone willing to sacrifice himself by accepting a senatorship. Honourable senators, my own feeling is that an appointment to the Senate is the greatest honour available to a Canadian citizen.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Farris: The position carries with it the responsibility of independent thought demanded by no other position in the public life of this country. It also carries with it an honour that cannot be surpassed by any other appointment in our public life, from that of Prime Minister down. I have been a senator for 19 years, and I have always had a very proud appreciation of the great honour Mackenzie King did me when he recommended me for membership in this house. And throughout I have felt a very serious sense of responsibility toward my appointment, although I am afraid I have not always lived up to it.

Some among us who have to earn our livings independently of what we receive in the Senate are at times confronted with a problem arising out of the fact that our homes are a long distance from Ottawa. As the honourable Leader of the Opposition has complained more than once, we kick our heels from Thursday night till Tuesday night, week after week. If the Senate were free to act in dealing with public questions, it could

do so effectively, and give them the best of consideration in far less time than we are obliged to waste by remaining in Ottawa unnecessarily.

Hon. Senators: Hear, hear.

Hon. Mr. Farris: However, I have ceased to "kick against the pricks", for I see no solution to that problem, because of the great distances between different parts of Canada. The House of Commons has a full constitutional right, a duty and an obligation to discuss questions from many aspects that we in this house are not called upon to do. We are only called upon to discuss, and we only should discuss, questions entirely divorced from politics.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Farris: The other house could not be asked to take the same position. We must accept the situation as it is.

Honourable senators, I have not had the honour to discuss this question with Mr. St. Laurent or his immediate advisers, but I have heard a good deal of talk and also formed some conclusions of my own about the matter, and I am of the opinion that there is in the mind of the Prime Minister today a conflict of thought which presents great difficulty to him in considering the vacancies in the Senate. First, there is the constitutional problem that my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) has drawn attention to in section 32 of the B.N.A. Act—that these appointments should be made with due dispatch within a reasonable time. But, honourable senators, the Prime Minister undoubtedly recognizes, as we all do, that a new constitutional problem has arisen with the development and growth of Canadian public affairs. In looking to the past we see that representation in the Senate adjusted itself by practical conditions. Representation by provinces was provided for in the constitution, but there are other kinds of representation which, in my humble opinion, are even more important than provincial representation, and they have been left to the exigencies of the occasion. It worked out very well that way until it seemed that the people found it necessary to keep the Liberal party in power almost in perpetuity. Under the old system it was assumed that there would be a two-party system. Naturally, one party would appoint its supporters to the Senate, and after a certain period of time would "load it up" quite a bit, but in course of time it would go out of office and the other party would have a chance to make appointments. The two-party system was self-adjusting.

But two new conditions have developed in Canada. One is the unprecedented length of time that the Liberal party has stayed in power; and may I say, not offensively, the serious possibility that that condition may continue into the indefinite future. My honourable friend the Leader of the Opposition was very frank when he said that what the Senate needs today is a stronger Opposition. I agree with him, and I say so without any reflection on the fine work accomplished by the few men left of the great array of Conservatives who were in this house when I first came here. I know that some of my honourable friends' colleagues are not in a condition of good physical health, and they can no longer give him any assistance whatever. However, it is a fact that not only is there a lack of representation in the Opposition in this house today, but there is also a lack of political thought representative of the people of Canada in the Senate, and this condition will exist while the old system prevails. I believe the Prime Minister recognizes his obligation to the public to see that the Senate is what it ought to be.

We have heard and talked a lot about representation by provinces as provided by the constitution. In my opinion, that is of secondary consideration at present. Perhaps it will become of paramount importance again some day, but as far as our immediate problems are concerned it is a secondary consideration. The primary consideration at this time is that the Senate should be representative of the political and public thinking of the people of Canada.

Honourable senators, let us look ourselves over. I am a Liberal, and I was born into a politically active Liberal family. Both my father and grandfather were in politics, and I myself got into politics before I was 30 years of age. Indeed, I had several defeats in my scalp before I ever got elected to office. But I always was a Liberal. I would say to my honourable friend from New Westminster (Hon. Mr. Reid) that he and I are both independents, but at the same time I think we both are good partisan Liberals. That is our political thinking. As I said on another occasion, a man who has no political convictions is no good. He can have political convictions and still be independent in his thought, but he cannot represent a party whose policy is contrary to his political thinking. That, I think, is what is in the mind of the Prime Minister of Canada, and we ought to keep it in mind too.

When my honourable friend, the Leader of the Opposition says we need a stronger Opposition in the Senate, he is probably thinking of representatives of his own party.

Let me remind him of the new conditions which have developed in Canada. While the Liberal party today holds a big majority in the House of Commons I do not think it holds a majority among the people of Canada. Canada has not only a Liberal party and a Conservative party, but a Socialist party with a very large following. Incidentally, I have watched with much interest the amalgamation of the two great labour unions in this country, to see whether they will agree that the new organization will also be the arm of the Socialist party. To date they appear not to have made a declaration in that connection, but it may be in the offing. Whether it comes about or not, it is true that at least in Western Canada there are four political parties: Liberal, Conservative, Socialist, and Social Credit. But there never has been a representative of the Socialist or Labour party in this house; never has there been a man to stand up and express the views and thinking of the people who belong to that group. To that extent the Senate of Canada is not representative of the public thought of this country today. Nor has there been a representative of this newer body which has sprung up with a name and a policy that have no connection one with the other. I have often felt that I would like to see a representative of that body in this house who could be goaded into telling us what is the connection between the name "Social Credit" and the policy of that party.

Hon. Mr. Reid: They could not tell us, because they do not know themselves.

Hon. Mr. Farris: At least we would find that out.

I recall that on the last occasion on which this subject-matter was before the house the late Senator David said to me, "Surely you don't want representatives of the Nationalist party of Quebec here, do you?" I said: "Yes, I would like to see one of those fellows here. I have never heard one of them speak, and I might get some inspiration from knowing what they think and talk about."

In order to give effective representation in this house we should have some opportunity to know about political bodies in Canada which at present are not represented here. I believe the Prime Minister of Canada is giving consideration to that very question.

There is another division in Canada, namely that represented by thinking men not engaged in public affairs in the accepted political sense. Incidentally, I noticed in a press dispatch the other day that among others receiving honorary degrees was H. R. MacMillan, a man from the West, whom I admire very much. Now, I do not know what his political views are, but I do know that from a business standpoint he has been a great pioneer in the building up of Western Canada.

Of course, I would not want to see brought into this house a selection of business men who knew only business. Kipling wrote:

> What should they know of England who only England know?

It would be a poor policy to bring here a business man who knew about nothing but his own sphere of activity in the business field. However, there are many men who are part of the life of the country but are not identified with politics. It is men of that kind whom I think the Prime Minister might well give consideration to in making appointments to the Senate.

As I have said, honourable senators, the whole political aspect has changed in Canada, making it imperative that the Prime Minister, if he is going to recognize the necessity for adequate representation in this body, should depart from the traditional policy that has existed since Confederation.

I do not want to be accused of talking with my head in the clouds. As I say, I was born in a political atmosphere, and for many of my active years in the West I was closely associated with political activity, so I have no illusions about the question of patronage. I well remember being in the Opposition camp under the leadership of Mr. Brewster. At one political gathering our leader made the statement that when his party came into office it would wipe out every vestige of patronage in this country. Ralph Smith, who was a sagacious and experienced public man, shook his head, leaned over to me and said, "The man doesn't know what he is talking about." He might as well have said we will wipe out every vestige of human nature.

I make no claim that I am superior to the problems that confront men in public life. But I do lay down this as a fundamental principle which every man in public life must recognize, that however essential it is that party organization be carried on for the benefit of the public, you must not overlook your friends, with the one qualification that friendship must not interfere with public interest and welfare.

In view of the peculiar systems that have developed in Canada over the past few years, and the existence of various parties, and in

view of—as I see it—the prospective continuance of the Liberal party in office, I am of the opinion that the Prime Minister is confronted with the problem that within his own party he must challenge the theory on which appointments to the Senate have been made since Confederation. If I am right, I hope that those of us now in the Senate can, by our views and expressions, give him support.

Honourable senators, whether I vote for this bill or not—and I may say that I have not quite made up my mind—I am in entire accord with the thought that has been provoked by it; and if the Prime Minister feels there is a new constitutional problem which necessitates change in policy in order to give the Canadian people wider representation in the Senate, I am sure we are all wholeheartedly behind him.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Connolly, for Hon. Mr. Hayden, the debate was adjourned.

INTERNATIONAL TRADE

AUTHORITY TO PRINT COMMITTEE PROCEEDINGS—REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the report of the Standing Committee on Canadian Trade Relations.

Hon. Gray Turgeon, for Hon. A. Neil McLean, Chairman of the committee, moved that the report be concurred in.

He said: Honourable senators, I am making the motion because the Chairman of the committee is unavoidably absent. The report simply recommends that the committee be authorized to print a certain number of copies of its proceedings in English and French.

The motion was agreed to, and the report was concurred in.

The Senate adjourned until Tuesday, May 17, at 8 p.m.

THE SENATE

Tuesday, May 17, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

TORONTO HARBOUR RAILWAY TRACKS AGREEMENT BILL

FIRST READING

A mesage was received from the House of Commons with Bill 262, an Act to approve an agreement between The Toronto Harbour Commissioners, The Toronto Terminals Railway Company, Canadian National Railway Company and Canadian Pacific Railway Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave next sitting.

VETERANS BENEFIT BILL

FIRST READING

A message was received from the House of Commons with Bill 278, an Act to amend the Veterans Benefit Act, 1954.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILL

WESTCOAST TRANSMISSION COMPANY LIMITED—FIRST READING

Hon. J. W. de B. Farris presented Bill B-14, an Act respecting Westcoast Transmission Company Limited.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Farris: Thursday next.

NEW BRUNSWICK POTATO MARKETING BOARD

INQUIRY AND ANSWER

Hon. Mr. Pirie inquired of the Government pursuant to notice of May 11:

1. Did the Department of Agriculture authorize an investigation in connection with the 1953-54 operations of the New Brunswick Potato Marketing Board under the subsidy agreement with said board?
2. If so, has the investigation been completed?
3. If so, will the report of the said investigation be tabled?
4. When may the tabling of the said report be expected?

Hon. Mr. Macdonald: The answer to the honourable gentleman's inquiry is as follows:

1. As a part of the audit of the operations resulting from a claim made by the New Brunswick Potato Marketing Board with respect to an agreement for handling 1953 potatoes under the Agricultural Products Co-operative Marketing Act, certain extended checks and detailed investigations are being made to verify the accuracy of the claim.

2. No.

3 and 4. No consideration can be given to these questions until complete audit and investigation reports are available.

THE LATE SENATOR FAFARD

TRIBUTES TO HIS MEMORY

Hon. W. Ross Macdonald: Before the Orders of the Day are proceeded with, I would like to refer to the grievous passing of our late colleague Senator the Honourable J. Fernand Fafard, who died on Saturday last. For many years I had enjoyed his friendship; and I recall that I appreciated greatly his kindness to me when I entered the House of Commons in 1935. At that time he had been a member of that house for about eighteen years. I remember especially his fairness as a chairman of the Liberal caucus: he never failed to give an opportunity to the new members to express their views. I recall too his kindness and hospitality during my sojourn at Quebec in that memorable summer of 1951 when I enrolled as a summer student at Laval University. Indeed, I would feel disloyal to an old friend if I did not say a few words in his native tongue.

(Translation):

My wife and I often recall how glad we were to meet Mrs. Fafard and the late senator during our stay in Quebec, when we followed a course in French at Laval University, in 1951. We will never forget the hospitality and many kindnesses of the people of the city of Quebec; Mrs. Fafard and the late senator, in particular, showed us great courtesy.

You may readily understand that our visit in the old and historic city of Quebec not only proved most interesting, but was also very helpful to us.

(Text):

The late Senator Fafard was born in 1882, at L'Islet, Quebec, the son of Auguste and

Alphonsine Fafard. He was educated at L'Islet and Levis colleges, and graduated with the degree of Bachelor of Arts. He left college in 1901 and became a land surveyor in Northern Saskatchewan and Alberta. In 1905 he received a diploma as a surveyor, and pioneered in the North, where he made the first survey of the fertile region of Abitibi. He also explored the Upper St. Maurice region and the Lake St. John district.

His years in Parliament represented one of the most outstanding records of public service in the history of our country. He was first elected to the House of Commons in the general election of 1917, and was re-elected in the general elections of 1921, 1925, 1926, 1930 and 1935. He was summoned to this chamber in 1940.

The late Senator Fafard possessed a lovable personality. Although outwardly quiet and gentle, he bore within himself a firm and indomitable spirit which had characterized his forebears in the early days of Canada. This is amply attested to by the adventuresome spirit which encouraged him to go into the great West and the North. It is through the efforts of such men as our late colleague that the boundless treasures of these regions have been unearthed, and in this respect his achievements will prove a great inspiration to young men of vision.

Senator Fafard has left a great legacy to those who follow him. With men of his calibre, willing to bear the responsibilities of public life, I feel that our country's future will be secure. After his long years of public service and our long-established friendship, it is difficult to believe that we shall never see him again in the halls of Parliament. In ours hearts his memory will always remain.

I would like to express my deep sympathy to his widow in the loss which she has sustained.

Hon. John T. Haig: Honourable senators, I came to know our late colleague after he entered this chamber. I did not know him well while he was in the other house, although during the latter part of his membership there I was in the Senate. I had the honour and pleasure of serving with him on one of the committees of which he was chairman, and I was greatly impressed with his fairness and uprightness in dealing with all the questions that came before the committee.

We shall miss Senator Fafard very much. He was one of those quiet, unassuming men who make up such a large part of the population of this country, yet he served his fellow Canadians in a way that will not be forgotten. For long years after some of us are gone he will be gratefully remembered by the people of Canada and especially by those in the province of Quebec.

Those of us who were privileged to be associated with him in Parliament will always cherish the memory of his kindness.

Honourable senators, I join with the Leader of the Government in expressing sympathy to our late colleague's widow. May Mrs. Fafard and all the friends who mourn his passing be consoled by the fact that their grief is shared by many others who have enjoyed the friendship, love and comradeship of Senator Fafard.

Hon. J. J. Duffus: Honourable senators, on an occasion like this it is difficult not to repeat sentiments already expressed. It is with mingled feelings of sorrow and pride that I rise to make a few brief observations on the passing of my late colleague and deskmate. We had been warm friends since we were both members of the House of Commons. The late Senator Fafard was continuously a member of the House of Commons from 1917 to 1939, and he was summoned to the Senate in 1940. For a number of years he was the capable Chairman of the general Government caucus of the Government of the late Right Honourable Mackenzie King. While he was of a quiet disposition he was always affable, exceptionally friendly and in fact quite witty. Of late years he had not taken a very active part in the debates in this chamber, but he was always faithful in his attendance at meetings of committees to which he had been appointed. He will be greatly missed by all members on both sides of this chamber, and particularly by myself.

By profession, Senator Fafard was a land surveyor, having received his diploma in 1905. In 1924 he was president of the Quebec Land Surveyors Association.

Honourable senators, it can be truthfully said that the late Senator Fafard was a great Canadian, and a true lover of his native province.

Our late colleague is survived by his widow, to whom we extend our very deepest sympathy.

(Translation):

Hon. Aristide Blais: Honourable senators, even though a man is growing old and getting closer to the great adventure, he is none the less overcome when the Grim Reaper strikes a dear one and deprives him of a deep friendship which, even yesterday, was one of the joys of his life.

I met Fernand Fafard in Edmonton, in 1902, when he was a surveyor apprentice with the firm of Coté and Roy of Quebec city, which was engaged in making surveys along the Pembina and McLeod rivers, northwest

of Edmonton. He was at that time a tall and handsome young man, barely twenty years of age, pleasant looking, bright eyed, square shouldered and of athletic bearing. He was the picture of vigor and action, although modest and reserved in word and manner.

We were not long in discovering that we had several things in common. He came, as I did, from the south shore of the lower St. Lawrence, and at that time those who came from that part of the country were very clannish; moreover, he had attended the Christian Brothers' College of L'Islet, where my two brothers were studying at the time.

I saw him at infrequent intervals during two years, when he came for supplies at the general store of friends of mine, Larue and Picard, in Edmonton. Then, his contract having come to an end, he returned to the province of Quebec and I saw nothing of him for many years.

He became a full-fledged surveyor in 1905, and shortly after having received his degree he was assigned the difficult task of surveying for the first time the whole fertile district of Abitibi. He acquitted himself of this work with rare ability. Later on, he was sent by the Brown Corporation to explore the upper St. Maurice river and the Lake St. John district. He was thus given the chance to feast his eyes upon the scenic beauty of this lovely river and of the many lakes located along its course.

As for the Lake St. John district, he was quite dazzled by its great forests and beautiful lakes, still in their virgin state. He combined the faith of a discoverer and the instinctive sense of observation of an Indian. He was a good walker and was endowed with remarkable stamina. Swamps, mosquitoes, floods, rain, snow, cold, he could face them all and, by his optimism and resourcefulness, overcome all difficulties.

Not only was he well grounded in his profession and of a generous nature, but he was endowed with a splended disposition. He was affable, good-natured, jovial, he had a pleasant voice, a quick and delicate wit, and he was a charming companion, who loved sports, hunting and fishing and was the pride and joy of his men, on whose affection, esteem and devotion he could count.

Those long months spent in constant and close contact with nature, when he slept under canvas or under the stars, and was awakened by the first chirps of the birds or by the sting of the wind, gave him the soul of a poet, hardened him to the inclemencies of the different seasons and developed in him an almost instinctive knowledge of the things around him, of the ripple and sighing of the trees he came to recognize, of the rivers on which he loved to meander at sundown.

In January, 1940, we found each other again in the entrance hall of the Senate, on the very day when both of us had the great honour of being summoned to this house. We had not seen each other for 38 years. He had changed very little, although he had aged a bit and become a little heavier and slightly stooped, but his step had the same spring and his face the same and even more accentuated good nature, the same kindness and sincerity, the same gentle irony glistening nearly always with a kindly smile; and the joy of living was oozing from his whole person.

In a reminiscing vein, we recalled for a few moments the days of his apprenticeship, near Edmonton, in 1902. He had come a long way since then and met with success at every step. He was first elected to the House of Commons in 1917 and such was his popularity that he was returned five times thereafter, once by acclamation.

He was noted for his deep understanding of men and things and kept well abreast of political problems.

He was highly interested in social security projects and never lost an opportunity of helping to bring them into being or of improving the living conditions of his constituents.

Thanks to the clear and penetrating turn of his professional mind, he was accustomed to find his way through the most complicated situations so that, without any apparent effort, he could do a great deal of work in a short time.

He had the confidence of the leaders of the party who respected his perfect honesty and appreciated his advice. He enjoyed the friendship of several ministers, including the late the Right Honourable Ernest Lapointe, the former Minister of Justice, who loved him as his own brother.

There was never a more simple, straightforward and truly patriotic man, although he guarded jealously his freedom of action. He did not pretend to know the classics, but he expressed himself in warm, stirring and colorful terms which well depicted his feelings and the interest he took in his electors. Neither was his judgment warped by the subtleties of higher education. His was a natural and sometimes spontaneous judgment, emanating from the true common sense which was his chief asset and the envy of his friends; it was allied to an almost feminine intuition, so acute, so sensitive that he could almost foresee events and know their consequences beforehand.

He was a most generous man, who opened his door to any distress, whether small or great. But he was also very discreet and so modest that he hesitated to give openly.

In addition, he was endowed with that courtesy, that exquisite politeness and that hospitality which characterize the true gentleman. Such was, as I knew him, the outstanding and distinguished man we have just lost. He will long be mourned in this house and throughout the country, wherever he passed in doing good.

(*Text*):

Hon. Armand Daigle: Honourable senators, I would like to add just a few words to what has already been said of the late Senator Fafard.

We of the Senate have certainly lost a great colleague, for Senator Fafard was keenly devoted to all his Parliamentary duties in this house, as he had been in the other house, where he sat for many years.

Senator Fafard was always an inspiration to the new-comer to this house; his calm and dignity and his willingness to advise all of his new colleagues gave confidence to new senators.

To his wife and his immediately family I offer my deepest sympathy.

Hon. Norman P. Lambert: Honourable senators, I would feel very remiss indeed if I did not take this opportunity on my own behalf and in association with the honourable senator from Peterborough West (Hon. Mr. Duffus) and on behalf of those of us whose designations in this house are in the neighbouring province of Ontario, to pay respect to the memory of our late colleague. He was intimately associated with a period of Parliamentary affiliations that is becoming rather overshadowed by the passing of so many old members and associates.

I had the great privilege of being a deskmate of Senator Fafard when he entered this chamber, after having served so many years in the House of Commons. I had known him slightly while he was in that house, mainly because, as has been so felicitously pointed out by the honourable senator from St. Albert (Hon. Mr. Blais), he was one of the closest of friends of a friend of so many of us, the late Right Honourable Ernest Lapointe. Senator Fafard entered the Senate two years after I did, and I shall always remember him for words of approval and encouragement which he uninvitedly but very graciously extended to me on one of my first attempts at expressing myself in this house. It was on the occasion of the passing of another old friend, Senator J. C. Elliott, who was a member of this house for a few years. The Honourable J. C. Elliott—Jack Elliott, as he was known—was also a close friend of the late Right Honourable Ernest Lapointe. In my remarks I suggested that that association between those two men, one from Ontario and the other from Quebec, extending so intimately over so many years, was a symbol of the growing bond of attachment and understanding that had fortunately and with great results to us all, developed between these two provinces.

It was on that note that my deskmate of that time spoke to me with most encouraging sympathy and approval. I have always thought since then, and I am glad to be able to do so now, that I might have associated him with that triangular friendship as the solid, firm base of the relations that existed amongst the three of them, whose contributions to the ever-present problem of better understanding and more cordial feeling between different parts of this country have been far more valuable—far richer in their results, possibly—than most of us have ever appreciated.

I have always felt that the late senator bore the indelible impress of a man who had spent a great part of his early life in the wilderness of this country, exploring and helping to develop the vast hinterland areas not only of his own province of Quebec but of the middle western provinces of Canada as well. Although we did not hear him in this chamber as often as many of us would have liked to, he possessed a serenity of mind and strength of character which could not but impress those of us who had the great privilege of knowing him.

At this time I should like on my own behalf and those of us from the province of Ontario to extend to his charming wife, who did so much to lighten and glorify his later years, our warmest and most sincere sympathy.

Hon. Charles B. Howard: Honourable senators, I want to join with the previous speakers in paying my respects to the memory of the late Fernand Fafard. By his integrity, his honesty and his enthusiasm he endeared himself to the people of his constituency, and they elected him at six general elections. I was in the other house with him for fifteen years, and was appointed to the Senate at the same time that he came to this body. In my opinion he represented the real mentality of the province of Quebec. He will be much missed: he was one of Quebec's distinguished sons. I join with other honourable senators in extending my sympathy to Mrs. Fafard in her bereavement.

(Translation):

Hon. Paul Henri Bouffard: Honourable senators, I should feel remiss in my duty if I failed to add my tribute to those already expressed to the memory of our lamented colleague, Senator Fafard. If more worthy Quebec representatives than I cannot express their sympathy here this evening, it is because they will attend the funeral of our late friend tomorrow morning.

I am not surprised to hear a large number of senators say that they will miss Senator Fafard.

I accompanied the remains of our late colleague to his favorite home, in his electoral division of L'Islet, in his beloved section of the country; a large number of his constituents, sad and weeping, came to pay their respects.

Although he had left L'Islet, he returned there each summer.

I had the good fortune to number myself among the recipients of his valuable advice, based on his long experience, which he dispensed freely in a humble and generous way; indeed, he made you feel as if you were doing him a favour by accepting his counsel. Not only was Senator Fafard gifted with good judgment, but he was also a marvellous host. During the summer, I had an opportunity of passing his home frequently at L'Islet, in the lower St. Lawrence district, and he would be aggrieved if I failed to stop. He liked to welcome his friends and to listen to them. He was anxious to know their views. In return, he gave them useful advice.

We, from Quebec, will sadly miss Senator Fafard. We shall miss his experience, his hospitality and his sound counsel. But this is life and we must make the best of it.

I wish to express to his worthy and distinguished wife my deepest sympathy.

(Text):

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the Committee's reports Nos. 346, to 364, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING— DEBATE CONTINUED

The Senate resumed from Thursday, May 12, the adjourned debate on the motion of Hon. Mr. Euler for the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. Salter A. Hayden: Honourable senators, the principle of this bill directs the attention of the Senate to a very important question and one which, in affecting the Senate, affects thereby one of the legislative bodies which make up the Parliament of Canada. It is a serious as well as an important question, having to do with the increasing number of vacancies which have occurred in this body. Unfortunately, even since this bill was introduced we have had occasion, this evening, to note the loss of another member of our body, which brings the number of vacancies to twenty-two. This number, compared with a full representation of one hundred and two, represents a very substantial reduction of membership in a body which, even when filled in accordance with the requirements of our constitution, is not very large.

So far as the principle is concerned, I think it is an important one, and the sponsor of the bill is to be commended for having brought up the matter for public discussion and the expression of the views of the Senate, because it affects senators themselves in a very particular way. As these vacancies mount and the public press faithfully records their increasing numbers, there is a growing public tendency toward disparaging comment on the Senate, to the effect that under these conditions it cannot properly function and perform its duties. In the end this reflects upon the dignity and the usefulness of the Senate as a legislative body. If, in fact, 80 members constitute a sufficient representation for the performance of the public duties for which the Senate is responsible under our constitution, then we should face the issue and take some positive action towards providing for a Senate consisting of 80 members. That was not the notion or the idea that moved those who took part in the drafting of the constitution and its provisions for a Senate with a fixed numerical representation.

It seems that a special plan was followed in formulating the various qualifications concerning the setting up of the Senate. Four great divisions of Canada are provided with equal numerical representation in this house —Western Canada, Quebec, Ontario and the

Maritimes. There is a separate and additional provision for representation from Newfoundland. These territorial divisions for representation in this house were undoubtedly designed to provide one legislative body in the Parliament of Canada where equal representation and voice could be given during consideration of any legislative measure that might affect minority rights—whether racial, religious or of any other kind—arising by reason of whatever wind of popular fancy happened at that moment to be blowing through the elected House of Commons.

Maintenance of a large number of vacancies has persisted for a period of some twenty or twenty-five years, and we should at this time face the issue and decide whether the original plan of those who provided the constitution of the Senate of Canada is still required for the proper functioning of our Parliament, or whether a reduced membership in this house with equal recognition to the various parts of Canada would serve the purpose. I say that we should face this issue now, so that the public might retain their confidence in this legislative body and feel that it is perfectly capable and willing to carry out its duties.

There are two questions involved here. One turns on the ability of the Senate to do its job, and the other turns on the acceptance by the public—in some measure, an uninformed public—of the idea that the Senate with reduced numbers can effectively perform its functions.

In my view the second question is just as important as the first, for the continued successful functioning of the Senate is dependent upon some measure of public confidence as well as public interest in the Senate.

We do not get anywhere by attempting to excuse ourselves for inaction. We do not get anywhere by looking the other way and saying that there is no problem, for there is indeed a very serious one and it affects the well-being of the Senate and its standing in the public mind of Canada.

Honourable senators, having said that, I should like to turn to some of the other political and national questions which are provoked by the principle of this bill. Some of the present vacancies have persisted for possibly five years. A study of the record in respect of those provinces where some of those vacancies of that duration exist will show, I think that some subsequent vacancies have been filled.

The sponsor of the bill (Hon. Mr. Euler) told us that one vacancy has continued for at least seven years.

Hon. Mr. Euler: Nearly seven years.

Hon. Mr. Hayden: Nearly seven years. If failure to make the particular appointments is embarrassing to the Governor in Council, the advisers of the Governor General in Canada or the Prime Minister of Canada, my feeling is that by this time the embarrassment must have become chronic. If under the present system some vacancies cannot be filled within five years, and this leads to embarrassment, it would seem to be time to take positive and affirmative action to provide for a system that would avoid such embarrassment and the kind of situation we have in the Senate at this time. In any event, this discussion, to the extent that it will provoke the thinking of the people as to what should be done, having regard to their constitutional right to have 102 members in the Senate, will have accomplished a useful purpose, even if nothing more comes out of it. On that phase I shall have something further to say in a few moments.

Honourable senators, I am merely expressing my own views on this subject. However, as a senator I do feel quite keenly about it. I was made more conscious of the importance of the subject tonight when we were expressing our respects to the late Senator Fafard and our regrets at his passing. Our late colleague and I came to the Senate together, in February of 1940, and an occasion like this makes one realize the passage of time. I have always enjoyed my association in the Senate, and I have learned to appreciate fully the real function and purpose of this body and its importance in the legislative scheme of things. Therefore I am extra sensitive, shall I say, to anything that might reflect in the public mind, rightly or wrongly, on the usefulness of the Senate, such as even the merest suggestion that the ability of the Senate to function properly is impaired because of failure to keep its strength up to the numbers required by the constitution.

Honourable senators, in my opinion the position of the Senate will not be improved by delaying consideration of this question. Sooner or later it will have to be faced and some action will have to be taken. In these circumstances I turn my attention to a study of the bill before us. I was urged on to most favourable consideration of this measure because of one of the factors I have mentioned, namely, the public interest, which is so important if the Senate is to continue to function as a legislative body in our scheme of Parliament. The work of the Senate is substantially committee work, and when a number of committees are sitting the problem of small attendance, on account of 22 vacancies in the Senate, becomes more and more acute. If we must carry on with 80 members instead of 102 I think we should

proceed to reorganize our committee system into one suitable for a membership of 80 instead of 102. Let us be realistic about it.

In considering the legal aspects of the question, I looked first at the provision in the Act requiring the Governor General to appoint senators to fill vacancies. The language is mandatory; it says "shall". Now, it does not say "shall forthwith", it says "shall". In my view, the interpretation most likely to be given to that language, if it ever became the subject of interpretation, would be, "shall within a reasonable time after the vacancy occurs make an appointment to fill that vacancy". When I examine the language of the bill, the only difference I can find between the provision in the constitution and the provision in the bill is that instead of saying "the Governor General shall within a reasonable time" fill vacancies, the bill says "the Governor General shall, within six months" do so. Based on the little experience I have had in matters of interpretation I am inclined to the view—and I think the courts would be inclined to hold—that the six months limitation provided by the bill is a reasonable time.

Honourable senators, having got that far in my rationalization of the subject, I have to face this question: Am I going to pile frustration on futility? The provision in the constitution at the present time has permitted a system to develop over a period of 25 years by which, constantly and persistently, a substantial number of vacancies have occurred. I think possibly the number of vacancies at this time has reached a high-water mark.

Hon. Mr. Euler: There were twenty-three in the last Parliament.

Hon. Mr. Hayden: Then it is approaching a high-water mark.

If the provision in the constitution has not resulted in the filling of these vacancies, what is the hope that a change in wording, and the six months limitation, would be more likely to bring it about? And if there were failure to make an appointment within six months, what would be the consequences? Under the constitution as it stands, no legal sanction can be invoked for failure to fill a vacancy in the Senate within a reasonable time.

Hon. Mr. Euler: May I ask my friend a question? Not being a lawyer, I would like to be informed on this point. My friend has stated that under the provisions of the constitution as it now stands it is practically mandatory to make appointments within a reasonable time. With that in view, does he think that application could be made to a court for a mandamus to have senators appointed?

Hon. Mr. Hayden: I had proposed to deal with that, but I will try to answer my friend now. I know of no provision in law under which an application could be made for a mandamus against the Crown for failure to proceed under this section of the British North America Act. As I stated, I am unable to find in the constitution any legal sanction that can be invoked for failure to fill a vacancy. If the present system is to be changed it must be by force of public opinion, and there must be the sort of expression of opinion which has been given in this debate thus far. I think it is important that we should express our opinions in this regard, because if we are satisfied to sit back, if we are satisfied to make excuses for inaction, then we are contributing to an increasing volume of public opinion which may hold the Senate in disregard, as an unimportant body whose membership should be permitted to wither away.

After reaching that stage in my comparison of the bill and the present provision in the constitution, I then came to the most disturbing feature of the whole thing, as far as I am concerned, and I said to myself, "What then is the course of action that should be taken?" Honourable senators, I shudder to think what public reaction would be if an announcement were made that the Senate of Canada, on a recorded vote, expressed itself against the principle enunciated in this bill, which merely requires that vacancies in the Senate shall be filled promptly. Having regard to that enunciated principle, I could not interpret a recorded vote against this bill as anything less than evidence that the senators who voted against it were not in favour of filling vacancies in the Senate within a reasonable time. That is what gives me concern.

Honourable senators, that is my sincere view. I hope the members of this house will credit me with sincerity, for I have never yet expressed a viewpoint here that was not sincere.

The important consideration, in my view, is what the reaction of the public, informed or otherwise, would be if the bill were rejected in the Senate. So far as the legal aspect is concerned, except for implication contained in the specific limitation "within six months", as against "within a reasonable period"—which I think is inherent in the present provision of the constitution—I do not see enough difference between the two to justify putting an equally ineffective and unenforceable provision in the constitution in the place of the one already there. That is the rationalization that I have done, and I have tried to give my reasons; indeed I felt

it necessary to do so at this time. What course I shall follow is my own privilege, and I shall not try to persuade anyone to follow the course that I may take. That course will manifest itself if the motion for second reading goes to a vote. What conclusions other members of this chamber may reach as the result of what I have said, or from their own rationalization, is a matter for them. Whichever way one looks at the bill the implications are very serious, and I am fearful of the reaction of the uninformed public. I am not now arguing the matter as a question of logic, but I am asking what would be the public reaction if the news were published that the Senate of Canada had voted against a bill providing that appointments to the vacancies in the Senate shall be made within a period of six months after their occurrence.

Hon. Mr. Farris: I should like to ask my honourable friend if he has given consideration to the constitutional question.

Hon. Mr. Hayden: My friend has raised a point that interests me. In the beginning let me say that this might be an opportunity for making another speech, but my answer will be short.

I read the speech my honourable friend made in this chamber a few days ago on this subject, in which he hinted at certain constitutional aspects involved, but he did not venture very far out on the constitutional limb. His course was, I think, a rather upright one, in the sense that he was almost getting his head into the clouds, whether he said so or not, and was attempting to look down upon this scene from the point of view of a statesman.

Hon. Mr. Howard: A good deal like your own speech.

Hon. Mr. Hayden: I have tried to be more practical in my presentation, notwithstanding the comment of the senator from Wellington (Hon. Mr. Howard), whose facetiousness I enjoy at all times.

So far as the constitutional aspect is concerned, the Parliament of Canada undoubtedly has power to amend the constitution in respect of matters within the jurisdiction of Parliament. However, I would qualify any opinion I express by saying that more mature deliberation might bring forth an additional statement. Having regard to the course of government thinking in respect to amendments to the constitution over the past five or six years, I would say that an amendment such as that sought by this bill could be justified equally as well as other amendments, some of which were passed by the Parliament of Canada since we declared and took onto ourselves the power to do that in federal matters.

That may not answer satisfactorily the question put by the senator from Vancouver South (Hon. Mr. Farris), but it is the only answer I propose to give him at this time. I am somewhat in the position of the pupil attempting to advise the master. To do that one must proceed with caution and due humility, and always with reservation and qualification, so that if afterwards the advice given proves to be not entirely sound, one can always say, "Yes, but I qualified the opinion I expressed."

Hon. Mr. Aseltine: May I ask a question? Does the honourable senator by implication or otherwise suggest that the sponsor of this bill (Hon. Mr. Euler) should withdraw the bill?

Hon. Mr. Euler: Oh, no!

Hon. Mr. Hayden: I do not know that I should answer that question. However, let me say that the sponsor of the bill gave serious thought to it before he introduced it. On other occasions and in respect of other legislation for many years not very well received in this house, the same honourable senator also gave equally thorough consideration. It is not for me to suggest to him that he should withdraw his bill. That is a decision which he himself will have to make, and until he makes it and announces it, my course of action is something which I myself shall determine. Let the sponsor of the bill make his own decision in respect of matters that affect him.

Hon. Mr. Campbell: May I ask a question? Does the honourable senator from Toronto (Hon. Mr. Hayden) seriously suggest that the proposed amendment to the British North America Acts, to impose a limitation of six months, would not put a greater responsibility on the Governor in Council to fill senate vacancies?

Hon. Mr. Hayden: Having due regard to the use by my friend of the word "seriously", I am giving the matter serious consideration and express the opinion that whether the limit is "six months" or "within a reasonable time", the responsibility on the Governor in Council to make the appointments is equally clear. It is an obligation, it is mandatory, and no provision is made in the event of his failure to make appointments. If he fails to make an appointment there is no sanction; but whenever he does make an appointment it is a good appointment. The problem is that the making of appointments is a function of the Crown. I have not in my thinking been

able to reach any conclusion as to how a substitute can be found for the Governor in Council. If the Governor in Council is not to make appointments, then who is to make them? Frankly, I do not have the answer to that question.

On motion of Hon. Mr. Kinley the debate was adjourned.

HISTORIC SITES AND MONUMENTS BILL

MOTION FOR SECOND READING—
DEBATE ADJOURNED

Hon. Charles G. Hawkins moved the second reading of Bill 182, an Act to amend the Historic Sites and Monuments Act.

He said: Honourable senators will recall that two years ago the Historic Sites and Monuments Board was placed on a statutory basis. At that time provision was made for a board of twelve members, ten to be appointed by the Governor in Council representing each of the provinces, the other two being the Dominion Archivist and the Chief Curator of the National Museum. It was further provided that the chairman should be appointed by the Governor in Council, that members would hold office for periods not exceeding five years and that any retiring member might be eligible for reappointment.

The board, which meets each year, performs an advisory function only. The implementation of its recommendations is subject to the approval of the minister and to funds being voted by Parliament. The board's powers and duties are to receive and consider recommendations respecting the marking or commemoration of historic sites, the establishment of historic museums and the administration of such places, and to advise the minister in carrying out his duties under the act.

Before proceeding to explain the changes in the act proposed by the legislation before us, I am sure that honourable senators will agree that the efforts and work of this board deserve the highest commendation. Joseph Howe once said:

> A wise nation fosters national pride and love of country by perpetual reference to the sacrifices and glories of the past.

I am sure that we all agree with this philosophy. In my belief, however, there is a tendency to emphasize the significance of the role played by a few famous people without sufficient consideration being given to the roles of many ordinary citizens whose fortunes did not lead them into a position where their valour was questioned or their leadership put to the test. By this I do not wish to minimize the magnificent work of such great men as Champlain, Wolfe, Montcalm, Brock, Macdonald, Laurier or a host of countless others whose names have become household words, and who have played such important roles in the initial stages of our country's development. I do wish, however, to say that our greatness is just as much due to the industry, virtue and endurance of thousands of individuals whose endeavours are not recorded in history and whose final resting place may for ever be unknown to those of us who are the beneficiaries of their honest toil. Lord Carnarvon, who was Secretary of State for the Colonies at the time of Confederation, expressed this very eloquently when he said:

> Individuals pass swiftly like shadows across the normal scene, but the life of the state is a long one; that which to the individual is so long is to the state a very short affair. Party politics may seem to divide us; statesmen may make trying demands; but in spite of all, these individuals may do much.

I think it is significant and quite appropriate that the administration of the Historic Sites and Monuments Board should be under the aegis of the Minister of Northern Affairs and National Resources. While our frontiers are being pushed back to the west and north it is appropriate in this progression that we should mark for succeeding generations the course by which we are managing to bring this rich land of Canada to a place of preeminence in the world of today.

The actual changes proposed by the bill are simple. The first amendment comprises a broadening of the definition of "historic place". Since the act was passed a good deal of thought has been devoted to the question of preserving buildings and structures which would form living memorials to the past and which would generally be of more interest and value to the Canadian people than some sites, however well marked, where some celebrated structures formerly stood. Some of the buildings that may be considered by the board from time to time may be of very great interest because of their age or because of the architectural design used in their construction. They may be excellent examples of a particular period or style of architecture which would be of significance in illustrating the cultural development of Canada in different areas over the years. In fact, the Royal Commission on Arts, Letters and Sciences recommended that this type of structure be preserved for these reasons wherever it was possible. The present definition of "historic place" is not broad enough or appears to preclude consideration of buildings that have no particular association with an historic event or personage and buildings that are of interest because of age or design alone would, therefore, seem to be excluded. As I pointed

out earlier, however, it is important to remember that the way of life of the early pioneers who laid the foundation of this country also merits recognition in the story of Canada. It is, therefore, proposed to amend the definition so that consideration could be given such buildings and if justified, action might be taken to preserve them.

The second amendment touches the matter of representation on the board. At the present time the Act provides for a representative from each province. However, as the provinces of Ontario and Quebec are the largest in Canada in extent and as they were both settled very early in Canadian history, the volume of work arising from them is naturally much greater than in the case of the other provinces. It has become apparent that the present situation is not satisfactory and it is, therefore, proposed at this time to provide for an additional member to represent each of these two provinces. While I hope that honourable senators will forgive the digression and also recognize the reason for these additional members being appointed to the board, I would not be true to my native province if I did not remind the house that the earliest white settlements were established on the Bay of Fundy in Nova Scotia by Champlain. Indeed descendents of this hardy band of settlers will celebrate this year the 200th anniversary of one of the most unfortunate incidents in our history, the expulsion of the Acadians from the country which they had struggled so hard to develop and maintain.

Returning, however, to the composition of the Historic Sites and Monuments Board, one other minor change is contemplated at this time. Under the present act the Chief Curator of the National Museum is an *ex officio* member of the board. While the present incumbent of this position has knowledge and experience which is of particular value to the board, the duties of the position do not necessarily require this. It is, therefore, deemed practical that the minister should be able to designate, as a member, whichever officer of the department can be of most assistance to the board.

The third and final change concerns the basis of payment, to members of the board appointed by the Governor in Council, of their fees and expenses. Prior to the passing of the present act members of the board held an honorary status for which they drew a daily allowance when on duty and were reimbursed in respect of transportation expenses. When the present act was enacted it provided that members be paid a fee for each meeting of the board and that they should be reimbursed for their actual living and travelling expenses incurred on the board's business. There is now a unanimous wish by members of the board to return to the former basis. They feel that although the board is now established by statute that the work itself is of an honorary nature and that they should not be paid a fee of any kind. In response to this request this change is being made. Under the arrangements existing prior to the act and to which they are now returning, each member received a living allowance of $15 per day when on duty. This was found inadequate and was increased to $20 a day when on duty for the board in addition to which they received transportation expenses. This is a reasonable suggestion and it is estimated that the cost of the proposed new basis would represent a very small increase, if any, over the present system.

Finally, reference is made to the proposed provision for a stenographic allowance of $75 per year to the chairman and $30 a year to the other members. Provision of a stenographic allowance of $30 a year was in effect before the passage of the present act.

I am sure that honourable senators may wish to ask a number of questions and it is, therefore, my intention, when second reading is given, to move that the bill be considered further in committee. I believe that the bill is sound in principle, and I commend it to the house for favourable consideration.

Hon. Thomas A. Crerar: Honourable senators, there are one or two observations I would like to make on this bill. Before doing so however, could the Leader of the Government in this house (Hon. Mr. Macdonald) indicate to us what department it is proposed to have this board come under?

Hon Mr. Macdonald: The Department of Northern Affairs and National Resources.

Hon. Mr. Crerar: It is not mentioned in the bill.

Before the Department of Mines and Resources was reorganized some years ago into two or three departments, the administration of the Historic Sites and Monuments Board was in that department.

The former definition of "historic place" reads as follows:

> A historic place means a site, building or other place of national historic interest or significance . . .

The amendment proposed here widens that definition, and, it appears to me, widens it rather indefinitely. The new definition is this:

> Historic place means a site, building or other place of national historic interest or significance,

Honourable senators will recognize that the words I have just quoted form the present definition. The amendment adds these words:

> and includes buildings or structures that are of national interest by reason of age or architectural design . . .

That may be all right. But in my judgment it tremendously widens the application of the bill and, if I am not mistaken, will bring down upon the department a flood of applications for recognition of buildings which have, perhaps, no more than a peculiar architectural design or are recommended by reason of their age. I think we should go rather cautiously about widening the present definition. When the bill goes to committee, as I assume it will,—

Hon. Mr. Macdonald: The mover has proposed that it should.

Hon. Mr. Crerar: —that is a point on which I think we should get some information. Though it is of much importance to maintain historic sites and monuments and to mark places of historic significance, the practice may become so common and so general that its real significance and intention will be lost. That is a matter we should watch rather jealously and carefully.

So far as the other amendments are concerned, they seem to me to be quite in order. The board is enlarged from nine members, one representing each province, to fourteen, two of the five will represent Ontario, and two Quebec; and the Dominion Archivist is added to the board.

The proposals for expense allowances seem to me unobjectionable. Under the provisions of the act which this bill is to amend, members of the Historic Sites and Monuments Board hold honorary positions, and they receive only their travelling and hotel expenses when the board has occasion to meet at Ottawa or at some other point. This method involves some work in the recording of expenses, so it is proposed to change the practice and allow the members of the board, for the purpose of attending meetings, $20 per day and actual travelling expenses, that is, the railway fare and presumably meals while on the trains. As I say, that is merely a procedure to simplify matters, and I can see no objection to it. The only point in which I am really interested is the change in the definition of "historic place".

On motion of Hon. Mr. Haig the debate was adjourned.

PRISONS AND REFORMATORIES BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill B-13, an Act to amend the Prisons and Reformatories Act.

He said: Honourable senators, this bill proposes to amend the Prisons and Reformatories Act, with particular application to the province of New Brunswick. Before discussing its provisions in detail, probably I should refer to the fact, which may astonish some honourable members, that a measure which relates to prisons and reformatory institutions operated by a provincial government should be the subject-matter of legislation by this house.

Head 27 of section 91 of the British North America Act, gives to the Parliament of Canada exclusive legislative authority in respect of the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters. Head 28 gives to Parliament exclusive legislative jurisdiction in relation to the establishment, maintenance and management of penitentiaries. On the other hand, head 14 of section 92 provides that the provincial Legislature may exclusively make laws in relation to the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction and including procedure in civil matters in those courts.

Parliament has provided in section 634 of the Criminal Code that a person who is sentenced under an act of the Parliament of Canada to imprisonment for life or for a term of two years or more shall be sentenced to a penitentiary. A person who is sentenced under such an act to imprisonment for a term less than two years is required to be sentenced to imprisonment in a prison or place of confinement other than a penitentiary, that is to a provincial institution.

It is not enough, however, for the Criminal Code or any other act of the Parliament of Canada to provide that a person who is convicted of an offence and is sentenced to imprisonment for less than two years shall be sentenced to a place of confinement other than a penitentiary. It is necessary to make provision for the courts to commit such persons to particular provincial institutions and to authorize the keeper of the institution to detain them in lawful custody. Provision must also be made for the transfer of inmates between institutions. The conditions under which inmates are to be employed inside and outside the prison must be established, and provision must be made for the maintenance of discipline within the prison. All

these matters and others relating to the custody of inmates in provincial penal and reformatory institutions are dealt with in the Prisons and Reformatories Act, which it is now proposed to amend.

The act goes further and has particular provisions relating to institutions in each of the provinces of Canada such as reformatories, industrial farms and industrial schools, all of which are operated and maintained by provincial governments or municipalities.

Particular provisions governing the custody in New Brunswick provincial institutions of persons convicted under the criminal law of Canada are to be found in Part V of the Prisons and Reformatories Act. At the present time adult offenders in New Brunswick can be sentenced for periods of less than two years only to gaols maintained and operated by municipalities, commonly known as "county gaols". In February of this year the Attorney General of New Brunswick wrote to the Minister of Justice as follows:

> This province is in the course of modernizing its penal system. We plan on erecting a central penal institution to be known as the New Brunswick Central Reformatory and it is hoped that the institution will be ready for partial occupancy, at least, during the latter part of this year.
>
> The province is also assuming regulation of the county gaols, and in some cases is closing existing county gaols which are insecure or which, for other reasons, such as health and safety, it is considered undesirable to keep open.

In order to carry out these plans the Attorney General of the province of New Brunswick has requested Parliament to pass the amendments which are now before this house.

Presumably the New Brunswick Central Reformatory will be a modern type of institution where up-to-date principles of penology are applied with a view to effecting the rehabilitation and reform of inmates. I think all honourable senators will agree that since, as the Attorney General of New Brunswick says, his province has embarked on a course of modernizing its penal system, the Parliament of Canada should do everything it can to assist in this laudable undertaking.

The other purpose of this bill is to vest authority in a parole board, provincially appointed, to release inmates of the Boys' Industrial Home at any time during their confinement. That is an institution designed for the custody, care, and treatment of juveniles, that is, boys under the age of sixteen years who are convicted of offences under the criminal law, and is located on Bayside Drive in Saint John, New Brunswick. It was first opened in 1893, and has a normal capacity of sixty. Its average population in recent years has been between fifty to sixty.

Hon. Mr. Roebuck: Does the granting of that power to the parole board set aside the authority of the Remissions Branch or does that branch also function?

Hon. Mr. Macdonald: I had intended coming to that point later, but I can answer the question now. At the present time in the province of New Brunswick it is necessary to make application to the Remissions Branch under the Ticket of Leave Act, but if this bill comes into effect the parole will be granted by the board that is set up in that province.

Hon. Mr. Roebuck: Exclusively?

Hon. Mr. Macdonald: Exclusively. At the present time there are boards similar to this in the provinces of Ontario and British Columbia. As the honourable senator knows, the parole board in Ontario deals with these questions exclusively.

Hon. Mr. Aseltine: If this legislation is passed will it apply to all provinces in Canada?

Hon. Mr. Macdonald: No. The provisions contained in these amendments will apply merely to the province of New Brunswick. Probably I should say further, in reply to the question of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), that the bill proposes that a local parole committee, to be appointed by the Lieutenant Governor in Council, shall have jurisdiction to authorize the release of boys from the institution at appropriate times during the course of their detention, upon general conditions to be laid down by the Minister of Justice. Once those conditions are laid down, then the parole board will function apart from the federal Department of Justice.

I intended to read in part another letter which the Attorney General of New Brunswick had written, setting forth in more detail his plans in respect to this home. Perhaps it is sufficient to say that he has also requested that the bill be amended so that the parole committee can be set up by the Lieutenant Governor in Council of that province.

Hon. Mr. Reid: Did I understand the Leader of the Government to say that this bill is designed solely in the interests of the province of New Brunswick and will not affect the other provinces?

Hon. Mr. Macdonald: This bill will only affect New Brunswick, but the other provinces can apply—and some provinces have applied —to have a similar bill passed.

I think honourable members will agree that this is a forward step by the province of New Brunswick, and I am sure that we

all encourage our provinces to take forward steps in connection with the treatment of young lads who find themselves in trouble. There must be some punishment for them, of course, but there must also be rehabilitation. That is what the Province of New Brunswick has in mind in requesting this house to pass the bill.

Hon. Mr. Haig: Question!

Hon. Mr. Reid: There are boys in industrial homes in every province, and there must be an act under which these institutions are governed.

Hon. Mr. Macdonald: Yes, there is one, for instance, in the province of British Columbia. The parole board in that province comes under separate provisions of the act as it is now stands. However, the provisions in that respect do not at the present time prevail in the province of New Brunswick.

Hon. Mr. Reid: I see.

Hon. Mr. Macdonald: The purpose of this bill is to bring those provisions into effect in New Brunswick.

Hon. Mr. Isnor: This measure will not affect Dorchester Penitentiary in New Brunswick?

Hon. Mr. Macdonald: No. This legislation will not affect penitentiaries: they are under dominion jurisdiction. Remissions, in so far as they apply to penitentiaries, still come under the Remissions Branch of the Department of Justice. In fact, as Solicitor General, those applications come before me.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Haig: Next sitting.

Hon. Mr. Reid: Will the bill be referred to a committee?

Hon. Mr. Macdonald: I have no objection to the bill going to committee. An honourable senator has suggested—

Hon. Mr. Haig: It affects just one province.

Hon. Mr. Macdonald: As I have said, I have no objection to the bill going to committee, but an honourable senator suggested that third reading be given at the next sitting. I suggest, therefore, that the bill be read the third time at the next sitting.

Hon. Mr. Roebuck: The bill seems most commendable, and perhaps it is not necessary to send it to a committee.

DIVORCE BILLS

SECOND READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill D-13, an Act for the relief of Mary Matilda Getto Paquin.

Bill E-13, an Act for the relief of Ruth Nourse Tomlinson Wilson.

Bill F-13, an Act for the relief of Joseph Henri Marcel Giguere.

Bill G-13, an Act for the relief of Edith Isabella Bond Brown.

Bill H-13, an Act for the relief of Yolande Joos Thompson.

Bill I-13, an Act for the relief of Norva Florence Lemon Farley.

Bill J-13, an Act for the relief of Freda Marie Johnston Storey.

Bill K-13, an Act for the relief of Jack Beattie Thompson.

Bill L-13, an Act for the relief of Florence Mary Ann Meakin O'Ranski.

Bill M-13, an Act for the relief of Theophile Kulczycki.

Bill N-13, an Act for the relief of William Michael Grayburn.

Bill O-13, an Act for the relief of Katharine Leitner Bouchard Frankenburg.

Bill P-13, an Act for the relief of Clara Gaetan Milot Fullterton.

Bill Q-13, an Act for the relief of Lily Shenker Silverton.

Bill R-13, an Act for the relief of Alsye May Lissemore Masterson.

Bill S-13, an Act for the relief of Sylvia Knelman Wiseman.

Bill T-13, an Act for the relief of Sara Beiss Stein.

Bill U-13, an Act for the relief of Veronica Vera Bordenuik Reidt.

Bill V-13, an Act for the relief of George Gerald Melville Scally.

Bill W-13, an Act for the relief of Joseph William James Tanney.

Bill X-13, an Act for the relief of Aline Mailloux Simoneau.

Bill Y-13, an Act for the relief of Margaret Violet Oswald Nicol MacIver.

Bill Z-13, an Act for the relief of Irving Umansky.

Bill A-14, an Act for the relief of Veronica Forrester Rose Kennedy.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, May 18, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PRIVATE BILLS

WESTSPUR PIPE LINE COMPANY—COMMONS AMENDMENT

A message was received from the House of Commons returning Bill N-9, an Act to incorporate Westspur Pipe Line Company, and acquainting the Senate that they have passed this bill with an amendment, to which they desire the concurrence of the Senate.

The amendment was read by the Clerk Assistant as follows:

Page 1, line 29: Immediately after the word "hydrocarbons" insert the following:

"Provided that the main pipe line or main pipe lines for the transmission of gaseous hydrocarbons shall be located entirely within Canada".

The Hon. the Speaker: Honourable senators, when shall the amendment be taken into consideration?

Hon. Mr. MacKinnon: With leave, I would move that the amendment be concurred in now. It speaks for itself.

Hon. Mr. Reid: What is the hurry? Why not next sitting?

The Hon. the Speaker: The motion is that the amendment be taken into consideration now, with leave of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Mr. Reid: No.

The Hon. the Speaker: There not being unanimous consent for the motion, consideration next sitting.

TRANS-BORDER PIPELINE COMPANY LTD.—REPORT OF COMMITTEE

Hon. T. A. Crerar, Acting Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill Z-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (Z-12) intituled: "An Act to incorporate Trans-Border Pipeline Company Ltd.", have in obedience to the order of reference of May 10, 1955, examined the said bill and now beg leave to report the same with the following amendment:

Page 2, line 19: After the word "Canada" insert "construct".

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Crerar: Next sitting.

GILLESPIE MORTGAGE CORPORATION—REPORT OF COMMITTEE

Hon. Mr. Crerar presented the report of the Standing Committee on Banking and Commerce on Bill A-13.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (A-13) intituled: "An Act to incorporate Gillespie Mortgage Corporation", have in obedience to the order of reference of May 11, 1955, examined the said bill and now beg leave to report the same with the following amendment:

Page 1, lines 17 and 18: Strike out the words "five hundred thousand", and substitute therefor the words "one million".

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Crerar: Next sitting.

DOMINION OF CANADA GENERAL INSURANCE COMPANY—REPORT OF COMMITTEE

Hon. Mr. Crerar presented the report of the Standing Committee on Banking and Commerce on Bill W-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (W-12) intituled: "An Act respecting The Dominion of Canada General Insurance Company", have in obedience to the order of reference of May 10, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Crerar: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

CANADIAN UNION CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS—REPORT OF COMMITTEE

Hon. Mr. Bouffard, Chairman of the Standing Committee on Miscellaneous Private Bills, presented the report of the committee on Bill Y-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Miscellaneous Private Bills, to whom was referred the Bill (Y-12) intituled: "An Act to incorporate The Canadian Union Conference Corporation of Seventh-day Adventists", have in obedience to the order of reference of May 10, 1955, examined the said bill and now beg leave to report the same with the following amendment:

Page 4, line 8: After the word "Corporation" where it first appears in the line, strike out the words "as the Corporation may determine" and insert the following words " and the Corporation shall perform and discharge all of the obligations and liabilities of the two Corporations mentioned in the preceding section with respect to such trusts."

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Reid: Next sitting.

Hon. Mr. Bouffard: Next sitting.

PRISONS AND REFORMATORIES BILL

THIRD READING

Hon. W. Ross Macdonald moved the third reading of Bill B-13, an Act to amend the Prisons and Reformatories Act.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE BILLS

THIRD READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill D-13, an Act for the relief of Mary Matilda Getto Paquin.

Bill E-13, an Act for the relief of Ruth Nourse Tomlinson Wilson.

Bill F-13, an Act for the relief of Joseph Henri Marcel Giguere.

Bill G-13, an Act for the relief of Edith Isabella Bond Brown.

Bill H-13, an Act for the relief of Yolande Joos Thompson.

Bill I-13, an Act for the relief of Norva Florence Lemon Farley.

Bill J-13, an Act for the relief of Freda Marie Johnston Storey.

Bill K-13, an Act for the relief of Jack Beattie Thompson.

Bill L-13, an Act for the relief of Florence Mary Ann Meakin O'Ranski.

Bill M-13, an Act for the relief of Theophile Kulczycki.

Bill N-13, an Act for the relief of William Michael Grayburn.

Bill O-13, an Act for the relief of Katharine Leitner Bouchard Frankenburg.

Bill P-13, an Act for the relief of Clara Gaetan Milot Fullterton.

Bill Q-13, an Act for the relief of Lily Shenker Silverton.

Bill R-13, an Act for the relief of Alsye May Lissemore Masterson.

Bill S-13, an Act for the relief of Sylvia Knelman Wiseman.

Bill T-13, an Act for the relief of Sara Beiss Stein.

Bill U-13, an Act for the relief of Veronica Vera Bordenuik Reidt.

Bill V-13, an Act for the relief of George Gerald Melville Scally.

Bill W-13, an Act for the relief of Joseph William James Tanney.

Bill X-13, an Act for the relief of Aline Mailloux Simoneau.

Bill Y-13, an Act for the relief of Margaret Violet Oswald Nicol MacIver.

Bill Z-13, an Act for the relief of Irving Umansky.

Bill A-14, an Act for the relief of Veronica Forrester Rose Kennedy.

The motion was agreed to, and the bill were read the third time, and passed, on division.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING—DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Euler for the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. John J. Kinley: Honourable senators, in rising to speak on the motion for second reading of this bill, I think it is well, for the purpose of emphasis, to refer to its title: An Act to amend the British North America Acts, 1867 to 1952. It therefore is an Act to amend the constitution of Canada; and as such it is of great importance and should receive careful consideration in all its phases.

I listened with great interest, as I am sure all members of this house who were present did, to the speech of the sponsor of this bill,

the honourable senator from Waterloo (Hon. Mr. Euler). His remarks were clear, concise and he was specific in what he proposed. After listening to his exposition of the facts and the logic of the matter, I would say he made a very strong case, but, on reflection, it occurs to me that what appears on the face of the bill is not all that there is to it. And after considering speeches made by other members of the house also, especially by those who seem to be in favour of the bill, I have come to the conclusion that it would be unwise for the Senate to send such a bill forward to the House of Commons at this time, and as a consequence I intend to vote against the bill.

The sponsor envisages amendment of the constitution of Canada by repealing the present section 24 of the British North America Act and substituting therefor a new section 24 which he considers would make it mandatory to fill Senate vacancies within a certain time after they occur. I believe that a Senate bill having this for its purpose is a wrong approach to the matter. In this view I am supported by one honourable senator, an eminent member of the legal profession.

I think the bill is too blunt and it is, no doubt, futile; moreover, it is not a friendly bill. If the matter is at all urgent it could be better approached by a resolution directed to the Prime Minister and his Government expressing the wishes of this house, telling them what we desire and what we think should be done and asking for their consideration of the matter. For us to pass the bill before us would look as though the Senate wanted to be its own physician, to cure its own ills.

Hon. Mr. Euler: And why not?

Hon. Mr. Kinley: If instead we approached the Prime Minister and the Government we could have a much more friendly discussion of the matter and perhaps come to an amicable settlement of the whole problem.

I personally believe, and in this I think I am supported by some senators who are members of the legal profession, that a bill to amend the constitution of the country, especially one which affects the Senate and the House of Commons, should be a matter of Government policy; and unless it is a matter of Government policy I do not see how it could pass Parliament. If we were to send the present bill to the House of Commons, I am afraid it would become the subject of speeches and opinions that might make us wish we had not sent over there this "take it or leave it" proposition, a bill which would indicate that we are not flexible in the matter, that we want the existing practice changed in our way and no other.

Several lawyers members of the house have made excellent speeches on the bill. I think that debates of this kind are salutary; and if the bill has any real value at all it is in the discussion that it provokes, which brings into the open a matter that could be very troublesome in the future.

The sponsor of the bill was ably supported by the honourable member from Churchill (Hon. Mr. Crerar). I am reminded of the fact that both of them are ex-cabinet ministers, who served long and well in the government of the country. Both had great powers as ministers of the Crown for a considerable period of time. Perhaps that is what has given them the confidence to introduce and support in the Senate a bill that would change the constitution, without first consulting their former colleagues in the other house.

The honourable senator from Toronto (Hon. Mr. Hayden) spoke on the bill last night. He is one of the best debaters in the house, and we usually look to him for leadership in debate, but in this particular case I must say I was disappointed. The honourable gentleman did not really discuss the issues. Instead, he gave us more or less of a lecture and said, in effect, "Now, be careful how you vote on this bill, because if you vote against it you will impair the reputation of the Senate in the eyes of the public." I thought that was rather strange advice to give, but as he continued with his speech I found that he came to no conclusion. He told the house that he did not know whether he was going to vote for the bill or not, because of certain features in it, and he did not know just what to say about them. Here we have a senator, one of our leading legal lights, giving us a little lecture on the bill, and then saying he does not know whether he is going to vote for the bill or not. If I had originally been in favour of the bill, I think that after listening to the speech of the honourable senator from Toronto, knowing him as I do, I would be convinced that he was not very firm in his convictions one way or the other and would conclude that it was my duty to vote against the bill.

The honourable member from Vancouver South (Hon. Mr. Farris) and the honourable member from Toronto-Trinity (Hon. Mr. Roebuck), also made excellent speeches. They paid high tribute to the Prime Minister, describing him as one of the great constitutional lawyers of this country, and as a sincere and resolute man who can be depended upon to lead this country as successfully in the future as in the past. Then,

after praising the Prime Minister in this way, they stated that in the matter of appointment of senators under sections 24 and 32 of the British North America Act he is acting in an improper manner. Evidently there is a difference of opinion between the Prime Minister and these legal lights of the Senate as to what his duty is in this matter. The Prime Minister, they say, is a great constitutional lawyer, whose integrity is not to be questioned. Then is it not fair to assume that he is properly carrying out his duty as he sees it, and that the criticisms one hears at the present time are at variance with what should be done in connection with appointments to this house?

Legal members of both houses—I have listened to many of them during the thirty years I have been in Parliament—invariably look for a precedent and will always quote one if it is available. Have honourable senators noticed that no precedents were quoted in this debate by the lawyer members who favour the bill? Why? Because all the precedents are against them. If the present Prime Minister is wrong, all the others who have held office since Confederation have been wrong. The sponsor of the bill admits, in effect, that that is so, because he says that the present practice has grown up during the years, and it seems now to be the policy of the Government.

Hon. Mr. Euler: And also I condemned it.

Hon. Mr. Kinley: One admission I will make in favour of my honourable friend from Waterloo (Hon. Mr. Euler) is that his speeches are clear and concise; and one knows what he means.

The first appointments to the Senate were made under a section—No. 25, I believe—which has been deleted from the British North America Act. Reading it, one gets the impression that the British Government kept a pretty close tab on those appointments. We realize, from a knowledge of such men as Sir John A. Macdonald, George Brown of Toronto, and Sir George Etienne Cartier, of Quebec, that the first appointments were pretty much a co-operative business, that the members were not drawn from any one party, because various parties entered into the scheme of Confederation. It would seem as though the names of the first appointees were submitted to the Crown and, after review, those chosen became the first Canadian senators.

If the present Prime Minister, the Right Honourable Louis St. Laurent, is acting wrongly in this matter, so did Sir John A. Macdonald, Sir Wilfrid Laurier, Sir Robert Borden, Viscount Bennett, and the Right Honourable W. L. Mackenzie King. Indeed, on this assumption, Mr. Mackenzie King was more guilty than the rest, because he, perhaps more than anyone, took very great pains in selecting persons for appointment to the Upper Chamber.

This is not the only body created by our constitution to which men are appointed by the Governor General on the advice of his ministers. Judges are selected in practically the same way. I do not believe that there are any restrictions on how long a judgeship shall be vacant before a new appointment is made. We often hear complaints that the courts are crowded with cases, the judges are overworked, and there should be more appointments to the Bench, but it is not often that such complaints come from the general public. We believe that we in Canada have excellent law courts and that the judges who preside over them are appointed in the proper way; and if the Government delays the process of selection a little while there is not very much we can do about it. After all, it is a salutary practice to select the best men for judges, and, I believe, our Canadian judges are among the best. The appointments are made by the party in power. At the present time most of them are of adherents of the Liberal party. That is the way it should be. Merit should be rewarded; and those who are eminent in the law, who have given good service to their country, who support and forward the principles of the party in power, are the ones who should be appointed to high positions during the time the Government they support is in office. The same system governs the appointment of senators. The Governor General is required to summon to the Senate suitable persons from time to time, and that has always been done. I am not aware that the quality of the Senate has ever suffered from that practice. We are told that there are now twenty-two vacancies, and that this approaches the high-water mark of unfilled positions. But perhaps that number will not remain unfilled very long.

It has always been one of the privileges and prerogatives of Prime Ministers to name persons to the Senate. It is a common criticism of the Government that it makes party appointments to the Senate, the Bench, and other bodies. But does it not accord with the spirit of responsible government that those in power, while they are in power, shall select those whose duty it is to administer the country's business? To my mind this course is of the very essence of responsible government. The Government in power

makes appointments and is responsible for them; when another administration follows, the duty passes to them.

Hon. Mr. Euler: This bill does not touch that point at all. It has no connection with it.

Hon. Mr. Kinley: The legal aspects of the bill have been discussed by honourable senators who also are lawyers, and I shall not refer to that question except to remark that they assume to base their argument on what is reasonable, and have decided that a proper period within which vacancies should be filled is six months.

What are some reasons for the existing delay? There are in the present House of Commons 265 members, of whom 172 are Liberals, and, presumably, potential candidates for membership of this body. Many of them have spent a long time in public service and proved their merit; and I have no doubt that the Government has a number of them in mind for preferment when the proper time comes. The House of Commons is directly elected by the people for five years, unless it is dissolved sooner by the Governor General, acting on the advice of the Government. It may be difficult for the Prime Minister to take a person from that house and translate him to the Senate, for as a representative of the people in a certain constituency he may be needed in the House of Commons.

The sponsor of the bill reminded us that an amendment to the House of Commons Act in 1919 provided that whenever a vacancy occurred in that house it must be filled within six months, and he said that amendment served as an excellent precedent for his bill that is now before us. I do not see any connection between them. The House of Commons is an elected body, and the Government must maintain its majority there or cease to exist. Therefore, it can be seen that when the numerical strength in that house is evenly divided it might prove a very serious matter to appoint one of its members to the Senate, for a by-election would have to be held within sixty days to fill the vacant seat. Actually this bill would set up an obstacle to appointment of members of the Commons to the Senate.

Hon. Mr. Euler: May I ask my friend if he is not in favour of the policy of appointing members of the House of Commons to the Senate?

Hon. Mr. Kinley: I did not say that.

Hon. Mr. Euler: What you have said comes pretty close to it.

Hon. Mr. Kinley: I think we should be practical about this. In years gone by the majority of Senate appointments were made from the ranks of those who had served well and faithfully in the House of Commons, and I am merely arguing that if the Prime Minister has in mind some member of Parliament whom he wishes to appoint to a certain seat in the Senate, it is reasonable for him to wait until it is convenient to do so.

Hon. Mr. Euler: Might that not take seven years?

Hon. Mr. Kinley: It is not a case of just letting the matter drift. There may be a definite appointment in view and the vacancy is left unfilled until a convenient time. The vacancy that has existed for seven years is the exception that proves the rule.

Hon. Mr. Euler: There have been five vacancies of five years' duration each.

Hon. Mr. Horner: They occurred before the last general election.

Hon. Mr. Kinley: Many honourable senators believe that the numerical weakness of the Opposition in the Senate is disturbing to the Prime Minister. It has been suggested in certain places that a number of Conservatives should be appointed, but is it natural that the Prime Minister would appoint to this high place, the Senate, someone who has opposed his party and friends? However, if the Prime Minister is considering making such appointments in order to try to give more balance to the Senate, we should not make his position more difficult.

The personnel of the Senate is constantly changing. My transportation number when I first came here was 93, and today it is 42. People talk about imposing an age limit on Senators, but when you realize that during the ten years I have been in this house 51 members have passed on, you see that nature looks after the situation fairly well. I believe there is a bill before the House of Commons now to impose an age limit for senators. I would point out that two of the leading statesmen in Europe are over eighty years of age, Chancellor Adenauer of Western Germany and Sir Winston Churchill of Great Britain. I think Chancellor Adenauer is the most progressive man in Europe today. Men and women gain wisdom and judgment as they grow older; and while their bodies may fail, their minds usually remain strong. If people were to judge senators as individuals they would realize that there is much virtue in the Senate of Canada.

It has been argued that the existence of vacancies in the Senate deprives various provinces of their rightful representation in this house, but I do not think any one province is being discriminated against, except perhaps Quebec, which is the home province

of our Prime Minister. More of the vacancies are in the two larger provinces, so when you consider that the Senate was designed to protect minorities and give the smaller provinces strong representation in the affairs of Parliament, there is not much to complain about.

There is no doubt that the Government has its eye on the representation level in this house, and if there is an inequality of representation it does not impair our work. Let those who feel they are being prejudiced come forward and complain to the Government.

In the United States each state, no matter what its size, is represented in the Senate by two members. For instance, the State of New York, which is a big state, has the same representation as the relatively small state of Rhode Island. It can be seen that there was great virtue in the way the Fathers of Confederation designed the provisions which control representation in the Senate. We in the smaller provinces believe that this system of representation assures us that our voice in public affairs will not be drowned out by those who come from more rapidly progressing provinces which are becoming wealthier and more populous.

It is said that the Hon. W. S. Fielding once proposed in the House of Assembly in Nova Scotia that it would be well to let the provinces choose a proportion of the representation in the Senate of Canada. He thought this would strengthen the Senate and result in greater unity between the provinces and the dominion. But would any Government surrender its privilege and right to appoint senators? Governments do not do that sort of thing. Under our constitution the federal government, which represents all the people of Canada, appoints senators, and that system has worked out well.

The Leader of the Opposition (Hon. Mr. Haig), in delivering a friendly speech, said he would not like to see the Prime Minister embarrassed because of the existing difficult situation in the Senate, where the Opposition now consists of only seven members. I do not know just how the problem of the weakness of the Opposition can be settled. The Government elected by the people, appoints the Senate by virtue of the power vested in it by the people. It is natural that the people, having elected a Government to power would want it to make appointments from the viewpoint of the policies of the Government. The Liberal party's long term in office, while it may be detrimental in respect of appointments to the Senate, has proved to be a splendid thing for the country, and I am glad to say that it looks as if that party is going to remain in power for some time.

Some people say that the Senate should be elected. If a majority of the people want to make it an elected chamber, all right, but doing so would throw the whole constitution of Canada out of balance. An elected Senate would be more aggressive than the appointed body has been, and the House of Commons would find that we had become more like the United States Senate. Under our system the House of Commons sustains the Government, and the Government must maintain the confidence of that house or resign. In the United States, although members of the Senate and House of Representatives are elected, members of the Cabinet are appointed by the President. I think our system is a splendid one. The House of Commons is elected, but senators—men and women chosen for their experience and achievements—are appointed, indirectly by the people, to review the legislation of the country and to give advice to the Government.

Honourable senators, we are told that the Senate is short of manpower, because the present 80 members are not sufficient to carry on our business properly. That makes me smile. I would hate to put an expediter in the Senate, as is done in business, to make a report as to whether or not there is a shortage of manpower.

Hon. Mr. Baird: Some of us are not away from the Senate so long as others.

Hon. Mr. Kinley: Many of us come from long distances, especially those of us from the Maritimes.

Hon. Mrs. Hodges: And also those from the West.

Hon. Mr. Kinley: Others, who live nearer, can leave Ottawa Thursday night and come back Tuesday night. We must stand by during the interval, but if every member remained here and worked I do not think there would be any evidence of a shortage of manpower in the Senate. What happens at the beginning of each session? Practically every chairman of a committee moves that its quorum be reduced from 10 to 7, or from 10 to 4, as the case may be. He wants to reduce the quorum so that the committee can do more effective work, but he could say that this objective would be achieved if more members attended the committee's meetings. Certain committees consist of 20 or 30 members, and some of more. When a committee consists of that number and the quorum is reduced to, say, 9, don't tell me we are short of manpower in the Senate. I think we have plenty of senators to carry on. No doubt it would be advisable to have the present vacancies filled. The additional members would be valuable here, and we would like to have

them. However, to pass a bill in this house telling the Government that they must fill vacancies in the Senate within six months seems to me to be doing a little more than we should do as senators.

The honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) made what seemed a novel suggestion. He said that by delaying the filling of Senate vacancies for some years, so many would occur that a new Government coming into office could appoint and fill all the vacancies and thus overwhelm the Senate. Well, this chamber alone could not abolish the Senate; that could only be done by the Senate and House of Commons together. If a House of Commons wanted to abolish the Senate, and you could get senators to come here and vote for its abolition, a state of affairs would obtain, reflected by public opinion, against which no fortifications could stand. I think, however, we need have no fear of that. I feel that at the end of the present Parliament there will be, as always on such occasions, many appointments to the Senate.

Ever since Confederation the appointment of senators has been the prerogative of the Prime Minister. If the Prime Minister, in his wisdom, wanted to select some outstanding persons outside the Liberal party, as was suggested by the Leader of the Opposition (Hon. Mr. Haig), to keep the Opposition in the Senate alive, I think he would have the backing of the country. But do not tell me that just because someone is a big business man, or a doctor, or this or that, he will make a good senator. To appoint a good senator, I think you have to choose a man or woman who has given good public service, in Parliament or elsewhere, and who has the support and respect of the people. In the Senate such a person can render service beneficial to the whole nation.

In closing, may I say to the honourable member from Waterloo (Hon. Mr. Euler) that I return to him the quotation which he said was a favourite of Prime Minister Mackenzie King:

The letter killeth, but the spirit giveth life.

Hon. Mr. Euler: May I ask my friend a question? How would he interpret section 32 of the British North America Act, which says in effect, that when a vacancy occurs, the Governor General shall appoint?

Hon. Mr. Kinley: From time to time.

Hon. Mr. Euler: No, it does not say that.

Hon. Mr. Kinley: I am not arguing the law with my honourable friend, but I have talked to people who are learned in the law on the subject, and they say that is not a serious point at all.

Hon. A. K. Hugessen: Honourable senators, I think we will all agree that the discussion on the second reading of this bill has been carried on on an exceedingly high level, and that some most interesting and instructive speeches have been delivered.

As has been truly said, the bill introduced by my honourable friend from Waterloo (Hon. Mr. Euler) is one of considerable importance, and is necessarily so because it deals with a part of the constitution of this country. Indeed, any measure which purports to deal with our constitution is extremely important and deserves very thorough consideration by this house. I feel that those of us who have made any sort of study of the constitution have a duty to take part in the present debate.

I must say, and in this I am in agreement with I think every speaker who has preceded me, that I was greatly impressed by the speech of the honourable senator from Waterloo in his introduction of this measure. It seemed to me that his remarks were moderate, that they were concise, and that he made a good prima facie case for his bill.

I do not want to appear invidious, but I should like to point in particular to the speeches made last Thursday afternoon by the honourable senators from Toronto-Trinity (Hon. Mr. Roebuck) and Vancouver South (Hon. Mr. Farris), and to say that I think they were outstanding contributions to the discussion. I single them out because in what I propose to say this afternoon I shall deal with and comment in some respects on some of the thoughts which they expressed, and perhaps attempt to carry their ideas a little further.

The discussion has ranged over a wide field, and I must say that in certain respects it has had little if anything to do with the present bill.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Hugessen: Some of what was said by my honourable friend from Queen's-Lunenburg (Hon. Mr. Kinley) was extremely germane and to the point, but I fail to see what reference this bill has to an age limit for senators, to provincial appointment of senators or to the question of an elected Senate.

Hon. Mr. Kinley: Except that those matters were referred to by former speakers.

Hon. Mr. Hugessen: Then my honourable friend and the former speakers are equally in the wrong.

I propose to confine my remarks for the most part to a consideration of some of the legal implications of the bill, and for that

purpose I shall have to inflict upon my colleagues a discussion of certain legal principles which appear to me to flow from or relate to the bill which we now have under consideration. However, I think that when honourable senators have listened to these legal principles and their application to the bill, they will realize that they are of considerable importance and may have some bearing upon the attitude which honourable senators may feel called upon to take when they come to vote on the second reading of the measure.

I need refer only briefly to the basic facts from which this measure takes its origin. Under the British North America Act the Parliament of Canada consists of the sovereign, the Senate and the House of Commons. At the present time the Senate is supposed to consist of a maximum of 102 members, 24 from each of the great territorial divisions of the country, namely, the Maritime provinces, Quebec, Ontario and the Western provinces, with an additional six members from Newfoundland. Senators are named for life by the Governor General, as provided for under section 24 of the act, and their replacement is provided for by section 32. Both sections are quite short and I shall take the liberty of reading them. Section 24, which this bill proposes to amend, says:

> The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

That is a general procedural provision with respect to senators and their appointment.

Section 32 says this:

> When a Vacancy happens in the Senate, by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

Now, actually at this moment there are only 80 senators in office. The Senate is under-manned, or perhaps to be more accurate, I should say the Senate is under-manned and under-womanned—

Hon. Mrs. Hodges: Hear, hear.

Hon. Mr. Hugessen: —to the extent of more than 20 per cent of its full membership. That, as we all know, is the result of failure to appoint senators to fill some of the vacancies which have occurred during the last few years, extending back in one case to as many as seven years. That is the state of affairs which the bill before us seeks to remedy for the future, and the first question we should consider is how it seeks to achieve that object.

The bill proposes to amend section 24 of the British North America Act by providing that when a vacancy occurs in the Senate the Governor General shall fill the vacancy within six months. That immediately raises the first legal question which I want to consider: What is the legal result of a statute which calls upon a public officer to take certain action within a limited time? This question has often been considered by the courts in England. I have done some slight research on the problem over the past weekend, and I should like to refer very briefly to one of the standard authorities on this subject, an authority which will immediately be recognized by my friends of the legal profession, that of *Maxwell On The Interpretation of Statutes.* I have in my hand the eighth edition of that work, produced in the year 1937, and with regard to this particular question I want to quote a few sentences which appear on pages 326 and 327:

> On the other hand, where the prescriptions of a statute relate to the performance of a public duty and where the invalidation of acts done in neglect of them would work serious general inconvenience or injustice to persons who have no control over those entrusted with the duty without promoting the essential aims of the Legislature, such prescriptions seem to be generally understood as mere instructions for the guidance and government of those on whom the duty is imposed, or, in other words, as directory only. The neglect of them may be penal, indeed, but it does not affect the validity of the act done in disregard of them. It has often been held, for instance, when an act ordered a thing to be done by a public body or public officers and pointed out the specific time when it was to be done, that the act was directory only and might be complied with after the prescribed time.

Then Maxwell refers to what I suppose is the first case that ever arose on this subject in the English courts. There was an act passed in the reign of Henry IV which required justices to try rioters within a month after the riot. In a case which arose under that act, the decision was that this provision did not limit the authority of the justices to that space of time but that it only rendered them liable to a penalty if they neglected to try the rioters within the prescribed period.

And then on the next page, 327, I quote one sentence only, in which Maxwell says:

> It is no impediment to this construction that there is no remedy for non-compliance with the direction.

Now, what is the effect of this legal principle on the bill before us? The bill requires the Governor General to fill a vacancy in the Senate within six months. It provides no penalty for his failure to do so, and the reason for that is obvious. We all recognize that it would be absurd to seek to impose a penalty on the Governor General for not doing something which everybody recognizes is not a personal act of his own, but one which he can only take upon the advice

of those of his advisers who hold office in the Government at the relevant time.

I conclude, therefore, that in the light of the principles laid down in Maxwell this bill would have little, if any, effect from a strictly legal point of view. If the bill should pass, the Governor General would still have the right to delay appointments of senators to fill vacancies for as long as his advisers might desire, and the appointment of senators to fill those vacancies would still be perfectly valid if made after the expiration of the six months which the bill prescribes.

Now, I emphasize that this is the effect of the bill solely from a strictly legal point of view.

Its moral effect, its practical effect, or the practical effect of writing a provision of this kind into our constitution, is another matter entirely, and in that connection different considerations arise which I propose to deal with in a few minutes.

But there is another consideration which supports my belief that the legal effect of the present bill would be negligible, and that arises from a consideration of the remarks of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) on Thursday last. He quoted section 32 of the British North America Act as follows:

When a Vacancy happens in the Senate—

—and he told us that on the generally accepted principles of legal construction any court would interpret the words "when a vacancy happens" in section 32 as meaning within a reasonable time after a vacancy happens—

by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

The honourable senator from Vancouver South (Hon. Mr. Farris), agrees with the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) in that interpretation, and if I remember rightly I think the honourable senator from Toronto (Hon. Mr. Hayden) yesterday evening expressed the same view. I certainly would agree with them, and I think any lawyer would do so; and I would be much interested to learn who was the legal authority which the honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley) quoted a few moments ago in the contrary sense.

Now, honourable senators, that brings us to this: The position is that as the British North America Act now stands it requires, at least by implication, that a vacancy in the Senate be filled within a reasonable time after the vacancy occurs; so that, in substance, the only effect of the bill now before us is to pinpoint or, if you like, to crystallize something which is already in the Act by defining the words "a reasonable time" within which Senate vacancies are to be filled as being a period of six months.

In that light I want to discuss for a moment the interesting constitutional question raised by my honourable friend from Vancouver South (Hon. Mr. Farris). As the house is aware, since the passing of the British North America Act of 1951 Parliament has enjoyed the power to amend the British North America Act in all matters relating solely to federal affairs. My honourable friend from Vancouver South raised the point, which he said he had not yet decided in his own mind, as to whether this bill falls within the class of matters relating solely to federal affairs, and therefore lying within the jurisdiction of Parliament to pass, or whether on the other hand it affects provincial rights and is not therefore within our power.

Now, if my view of this bill is the correct one, if it does nothing else but to pinpoint and to crystallize something which is already to be found in section 32 of the British North America Act, I suggest to my honourable friend that he should not have any great difficulty in reaching a conclusion that this bill is one which is solely within the federal ambit and therefore is one which we have every right to pass. I remind him in that connection—although I am sure he does not need reminding, but I would remind the house—that in the following year, 1952, acting on the powers granted to Parliament in 1951, Parliament did pass a bill amending the British North America Act, radically changing the basis of representation in membership of the House of Commons. Well, now, if we have the power to do that under the amending act of 1951, surely we also have the power simply to interpret a provision of the British North America Act which has been there all the time and which deals only with the method of appointment to one of the houses of Parliament.

Hon. Mr. Haig: May I ask, did Parliament not do the same thing in increasing the membership of the Senate from 96 to 102?

Hon. Mr. Hugessen: No.

Hon. Mr. Farris: That was an Imperial act.

Hon. Mr. Hugessen: Yes, I think that was an Imperial act, which was passed before the 1951 amendment.

Hon. Mr. Roebuck: 1950.

Hon. Mr. Hugessen: Yes: I am obliged to my honourable friends for their help.

I have expressed the view that the strictly legal effect of this bill, if it were passed,

would be negligible, but its moral or practical effect would, I submit, be an entirely different affair. Suppose this bill becomes part of the British North America Act. It would be taught, as part of our constitution, in all the law schools of the country, and whenever any member of Parliament or public man had occasion to refer to our constitution, the British North America Act, this provision would stare him in the face. I think the practical effect of that would be very considerable, and for this reason. No government, and no Prime Minister, likes to put weapons in the hands of political opponents. If, with this provision inserted in the British North America Act, a future Prime Minister should ignore it, he would immediately lay himself open to the charge by his political opponents that he was flouting the constitution of the country. That might be—depending upon the circumstances—a damaging and effective charge.

Let me give an example to my honourable friends, which I am sure they will all remember when I direct it to their attention, of something which occurred very recently in our political history in a somewhat parallel case. Honourable senators will remember the unholy row—shall I call it—which developed in the House of Commons two years ago when the Minister of Justice was accused of failing to table within the period called for by the act, a report of the Commissioner under the Combines Investigation Act respecting an alleged combine in the milling industry. I repeat therefore that, in contradistinction to its strictly legal effect, the moral or practical effect of writing a provision of this kind into the British North America Act might be quite considerable.

Now I am afraid that I must burden the house with a second legal principle which is implicit in this bill. Perhaps I may be allowed first to state the effect of that legal principle, and then to discuss the principle itself. I say that this bill would not affect in any way the twenty-two vacancies which now exist in this chamber. The legal principle on which I base that statement is a very fundamental one in the interpretation of statutes. It is this: No Act of Parliament has retroactive effect unless it so declares in the clearest and most unambiguous terms.

Again may I refer to the authority whom I have once quoted already. *Maxwell On The Interpretation of Statutes,* and read a very few sentences. First, from page 189:

> Upon the presumption that the Legislature does not intend what is unjust rests the leaning against giving certain statutes a retrospective operation . . . They are construed as operating only in cases or on facts which come into existence after the statutes were passed, unless a retrospective effect be clearly intended. It is a fundamental rule of English law that no statute shall be construed to have a retrospective operation unless such a construction appears very clearly in the terms of the act or arises by necessary and distinct implication.

And then a part of one sentence from page 190:

> Every statute, it has been said, which . . . creates a new obligation or imposes a new duty . . . must be presumed . . . to be intended not to have a retrospective operation.

Hon. Mr. Horner: That would apply particularly where a penalty was involved, would it not?

Hon. Mr. Hugessen: I think my honourable friend is right to this extent, that a court would react even more strongly against giving a statute retrospective operation if it provided a penalty, but the principle is the same, whether there be any penalty or no.

If honourable senators will examine this bill they will see very clearly that it provides in no way for it to have any retroactive effect. No, it deals only with the future. If it should become law it would relate solely and exclusively to vacancies which may occur in this chamber after it has become law.

Hon. Mr. Aseltine: That is correct.

Hon. Mr. Hugessen: So that honourable senators need have no apprehension and must not rest under the delusion that this bill, if it should be passed, would force the Governor General and his advisers immediately to fill the 22 vacancies which now exist in this house. I am not very sure, but I rather think from some remarks which dropped from the honourable senator from Lunenburg (Hon. Mr. Kinley) that he did have that impression. But I can assure him that it is not correct.

Hon. Mrs. Hodges: Does that mean that, if this bill should pass, when six months have elapsed after the passing of the bill it would not come into operation as regards these vacancies?

Hon. Mr. Hugessen: It would mean that only vacancies which occurred in the Senate after the bill came into operation would have to be filled within six months.

Hon. Mrs. Hodges: That is, it would not apply to vacancies which would still be vacancies at the time the bill came into effect?

Hon. Mr. Hugessen: No; that is exactly the point I was trying to make. I am obliged to my honourable friend.

Hon. Mr. Farris: Can I supplement that by another question: Would not the moral effect be just the same as my honourable friend has already mentioned?

Hon. Mr. Macdonald: That is a question of opinion.

Hon. Mr. Hugessen: I do not know. There are various considerations which would apply; and I do not think that I can answer my honourable friend in that way.

Hon. Mr. Kinley: The honourable senator has spoken of two occasions when bills to amend the constitution have been passed.

Hon. Mr. Hugessen: One occasion.

Hon. Mr. Kinley: Was not that a carrying out of government policy? He referred to Newfoundland.

Hon. Mr. Hugessen: No, I did not refer to Newfoundland. The honourable Leader of the Opposition (Hon. Mr. Haig) referred to Newfoundland, but that was a mistake. The only occasion on which so far this house has exercised its power to change the constitution of Canada, the British North America Act, in matters relating solely to federal affairs, was in 1952, when we passed an act altering the basis of representation in the House of Commons.

Hon. Mr. Kinley: Was that not a matter of Government policy?

Hon. Mr. Euler: So what?

Hon. Mr. Hugessen: I suppose it was, but it was a matter of policy approved by the members of both houses of Parliament. Whether it was a matter of Government policy or not does not seem to me to be germane. After all, we have to take our own responsibility to the people of Canada as their representatives in Parliament, whatever Government policy may be.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Hugessen: I should like to make one further point. In view of the position, as I have explained, that this bill would not affect the present vacancies in the Senate, I do not think it could be said that it involves any embarrassment to the Prime Minister or his advisers. I certainly feel that it does not involve any criticism of the Prime Minister, either expressed or implied. Let me put it this way. If any honourable senator wished to support this bill he could take this position, and I think it would be an entirely logical one. He could say: "I have no criticism of the present situation. It has arisen through circumstances in which fault can be attributed to no one." A number of the reasons why it has arisen were mentioned cogently the other day by the honourable gentleman from Vancouver South (Hon. Mr. Farris). Any member who wished to support this bill could say, "I do think it is inadvisable that such a situation should be permitted to arise on many occasions, if at all, in the future, and therefore, without criticizing the present situation, I support this bill". I suggest to my honourable friends that that is a perfectly logical attitude which any honourable senator is quite free to take with respect to this bill if he so desires, and that it involves no criticism of anybody.

I am glad that my honourable friend from Vancouver South is in the chamber, for I want to discuss a suggestion which he made in the course of his speech last Thursday. He said that this matter might perhaps be better dealt with by adoption of a resolution by the Senate rather than by enactment of this bill. He was good enough to give us the wording of a suggested resolution which he thought would be applicable in the circumstances, and I venture to quote that resolution from page 466 of Senate *Hansard*:

> The Senate views with concern the practice of undue delay in Senate appointments and would urge on the Government discontinuance of the practice as being contrary to the intention of the constitution, not contributing to the efficiency of the Senate, and not in the public interest.

I must say that when I heard that resolution from the lips of the honourable gentleman from Vancouver South it seemed to me to be very attractive, and if he were to offer it as a resolution on the floor of this chamber I would be disposed to support it. But the question which honourable senators are faced with now is this: as between this bill and the suggested resolution of the honourable senator from Vancouver South, which will be the most effective in curing the situation which they both seek to remedy? I am bound to say that in my view the bill will be more effective.

Hon. Mr. Farris: If you could get it through the House of Commons.

Hon. Mr. Hugessen: I am dealing with it from a purely theoretical point of view. Let us consider the nature of a parliamentary resolution passed by a branch of Parliament.

It is passed in one session and it may be amended or cancelled at the next or some succeeding session. Even if it is not amended or cancelled, in due process of time it loses its effectiveness and is apt to be forgotten. On the other hand, consider the effect of this bill. Should it be passed it would become a permanent part of the constitution of the country, plain for all to see.

Let honourable members for a moment project their minds into the future and consider what the attitude of a government in this country might be five, ten or fifteen years

hence. I do not think any senator would contradict me in saying that such a government would be far more likely to pay attention to a formal declaration embodied in the British North America Act as part of our constitution, than to a resolution adopted by this house several years before. Therefore, if I had to make a choice as between this bill and the suggested resolution, I would have to choose the bill.

Honourable senators, let me summarize the result of this legal part of the discussion. First, the strictly legal effect of the bill would be small. Second, all that it does is to crystallize and to put into focus provisions which already exist, by implication at least, in the British North America Act. Third, its moral and practical effect, as against its strictly legal effect, might be quite considerable. Fourth, it would not affect the present position or the 22 vacancies now existing in this body, for it deals only with future vacancies.

I should like to discuss, for a moment only, one detail of the bill which in my view deserves criticism. It establishes a period of six months for filling vacancies in the Senate. I think that period is too short. The sponsor of the bill gave what at first sight appeared to be a good and logical reason for fixing this period of six months. It is the period within which under the present law vacancies arising in the House of Commons are required to be filled. I suggest respectfully to my honourable colleague that as between filling vacancies in the House of Commons and vacancies in the Senate different considerations apply.

In the House of Commons the object of the six-month limitation is that the particular constituency concerned shall not lose its representation in that house for too long a period. The electors of that constituency are therefore required to elect a new member within that period to fill the vacancy. It is their business, and their business alone, whom they choose to elect, and the man or woman whom they do elect will have to account to them for his or her stewardship within a reasonably short period of time, that is, when the next general election comes around.

Now, I submit that the appointment of senators is a different matter. Senators are appointed for life, and they represent the whole province from which they come, so that no province is ever entirely deprived of representation in this house. Furthermore, there are certain practical considerations which have to be taken into account by the advisers of the Governor General in selecting a senator from a province. We all know what those considerations are. In some cases it is necessary to maintain the ethnic balance between various elements of the population. In others, there has to be a proper representation of religious groupings; in still others, it is necessary to provide for representation of certain territorial areas within the province. Not seldom some of these factors conflict, and their adjustment takes time. I suggest, therefore, that the period of six months proposed is too short, under the circumstances, and personally I would be willing to see it extended to at least one year. I further suggest to the sponsor of the bill that if at the appropriate time he were to accept an amendment lengthening the period within which senators have to be appointed to fill vacancies the result would be that we should have a more practical and more workable measure.

Hon. Mr. Euler: May I say to my honourable friend that in my remarks on the second reading of the bill I stated that I was not particularly confining myself to the six months limitation and that if the bill did go to committee perhaps the committe could decide a more suitable period of time, whether longer or shorter than six months. I adhere to what I then said.

Hon. Mr. Hugessen: I am very grateful to my friend for reminding me of what he had said, because I confess that I had forgotten until he reminded me. I am very glad that he made that statement.

Hon. Mr. Lambert: Before the honourable senator continues, may I ask him a question? He suggested a limitation of a year instead of six months. Would it make any difference to his reasoning if he felt sure that if this bill were passed by the other house it might be a stepping stone to further amendments to the constitution? Is it not true that this bill assumes the form of a step—an incidental step, but a necessary one—toward a measure remodelling and reforming the Senate? I am wondering if in those circumstances, my honourable friend would change his point of view.

Hon. Mr. Hugessen: I find it rather difficult to answer my honourable friend, but I think I would say this to him. It seems to me that if we are going to contemplate a lot of other measures of Senate reform in connection with this bill, it is going to make no difference whatever whether we put in a period of six months, or a year, or any period at all.

Hon. Mr. Lambert: That is right.

Hon. Mr. Hugessen: I do not think I can appreciate the logic of my honourable friend's suggestion, if he will allow me to say so.

Honourable senators, before I come to my conclusion, I want to say that I am afraid I

find myself in disagreement with the honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley) in one or two things he said. He appeared to suggest—and he will correct me if I am wrong—that this house should govern itself solely by what it feels to be the convenience or the opinion of the ministers of the Crown. As a member of this house, I do not take that attitude.

Hon. Mr. Kinley: Excuse me. When a constitutional amendment or change is contemplated, I think we would be very well advised to consider the policy of the Government first.

Hon. Mr. Euler: That is the same thing.

Hon. Mr. Hugessen: Well, if all that my honourable friend wishes is to discourage any discussion in this house of possible constitutional amendments without the approval of the Government in office, then again I am afraid that I completely disagree with him, but perhaps we might as well leave it at that.

Hon. Mr. Kinley: Yes.

Hon. Mr. Hugessen: Now, having said all this, I come finally to the position which I propose to take on the second reading of this bill. What attitude they should take on the vote on second reading of this bill appears to have caused some embarrassment to my honourable friends from Vancouver South (Hon. Mr. Farris) and Toronto (Hon. Mr. Hayden). Their speeches have shown, if I may say so, a virgin coyness in dealing with this matter, which is as rare as it is refreshing. It is quite evident to me that in his dalliance with these bashful maidens, the honourable senator from Waterloo (Hon. Mr. Euler) has not yet brought into play all those arts and blandishments which are needed to win them.

I will not follow their examples. I suppose the people who know a man's character best are the members of his own family who have to live with him. No member of my family has ever yet accused me of being bashful or coy. In this matter, therefore, I propose to rush in where these legal angels evidently fear to tread. As I have already implied, in my view the only object that this bill would accomplish would be the carrying out of the intention of the Fathers of Confederation with respect to the functions of the Senate and the filling of vacancies in its membership, which are clearly implicit in the British North America Act as it stands today. On that basis I feel that the principle of this bill is one that deserves the support of every thinking person who believes in our constitution and in the wisdom of the Fathers of Confederation who have handed it down to us. Therefore, I will support the bill on second reading, reserving my right to dissent from details, and in particular the right to suggest a longer period for delay in appointments to the Senate than the delay which appears in the bill in its present form.

I think the discussion on this bill has been very interesting and very informative. I hope it will continue, and I look forward to hearing the views of many honourable members who have not spoken so far.

My principal reason for intervening in this debate has been to try to clarify my own mind, and perhaps to help to clarify the minds of other honourable senators who are not members of the legal profession, as to some of the legal aspects of this bill. If I have succeeded in that effort, even to a moderate degree, I shall feel that the effort has been well worth while.

Hon. G. Peter Campbell: Honourable senators, in rising to participate in this debate, I would first like to congratulate the honourable member from Waterloo (Hon. Mr. Euler) on the splendid speech he made in support of the bill. After listening to the honourable senator from Inkerman (Hon. Mr. Hugessen), and having had the opportunity of reading the speech of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) and hearing other speeches made in this debate, I feel that the honourable senator from Waterloo should be commended for bringing in a bill which has enabled the members of this house to participate in the debate in such an able way as to show the capacity of the members of this house to deal with interesting questions as they arise.

Honourable senators, I should like first to deal with the principle involved in the bill. It is interesting to note that all speakers, with the exception of the honourable senators from New Westminster (Hon. Mr. Reid) and Queen's-Lunenburg (Hon. Mr. Kinley), have supported the principle involved in the proposed amendment to the British North America Act. At the risk of repeating what has already been said, may I say that the principle is simply whether or not the Senate should be at full strength, and in the event of vacancies occurring that such vacancies should be filled within a reasonable time.

The honourable senator from Toronto (Hon. Mr. Hayden) in his speech last evening said that his interpretation of the present law was that vacancies should be filled within a reasonable time. In other words, he read into the provisions of the act the words "a reasonable time". He also gave it as his opinion that in any other matter of a similar kind

the courts would likely hold that a reasonable time would be a period of six months.

I think that quite a distinction is to be made between legislation which uses the words "a reasonable time" or any fixed period of time, as against legislation which leaves the matter completely open, as the act does at the present time.

I would submit further for the consideration of honourable senators that the intention of the Fathers of Confederation could not have been that vacancies should be allowed to remain unfilled for a period of from five to seven years. On that account it seems to me that in debating this question and trying to find an answer to it we are taking a constructive step. I must admit, however, that an answer is most difficult under the present circumstances, when many vacancies exist and demands are made by the public that they be filled by non-partisan persons selected from the country at large. I do not wish to get into an argument on that point, because none of us here have any control over appointments to the Senate. However, we must all realize that the problem that exists today is likely to continue for some period of time. I would be so bold as to say that there is not much chance of a change in government at the next general election, and it is therefore likely that the problem of filling future vacancies must sooner or later be faced.

Honourable senators, the principle to be considered in dealing with this bill is simply whether or not the Senate should function as a full body or as a greatly depleted body with vacancies running from 20 per cent to 25 per cent or more of its membership. If I am to interpret the remarks made by the honourable gentleman from Queen's-Lunenburg (Hon. Mr. Kinley), his reasoning is that these vacancies should be allowed to continue indefinitely and that there is no need for filling them at the present time. I would suggest that there is no one in this house, in the other house, or even in the country at large who would seriously say that these vacancies should remain unfilled indefinitely and that this house should attempt to function with 25 per cent or perhaps 50 per cent of its membership vacant.

Many questions come before the Parliament of Canada involving different sections of the country, and the very purpose of the creation of this house was that all sections of the country should be represented, and the number of representatives required to be appointed from each province is specifically stated in the statute.

By supporting this bill we are simply proposing to write into our constitution some specific provisions clearly showing that there is an obligation on those who have the responsibility of making appointments to the Senate to fill vacancies within a reasonable time, whatever that time may be. I was impressed with the statement by the honourable senator from Inkerman (Hon. Mr. Hugessen) that maybe six months is too short a period of time, and that we should consider this matter in committee.

If I have interpreted the remarks of the honourable senator from New Westminster (Hon. Mr. Reid) correctly—and I may not have done so—I must conclude that he has some fear or concern as to what might take place in the other house should this bill pass the Senate. I for one have not the slightest concern as to what may be said there.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Campbell: This matter has been debated in a forthright manner. If the honourable Leader of the Government (Hon. Mr. Macdonald) is able to interpret the remarks made by honourable senators, and if the members in the other place take time to read the debates in this house and seriously consider this problem from a national point of view they will I think agree that some provisions should be written into the British North America Act to prevent the recurrence of a situation such as exists at the present time. We as members of this honourable house must remember that we have a great responsibility to the public in all national matters. We are appointed for life, having equal jurisdiction with the other house except in financial and money matters. We have complete power to initiate legislation and to change legislation, I submit that in order that we may properly fulfil our great responsibility, it is extremely important that we should have a full complement of members who come from all sections of the country and who are able to express the views of all sections on matters of pubilc concern.

I am going to try to avoid repeating some of the things that have been said, because I am sure that I could not express them as well as they have already been expressed, particularly by the honourable senators from Toronto-Trinity (Hon. Mr. Roebuck), and Inkerman (Hon. Mr. Hugessen). It occurred to me that we might consider some of the functions of the Senate, and, at the risk of this subject not being particularly relevant to the present bill, if honourable members will bear with me I would like to put on record a reference to some of the work that this honourable body has done in the past, and to some of the legislation which has been framed in this house or its committees. The

reason I mention this particular subject-matter today is that I have a feeling that if the members of the Government had an opportunity of seeing how the committees of this house function they would realize that there is a great deal of legislation which could be referred to this honourable body and dealt with in committee much better, I submit with all respect, than it is dealt with in the committees of the House of Commons.

We do not engage in political discussions. But I submit that a great many pieces of financial and commercial legislation could originate in this house from time to time. Also there are a number of matters that might well form the subject of investigation by our committees when deemed necessary. For instance, there is an important matter which is now the subject of study by a Royal Commission in Canada, namely our shipping laws. And here I wish to refer particularly to the Shipping Bill which was dealt with some years ago in the Senate. Prior to the passing of the Statute of Westminster in 1931, Canada had not the power to enact shipping legislation having any extraterritorial effect, without the consent of the Imperial Parliament, but after the signing of that statute Canada obtained that power. The then Minister of Marine, the late Hon. Alfred Duranleau, had the responsibility of studying and drafting the first Canada Shipping Act. This was an extremely important piece of legislation necessitating careful consideration of constitutional questions and the bringing together of many facts affecting shipping not only in Canada but throughout the commonwealth.

The department engaged eminent counsel, and in the year 1933 Bill "J", a draft bill, was introduced into this honourable house. I had the privilege at that time of representing a number of Great Lakes shipping companies and so was in a position to observe the method in which the committee carried out this work, and I must say that, like all others who appeared before the committee on that occasion, I was greatly impressed with the knowledge and the experience of its members and the care taken by them in dealing with that very important subject.

May I be permitted to read from the House of Commons *Hansard* of June 8, 1934 at page 3814, the remarks of the then the Minister of Marine in presenting this important legislation before the Commons:

> This house will remember that when, during the session of 1933, Bill J was withdrawn in the Senate—

I may say by way of explanation that the bill was introduced in 1933; it was studied; it went back with full reports to the department; changes were made; and it was introduced again in 1934.

> —a small bill was introduced in this house providing for certain amendments to the Canada Shipping Act respecting our coastal trade. That bill became law, and stood as chapter 52 of the statutes for 1932-33. May I add that the provisions of chapter 52 have been incorporated in the present bill.
>
> I do not wish to close my remarks, Mr. Speaker, without paying tribute to the Right Hon. Leader of the Senate, Mr. Meighen, and to the members of the Senate, and especially to the members of its Standing Committee on Banking and Commerce and the subcommittee for the tremendous work they have done in studying this measure. They had to spend weeks upon weeks in studying it, and so complete has their work been that they have rendered comparatively easy the task of the house in studying the measure. I am not an expert in maritime matters but I have perused and studied this bill with my officials and I can say that this measure is surely one of the most complete pieces of legislation ever presented to this house.

That, honourable members, is but one illustration of the many things which have been done by this honourable house. It is my opinion that work of that kind cannot be undertaken unless the Senate is at its full or approximately full complement. It is not fair to the various sections of the country that legislation of this character should be dealt with unless all sections of the country are represented. I doubt whether the Government of the day realizes what great contributions have been made in the past, and are being made today, by Senate committees. I know that little publicity is given by the press to their work; but any associations, organizations or individuals that appear before these committees realize that they are dealing with experienced people who conscientiously try to solve public problems and produce suitable legislation.

I think I would be remiss if I did not refer to one other matter which was dealt with by this honourable body. I do so humbly, because I was the author of the resolution on which it acted, and I mention it on this occasion because the splendid work carried out at that time was largely due to the able chairmanship of that committee by the honourable senator from Waterloo (Hon. Mr. Euler). My reference is to the special committee appointed in 1945 to examine into the provisions and workings of the Income War Tax Act. When first it was proposed to deal with that matter, the then Minister of Finance was of the opinion that this house should not tackle it. Upon reconsideration during the following session, when it had been decided that the resolution should be introduced in this chamber, the Government supported our investigation, and the honourable Leader of the Government in the Senate

at that time, who now occupies the Speaker's chair (Hon. Mr. Robertson), stated that the Government welcomed our action. Honourable members will recall that at that time there was a great public demand for changes in the legislation. The Income Tax Act had grown, as it were, like Topsy, and was practically incapable of interpretation. It provided for many ministerial discretionary powers, which necessitated taxpayers obtaining rulings before they could interpret the law. The task of revision, an extremely important one at that time, because it was at the period of the commencement of reconstruction following the war, was undertaken by the special committee named in the resolution; and that was as a result of the independent action of this honourable body and its members in really insisting that they should have the authority or the approval of the Government to go ahead with this work.

The committee did its task extremely well, and I am sure that honourable senators who were members of this chamber at that time were gratified at the complimentary references on behalf of the Government to the committee in respect of the duties they had undertaken. The procedure followed was that a report was made, and annexed to it was a draft of a new income tax law, and this was adopted in almost its entirety—with a few amendments and refinements made by the other house upon the recommendation of the Minister of Finance and the Minister of National Revenue.

I mention these things merely to indicate what in my opinion is the proper function to be performed by this honourable house. The Senate membership includes people of experience, of independence, of good judgment. Tasks of this kind could be readily undertaken from time to time; and I submit that occasionally, when the Government is asked to consider the appointment of a Royal Commission to deal with some important matter, it might, by referring the matter to this house, have the subject as capably and thoroughly investigated as could be done by an outside commission, and relieve the taxpayer of the cost of such a commission.

I feel I have gone a little astray from the specific subject-matter of this bill, and I would now like to add a few remarks—regarding the constitutional question. After having listened to eminent constitutional lawyers express their opinions, I must apologize for attempting to speak on this subject. I do not hold myself out as a constitutional authority but I think I am quite capable of interpreting the statutes. I must say I have not the slightest doubt that the Parliament of Canada has power to make the proposed amendment. To my mind it would not in any way change the constitution except to provide what you might call an interpretation of the present act and, I submit, clarify the intention of the Fathers of Confederation.

The honourable senator from Vancouver South (Hon. Mr. Farris) had some doubts about the right of Parliament to pass this bill without the consent of the provinces. My honourable colleague is known in this house for his fine speeches and his ability as a constitutional lawyer, and I was rather interested to note that he admitted he had not carefully considered the matter. I am confident that had he done so he would have come to the conclusion that there is not the slightest doubt that an amendment such as now proposed is within the constitutional authority of the Parliament of Canada.

In conclusion, may I request that each honourable senator very seriously consider the only principle involved in this bill as being one requiring this chamber to be maintained at its full complement of members in order that the work which can best be done by the Senate and its various committees, may be carried on with full representation from all sections of the country and with the greatest possible efficiency.

May I recommend to the honourable Leader of the Government (Hon. Mr. Macdonald) that he should draw to the attention of the Government the important work which has been carried out by this honourable house and its committees over past years, and that further consideration be given to assigning more legislation and studies of important subject-matters to this body.

I support the principle of the bill on the grounds which I have indicated. I reserve my right to consider certain matters as they may come before the committee to which the bill may be referred, but propose to vote in favour of this bill because I am firmly convinced that its principle is a simple one which must be seriously faced by every member of Parliament, by the Government itself and by the public at large. I am sure that if the bill goes to committee we can overcome some of the objections that have been raised, and it is my hope that before the bill passes through the committee stage the matter will be seriously considered by the Government in the light of the discussions which have taken place during this debate. I think that the Government should

be the first to support legislation of this kind, subject to whatever amendments they may see fit to suggest.

On the motion of Hon. Mr. Lambert the debate was adjourned.

HISTORIC SITES AND MONUMENTS BILL

MOTION FOR SECOND READING—
DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Hawkins for the second reading of Bill 182, an Act to amend the Historic Sites and Monuments Act.

Hon. John T. Haig: Honourable senators, I would have spoken on this measure last night, but I was too slow in getting to my feet while the order was still before the house. I was inclined to agree with the honourable gentleman from Churchill (Hon. Mr. Crerar) when he said we should go rather cautiously about widening the present definition of "historic place", and that while it is important to maintain historic sites and monuments the practice may become so common and general that its real significance and intention will be lost.

I recall that there was a great clamour to make the first post office in Winnipeg an historical monument. When the idea was turned down by the Historic Sites and Monuments Board of Canada, the local citizens got together and bought the building at a small price and transferred it. I think it has practically disappeared now.

I have had some personal experience in respect to something which might be said to be an historic monument. The late Senator Bénard and myself owned a piece of property on Highway No. 1 about fourteen miles west of Winnipeg, and a monument was erected thereon to mark the spot where a surveyor first put down his instruments to survey western Canada. All the land west of that point is west of the first principal meridian, which runs north and south. The survey was made right to the Pacific Coast.

Incidentally, I told this story to my deskmate, the honourable senator from Rosetown (Hon. Mr. Aseltine), and he advised me not to relate it on the floor of this house because everyone would know what a rascal I had been in my younger days. This happened some years ago, when I was young and innocent and needed money badly. Senator Bénard gave the property to the Government, and when he told me about it I said, "Oh, no, you can't do that, not my half." He replied, "I have already done it, so what are you going to do about it?" I told him I didn't want anything more to do with him because I didn't want to give away this acre of beautiful farm land that was worth quite a bit of money to me. He said: "I'll tell you what to do. You're not much of a lawyer, but I'll recommend to the Government that you be given the job of searching the title." We had clear title to the land, so there was not much to search. Later on he told me to go ahead and search the title and to inform the Government what my disbursements were, and that they would pay me whatever they saw fit. Well, I really got full value for my share of the property. My deskmate says that that is a kind of queer way to do business.

That monument is there today and I am proud of it. Once in a while I have been asked questions about it that make me feel rather guilty. Somebody will call me up and say, "Is that John T. Haig, the man who built the monument fourteen miles west of Winnipeg?" When I reply that I am the man they congratulate me upon having put up such a fine monument to commemorate the first survey made in Western Canada. They tell me how attractively the place is kept, and so on, and I wonder to myself what comment I can make. I simply say, "Thank you very much", and hang up the phone. I think the basic purpose of that monument is a good one; and every person who visits it knows what it stands for.

Honourable senators, Manitoba has been fortunate so far in its representation on the Historic Sites and Monuments Board. The present member from Manitoba, a professor at St. Boniface College, has done a fine job. In the sites they have chosen, they have not made a single mistake, to my knowledge, during the last 30 years or so. I support the work wholeheartedly. I agree with the honourable member from Churchill (Hon. Mr. Crerar) that we should be very careful in the purchasing of sites. The selection of a site should be of interest not only to a particular province but to the whole of Canada, and even to the United States, and should give some idea of the early history, or even the later history, of our country.

I congratulate the Government upon carrying on this good work.

Hon. Gordon B. Isnor: Honourable senators, my remarks will be very brief, but I do not want to miss the opportunity of extending my congratulations to my deskmate (Hon. Mr. Hawkins) on the interesting manner in which he explained this bill yesterday.

Hon. Mr. MacDonald: Hear, hear.

Hon. Mr. Isnor: He gave a particularly interesting background of the subject and one could not but be impressed with his

reasons for desiring to broaden the scope of this act. I have always favoured the work that has been carried on by the Historic Sites and Monuments Board, because it is to a large extent related to our efforts in the province of Nova Scotia to sell—and I use the word advisedly—and promote tourist traffic in our province. Nova Scotia, of course, is somewhat differently placed, with regard to historic sites, than many other provinces. Many historic sites, from one end of the province to the other, greatly attract tourists. Other provinces also have their sites of historic importance, especially the province of Quebec. A notable historic site in Ontario is Fort Henry, which I understand attracts large numbers of tourists.

In dealing with the bill itself and the proposals to broaden its scope, I cannot help but disagree with the honourable senator from Churchill (Hon. Mr. Crerar) who fears —to use his own words—"a flood of applications". I noted that the honourable Leader of the Opposition (Hon. Mr. Haig) expressed agreement on that point today. I do not fear a flood of applications at all. In my opinion, the more that are received the more publicity that will be given to the value of these historic sites in Canada; and I have enough confidence in the board, which has done splendid work down through the years, to believe that it will meet the requirements and will carry on its functions as provided by the act. Instead of merely erecting monuments by the side of the road for motorists to drive by at 50 or 60 miles an hour, and scarcely notice them, the board will in future give recognition and prominence to outstanding buildings.

The history of Nova Scotia goes very far back, and I feel that the earlier definition of "historic place" was not sufficient to give adequate recognition to our historic sites. I think the ampler definition in the amendment is important and desirable. It adds these words:

and includes buildings or structures that are of national interest by reason of age or architectural design.

Section 2 of the bill provides that the provinces of Ontario and Quebec shall have two representatives on the board instead of one. I am not in accord with that provision. I do not say so in a narrow sense, but I think those two provinces will also be represented to a very large extent by a representative of the Department of Northern Affairs and National Resources, under whose jurisdiction the board operates. I think one representative for each province, with one representative from the department, should be sufficient. That applies equally to Nova Scotia, New Brunswick and Prince Edward Island, as well as to British Columbia and the Western provinces. So many bills which are introduced seem to centralize Canada in Ontario and Quebec, and that is why I hesitate to say that section 2 of the bill meets with my approval.

I mentioned that we have many interesting historic sites in Nova Scotia. A book recently published, entitled, "Done at Grand Pré", by Will R. Bird, tells of the expulsion of the Acadians in 1755. Honourable senators will remember, of course, the sad story about the large number of residents of Grand Pré who were put on transports and sent to Boston. We are holding a celebration of that historic event during the coming summer months, which will be attended by about 50,000 people from all parts of Canada and the United States, including approximately 10,000 from Louisiana alone. That celebration is something which comes close to the scope of this act, and I think the board should lend its assistance to the Department of Northern Affairs and National Resources to see that publicity is given to the venture in all parts of Canada, so that a large number of Canadians will visit Nova Scotia and become familiar with the part of the country about which Longfellow wrote in his poem *Evangeline*. The well which served the people in those days is still there, and is an historic attraction to the visitors at Grand Pré.

We in Nova Scotia, of course, can look back to the first social club in America, which was formed in 1605. The club still functions, and an invitation is extended to every visitor to join. This creates goodwill and brings more tourists to our part of the country. In 1632 the first Canadian school was founded in Nova Scotia. For the information of my honourable colleague from Toronto-Trinity (Hon. Mr. Roebuck), Chairman of the Divorce Committee, I may say that the first divorce court in Canada was held in Nova Scotia in the year 1749. Nova Scotia has many firsts—

Hon. Mr. Quinn: The first post office.

Hon. Mr. Isnor: Yes, and the first printing press established in 1751. We are the only province in Canada to have our own flag, granted to us in 1621 by King James VI of Scotland, James I of England.

I should like particularly to draw the attention of the department to the Duke of Kent's Lodge, located at Princes' Lodge, about six miles from Halifax, which was occupied by the Duke from 1794 to 1800. This historic

site is badly in need of restoration and should, I think, come within the purview of the act and be recognized by the board. At Windsor, the shire town of the Hants Company, can be seen signs of old Fort Edward, built in 1749. This is another site which should be recognized by the board.

When we visit Quebec City and see there the Citadel and the Plains of Abraham we are reminded of the large sums of money spent every year to maintain the site in order to attract visitors to that part of Canada. May I say that in the city of Halifax we have an old citadel, erected well over 200 years ago. If I remember correctly, the Parks Commission reported that last year something like 84,000 people visited the citadel at Halifax.

Honourable senators, I have touched only briefly on the sites which I feel should be recognized by the board. I am in favour of the principle of the bill to expand the definition of "historic place", but I am not entirely satisfied that the provinces of Quebec and Ontario each need an additional member on the board.

On motion of Hon. Mr. Gershaw the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce Nos. 346 to 364, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, May 19, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

RAILWAY BILL

FIRST READING

A message was received from the House of Commons with Bill 259, an Act to amend the Railway Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILL

STANMOUNT PIPE LINE COMPANY—
REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill T-12.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (T-12) intituled: "An Act to incorporate Stanmount Pipe Line Company", have in obedience to the order of reference of May 10, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house adjourns today it stand adjourned until Tuesday next at eight o'clock in the evening.

The motion was agreed to.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING—
DEBATE CONTINUED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Euler for the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. Norman P. Lambert: Honourable senators, I propose to support Bill H-10, mainly on the ground that it is a step—an incidental step, perhaps, but a very necessary one—in the direction of improving the usefulness and strengthening the status of the Senate as an integral part of the Parliament of Canada.

I am greatly indebted to those senators who have already spoken in this debate for having helped me to boil down some of the thoughts I would like to express today; but even so, I fear that by the time I have finished I shall have failed to provide a good model of condensation.

Broadly speaking, there are two outstanding aspects of this bill: first, that of its constitutional implications; and second, its broad political and practical applications to the status and functions of the Senate.

I have been influenced to some extent in what I have to say today by a desire to follow a line consistent with the position which I took in this chamber on a similar occasion some four years ago. Consistency, of course, has no great virtue; it is sometimes referred to as the bugbear of little minds. In any event, I take this opportunity of repeating now what I said then, that certain measures of reform as applied to the Senate are long overdue, and should be attended to just as soon as the Government, which is the leader and custodian of Parliament, finds it convenient to do so. I would repeat a further statement I made earlier: that the responsibility for Senate reform does not rest here alone, but involves all branches of Parliament and the provinces as well. In the working out of details to this end we must depend upon the Government to take the initiative and lead the way.

Suggestions and even participation in a co-operative way with any other representative branch of government in dealing with proposed changes in the Senate, we can give, and give freely, and we should very properly have the privilege of contributing in this way in the event of definite steps to such an end being taken by the Government at a later date. My support of this bill is based on the

hope that it will open the door to an early consideration of the whole question of Senate reform.

The bill in its purpose, it seems to me, has the advantage of focusing attention—not only our own attention and that of our associates in other branches of Parliament, but the attention of the whole country upon this subject in a way that could not be provided by a resolution. The honourable senator from Inkerman (Hon. Mr. Hugessen) yesterday in his very effective presentation emphasized this in his reference to the legal implications applying to the bill. He pointed out the legal implications with regard to future appointments, and not as applying necessarily to the filling of the present vacancies.

The importance of keeping the machinery of our democratic parliaments up to date and in good repair so as to serve the needs of the people who support them as efficiently as possible can hardly be overstressed. This mechanical side of democracy, if one may so describe it, expressed in such constitutional documents as the British North America Act, is apt to be taken so much for granted that it is almost overlooked altogether. Democracy, if it is to be any good at all, it seems to me, has to function practically through a number of imperfect human beings brought together in committees, councils, legislatures and parliaments from time to time. Their functions in such organizations certainly cannot be properly carried out unless forms of procedure are devised to enable them to exercise their power of action on behalf of the people at the right time and in the right way.

It is no idle platitude to say that the price of all that is involved in the way of freedom and liberty in our democratic system—as was so eloquently expressed by the honourable member from Churchill (Hon. Mr. Crerar) in this debate—is eternal vigilance in seeing that the machinery of that system is adequately maintained. If I may develop this thought a little further, I should like to point out what must be evident to any casual observer of political conditions in this country during recent years, namely, the widening gap between the rank and file of our people, the Canadian electorate who pay the taxes and vote, and the State, which is represented mainly by the Government, members of Parliament, and civil servants. That gap has been appearing increasingly as a sort of no man's land, and it is the business of us all to narrow down that area in every possible way by bringing into closer proximity and contact the machinery of the State with the men and women who vote. It has been said, I think with all truth behind it, that the fuel of that system which we call democracy, and which imparts power to the machinery of the State, consists of the political will and consciousness of ordinary folk whom we are in the habit so often of describing as "the common people".

Much of what I have been saying may seem to be a pretty platitudinous play of words on a hackneyed theme of democracy, but I am not apologizing for it, because I am attempting to justify the submission of any constructive suggestion or criticism from this chamber which will reflect a conscious and sincere effort to modernize and improve the representative institutions to which we subscribe our loyalties and beliefs.

I regret that it has been found necessary to introduce into this debate the personality of the Prime Minister. To me there is something rather distasteful about a diversion from the consideration of a meritorious issue by protestations of loyalty and admiration to one who neither invites nor requires such encomiums from anybody. It all savours too much of protesting the virtues of one's own family.

My honourable friend from New Westminster (Hon. Mr. Reid) semed to have some misgivings about the possible attitude of members of the House of Commons toward this bill. I do not think he need concern himself about that any more than about any of the sallies pointed in this direction from many quarters.

As a matter of fact, as many arrows from outside are aimed, I think, at the House of Commons and Parliament as a whole, as are directed at the Senate. The House of Commons in its laborious attempt this session to revise its rules of procedure is doing the best it can to improve its position in this respect. In this connection, may I divert to say that I agree very much with something that was said in England recently by the Right Honourable Hugh Gaitskell, who was Chancellor of the Exchequer in the Attlee Government. In an address entitled "In defence of politics" he said that he was not concerned with the good-natured chaff illustrated by the bus conductor's call at Parliament Square, "Anybody here for the gas house?". This kind of attitude toward legislators, he thought, represented in reality a form of public respect modified by a characteristic Anglo-Saxon urge to debunk, and was basically healthy and democratic. I think this applies as much to Canada as it does to England. We might have more reason for concern if complete silence and indifference prevailed in place of the more active attention which is paid to us from time to time.

As the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) made so lucidly clear in his worthy speech of last week, members of this chamber, appointed by the Crown, are advisers of the Crown through the Prime Minister and his colleagues in the cabinet. It is that high position of his that commands our respect, and it is a fortunate circumstance that the man who fills it becomes his eminent position with such great distinction. Everything that has been said about him in this vein here and elsewhere over the last years, and during this debate, surely provides abundant evidence of an understanding which will receive gladly, on behalf of himself and his associates, reasoned and sincere proposals relating to the welfare of this country.

The word "check" is often applied to the functions of the Senate in relation to legislation presented here, and use will be made of that word later in the course of my remarks. I think here it should be emphasized that that word should not be interpreted as meaning obstruction or interference but rather as advice offered to the Government—to the executive branch of Parliament—not to the House of Commons. The constitutional status of senators, as pointed out by the honourable gentleman from Toronto-Trinity—that of being appointees of the Crown—gives to the word "check" a different meaning and significance from its ordinary application. The federal system of government in the United States is often referred to as a series of "checks" and "balances". There is a rigidity in the use of that term in the United States which does not apply here at all. The difference essentially between these neighbouring countries in the use of this word "check" reflects the constitutional difference between a "limited monarchial form of government" and a republic.

That is why Sir John A. Macdonald, in the pre-Confederation discussions at Quebec in 1865, defined Canada's prospective system as one indicating "constitutional liberty as opposed to democracy". It is only fair to say now, ninety years after those words were spoken, and in the face of profound world changes, that those two phrases applying to our respective systems of government on this continent have become interchangeable. Each stands today for the freedom and dignity of the individual citizen as opposed to the totalitarian conceptions of some other lands.

Discussion on the subject of Senate reform has been heard before in this chamber. Only some four years ago an interesting debate took place here on the subject of improving the status of the Senate. It was ably introduced by the Leader of the Senate, who now occupies the Speaker's Chair (Hon. Mr. Robertson); and he made it quite clear that he had been encouraged to do so by the previous Prime Minister, Mr. Mackenzie King; and he also intimated that he had been given a free hand by the present Prime Minister to proceed independently with the subject.

So I say, we have good precedent for dealing again with suggestions which have in mind the betterment of conditions in this chamber.

In all of the discussion that has been devoted to the Senate throughout the years, both inside and outside of Parliament, no serious or substantial claim has been made to dispute the important place of a second chamber in our federal system of government. To my mind that is the real question raised by this bill. It is also a question to which the people of this country and the members of their government and Parliament should address themselves in any consideration of the Senate. I should like to make further references to this point in certain citations before I conclude.

I should like now to refer to the speech made by my very good friend the honourable senator from Vancouver South (Hon. Mr. Farris) last Thursday. There was so much of it with which I agreed and admired that I am rather reluctant to suggest that upon reading it more closely in *Hansard* I found that I was a bit mystified by his uncertainty of mind regarding the constitutional aspect of this bill. He commended the purpose of the legislation wholeheartedly, but seemed to have some doubts about the constitutional means or procedure by which the bill might be given effect. This is what he said—I am quoting from page 465 of *Hansard*, dated May 12:

> I have some comments to make on the form in which the issue before us is raised. It purports to amend the British North America Act—a proceeding which until the method was changed a few years ago, was confined exclusively to the Parliament of the United Kingdom. A part of that power, but only a part, has been delegated to the Canadian Parliament. Whether amendments of this kind are to be made by the British Parliament or the Canadian Parliament, they are not to be lightly undertaken. With all deference to the honourable senator from Waterloo (Hon. Mr. Euler), a constitutional question is a little different from an amendment of the House of Commons Act. True, it may relate to the same subject-matter; but the Fathers of Confederation, who inspired the provisions of the British North America Act, saw fit to make a distinction between the constitution of the House of Commons and changes therein, and the constitution of the Senate, which is incorporated in the British North America Act itself.

Then further, on page 466, he said:

> The honourable senator from Toronto-Trinity pointed out that under the constitution the Senate was created as a body to be representative of the different parts of Canada, the representation being

designated by provinces. In the light of these circumstances I ask this question: can we say that in all its aspects the matter of Senate appointments is so divorced from provincial consideration that it comes entirely within federal jurisdiction, and that therefore the dominion has full power to deal with it?

As I say, I was a bit mystified by these reservations on the part of my honourable friend as I read them in *Hansard*, because in February 1951, during the debate to which reference has already been made, he expressed a much more definite and certain opinion regarding the power of Parliament to amend the constitution as it applied to the Senate than he did last week.

Let me quote from the report of that debate as shown on page 124 of *Hansard* of February 19, 1951. I had asked my honourable friend about the obligation of consulting the provinces in connection with any amendment of the British North America Act relating to the Senate. He said this in reply:

As I understand the situation, at the last session we amended our constitution on the theory that the Senate was part of the Government of Canada, and that we did not require to have the consent of the provinces when we asked the Imperial Parliament to make the amendments. Now then, if we, as a part of the Government of Canada, decide to amend the constitution, we have the complete constitutional power and right to do so, and if any one province were to say: "We refuse to appoint the senators for our province"—if my honourable friend really thinks there would be any danger of that—I would suggest that in amending the constitution we should provide that if any province did not make its appointments within, say, six months, the Dominion Government would be authorized to make them.

A little further on *Hansard* reads as follows:

Hon. Mr. Farris: I said that Parliament had the fullest power to do so; but what it would do I do not know.

Hon. Mr. Lambert: Has it the fullest power?

Hon. Mr. Farris: Of course it has. That was declared by the Prime Minister of Canada, the Attorney-General, and every lawyer of high authority, when at the last session an act was passed on the basis that we had full power to amend our constitution in regard to the Senate. There is no question about that. The Parliament of Canada has that power.

Hon. Mr. Farris: Which opinion do you think is the better?

Hon. Mr. Lambert: I am aware that my honourable friend may fairly say to me now that I am quite welcome to his discarded or revised opinions.

Hon. Mr. Macdonald: He has given us his "sober second thought."

Hon. Mr. Lambert: But when I was reading in *Hansard* what he said last Thursday I could not help feeling that the positiveness of his declaration on the same constitutional point some four years ago would have made a much more fitting conclusion to his speech last week than the rather cloudy and uncertain view which he did express and which, I felt, did not carry the weight of a very firm conviction. As a matter of fact, honourable senators, as I read over that part of his speech I could not help thinking of the old scriptural injunction:

For if the trumpet have an uncertain sound, who shall prepare himself to the battle.

I think that at this point I should quote what the Prime Minister said on this matter, as reported at page 7 of the *Proceedings of the Constitutional Conference of the Federal and Provincial Governments* on January 10, 1950. Before I read it, however, may I say that one does not need to be a lawyer to see that the subject-matter of this bill does not come under any of the specified exceptions which are cited here. This is what the Prime Minister said at that time:

You are, of course, aware that the federal Government submitted to Parliament at its last session an address requesting an amendment to the British North America Act to vest in the Parliament of Canada authority to amend the constitution of Canada in its purely federal aspects.

That amendment, known as the British North America (No. 2) Act, 1949, has now been enacted by the United Kingdom Parliament, and has become a part of the constitution of Canada.

Under that statute, jurisdiction is transferred to the Parliament of Canada to amend the constitution of Canada with the following five important exceptions:

(1) matters coming within the classes of subjects assigned exclusively to the legislatures of the provinces by the British North America Act of 1867;

So far as the exception in No. (1) is concerned, the subject-matter of this bill certainly does not apply there.

(2) rights or privileges granted or secured to the legislature or the government of a province by any constitutional act;

This bill certainly does not come under the purview of that exception.

(3) rights or privileges granted or secured by the constitution to any class of persons with respect to schools;

This bill has no reference whatever to that subject, and therefore does not come under that exception.

(4) constitutional provisions regarding the use of the English or the French language;

And I am sure the bill does not come under that exception.

(5) the constitutional requirement that a session of Parliament must be held once a year and that a general election must take place at least every five years, with a proviso for possible postponement of an election in cases of real or apprehended war.

Hon. Mr. Roebuck: May I ask if the Prime Minister is not quoting the act almost word for word, when he makes that statement?

Hon. Mr. Lambert: Those classes were contained in the text of the British North America (No. 2) Act, 1949, which amended the

constitution at that time. I simply quote those passages for the purpose of trying to give a layman's understanding of what actually takes place when powers of this kind are given to the Government to deal with such matters as are represented in the bill before us.

I will now deal with the practical aspect of this bill, which has for its objective the early appointment of new senators to fill the vacant seats in this chamber. The truth is that with more than one-fifth of its membership lacking, the work that should be done here in standing committees and in possible committees of special inquiry, cannot be done properly, for there are not enough members to go around.

Reference was made by the Prime Minister in the other house last week to the inability of that house to set up a special committee of inquiry, as had been indicated in the Speech from the Throne, because too many members are now engaged in attending various other committees. If such is the situation in the House of Commons with its fairly full complement of members, it is many times worse in this chamber with its deficiency in membership. I do not intend to cite examples of this shortcoming that could be mentioned; but I would refer particularly to the Standing Committee on Divorce, upon which the most constant and heavy demands are being made. The honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) referred to the needs of that committee in the course of his contribution to this debate last week. The character of the work in that committee is not only exacting in volume, but it requires as much experienced legal knowledge as it is possible to have in its membership; and that fact in no way casts any invidious reflection on members of that committee who are not lawyers and who have contributed so effectively to the decisions that have been brought to this chamber for approval. The work of the Divorce Committee is being endangered by empty seats in the Senate. And I think it might be fairly said further that no branch of our parliamentary activities is doing more to preserve national unity in Canada than this same committee.

The honourable senator from Toronto (Hon. Mr. Campbell) yesterday took occasion to mention particularly the work of the special committee appointed in 1945 to inquire into the operations of the Income Tax Act. One should not fail to mention the work of one or two of the standing committees of this house. I think we too easily forget such a contribution as was made to the interests of the country by the Standing Committee on Banking and Commerce with respect to foreign exchange control legislation. As a result of representations heard, evidence taken and reports later submitted, legislation which had been directed to the establishment of a Foreign Exchange Control Board in Canada for all time was limited to a period of two years, and after the end of that period it was completely removed from the financial machinery of Canada. Time has shown clearly that that action was for the benefit of the country as a whole.

There comes also to my mind the tremendous amount of work done by the Banking and Commerce Committee in connection with the Bankruptcy Act. That work was continued over a long period of time and required the skilful application of the best legal brains in this chamber.

I am reminded also of the work done by the Senate in the revision of the Criminal Code. True, a joint committee of both houses dealt with the subject, but great tribute must be paid to the special subcommittee of the Senate's Banking and Commerce Committee for its very valuable contribution toward amending our criminal law.

I should like to emphasize that a great deal of the possible service of Senate committees to the present and future welfare of Canada is being sacrificed because of the vacancies in this chamber.

In one of the most effective references in his speech the honourable senator from Vancouver South ventured the opinion that the problem confronting the Prime Minister and his colleagues in connection with the Senate was not its constitutional implications so much as its broad political difficulties. I agree with him that the broad political aspect of this question is far reaching and very difficult to meet. But I think also that never was there a more opportune time than now to reconcile some of the realities of our fast changing political scene in this country with the practical workings of government and parliament. The transitional features of political professions and affiliations have not developed all at once out of the recent war years or its immediate aftermath of reconstruction. In so far as the identity of old traditional two-party affiliations is concerned, the process of change in federal as well as provincial fields was noticeable toward the end and after the conclusion of the First Great War. The fact is that a new era for Canada was eloquently envisaged by outstanding leaders of thought and action in this country many years before the Second World War. But the realities have finally caught up with the operation of our political institutions, which must be adapted to them if democratic forms of government and administration are to meet public needs and public demands.

If, therefore, the problem here is broadly political rather than constitutional, the difficulties connected with it are due as much as anything else to the long period that has elapsed since they started to accumulate, and not to any element of short notice in the situation.

It is on this note of modernization I should like to conclude my remarks about the Senate and about the bill now before us. In doing so, I shall quote briefly from the considered opinions of some experienced men of outstanding ability and distinction who have served Canada in this chamber and also as active members of the federal Government in years gone by.

First of all, the late Sir Clifford Sifton—a man who possessed a rare combination of creative and prophetic imagination with a practical ability to organize and get things done—recorded his views about the Senate a good many years ago, towards the end of the First Great War, when many people like himself were looking forward to a new era for Canada. I propose to quote from a volume entitled *A New Era in Canada,* published in 1917 and edited by a gentleman who is not known here now, Mr. J. O. Miller, who for many years was the very worthy principal of Ridley College at St. Catharines. With a great sense of duty he undertook to enlist contributions to that collection of views from outstanding people of authority and distinction. In that part of his statement relating to the Senate, Sir Clifford Sifton had this to say:

> No nation should be under underchecked, single-chamber Government . . . According to my experience, the will of the people is very often better expressed after a check, and after a period of searching and critical discussion, which generally arises from such a check, than it is in the first instance. It must also be remembered that, under our system, the power of the cabinet tends to grow at the expense of the House of Commons. In Canada the Senate is not so much a check on the House of Commons as it is upon the cabinet, and there can be no doubt that its influence in this respect is salutary. In twenty years at Ottawa, I have never known a case in which a Government was anxious to take the verdict of the people on a bill rejected by the Senate.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Lambert: Then further on he said this:

> As to membership, it would add greatly to the Senate's dignity and independence if hereafter all Lieutenant Governors of provinces, all Dominion Cabinet Ministers, all Provincial Premiers who have held office for three consecutive years, should, on going out of office, have the right, at their option, to be called to the Senate . . . The appointed members should be diminished by a number equal to the number of the *ex-officio* members, not by cancellation of existing appointments, but by refraining from making new appointments when in the course of nature senators disappear. The total number would vary slightly, but that is not a serious objection. By these methods a body of men would be introduced who would hold their appointments, as of right, by reason of having held high administrative and political office, and who would possess wide experience and a broad political outlook. It is extremely likely that a Senate so constituted might be found to give general satisfaction, especially if certain functions, of a more or less important character, were committed especially to its charge.

I have thought in connection with that suggested basis for selecting membership to the Senate that service in municipal spheres and membership in the House of Commons should be included.

Next I would like to quote briefly from a letter written in 1941 by the late Right Honourable Senator Dandurand, a former Leader of this chamber; and one of the ablest and most courageous men I have ever known. This is what he had to say about the Senate, after having served as an active member of it for over 40 years:

> I have always felt that the Upper House has had its limitations, and should not act as a replica of the House of Commons, and I have often said so. I could never admit that a party of the latter house should ever try to dominate the Government through an accidental majority of its friends in the Senate. In order to bring the Senate to that point of view, I have thought that an ideal Canadian Upper House should have no official Government Leader and that each minister at the head of a department should confide his bills when they reach the Senate to a member of his choice, to pilot them through. The senators would no more sit in two separate groups, one to the right and the other to the left of the Speaker, so as not to be divided on party lines.

The following statement by the Right Honourable Arthur Meighen, another former Leader of this chamber—who once described the Senate as "a workshop and not a theatre"—is taken from a speech he delivered in Ottawa at a farewell dinner tendered to the late Viscount R. B. Bennett on his departure for Great Britain:

> For the five sessions I was Leader of the Senate, and for three later sessions Leader of one section of that house—the section favourable in a general way to Mr. Bennett's party. Throughout that entire period, and it was a long one, the Leader of the Conservative Party recognized, without limitation, the distinct and independent status of that branch of Parliament. The Senate, during his term of Premiership, altered Government measures hundreds of times, altered them in important features, even defeated policies submitted with his recommendation, but never did Mr. Bennett interfere or seek to interfere with the duties of the Second Chamber. Never at any time did he complain or make suggestion that we should take another course. He had a right understanding of how the constitution of Canada should work.

It is worth observing that the Right Honourable Arthur Meighen, while he was Leader of this house and a Minister without portfolio in the cabinet of Mr. Bennett, did not ordinarily sit in the cabinet but devoted himself

almost exclusively to the interests and purposes of the Senate. I think it is only fair to sound this non-partisan note in dealing with this bill.

And finally, I would refer to the view expressed by the late Sir Allen Aylesworth when he spoke in this chamber in 1932 on the subject of the Senate's past accomplishments and its future outlook. He stated that he would gladly support legislation if it were presented in this chamber, to disfranchise members of the Senate and thus prevent them from participating or voting in general elections, so that their independent and judicial status might be duly recognized. He believed that the Upper Chamber of Parliament should fill the role of a political and legislative court of appeal and review.

I believe, honourable senators, that Sir Allen Aylesworth's fine definition of what the Senate should be, comes more nearly than any words I know to describing the kind of institution that was conceived by our founding fathers when Confederation was accomplished.

I simply submit these expressions of opinion from the well-qualified minds of our great men of the past as constructive suggestions to anyone who cares to consider them. I am fully aware that they invite further comment and analysis, but I do not propose to do more now than place these offerings on the record.

One more word needs to be said. Whatever may be the fate of this bill, whatever action may be taken by the Government in consequence of it, the responsibility for the future work and activity of the Senate rests right here amongst its members. Even the present British North America Act provides this body with enough power and authority to exert a profound influence on this country, if it only possesses the will and the energy to apply it. In the review of legislation which comes here; in the discriminatory examination of proposed public expenditures presented here for approval; and in special inquiry into matters which call for attention and enlightenment, much remains to be done. It is true that additional members are required to do the job properly. Possibly, however, a fair question, which every member of this chamber might think about, in relation to the work done here is this: Is it the constitutional provisions behind the Senate that need reform, or is it the senators themselves?

Hon. W. H. Golding: Honourable senators, in listening to the honourable senator from Ottawa (Hon. Mr. Lambert) I gathered that he is under the impression that the Divorce Committee has not been able to handle all the cases that come before it. I think I am in order in saying that so far this session there is no case which has been ready to be heard before that committee which has not been heard. And I might add that on many occasions, when as many as four subcommittees were ready and available to carry on, there was not enough work for them to do.

The honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) has mentioned that the committee could do with some more lawyers, but I would like the house to know that the present membership of the committee includes a number of lawyers who do not attend at all. My main purpose in rising, however, was to impress on the house that every case which has been ready for hearing by the committee has been heard.

Hon. Mr. Lambert: May I rise on a point of privilege, to assure the honourable senator from Huron-Perth (Hon. Mr. Golding) that, as far as I can recall, no word of mine was spoken in disparagement of the present Divorce Committe and the work it is performing. What I intended to convey was that the exacting demands on the committee and the pressure of its work require that, in this relation, stock should be taken of the future as well as the present. While it would be advisable to have in reserve a greater complement of legal talent, of legally trained minds, that in no way reflects invidiously upon the lay members who, as I said, have contributed in a very valuable way to the decisions which have been presented to this chamber. We must remember that we are not immortal, and that the future strength of our committees depends almost as much upon a reserve supply of candidates as it does on those who are performing the functions now.

On motion of Hon. Mr. Macdonald, the debate was adjourned.

HISTORIC SITES AND MONUMENTS BILL

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Hawkins for the second reading of Bill 182, an Act to amend the Historic Sites and Monuments Act.

Hon. F. W. Gershaw: Honourable senators, the sponsor of this bill very clearly explained its terms, and I have only a few brief observations to make, and some requests which, I hope, will reach the ears of those who are to be on the commission.

About the time of Confederation very little was known by the people of Canada of that great prairie region which extends from

Lake Superior to the foothills of the Rocky Mountains. It is true that explorers had penetrated that area: there were trading posts in different places; there were some settlers around the trading posts, and there were quite a number of lawless men who had come in from other countries and were robbing and debauching the roving tribes of Indians who lived in that area. There was tribal warfare; there were very cruel practices: old, decrepit people were left on the trails to their terrible fate—starvation, or death from the elements. The cruel sun dance was indulged in; and there were murders, but the perpetrators were not punished because there was no law enforcement at that time.

Then, one night in the year 1873, a group of Indians and their wives and families were encamped by a little stream in the Cypress hills when a number of whisky smugglers, with some evil purpose, crept up the ravine and from the cutbank shot about thirty of these helpless people. The few who escaped did so by fleeing up into the wooded hills.

When this gruesome story reached Eastern Canada recruiting started at once for the Northwest Police Force, and about three hundred young men volunteered to embark on the dangerous enterprise for which they were engaged. These men in scarlet and gold assembled at Fort Dufferin, in southern Manitoba, made an amazing march—some two thousand miles—to reach the scene of their activities, and there performed a great work. They quickly stamped out the whisky smuggling; they established law and order in that country so that the lives and property of the settlers were more secure; and more than all, they gained the confidence, the trust and the respect of those Indian bands. What they accomplished makes bright pages in the history of the West; and my plea is that the record of their achievements shall not be allowed to go into the limbo of forgotten things, but that it shall be preserved as an inspiration to those who come after. Because those young men never again returned to their homes; they never again saw the scenes of their childhood. They lie in unmarked graves under the sod, and it is said that, especially at this time of year "The prairie flower blows softly and the scented rosebud trains its wealth of summer beauty o'er the Riders of the Plains".

Captain Clark, who was a nephew of Sir John A. and Lady Macdonald, died in the first bloom of young manhood and is buried near historic Fort Walsh.

Constable Grayburn was the very first mounted policeman to die by gunshot at the hands of a treacherous Indian. For a time his grave was marked by a little fence and cross; but, as years went by, cattle moving about in that ranch land began rubbing against the fence until it was completely ruined and practically everything was destroyed. Those are graves which should be marked.

Then there was another outstanding figure, Jerry Potts. He joined the Mounted Police in 1874, and for 22 years he served the force well and faithfully. He had an uncanny sense of direction and guided his fellow policemen in their work in times of darkness and storm. He was a matchless diplomat and could speak six or seven Indian languages. He directed the police on many expeditions against lawless groups, and he often provided their food by his skill with the rifle. There were plenty of buffalo in those days, and on many occasions he saved his comrades from being overrun by stampeding the herds. He was a tower of strength to the force. Today his remains lie in a small cemetery at Fort McLeod, and the single slab above his grave is marked with the one word "Interpreter".

I think the Historic Sites and Monuments Board would perform a splendid service if it took such cases as these under review and established suitable memorials for those early heroes of the Mounted Police, and others, who accomplished so much to save Canada's white people from the bloodshed, misery and destruction which the white people in the northern states suffered at the hands of Indians. It would not be an expensive undertaking, for in almost every town, village and city historical societies are anxious to do something of this kind before the opportunity passes away.

A broad, hard-surfaced highway is being built through this western country which was once the home of roving Indian bands. Along that highway today many high-powered motor cars travel at great speeds and it seems to me we might slow these cars up a little if here and there we were to erect monuments which depict the striking events of local history. If this were done I believe the tourists who travel along our highways in Cadillacs would get a better picture of the way of life of our pioneers whose only mode of transportation was paddle boat, ox cart or covered wagon.

Hon. Thomas Reid: Honourable senators, it is not my intention to delay passage of this bill, but in view of an event which happened not so long ago I have one suggestion to make.

First of all may I compliment the sponsor of this bill (Hon. Mr. Hawkins) for making

a clear and precise statement on the provisions of the bill and the work done by the Historic Sites and Monuments Board. I was struck by his quotation of Joseph Howe, and I feel it is well worth repeating it in so far as this bill is concerned:

> A wise nation fosters national pride and love of country by perpetual reference to the sacrifices and glories of the past.

Honourable senators, sometimes we are too close to passing events to recognize their historical significance and as a result we often fail to record these events for history.

This bill seeks to widen the definition of "historic place" so that consideration could be given to preservation of historic buildings. Such an amendment would give recognition to historic buildings in the city of Halifax, and place them under the jurisdiction of the Historic Sites and Monuments Board. I would like to see the definition broadened to take in other things of an historic nature. I wonder how many senators have read the stirring account of the famous voyage of the Royal Canadian Mounted Police schooner *St. Roch*, under her commander, Sergeant Henry Larsen, F.R.G.S., now Superintendent Larsen. She is the only vessel that ever went from Vancouver, B.C., through the North-West Passage to Halifax and Sydney, N.S., and return. A booklet on this memorable voyage, published under the auspices of the City Archives of Vancouver, contains an excerpt from an original letter written by Captain George Vancouver on October 2, 1794, when he was looking for the North-West Passage. While aboard H.M.S. *Discovery* at Nootka Sound, he wrote:

> We arrived here this day month all in high health and spirits, having truly determined the non-existence of any water communication between this and the opposite side of America within the bounds of our investigation beyond all doubt and disputation, hence I expect no further detention in this hemisphere.
>
> Yours with great truth and friendship,
>
> Geo. Vancouver.

Honourable senators, the *St. Roch* was presented by the R.C.M.P. last year to the City of Vancouver. It has been suggested that this remarkable and historical ship, which is now lying in harbour at Vancouver, should be placed on a site in Stanley Park overlooking the sea, but no action has been taken in this regard. May I make a suggestion, which I think would be worthy of recognition by the Historic Sites and Monuments Board? There is no provision in the act to establish a site for a famous ship. The *St. Roch* deserves to be remembered, and I suggest that it would be most fitting to have a monument erected to commemorate her great voyage.

Hon. Senators: Hear, hear.

Hon. R. B. Horner: Honourable senators, I do not know if any member of this chamber has said anything about historic sites in Saskatchewan but I heard the honourable senators from Medicine Hat (Hon. Mr. Gershaw) and New Westminster (Hon. Mr. Reid) speak on the early days of the Mounted Police. That brought to my mind Duck Lake which was one of the earliest settlements in western Canada at a time when Regina, or any place south of it, did not exist. Duck Lake is about 35 miles east of Blaine Lake, and about eight miles from the South Saskatchewan River. About 15 miles from Duck Lake, on the North Saskatchewan, is situated historic Fort Carleton. The fort has an Indian burial ground and other marks of the past associated with it. In the early days the fort itself contained a large supply of ammunition, and the Mounted Police deliberately blew it up so that the ammunition could not get into the hands of the rebels. A cairn on the site of the fort has been erected by the Historic Sites and Monuments Board.

I want to speak now about the Northwest Territories Legislature site in Old Battleford, which is being very well taken care of by the Board. It is a lovely prairie plateau between the North Saskatchewan River and the Battle River, and is one of the most beautiful natural sites in Canada. I often think what a pity it was that the seat of the Legislature was transferred to Regina. They had great difficulty in creating an artificial lake at Regina, but at Old Battleford there were two rivers with lovely green banks and evergreens, and beyond that perfectly lovely expanse the Mounted Police had their barracks and a great number of buildings, with all the natural beauty of the surroundings preserved. It is a very interesting place, and people motoring on No. 5 highway can always find someone to show them around. This year Saskatchewan celebrates the jubilee of its establishment. I hope large numbers of people will motor through that part of the province, for I am quite sure that is one site everyone will enjoy visiting. We also have in Saskatoon, and in North Battleford as well, a museum, in which is gathered together all the old machinery that was once in use. Saskatoon has a large, elaborate building, and they have gone to the trouble of building a sod shack, similar to the sod shacks that the prairie settlers lived in when they first homesteaded. At exhibition time they will steam up some of the huge old threshers, pull them outside, put the belts on and run them for the benefit of visitors.

Honourable senators, I commend the work that is done on historic sites—it is useful and necessary, and will make familiar to future generations the things which are quite familiar to us at the present time.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hawkins: Next sitting.

ALBERTA-BRITISH COLUMBIA BOUNDARY BILL

SECOND READING

Hon. George H. Ross moved the second reading of Bill C-13, an Act respecting the boundary between the provinces of Alberta and British Columbia.

He said: Honourable senators, the sole object of this bill is to confirm a survey made by the Interprovincial Boundary Commission, appointed in 1949 to delimit the boundary between Alberta and British Columbia.

An Imperial act, 29 and 30 Victoria, chapter 67, sections 7 and 8, established a natural topographical boundary line along the crest of the Rocky Mountains from the international boundary as far north as the most northerly crossing of the 120th meridian of west longitude, thence following the said meridian northerly to its intersection within the 60th parallel of north latitude, which is the northern boundary of Alberta and British Columbia.

In April 1913 a survey was commenced and was carried on from the international boundary for a distance of 522 miles. This survey was approved by both the provinces of Alberta and British Columbia in 1931, and confirmed by Parliament by the Alberta-British Columbia Boundary Act, 1932.

In 1949 Alberta and British Columbia asked the Surveyor General of Canada to participate in a survey of the rest of the boundary, a distance of 176·9 miles. A commission was appointed to have the survey made. The survey has been completed, and it has been approved by both provincial Governments. We now seek the approval of Parliament, pursuant to the provisions of the British North America Act, 1871, section 3. This is the sole object of the bill.

Hon. Mr. Reid: May I ask the honourable senator what is meant by delimiting the boundary? Section 2 of the bill says that the boundary line was surveyed in 1950, 1952 and 1953 to delimit the boundary between the provinces.

Hon. Mr. Ross: Monuments are erected on the ground on an average of 1·1 mile apart, fixing the boundary between the two provinces. The Imperial act simply said that the boundary should follow the mountains for a certain distance and then go north, but this provision would fix, or delimit, the boundary on the ground itself.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: Honourable senators, when shall this blil be read the third time?

Hon. Mr. Ross: With leave of the Senate, next sitting.

PRIVATE BILLS

WESTCOAST TRANSMISSION COMPANY LIMITED—SECOND READING

Hon. J. W. de B. Farris moved the second reading of Bill B-14, an Act respecting Westcoast Transmission Company Limited.

He said: Honourable senators, this is a brief and simple bill. It seeks an amendment to increase the capital stock from 5 million shares without nominal or par value to 25 million shares without nominal or par value. It is not proposed at the present time to increase the capital of the company, although if occasion for it arises it could be done under the present bill. The proposed change in the authorized capital is to facilitate financing by making more shares available when required.

Hon. Mr. Euler: May I ask my friend a question? Before that is done, is it necessary to have the consent of the Board of Transport Commissioners?

Hon. Mr. Farris: The Board of Transport Commissioners has practical control. While the Pipe Lines Act contains no express provision of that nature, it is my opinion that the whole supervision and control of the pipe line is within the board.

I understand from the Clerk that the practice is to refer all bills such as this to a committee. I would suggest that it may not be necessary to refer this limited amendment. I may say that the only persons who could give the committee any information on it would be an officer of the company from Calgary, or Mr. Frank McMahon, head of the company, who is at present in Washington in connection with the company's application for the right to dispose of gas in the United States. He will have to come to Ottawa again when this measure is considered in the House of Commons. Honourable senators who attended the meeting of our Standing Committee on Banking and Commerce on May 11 last will recall that a correlated bill to incorporate Petroleum Transmission Company was

considered. Mr. McMahon was present at that time, and because of the close relationship between that company and this company he was asked about the overall picture. The senator from Rosetown (Hon. Mr. Aseltine) in particular asked him about the Westcoast Transmission Company and its prospects. I now propose to give honourable senators what information I have as to the present bill which, I may say, is more than was requested when the Petroleum Transmission Company bill was before the committee.

This company was incorporated by the McMahon group by a bill passed here in 1949 and in February, 1952, after almost three years of hearings in Alberta, the provincial Government granted it the right to export northern Alberta gas. The matter then came before the Board of Transport Commissioners, which has control over such matters of an interprovincial nature, and after full hearings granted leave to carry the gas across the border in an interprovincial pipe line. In addition, Mr. Howe's act, which honourable senators will recall, comes into play, and permission was asked for and given under that statute.

One hitch developed. In June 1952 hearings commenced before the Federal Power Commission in Washington for the right to move gas into the United States. Honourable senators will recall that the application was opposed. In June 1954 the Federal Power Commission turned down the application by Westcoast Transmission Company, which meant either that the company had to throw up its hands and that no gas would be carried to the Pacific coast under the then proposals, or that some new arrangement would have to be made. A new arrangement was made when Westcoast Transmission Company in December last signed an agreement with the Pacific Northwest Pipeline Corporation, the firm that won Federal Power Commission approval on June 18, 1954, to supply Washington and Oregon with gas. This firm, in turn, signed with the El Paso Natural Gas Company, one of the largest gas pipe line firms in the United States, whereby El Paso will purchase gas from Pacific Northwest. The agreements call for the firm purchase of natural gas from Westcoast at the British Columbia-Washington border near Sumas. *Oil and Gas Journal*, the most conservative and highly respected publication in the petroleum industry, in its December 20th issue, named the agreement the "biggest deal in gas history" and one that is extremely beneficial to all areas and all parties concerned.

As I have said, honourable senators, Mr. McMahon was before our Banking and Commerce Committee about a week ago and was asked expressly about this company and its prospects. When speaking before the house on the motion for second reading of the first bill I gave complete figures as to the extensive exploration work that has gone on in the northern parts of Alberta and British Columbia primarily through the activities of this company and its associates, where it has spent some $30 million.

Honourable senators, this company has the blessing of the Alberta and British Columbia Governments, the Transport Board and Mr. Howe's department, for the handling of gas from the Peace River area and British Columbia, and transmission of it to Vancouver and thence to Sumas, a few miles away, for delivery to the company that now has the franchise on the American side. At our Banking and Commerce Committe meeting Mr. McMahon was asked when he expected to get the United States permit to do that. He stated at that time that the application pending before the Federal Power Commission in Washington would come up within the next two or three weeks and he expected that some time early this summer approval would be granted; that there is no reason in the world why it should not be granted because the only interest opposing his application has received a permit and now is working hand in hand with this company to handle it in the way I have indicated.

Hon. Mr. Euler: Is that the Pacific Northwest Pipeline Corporation?

Hon. Mr. Farris: That is right.

All that is being asked for in this bill is authority to increase the number of shares comprising the capital stock.

Hon. Mr. Roebuck: Have they put any value on those shares yet?

Hon. Mr. Farris: The first draft of the data sent to me stated that they were considering $2 a share, but they have abandoned that, and the shares will be, as before, of no par value. It is also stated that there is no present intention to increase the capitalization but only to facilitate financing by making more shares available.

Hon. Mr. Roebuck: Do they not have to put a value on the shares when incorporation is given in this way, in order to calculate the fees, for instance?

Hon. Mr. Farris: I can tell my honourable friend about that. The fee paid on the incorporation of the company in 1949 was based on 5 million shares at a maximum value of $10 per share, having a total valuation of $50 million. By establishing 25 million shares at a value of $2 a share the total approximate capitalization of the company, on which a fee

has been paid, remains at $50 million. It is not intended at the moment to insert that figure of $2 in the bill, nor to change the aggregate capitalization. Does that answer your question?

Hon. Mr. Roebuck: Yes, but I suppose the company is bound in some way. Is there an undertaking given to the department as to what value is to be placed upon each share?

Hon. Mr. Farris: No, no value has been set. I am now authorized to state that it is not the present intention of the company to increase the total capitalization.

Hon. Mr. Roebuck: I am just wondering if that is satisfactory, because by this bill you are actually creating five times the original number of shares, and thereby you are really getting a larger incorporation, unless there is a distinct and recorded understanding that the share value is to be reduced proportionately. If there is just something said as to an intention which may or may not be carried out, then there is no certainty in the matter.

Hon. Mr. Farris: I would remind my honourable friend that the Board of Transport Commissioners has control over these matters; that body has the general supervision of all activities of these pipe line companies and I do not think that a step could be taken by any of them without its approval. However, if there is any doubt about that, additional information can be secured. I thought it might be a simple matter to pass the bill without having to refer it to committee, but if my honourable friend feels that it should go to committee I will so move.

The Hon. the Speaker: May I remind the honourable senator that there is no option in the case of a private bill: it must go to committee.

Hon. Mr. Farris: Unless there is unanimous consent for omitting that stage.

Hon. Mr. Roebuck: I think the bill ought to go to committee.

Hon. Mr. Reid: Honourable senators, I am glad that this bill is going to committee.

As perhaps the honourable senator from Vancouver South (Hon. Mr. Farris), already knows, this company has provoked a serious dispute in my home province, British Columbia. I am a little perturbed, because the information I got when the Westcoast Transmission Company bill first came before the Senate was that they were to lay their pipe line right through to Vancouver, Burnaby and New Westminster; whereas now the information is that they are not doing that, and as a result a controversy is raging over the claim of the British Columbia Electric Company that they have the right to buy the gas from Westcoast Transmission Company at Huntingdon. We contend that Westcoast Transmission Company got the right to take their pipe line into Vancouver and New Westminster, where the great market is. When the bill to incorporate this company was before the committee it was stated that they were going to build the pipe line themselves; but now we are told they are stopping at the boundary and that another company is taking it over in their place.

Now, honourable senators, that is something I would like to have explained. It is a hot question with our people in the Fraser Valley and calls for some explanation. I want to find out why we were apparently wrongly informed when the matter was before the committee in the first instance. I am keenly interested, because this pipe line will be laid through the district I live in and represent. I might say that at present two officials are in Ottawa at the moment to protest this.

I know that the Board of Transport Commissioners has control over individual pipe lines, but I am particularly interested in the statements that were made when the franchise was given to this company, the terms of which I claim are not being carried out.

Hon. Mr. Farris: But that has nothing to do with the present amendment.

Hon. Mr. Reid: No, but we can get the information when it is before the committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Farris, the bill was referred to the Standing Committee on Banking and Commerce.

WESTSPUR PIPE LINE COMPANY—COMMONS AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the House of Commons to Bill N-9, an Act to incorporate Westspur Pipe Line Company.

Hon. Mr. MacKinnon moved that the amendment be concurred in.

He said: Honourable senators, the amendment suggested by the House of Commons is to the effect that the main pipe line or main pipe lines for the transmission of gaseous hydrocarbons shall be located entirely

within Canada. That amendment is satisfactory, and I would move concurrence.

The motion was agreed to, and the amendment was concurred in.

TRANS-BORDER PIPELINE COMPANY LTD.—COMMITTEE AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the Standing Committee on Banking and Commerce to Bill Z-12, an Act to incorporate Trans-Border Pipe Line Company Limited.

On motion of Hon. Mr. Crerar, the amendment was concurred in.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Crerar: With leave, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

GILLESPIE MORTGAGE CORPORATION—COMMITTEE AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the Standing Committee on Banking and Commerce to Bill A-13, an Act to incorporate Gillespie Mortgage Corporation.

On motion of Hon. Mr. Crerar, the amendment was concurred in.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Crerar: With leave, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

CANADIAN UNION CONFERENCE CORPORATION OF SEVENTH-DAY ADVENTISTS—COMMITTEE AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the Standing Committee on Miscellaneous Private Bills to Bill Y-12, an Act to incorporate The Canadian Union Conference Corporation of Seventh-day Adventists.

On motion of Hon. Mr. Roebuck, for Hon. Mr. Bouffard, the amendment was concurred in.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Roebuck: With leave, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

The Senate adjourned until Tuesday, May 24, at 8 p.m.

THE SENATE

Tuesday, May 24, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

GOVERNMENT EMPLOYEES COMPENSATION BILL

FIRST READING

A message was received from the House of Commons with Bill 188, an Act to amend the Government Employees Compensation Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

GREAT LAKES FISHERIES CONVENTION BILL

FIRST READING

A message was received from the House of Commons with Bill 279, an Act to implement a Convention on Great Lakes Fisheries between Canada and the United States.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILL

CONSOLIDATED PIPE LINES COMPANY— FIRST READING

Hon. Salter A. Hayden presented Bill C-14, an Act to incorporate Consolidated Pipe Lines Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Hayden: Thursday next.

HISTORIC SITES AND MONUMENTS BILL

THIRD READING

Hon. Charles G. Hawkins moved the third reading of Bill 182, an Act to amend the Historic Sites and Monuments Act.

The motion was agreed to, and the bill was read the third time, and passed.

50437—33½

ALBERTA-BRITISH COLUMBIA BOUNDARY BILL

THIRD READING

Hon. George H. Ross moved the third reading of Bill C-13, an Act respecting the boundary between the provinces of Alberta and British Columbia.

The motion was agreed to, and the bill was read the third time, and passed.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING— DEBATE CONTINUED

The Senate resumed from Thursday, May 19, the adjourned debate on the motion of Hon. Mr. Euler for the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. W. Ross Macdonald: Honourable senators, in rising to take part in this debate may I at the outset compliment all who have spoken, on the high level at which the discussion has been kept. The debate has been most interesting and, I feel, most profitable. There is no doubt that the introduction of this bill has served a very good purpose. We have had the opportunity of hearing the views and getting the opinions of outstanding constitutional lawyers on the constitutional aspects of the bill. I think we are very fortunate in having in this assembly men who are recognized by the Bar as eminent in this branch of their profession. Of course, their views have not invariably coincided. It has been said that lawyers never agree entirely with one another: I might add that lawyers never disagree entirely either. In some respects, however, our constitutional experts are in complete accord. They all agree, I believe, that if this bill were to pass, and the constitution were amended, constitutional procedure with respect to the filling of vacancies in this chamber would be no more effective than it is at the present time. There has been some disagreement on the question of whether Parliament is competent to pass this legislation without consultation with the provinces. But there is one respect in which, whether we are lawyers or laymen, we are agreed, and that is that we should like to see some, at least, of these vacancies filled. When appointments will be made I know no more than you do, but I am sure that we would receive wholeheartedly any new appointees to this chamber.

But while the newcomers would be welcome, I personally do not believe that the fact that vacancies have not been filled is attended with the dire consequences which some of my colleagues suppose. It has been

suggested that the delay in filling these vacancies is impairing the usefulness and efficiency of the Senate. Having given some consideration to that opinion, I am unable to discover in what respect there has been any such impairment of our efficiency and usefulness. Our committee work has not been impaired. The other day the honourable senator from Huron-Perth (Hon. Mr. Golding) pointed out that this year the Divorce Committee, with a greater number of subcommittees functioning, is doing more work than it has ever done. I am sure we all agree that the Divorce Committee is our hardest working committee, and we are grateful to its members for the necessary duties they perform so well.

Our various committees never lack a quorum, and any legislation placed before them is considered most carefully. I certainly do not feel that the usefulness of the Senate in connection with committee work is falling by the wayside. Perhaps if some members do not attend committee meetings they may not think the work is being done.

Hon. Mr. Reid: You can say that again.

Hon. Mr. Macdonald: If that is so I would remind the house what the honourable gentleman from Ottawa (Hon. Mr. Lambert) said the other day:

> Is it the constitutional provisions behind the Senate that need reform, or is it the senators themselves?

Personally I feel that all senators are doing their tasks most faithfully.

Let us examine the work done in the Senate chamber itself. Is it a fact that the vacancies have impaired the usefulness and efficiency of this chamber? I do not want to compare our work with that done in the House of Commons, for I know that comparisons are odious, but I was a member of the Commons for eighteen years, and I can say that we work just as thoroughly and go into questions just as deeply as they do. In any event, we work more expeditiously. I do not think there has been any lack of usefulness in the Senate on account of the vacancies that have existed. There is nothing here that is spectacular. I do not criticize the House of Commons if from time to time there are events and incidents over there that might be described as spectacular. We must remember that every four or five years the members of that house come up for election, so that one expects a different form of debate in that body from what we have here. There is no atmosphere in the Senate such as you would find in the Little Theatre or the Drama League, but we do go into questions deeply and we interest ourselves in subjects which may not have public appeal, and we see that legislation is examined carefully in every respect. In fact, our work in this house reminds me of the words of Longfellow in his poem *The Builders*:

> In the elder days of Art,
> Builders wrought with greatest care
> Each minute and unseen part;
> For the Gods see everywhere.

In the Senate we look to every aspect of legislation that comes to us, whether we think it has great public appeal or is just of ordinary interest.

Let me mention the Opposition in the Senate. Someone has said that they are weak in numbers and that they might do their work a little better if there were more of them. None of us like to see their numbers dwindling away, but let no one in my presence accuse them of not performing their proper function. The Leader of the Opposition (Hon. Mr. Haig) is an able lawyer and an experienced parliamentarian, and those of his followers who are active never fail to criticize where criticism is warranted. I have been in this house for a little over a year, and I do not recall one item of legislation which would have been changed in any important detail had there been more members on the Opposition benches. The honourable gentleman's supporters are doing their work well. However, criticism is not restricted to the members of the official Opposition.

Honourable senators, it has been suggested that our integrity is threatened because the Senate vacancies have remained unfilled for so long a time. I believe the actual wording used was, "The dignity of the Senate is suffering." Does anyone really believe that the dignity of this august assembly is actually suffering on account of the vacancies? If so, where is it suffering? I do not know, and I cannot find it anywhere. I hope before I am through that honourable senators will agree with me that if all the vacancies had been filled our dignity not only would have suffered but would have been completely shattered.

Let me repeat that I am not against the filling of the Senate vacancies; on the contrary, I am in favour of their being filled. I also am in favour of reform. But as to filling the vacancies in the Senate, I do not think we would be going about it in the right way by passing this bill.

During this debate it has been said that in the House of Commons a vacancy must be filled within six months. Anyone who has read the House of Commons Act, of course, knows that that is not so. In the House of Commons, if a member should die, nothing is

done toward replacing him in the house until two members inform the Speaker that there is a vacancy. Let us suppose that this session of Parliament should end on June 23, and that a member of the House of Commons should die on the 24th, that is, a day after prorogation. It is possible that no one would notify the Speaker of the vacancy until the house reassembles in 1956. In such an event, the Speaker would do nothing about it until then.

Hon. Mr. Quinn: Cannot a member notify him?

Hon. Mr. Macdonald: Yes, a member can notify him. It is necessary for two members to notify the Speaker; during the interval when the house is not in session two members could notify him, but if they did not notify him and waited until the house reassembled in 1956, then the Speaker would simply issue his warrant to the Chief Electoral Officer, directing him to issue his writ, and then the writ must be issued within six months after the Chief Electoral Officer receives the warrant. The Chief Electoral Officer does not set the election date as six months after he receives the warrant, but within six months after receiving the warrant he issues his writ for the election, and the election can take place at any time after that.

Hon. Mr. Euler: Is it ever later than six months?

Hon. Mr. Macdonald: It has happened on different occasions that the election was postponed for ten to eleven months; the records show that.

Hon. Mr. Euler: Is that about the limit, ten or eleven months? It would not be as long as five or six years, would it?

Hon. Mr. Macdonald: I think that is a fair question. Probably the honourable senator would agree that it would not be anything like two or three years. If it were as long as five or six years, a general election would take place in the meantime, but a by-election as a rule is not put off for a time longer than, say, eight or eleven months hence. The point I am trying to make is that some honourable senators may have gained the impression from what has been said here—and I I do not say it was said intentionally—that a vacancy in the House of Commons must be filled within six months of its occurrence, and I hope I have explained clearly that that is not the case. If I remember correctly, the House of Commons Act was amended in 1919 to provide for the writ being issued within six months after the returning officer receives the warrant. I am not going into the reasons for the amendment, but I wish to point out that that provision is included in the House of Commons Act, and is not a provision in the British North America Act.

Hon. Mr. Euler: No one has said that it is.

Hon. Mr. Macdonald: No one has said that, but I wish to emphasize that the provision is not in the British North America Act. This bill proposes to amend the British North America Act and to set forth that a vacancy must be filled within six months. There is a great difference, in my opinion, between amending a statute and amending the British North America Act. The British North America Act is our constitution. I think it is a sacred document and should not be amended lightly.

Hon. Mr. Euler: Is it not a statute?

Hon. Mr. Macdonald: It is a statute which was originally not passed by our Parliament, as my honourable friend knows.

Hon. Mr. Euler: We have adopted it now.

Hon. Mr. Macdonald: We have adopted it now; it is the British North America Act which was passed by the Parliament of the United Kingdom. However, it is our constitution and it is, I repeat, a sacred document and must not be amended lightly.

Hon. Mr. Lambert: May I ask a question? Would the honourable leader reconcile that point of view with section 17 of the British North America Act which sets forth the complete set-up and composition of Parliament?

Hon. Mr. Macdonald: Well, I still say that section 17 should not be amended unless we are absolutely sure that we are doing the right thing and that it is vital that the section should be amended. I would not amend any section of the British North America Act—our constitution—unless I felt that it was vital to amend it.

May I read what the honourable senator from Vancouver South (Hon. Mr. Farris) said on this subject? I was impressed by his remarks, which appeared in *Hansard* at page 465:

> Whether amendments of this kind are to be made by the British Parliament or the Canadian Parliament, they are not to be lightly undertaken. With all deference to the honourable senator from Waterloo (Hon. Mr. Euler) a constitutional question is a little different from an amendment of the House of Commons Act.

Let me pass on to an interesting point in connection with the House of Commons Act. From a reading of *Hansard* of 1919 when the bill to amend the act was under consideration I get the impression that the members of the Commons believed that if there was a failure on the part of a returning officer to carry out

his duties and issue a writ, then, under the amendment, a writ of mandamus could be issued against him and he could be forced to do so. The honourable senator from Inkerman (Hon. Mr. Hugessen) in what I regarded as an outstanding speech before this house, pointed out that the words in the bill before us were probably only directory. I do not know whether he would place the same interpretation on the language of the House of Commons Act, but I do feel that when the House of Commons Act was passed the members of that house thought they were placing on the statute book an effective piece of legislation.

Every constitutional lawyer in this house who has participated in the debate thus far has told us that if we amend the constitution as proposed in the bill it will be no more effective when we are through than it is now; that all we will have done is some pinpointing. Is there any member of this house who would want to amend the British North America Act merely by pinpointing? As I say, we are told that the bill, if passed, will be ineffective, and that nothing more could then be done under the act than can be done under it now. That is probably what the senators from Queen's-Lunenburg (Hon. Mr. Kinley) and New Westminster (Hon. Mr. Reid) had in mind when they asked, "What will the members of the House of Commons think of this bill"? Some honourable senators replied, "What do we care what they think about it"? Certainly we care what they think about it. Have we no dignity? Does any honourable senator want a bill to go to the House of Commons and have the members of that house laugh at it, at our expense—and, I think in this case, rightly so? They would point to this measure and say "Look at what the senators have done: They have passed an ineffective bill and they ask us to confirm it". If that happens our dignity would not only be impugned, but it would be completely shattered indeed. it would be impugned and shattered not only in the House of Commons but in the minds of the Canadian people.

Honourable senators, the reasons which I have expressed, without further discussion, I think are sufficient to cause us to vote against this bill. But there are some practical objections to it too. Before I come to that branch of my argument, let me deal with the constitutional question.

The honourable senator from Vancouver South (Hon. Mr. Farris) said he was not sure that we have the right to amend our constitution as this bill seeks to do it. The honourable senator from Ottawa (Hon. Mr. Lambert) pointed out that he had given a different opinion a few years previously, and the honourable senator from Vancouver South asked, "Which opinion do you think is better"?

He is in effect saying, I have thought about this matter for two or three years and I now come to the conclusion that I was wrong previously. Honourable senators, I do not set myself up as a constitutional lawyer, and am not expressing an opinion one way or another. When constitutional lawyers disagree with one another, I think we should be most careful before making any change in our constitution.

One interesting point which I expected one of our constitutional experts might raise was as to whether the bill seeks to amend the right section of the constitution. I am sure none of us would want to ask the House of Commons to concur in a piece of legislation that amended the wrong section of the act. The bill proposes to amend section 24, which reads as follows:

> The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

The bill would delete that section which provides for the summons, the instrument to be used and the consequences of the summons. The bill would substitute for the present section 24 a new section which deals with a vacancy. Now, as I read the act, the section having to do with vacancies is section 32, and although I am not a constitutional lawyer I think that would be the section which the bill should perhaps seek to amend. That section says:

> When a Vacancy happens in the Senate, by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

Honourable senators who like myself are not constitutional lawyers—

Hon. Mr. Reid: Don't apologize.

Hon. Mr. Macdonald: —would think that section 32 is the one that should perhaps be amended.

Hon. Mr. Euler: If my friend would like to make a motion to amend the bill to deal with section 32 in that way, I would be quite willing.

Hon. Mr. Macdonald: I would merely suggest to my honourable friend from Waterloo (Hon. Mr. Euler) that he consult his constitutional experts, and if they agree he might choose to amend his bill in that respect. I am raising this point only to indicate that

this bill has not received the mature consideration it should have received before being introduced in this house. We all agree it is an ineffective measure,—

Hon. Mr. Euler: No, we don't.

Hon. Mr. Macdonald: —and that there is a difference of opinion as to whether we have the right to amend our constitution; and now I raise the question as to whether the bill proposes to amend the proper section.

For the reasons I have given, honourable senators, I do not think the bill should be passed by this house. But there are still further practical reasons, as distinct from the legal considerations.

Before I cite a few of these practical considerations let me say frankly that I do not think that men or women who have previously sat in the House of Commons or in a provincial legislature make necessarily any better senators than those who come to us directly from the outside. I could point to a number of outstanding members of this house who have had neither parliamentary nor legislative experience. In my opinion, we need some members from the House of Commons in this house, for they can contribute greatly from their wide and practical experience. But if this bill were to pass, fixing a limit of six months within which vacancies must be filled, what might happen? Within a year after a new parliament meets a vacancy might occur in the Senate. There might be in the House of Commons a member who would make an excellent senator; he has served his country well; he has been in that house for many years, and in the Senate he could continue to contribute greatly to our country. If this bill passes, and if the Prime Minister wanted to appoint that member of the Commons to the Senate he would have to call a by-election right away.

Hon. Mr. Euler: Would that be terrible?

Hon. Mr. Macdonald: I do not say it would be terrible, but I say it might be an unnecessary expense and cause unnecessary trouble throughout the country. I am sure you all agree that we do not want by-elections unless they are necessary. Unfortunately, when there are deaths among members there have to be by-elections, but as a rule by-elections are not wanted. Would it not be far better to leave the Senate vacancy until the end of the Parliament, when the member could be appointed here? That is merely one of the practical considerations which I have to mention.

Earlier in my remarks I stated that I would return to the question of whether the non-filling of these vacancies has lowered the respect of the public for the Senate, and I said then I wondered if that were so. I wonder if in 1935 for instance, public confidence in the Senate was increased when it was brought up to full strength by the appointment of 19 senators on the eve of the election of that year.

Hon. Mr. Haig: Do not criticize us too much, for I am one of them.

Hon. Mr. Macdonald: Well I am sure the respect of the public for the Senate was increased when my honourable friend was appointed.

I wonder if public confidence was increased in 1940, when it was brought up to full strength by the appointment of 14 senators on the eve of the election. I wonder if the public had greater regard for and greater confidence in the Senate in 1945 when 18 vacancies were filled on the eve of the election.

On the contrary, honourable senators, I have no doubt that in 1949 the people of this country had more confidence in the Prime Minister and a higher regard for the Senate when he refused to fill the vacancies on the eve of the election, but left 8 appointments which could be made by an incoming government. Again, in 1953, I have no doubt that the confidence of the people in the Prime Minister and their regard for the Senate increased when on the eve of the election of that year he left 13 vacant seats in the Senate. This was something new in the history of our country.

Hon. Mr. Euler: It surely was.

Hon. Mr. Macdonald: Never before had a Prime Minister left vacant seats in the Senate on the eve of an election except perchance a few vacancies which occurred between dissolution of Parliament and the election day. And I repeat, most emphatically, that in my opinion the confidence of the people in the Prime Minister and their regard for the Senate was increased rather than decreased as a result of his action by the non-filling of these vacancies, and the Senate remained a more dignified and respected legislative body in the eyes of our fellow citizens.

The Leader of the Opposition (Hon. Mr. Haig) in a very forthright speech, spoke in the highest terms of our Prime Minister. I am satisfied that when he realizes the courageousness of our Prime Minister in leaving these seats vacant, that neither he nor any of his followers can support this bill.

Hon. Mr. Euler: Would it not have been the opportune time just prior to the general election for the Prime Minister to have filled

the vacent Senate seats by appointing deserving members of the Commons, as suggested by the leader?

Hon. Mr. Macdonald: The honourable senator from Waterloo (Hon. Mr. Euler) must not be cross with me. I am not at all cross with him.

Hon. Mr. Euler: But you are getting so emphatic in this that I thought I would get that way too.

Hon. Mr. Macdonald: I think when I get through with my statement that he will agree with me that it was a very courageous thing for the Prime Minister to leave these seats vacant.

In all seriousness I say to the Leader of the Opposition (Hon. Mr. Haig) and to the members of his party that I think they will hesitate for a long time to vote for this bill when they realize what the Prime Minister did at the time of the general election in 1953. Honourable senators very well know there is no assurance that a government will be re-elected when it goes to the country. There was no assurance that a new Government would not come into power at that election, and if a new government had come in at that time it could have immediately appointed 13 senators, which would have increased the incoming government's representation in the Senate at the outset of the new Parliament to 21 members; and with the additional 8 vacancies which have occurred since that time the new government would have had at this time 29 members. It is for that reason that I ask my honourable friends of the Opposition: Do you not think that the Prime Minister was very fair in leaving those appointments open so that had your party come into power it would have had a substantial following in this house?

I do not know whether a similar condition will prevail at the dissolution of the present Parliament, but I do know that it has occurred on two occasions, namely in 1949 and 1953, when our present Prime Minister asked that Parliament be dissolved. He left the way open for a new government to have a sizeable following in this house, and I hope the honourable members of the Opposition will take that into consideration when voting on this bill.

Hon. Mr. Haig: Before he leaves that question will the Leader of the Government assure me that there is no danger that the present Prime Minister will not be leader of his party at the next general election?

Hon. Mr. Macdonald: Well, that is the $64 question, which I cannot answer.

Hon. Mr. Haig: I would like to know.

Hon. Mr. Macdonald: All I can say is, and I think this expresses the feeling of both the Leader of the Opposition and myself, that I would be happy if the present Prime Minister continued in office.

Let me say to the honourable members of the Opposition that of course if you do not approve of what the Prime Minister did in that respect, and if you want to tell him so, then vote for this bill; but if you approve of what the Prime Minister did, then in my opinion you have no alternative but to vote against the bill.

I trust I have been fair in my arguments. I have not consciously said anything for the purpose of persuading honourable members to vote on the bill other than in the way they feel they should vote. I have tried to present the issues clearly and fairly.

I am hoping that the honourable senator from Waterloo (Hon. Mr. Euler)—who has always been my friend and whom I hope to claim as my friend throughout the years that lie ahead of both of us—will take the very sage advice of the honourable senator from Kootenay East (Hon. Mr. King). However, at the time it was offered I could see why my honourable friend probably would not follow it, because he thought that the amendment he is sponsoring would be effective.

Hon. Mr. Euler: I still think so and in my reply I will tell you why.

Hon. Mr. Macdonald: I thought my friend had been convinced otherwise, because every constitutional lawyer in the house who has spoken so far on the bill is convinced that it is ineffective. But when the honourable senator from Kootenay East spoke, that point had not been made, nor had the question come up as to whether the right section was being amended; nor had the point so well presented by the honourable senator from Inkerman (Hon. Mr. Hugessen) been made that this bill does not affect existing vacancies. When the honourable senator from Waterloo explained the bill he said that it was for the purpose of having the present vacancies filled.

Hon. Mr. Euler: I said nothing of the sort in my speech, nor does it appear from the bill.

Hon. Mr. Macdonald: I do not want to misquote the honourable senator; I have tried not to do so; but he did refer to existing vacancies and he said, as reported on page 447 of *Hansard:*

> This bill proposes to correct that situation.

I do not know what this means if it does not mean that the purpose is to have these twenty-two vacancies filled. I point out these considerations to him because he did not know, and none of us knew at that time, that

the bill was ineffective, that a constitutional difficulty existed, and that the bill could not be made retroactive. All of us are now aware of these facts.

Having given the matter very careful consideration, I believe that the effect of the passage of this bill would be to greatly lower our prestige, and therefore it is not in the interest of the Senate, nor is it the sort of legislation that we should pass.

For all the reasons I have expressed, if there is a vote I shall have to record my vote against the bill.

Hon. Mr. Crerar: May I ask the honourable Leader of the Government (Hon. Mr. Macdonald) a question? He has argued that these vacancies do not affect the efficiency of the Senate. Would he give an opinion as to how far this practice of not filling vacancies could go before the efficiency of this house would be affected?

Hon. Mr. Macdonald: I am quite satisfied with the way this matter of vacancies has been handled during the time that our present Prime Minister has held the reins of government, and I am prepared to leave the decision with him. I am told by the honourable senator from Waterloo that at one time there were twenty-eight vacancies.

Hon. Mr. Euler: I did not say that. Probably what the honourable senator is referring to is my statement that in the last parliament there were twenty-three vacancies.

Hon. Mr. Macdonald: Probably that is the right number. There were more then than there are now. But I am not going to attempt to say just when the Prime Minister should begin to fill vacancies. It is my conviction that he will do what is in the best interests of the Senate and of the country.

Hon. George H. Ross: Honourable senators, I had not intended to take any part in this debate, but after listening to the speeches that have been made in favour of the bill I have come to the conclusion that I should express some of my reasons for voting against it.

As I read the British North America Act, we senators, as a law-making body, have no legal duty or jurisdiction with regard to the appointment of senators. Absolute authority in that respect is vested in the Governor General, which means the Governor General acting on the advice of the Prime Minister and his cabinet. Let me quote what the act says:

32. When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

But, you may say, though the Senate has no legal duty with respect to filling vacancies in the Senate, it should be interested, as it is, in good government. The same might be said of the Canadian Bar Association. It, too, is interested in good government. Each has the same duty as the other as to filling vacancies in the Senate—which, in my opinion, is nil. Suppose the Canadian Bar Association were to pass a resolution saying, "The Governor General shall, within six months of a vacancy occurring in the Senate, fill such vacancy" and send it to the House of Commons, asking their concurrence in it. Would you not consider the Bar was meddling in the business of the Prime Minister and his cabinet? Yet that is precisely what this bill does. For my part I have faith in the Prime Minister and his cabinet, and will not undertake to dictate to them.

Hon. Mr. Euler: May I ask my friend a question? Is he seriously suggesting that the functions and the responsibilities of the Canadian Bar Association in any way resemble those of the Senate of Canada?

Hon. Mr. Ross: In so far as appointments of senators is concerned, yes. The right and the duty of making these appointments belong to the Governor General in Council, and to no other body. If the honourable member from Waterloo can produce any authority to the contrary, I hope he will bring it forward when he concludes this debate.

Hon. Mr. Euler: I am not questioning that statement at all, but I do not see where the Bar Association comes into this.

Hon. Mr. Ross: The futility of the bill if enacted was clearly and eloquently explained by the honourable senator for Inkerman (Hon. Mr. Hugessen). Suppose the bill became law: there would be no way of enforcing it in the courts, as no court can compel the Sovereign to perform any duty. The Governor General cannot compel himself to act. If the law were otherwise, it would be a case of the Crown suing the Crown to compel the Crown to act. Such an incongruous action is not tolerated under Canadian law.

To sum up: I am opposed to the bill because in my opinion it amounts to a vote of want of confidence in the Government; and for the further reason that, if enacted, it would be futile.

Hon. John J. Connolly: Honourable senators, the debate on this bill has developed two main points of discussion. The first has had to do with conditions in the Senate, and the second with the amendment to section 24 of the British North America Act.

I do not propose to engage in a long discussion on either point. I must confess too that I rise to participate in this debate with great diffidence because of the high quality of argument which has been made by the outstanding members of this chamber who have already spoken. I may also confess that at this stage of the debate it is most difficult not to repeat some of the points which have already been made.

Every honourable senator has been impressed by the description given of the record of achievement of this house and of its committees. Those members of the general public who read those excellent speeches will also be gratified.

It should be said too that all honourable senators have been impressed by the sincerity of those who have spoken, in urging that greater advantage be taken of the facilities and capacity of the Senate to assume continuing responsibilities for the betterment of Canadian conditions. For these reasons we are all indebted to the honourable gentleman from Waterloo (Hon. Mr. Euler) for introducing this bill, and for discussing the situation with reference to Senate vacancies in so objective and moderate a way. Everyone interested in the welfare of the country and in the protection of parliamentary institutions is concerned about the shortage of senators. It is not desirable that the quality or the quantity of the work done here should be impaired. Moreover, no one likes to contemplate that segments of the Canadian population entitled to representation in this chamber should lack it for any extended period.

I will not labour either of these points except to repeat that the annals of the Senate have been enriched by the speeches which have already been made.

The honourable gentleman from Vancouver South (Hon. Mr. Farris) referred to the desirability of making appointments to the Senate on a basis other than the purely political. This view was expressed also by the honourable Leader opposite (Hon. Mr. Haig), and if I may venture an opinion I think that view would be generally endorsed for the reason given by the gentleman from Vancouver South. I listened with deep appreciation to the views expressed by the senator from Ottawa (Hon. Mr. Lambert) with reference to reform. But these important matters I leave in the capable hands of the gentlemen who have already handled them. They are occasioned by this measure but they do not, strictly speaking, emerge from the bill. They do, however, indicate the nature of the problem faced by any government in the circumstances obtaining in this chamber today.

If I may have the indulgence of the house—and perhaps immediately be out of order—there is another point that I should like to deal with. It is a consideration which has affected parliamentary institutions in our time and which has a bearing not only upon the Senate but as well upon the House of Commons. The problem exists in all countries governed by the parliamentary method. I refer to the recognized position of ascendancy which the executive, the cabinet, has exerted to an increasing degree over legislative bodies. This was also mentioned by the senator from Ottawa. It is not a new development but it has been the object of concern to students in Great Britain. Lord Campion has put it this way:

> The development of party machinery, the growing stringency of party discipline, the replacement of the House of Commons by the electors as the government-choosing agency, have all worked in the same direction to increase the ascendancy of the Executive over Parliament. The Government has also been the chief beneficiary from the restriction of the legislative powers of the House of Lords. There has been a deterioration in the position of the House of Commons, as a body, and in the status of individual members.

The Right Honourable L. S. Amery, who had long experience in public life in Great Britain, has added this comment:

> The ever-growing volume of administrative and legislative business to be dealt with by Parliament adds greatly to the danger of party caucus dictatorship. Some substantial easement could be and should be afforded by once more making a reality of the House of Lords.

It may be small consolation to members of this body to know that there is concern expressed by thinkers that modern conditions of life are shaping the institutions of parliamentary government in a manner somewhat different from what was originally contemplated. It does not follow, of course, that governments or individual members of governments necessarily subscribe to the trend simply for the purpose of consolidating greater power unto themselves. In a measure the situation in the Senate complained of today has a background in this problem. I said it may be small consolation to know this, but at least in knowing it we can realize we are not alone. To say all this, is not to recommend either inaction or despair. Governments must cope with the problem to assure that the best advantage be taken of facilities afforded by legislative bodies like the Senate and the House of Commons. Perhaps, too, in the light of the most interesting discussion of section 33 of the British North America Act given by the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck) last week, the Senate perhaps has an onus cast upon it to approach this problem in a constructive way.

I had some remarks to make with reference to whether or not section 24 was the section to be amended rather than section 32. I have listened with extreme interest to what the honourable Leader of the Government (Hon. Mr. Macdonald) has said on that point tonight. There may be some worthwhile consideration that should be given to it. Perhaps some reference, if there is an amendment to be made to one section specifically, should be made to the other section. My only suggestion on that would be that if the bill should go to committee it could be considered carefully there.

There has been general agreement from the lawyers who have discussed this bill, that if a court were called upon to say when the summons to be issued by reason either of section 24 or section 32 of the B.N.A. Act should be issued by the Governor General in the event of a vacancy, it would say that the summons should be issued "within a reasonable time".

An opinion has been expressed by the honourable gentleman from Toronto-Trinity that "a reasonable length of time" may be six months. Others have said a year, and perhaps even longer. There seems to be general agreement, however, that a period of seven or five or even a number of years might not be construed as a reasonable length of time. Perhaps, too, the party-standing in the chamber at a given time would have a bearing on the problem. Obviously the spirit of the two sections and, indeed, the spirit of the British North America Act is this, that the Senate should as far as possible have its full complement of members both because of the representative character of the chamber and as well to ensure the efficiency of its work.

I was most impressed by the legal argument and explanation given by the honourable gentleman from Inkerman (Hon. Mr. Hugessen). It was but another demonstration of the clarity of his thought and the felicity of his language. I do not propose to discuss that branch of his argument which dealt with the retroactive effect of a statute. In my short experience here I have noticed that honourable senators are careful to guard against the use of words in statutes which might give them retrospective effect. If this amendment is passed, it is clear that it cannot apply to existing vacancies. It might have a moral effect thereon, but that is all. The standard rules of construction for the interpretation of statutes bear out this view completely.

What interested me most in the speech of my honourable friend, however, was his analysis of the legal effects of the proposed amendment. I had been reading some of the authorities on the subject and, of course, it was gratifying to find that he should have resorted to the same authorities upon which I would rely. He quoted *Maxwell on Statutes*, 8th Edition. There have been two subsequent editions of Maxwell, but there has been no variation in the opinion quoted by my friend from the 8th Edition. That is the basic law, and it is repeated in other authorities like Craies and Beal and the Digests, and indeed in the cases I have read in Canada, in England and in the United States.

In the opinion of my friend—and in this I think we can all concur—the practical legal effect, if indeed there is any legal effect at all in this proposed amendment, is very slight. The proposed new injunction to the Governor General would not be mandatory. It could be no more than directive. No writ of mandamus and no comparable judicial process can run against the Crown. This is long settled law.

Hon. Mr. Euler: Would the same thing apply with reference to vacancies in the House of Commons, so far as the House of Commons Act is concerned?

Hon. Mr. Connolly: I am going to deal with just that point, if my honourable friend will kindly wait.

To repeat, honourable senators, no writ of mandamus and no comparable judicial process can run against the Crown. This is long settled law. In the result, the proposed new section must be without any legal sanction.

The honourable gentleman from Waterloo (Hon. Mr. Euler) derived some help for his amendment from sections 10 and 13 of the House of Commons Act. These sections require the Speaker of that house to issue his warrant in the event of a vacancy, in the manner which the honourable Leader of the Government described. They further require the Chief Electoral Officer, upon receipt of that warrant, to issue a writ for an election within six months. The sponsor of this bill is justified in claiming that the six months' period provided in these sections is a useful precedent here; and I think, with all due deference to the Honourable Leader of the Government, that was all the honourable gentleman from Waterloo (Hon. Mr. Euler) sought to get out of sections 10 and 13 of the House of Commons Act. And while he claimed no more help from the House of Commons Act, it should be pointed out that there are legal and other sanctions available to enforce the House of Commons Act against the Speaker, if necessary, and against the Chief Electoral Officer, if required. But there

are no legal sanctions available against the Governor General. In other words, even if this bill is passed, the Governor General could ignore any time limit which the bill might impose upon him for the filling of a vacancy in the Senate. And if the Governor General did ignore this time limit, but should he thereafter fill the vacancy, the appointment would still be valid. The law on this point I think is clear and can be expressed in this way:

> Where a statute specifies the time within which a public officer is to perform an official act regarding the rights and duties of others, it will be considered as directory merely, unless the nature of the act to be performed or the language used by the legislator show that the designation of the time was intended as a limitation of the power of the officer.

Thus far my honourable friend from Inkerman and myself are in agreement. Here, however, with deference and with considerable diffidence, I must part company with him, and I hope that by doing so I shall not fall into bad company. The honourable gentleman says that a moral effect will flow from the introduction of a specific time element of say six or twelve months. He says that this moral effect will be so cogent that no Prime Minister would risk incurring a charge from his political opponents that he has flouted the constitution by ignoring it. Successfully to charge any cabinet minister with breaking the law upon a serious issue, can have serious political consequences for him, and perhaps for the Government of which he is a member. To charge the Prime Minister with flouting the constitution, in letter and in spirit, could be more serious still. All this is true.

But it is my submission that if section 24 and section 32 now mean what they say, or if they mean what the courts would hold they now say, the constitution is already flouted. And if there are no extenuating circumstances, the situation is now as serious as the honourable gentleman from Inkerman suggests it would be if the proposed amendment becomes the law.

Let me repeat: section 32, it is agreed, means that the Governor General must fill Senate vacancies within a reasonable time. It is argued that some of the vacant seats here have been empty for a period longer than is reasonable. The failure to fill such vacancies must, therefore, be viewed as a violation of section 32, if these views are right.

And what is the legal sanction for this condition now? Obviously there is none. And what is the moral sanction? Perhaps it lies in whatever support from public opinion can be developed. This debate might have that effect. But perhaps, too, the extenuating circumstances to which I have referred earlier, and which have been mentioned by the honourable senator from Vancouver South (Hon. Mr. Farris), modify the position. In any event, I think that the legal sanctions or the moral or practical sanctions, which would flow from the adoption of this amendment, would not be greater in similar circumstances than they are under the existing law. I must, therefore, conclude that the amendment is nugatory and ineffective to accomplish the purpose desired. I, therefore, would not feel that I could support a constitutional amendment of this character.

Finally, I think a question might well be raised also as to the wisdom of introducing an ineffective amendment to the constitution of this country. In the first place we must remember that one of the functions of the Senate is to review and revise defective legislation. The Senate might quite properly question this amendment if it originated elsewhere for the reasons I have already given. I think we should hesitate more to pass an ineffective constitutional amendment which originates here.

In the second place, I think that we should approach with great caution, any amendment to the constitution of this country. It is an historic fact that constitutional changes in Britain are undertaken after the most searching investigation, and frequently they are accompanied with considerable political upheaval. The amendments which were made to the Parliament Act in 1911, and perhaps in 1948, are cases in point. They were much more far reaching than this amendment, but they serve as an example.

In the American system of government the machinery for constitutional amendment is elaborate and perhaps cumbersome. Generally speaking, it requires a two-thirds majority in each house of the Congress, the consent of the President and the approval of the legislatures of three-quarters of the States. As a consequence the constitution is much more rigid; perhaps more rigid than we would like to see ours. Viscount Bryce discussing this aspect of the matter, makes this comment:

> Ought the process of change to be made easier? Say by requiring only a bare majority in Congress and a two-thirds majority of the States? American statesmen think not. A swift and easy method would not only weaken the sense of security which the rigid constitution now gives, but would increase the troubles of current politics by stimulating a majority in Congress frequently to submit amendments to the States. The habit of amending would turn into the habit of tinkering. There would be too little distinction between changes in the ordinary Statute law which require the agreement of majorities in the two houses and the President, and changes in the more solemnly enacted fundamental law.

Honourable senators, it could be argued that more than a bare majority in our two

Houses of Parliament should be required before the British North America Act be amended, even in purely federal matters. I do not make that argument now. But I think the honourable senator from Vancouver South was most wise when he commented that a change in Canada's constitution should not be lightly undertaken.

There is a bill on the Order Paper in the other place which proposes a retirement age for senators. I think, among other things about that bill, that a charge of "tinkering with the constitution" could be levelled against it. I would not be happy if such an allegation were made successfully about a measure passed here. I conclude by saying that while I cannot support the bill for the reasons I have outlined, I believe that there has been great value from this discussion for the Senate, for Parliament and for the country. The Senate has asserted its views with dignity, with clarity and with commendable moderation. I would not relish it if we adopted an inoperative constitutional amendment.

On motion of Hon. Mr. Turgeon, the debate was adjourned.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, May 25, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

DIVORCE PETITIONS

REPORT OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 365 to 375, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

PRIVATE BILL

WESTCOAST TRANSMISSION COMPANY LIMITED—REPORT OF COMMITTEE

Hon. Norman P. Lambert, for the Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill B-14.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce to whom was referred the Bill (B-14) intituled: "An Act respecting Westcoast Transmission Company Limited", have in obedience to the order of reference of May 19, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Reid: Next sitting.

DIVORCE BILLS

FIRST READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill D-14, an Act for the relief of Marie Therese Jeannette Mainville Froment.

Bill E-14, an Act for the relief of Goldie Moscovitch Katz.

Bill F-14, an Act for the relief of Yvette Cayer Lefebvre.

Bill G-14, an Act for the relief of Regina Wiener Strelezky Distelman.

Bill H-14, an Act for the relief of Marie-Louise Ashby Tremblay.

Bill I-14, an Act for the relief of Lorna Greenberg Buium.

Bill J-14, an Act for the relief of Myrtle Ada Lewin Derbridge.

Bill K-14, an Act for the relief of Georges Etienne Barry.

Bill L-14, an Act for the relief of Joseph Delphis Guillaume Delorme.

Bill M-14, an Act for the relief of Eileen Bayliss Roberts.

Bill N-14, an Act for the relief of Ernest Augustus Lepage.

Bill O-14, an Act for the relief of Rosaire Jacques Rene Tetrault.

Bill P-14, an Act for the relief of Phyllis Lucy Stiles Beal.

Bill Q-14, an Act for the relief of Margaret Durning Mullins.

Bill R-14, an Act for the relief of Mary Elizabeth Lorraine Callard Ramsay.

Bill S-14, an Act for the relief of Ann Mary Allward Spighi.

Bill T-14, an Act for the relief of Anne Rynski Vincent.

Bill U-14, an Act for the relief of Dora Helen Simmons Glancy.

Bill V-14, an Act for the relief of Joseph Louis Armand Carrier.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

MOTION FOR SECOND READING NEGATIVED

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Euler for the second reading of Bill H-10, an Act to amend the British North America Acts, 1867 to 1952.

Hon. Gray Turgeon: Honourable senators, it is not necessary for one rising today, near the closing of this debate, to state that during the course of the debate we have heard some extraordinarily good speeches. If I were not rising at so late an hour in the debate I would make some comments on a number of these speeches, but time will not permit one to do that now.

However, there are one or two points that I do wish to bring before the house. First of all I am going to refer to a statement made by the honourable senator from Vancouver South (Hon. Mr. Farris), and I will do so partly because it has been referred to by

other speakers and partly because I am in hearty accord with it and made a similar statement myself. The honourable senator said, as reported in *Hansard*, page 467:

> Honourable senators, I have not had the honour to discuss this question with Mr. St. Laurent or his immediate advisers, but I have heard a good deal of talk and also formed some conclusions of my own about the matter, and I am of the opinion that there is in the mind of the Prime Minister today a conflict of thought which presents great difficulty to him in considering the vacancies in the Senate.

My honourable friend related that view to suggestions which he proceeded to make about types of appointments, and then he said:

> It is a fact that not only is there a lack of representation in the Opposition in this house today, but there is also a lack of political thought representative of the people of Canada in the Senate, and this condition will exist while the old system prevails.

While there is an element of truth in that statement, I believe the honourable senator has so far overshot the mark he has in view that I must disagree with it. He went on:

> I believe the Prime Minister recognizes his obligation to the public to see that the Senate is what it ought to be.

Then he stated:

> The primary consideration at this time is that the Senate should be representative of the political and public thinking of the people of Canada.

Honourable senators, I hold in my hand an article which appeared in the Montreal *Gazette* of December 5, 1953, and from which I will briefly quote. It is headed "Liberals Scan Non-Party Rule on Senate Seats"; and it states:

> Prime Minister St. Laurent today hinted that the Government may be moving away from party appointments to the Senate. In filling the current thirteen vacancies in the Upper House, he said he is looking for a general policy that will strengthen Canada's confidence in the Senate.

The writer goes on to praise the Prime Minister, and develops his thoughts in this connection. I will not at the moment go further into that matter, but I propose to repeat a statement which I made some while ago, and which, I admit, although it drew some approving comments, also elicited strong criticism. I concede that that criticism was quite sincere, but it may have been based on the mistaken impression that what I was saying was that party politicians should not be appointed to the Senate, or that members of the House of Commons or of other legislative bodies should not be called to this chamber.

I will make just one citation of a friendly article. It is from the Ottawa *Journal* of December 20, 1951:

> We trust that the Prime Minister and the Government Leader in the Senate pay attention to speeches made away from Ottawa by parliamentarians. We have observed that Senator Gray Turgeon, speaking in a round table discussion, has suggested that appointments on the basis of public service in varied fields be made to the Upper House.

The article goes on, but I shall not read further from it.

I am going to read now from a statement that I made on September 28, 1951, on "Town Meeting of the Air", which is a radio panel discussion. Before quoting from my statement I want to say that on that occasion I participated in a debate with Mrs. Angus MacInnis, the daughter of Mr. Woodsworth, whose husband is a member of the House of Commons. I understand that at the moment Mr. MacInnis is sick at home, in Vancouver, and I do hope he will have a complete recovery soon. While he and I do not agree in politics I regard him as one of the most honest men we have in our Canadian Parliament. The debate I took part in was about the Senate, and the remarks I made on that occasion brought me some criticism as well as some favourable comment. I will now quote from my own statement:

> In making appointments it is essential to remember that the Senate is a deliberative and legislative body and has a responsibility with respect to the constitutional rights of our provincial Legislatures and of our federal Parliament. Therefore, to a large extent, men and women with parliamentary experience must continue to be among those appointed.
>
> Today, however, more than ever before, except during actual all-out warfare, one of Canada's most urgent requirements is a positive recognition and acknowledgment of community responsibility. Every individual has a moral obligation of citizenship. It is especially binding upon those engaged in school and university education and in journalism or other forms of publicity. And this obligation applies very strongly to those who are active in business and manufacturing and farming associations and in labour unions. It also applies to the members of our councils of women and our consumers associations. In my opinion and I intend to press for its acceptance, it would be proper to appoint members of these and other groups to the Senate regardless of their politics or their lack of politics. This would bring to Parliament a greater intimate knowledge of day-to-day conditions than now prevails. And as indicated above, some appointments of this nature would make the Senate an even more representative body.

And as the honourable senator from Vancouver South (Hon. Mr. Farris) pointed out —and I believe it to be true—it would make the Senate more highly appreciated by the public of Canada, generally speaking. It is largely because I made that statement years ago that I am taking part in this debate, and

I was further tempted to do so after hearing the honourable senator from Vancouver South state that he thought there was some disturbance within the mind of the Prime Minister as to the nature of the appointments that should be made.

In connection with the subject-matter of the discussion on this proposed amendment to the Canadian constitution, I want to say quite clearly that I am definitely opposed to this bill, and if it comes to a vote I intend to vote against it. While I believe that the debate will do a great deal of good, I am afraid that even the taking of a vote, whichever way it should go—and if we do have a vote, I hope the motion will be negatived —would do harm in the mind of the public as to the general makeup of the Senate.

I want to say a word of praise for the honourable senator from Waterloo (Hon. Mr. Euler) who presented this bill. It has been implied that he was indifferent as to whether the introduction of the bill would embarrass the Prime Minister or not. I know the honourable senator very, very well, and I owe to him as a former minister, as well as to other honourable senators who formerly were ministers, a real debt for the extraordinarily good work done by him and them as ministers when I happened to need their help in the House of Commons. I feel positive that there is not the faintest feeling within the mind of the honourable senator from Waterloo that the bill if passed would embarrass the Prime Minister. I am quite sure, although I do not agree with him, that he thinks the passing of this bill would do some good. Personally, I feel that, apart from the benefit derived from this debate, if a vote is taken, particularly if it is an affirmative vote, the bill would do a great deal of harm.

It has been suggested here that the Senate vacancies could be filled by members from the political parties in the Opposition. Frankly, I do not agree with that, although I know I shall not be making myself any more popular in some quarters by saying so. I do not agree with it, because I think we have had examples enough in some of the countries of Europe to show not only the uselessness of a system of that nature but also the very injurious effects that can result from such a system. That idea, of course, is more or less based upon what is called proportional representation, although it is a digression from it. We have seen it worked out in some of the countries of Europe, and what have we found? We have found that under such conditions a government never knows where it is. One of the troubles of the so-called Western world today is that it never knows if an agreement, in which certain European countries are participants, will be carried out, because their governments do not last more than a few weeks or a few months at a time.

It was suggested here, in a similar vein, that the provincial governments should make Senate appointments. That system exists in Europe, too. Until lately everybody was wondering what would happen in Germany because of the uncertainty of the result of the provincial or state elections, whichever they are called, and uncertainty whether a certain percentage of the Upper House would be appointed to positions of authority. That system might have destroyed us in our efforts during last year to bring about a proper standing between the countries of Europe. So I do not agree with either of the two suggestions made. However, I want members of this chamber to recall that I suggested that people who had shown a true sense of community responsibility should be appointed to the Senate, regardless of their politics, or their lack of politics—for some of them perhaps have no political background at all. The honourable Leader of the Government (Hon. Mr. Macdonald) has said that many members of this chamber were never at any time members of the House of Commons or of legislatures, and yet they are just as good senators as those of us who have had that experience. While I have made the statement that many members of this body should have former parliamentary experience, because this is a deliberate and legislative body, I do not think such experience is essential.

I listened with a great deal of interest to, among others, the speech made by the honourable senator from Ottawa (Hon. Mr. Lambert). He quoted from a statement made by Sir Clifford Sifton to the effect that persons who had held high government offices—for example, ministers and lieutenant governors—should be entitled to appointment to the Senate, but that in order to make such appointments it would be necessary to refrain from filling vacancies for a period of time. That condition is true of appointments of every nature. Particularly is it true of the suggestion which I made, and which was endorsed by the honourable senator from Vancouver South (Hon. Mr. Farris) and by editorial comment in various newspapers across Canada. If that is going to be the policy, time for deliberation must be given to the Prime Minister to consult with his advisers on the making of appointments. To pass legislation fixing a time limit within which Senate appointments must be made, and to so direct the Sovereign through her representative the Governor General, would be to destroy our significance as a legislative

body. The honourable senator from Calgary (Hon. Mr. Ross), in his speech last evening, brought this thought to our minds, and warned that we must be careful of the nature of the legislation which we pass.

A good deal has been said by many people about the position of the Senate, and we are all aware of the many expressions of lack of confidence in this chamber. The question of long continuing vacancies in this house, does not contribute to the confidence of the public in this body. Therefore, I sincerely hope that that question can be cleared as quickly as possible.

Honourable senators will recall an article about the Senate which appeared in *Maclean's* magazine some time last year. This carefully written article had some praiseworthy comment about the Senate and was also very critical of it. The article pointed out that, from Confederation up to the year 1954, of some 7,352 bills which had come from the House of Commons to the Senate only 214 had been rejected by this house; also, that within the same period the Senate had seen fit to amend some 1,666 bills. Attention was drawn to some important statutory amendments which were initiated in the Senate, such as the amendments to the Income Tax Act recommended by a special committee which met under the chairmanship of the sponsor of this bill (Hon. Mr. Euler); and mention was made of the work of the Finance Committee, under the chairmanship of the co-sponsor of this bill (Hon. Mr. Crerar). While it had some good words to say about the effect of major amendments, in general the article did not attach much significance to the great majority of amendments proposed by the Senate.

Time permits mention of only one or two amendments which I think are significant and which in fairness to the Senate should be noted. For instance, an amendment to the Public Service Superannuation Bill was brought in last session at the instigation of the honourable lady from Fredericton (Hon. Mrs. Fergusson) and supported by the honourable lady from Rockcliffe (Hon. Mrs. Wilson). My attention was first drawn to that bill by a complaint from the honourable senator from Churchill (Hon. Mr. Crerar) about its compulsory feature. The action taken by the Senate was such as to remove this undesirable feature and to substitute strictly voluntary conditions. While we did not reject the measure, we were able to correct and improve it. I am sure that was counted amongst the 1,600-odd amendments to which the article referred as not being very important. To me it is significant that Government legislation, dealing with the relationship between the Government and its employees, was interfered with in the Senate largely at the instigation of a relatively new appointee to this chamber. Certainly that destroys any suggestion that undue pressure or influence is exercised on senators by the authority who makes the appointments.

The article in *Maclean's* went on to mention the Naval Aid Bill of 1913, on which I should like to make brief comment. The honourable senator from Toronto (Hon. Mr. Campbell), in his speech of a few days ago, referred to the amendments to the Income Tax Act recommended by the special committee headed by the senator from Waterloo (Hon. Mr. Euler). He made reference also to the action taken by the Senate with respect to the Canada Shipping Act. It was pointed out that until the passage of the Statute of Westminster Canada had no authority to deal with shipping outside her own boundaries. In this connection I would remind the house that had it not been for the action taken by the Senate with respect to the Naval Aid Bill, in 1913, the Statute of Westminster would never have been passed, or at least not for a very long time. As I have said before, the Naval Aid bill was sponsored by Sir Robert Borden.

Regardless of the fact that just a few years earlier, in 1909, the House of Commons had unanimously passed a resolution against any naval aid of that nature, this bill was accepted by the Commons in 1912. While it was under debate the statement was made over and over again that the time was coming fast when the people of Canada should be entitled to representation in the House of Commons of Great Britain.

Now, honourable senators, I submit that if anything of that nature had happened we never would have had the Commonwealth as we have it today. If the Senate had not killed that bill in 1913 how could Sir Robert Borden have taken the positive and noble stand that he did take when dealing with the Versailles Treaty at the end of the First World War, a stand whereby he refused to permit the delegation from Great Britain to sign the treaty for Canada? He insisted on that point and finally won out, with the result that a Canadian signed the Versaille Treaty for Canada. I repeat that if that Naval Aid Bill had not been defeated by the Senate in 1913 that action by Sir Robert Borden would have been utterly impossible.

What led up to the passing of the Statute of Westminster was the so-called Balfour Memorandum, passed as a result of the 1926 conference of various members of the Commonwealth, as we call it now, in London, and the leading agent in that discussion was

our then Prime Minister, the Right Honourable Mackenzie King. In the agreement reached at that time, which brought about the Balfour Memorandum, it was stated that each of the various countries within the proposed Commonwealth was equal, that none was superior to the other; and that is the circumstance which eventually brought about the Statute of Westminster. That is why we have today the Queen as Queen of Canada, and we are all very, very proud of having her as Queen of Canada.

I am just mentioning these things in a brief resumé of what the Senate has done in the past, and of some of the things that have taken place not only in Canada but in other parts of the Commonwealth following from actions of the Senate. If that memorable event of 1913 had not taken place, and if the Commonwealth had not, after the conference of 1926, been put upon the basis which was founded upon the Balfour Memorandum, the Commonwealth conference of a couple of years ago in London could not have achieved the success of which we are all now so proud. I am referring to the conference at which the present Prime Minister, the Right Honourable Mr. St. Laurent and the present Secretary of State for External Affairs, the Honourable Mr. Pearson, played so important a part in having India and Pakistan remain openly within the Commonwealth in spite of the nature and forms of government which the people of those two countries were contemplating. Today we are all part of the same Commonwealth, and proud of the fact that we are playing a marvellously important part in the affairs of the world; and I know that I am right in stating that these accomplishments result from the action of the Senate in 1913.

In closing, I am going to take the liberty of doing what the honourable Leader of the Government (Hon. Mr. Macdonald) did last night. He approved the suggestion made by the honourable senator from Kootenay East (Hon. Mr. King) that our very good friend the honourable senator from Waterloo (Hon. Mr. Euler), the sponsor of the bill, withdraw it so that there should be no vote upon it. I also am endorsing that suggestion, and in addition I am making a personal appeal both to the sponsor and to the co-sponsor that, at least for this session, until we see what happens, they withdraw the bill. It is evidently the consensus now that if this bill passes it would not have the slightest effect on the present vacancies, and it could not have any effect until a vacancy occurred after the amendment to the constitution had received Royal Assent. The great desire of the sponsor and the co-sponsor of the bill is to stir up feelings of appreciation of the Senate among the people of Canada, and I think such feelings have been strengthened by what has taken place in this debate. I honestly believe that this debate will improve our position. Let them therefore withdraw the bill, and then their action will be definitely good and have no bad effects whatever on the Senate or on our parliamentary system. I make that appeal in a friendly fashion and I do hope they will give it consideration, because I am sure that in time to come all members of the Senate and countless other Canadians will, in their minds at least place a halo around the heads of both of them for the good they will have done by withdrawing this bill.

Hon. R. B. Horner: Honourable senators, in rising to take part in this debate I do not intend to offer any apology at all. We have heard from a number of lawyers and some professional politicians. As I am an ordinary layman I will express my views as such, because this Senate was originally set-up for the very purpose of having all the diverse opinions of Canada freely expressed in this chamber.

I would like at once to express my reaction to the suggestion of the honourable senator who has just taken his seat that the bill be withdrawn. I am of the opinion that that action, if taken at all, should have been taken before many of the speeches were made, particularly those which implied that the Government or the Prime Minister would be embarrassed if we passed the bill. Now, honourable senators, if that is to be the considered opinion of this body, then we are just sitting here to please the Government.

Hon. Mr. Turgeon: I did not say that.

Hon. Mr. Horner: No, but that was the implication. I could draw no other inference from what you said, than that we should always act in such a way as to please the Government.

Hon. Mr. Turgeon: If you took it in that way I certainly did not express myself properly.

Hon. Mr. Horner: I could take no other meaning out of your remarks.

Honourable senators will perhaps be somewhat surprised to hear that I am supporting the bill. As I look around our little group in this corner I ask myself if the filling of any of the present vacancies would increase our numbers, and what a hope I have of that! However, there is a matter of principle at stake.

Last night, the honourable Leader of the Government (Hon. Mr. Macdonald) made a good speech, and I thought he was "the lawyer for the defence". Had he been on the opposite side, supporting the bill, he could have done so much better with less effort.

One hears a great deal here and there to the effect that, to qualify as a senator, a man should have experience in some legislative body. I know a little about the subject, because—unfortunately—I was on two occasions a defeated candidate in northern Saskatchewan; and last year I had some difficulty with the honourable senator from Prince (Hon. Mr. Barbour), over a nasty, bad-tempered remark he made, as he went out of the chamber, that, anyway, he had been elected to a legislature. As a good deal of the discussion on this bill has not been strictly in order, I assume I may be allowed the privilege of being a little irrelevant, on what is purely a personal matter. I would like to draw to the attention of honourable senators that today an election is being held in beautiful Prince Edward Island; there are some 60,000 registered voters, and some 30 candidates. Assuming that 70 per cent of the registered voters will attend the polls, it follows that each candidate will have, on the average, no more than 1,300 votes. Now let me say, in no spirit of boastfulness, that for many years I was a member of my local school board, and at the time of my appointment to this chamber I was reeve of my municipality; and there were just about the same number of voters in my municipality as there are in the honourable senator's constituency in Prince Edward Island—to say nothing of the fact that some three to four million bushels of grain are grown in my district.

Hon. Mr. Barbour: What has all this to do with the bill?

Hon. Mr. Horner: A lot of things that have been said here have not had anything to do with the bill, and among them were some of the arguments used by the honourable senator who has just taken his seat. Further, while the honourable senator from Prince remained in his fine province of Prince Edward Island, where his family have lived for generations, and where he was surrounded with relations and friends, I as a young man went to Western Canada and settled in a district where there were few people of my own race and kin. The surrounding country was filled with people from Europe who came here as immigrants. They were told when they arrived that the Canadian Conservative party resembled the reactionary conservatism which oppressed them in their native lands; and the Liberals promoted the idea, not from the public platform but by a whispering campaign, that if these people voted Conservative they would lose their homesteads and be deported from Canada. That was the story which was circulated just before the federal election of 1917. And I will say this to the honourable senator, that had Our Saviour come down to earth and run in that constituency as a Conservative candidate he would have been defeated. Naturally, I was defeated. I felt I should mention this matter to show what some of us have had to contend with. By the way, I was told by my own leader that to the city of Winnipeg belongs the honour, or dishonour, of having elected the first Communist to any legislature in Canada.

To complete what I intended to say—I agree with the Leader of the Government, and I have said so before in this chamber, that people who, though they may never have sat on a school board or any other public body, have rendered great service to Canada may be ideally fitted for appointment to this chamber. I would not object to selections of this kind; and in the very nature of things there will be appointments to the Senate from members of the House of Commons.

I intend to support this bill. I disagreed with a number of remarks made by the Leader of the Government. Every day lately two or three messengers have been calling on senators in their offices to try to get a quorum for various committees.

Some Hon. Senators: No.

Hon. Mr. Horner: That is true. There were three in my office this morning. A man can sit on only one committee at a time; and I am sorry to say that some honourable senators do not attend to their committee duties. It might not be a bad thing to have the honourable the Speaker read, in addition to the prayers, the oath of office which honourable senators take on entering this chamber.

The intention of those who created the Senate was to have it filled with men of various opinions. When 22 in a membership of 102 are absent, it is hard to estimate what the Senate is losing. The question is not whether our business can be carried on with a smaller number, but whether we are not depriving ourselves of the advantage of having new men with new ideas. When you take grist to the mill, though there may be in it some chaff and some leaves, you grind that grist. On a former occasion, when the subject of Senate reform was before us, I was definitely opposed to the fixing of an age of retirement, because I realized then, and I believe now, that, though men might be appointed to and sit in this chamber at the age of eighty, if during their long lives they have been gathering experience and are still mentally alert, we would get "grist from the the mill", and in the very nature of things they would not be here too long.

I have read all the speeches delivered during this debate which I was not present to hear. I was greatly interested in the very fine argument, from a legal point of view, put forward by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), but I was somewhat amazed at the speech of my honourable friend from New Westminster (Hon. Mr. Reid). I did not know that Scotsmen were given to abuse to the extent that he indulged in it. And I will add that it is necessary, of course, that there shall be a measure of independence in this chamber; but if I were looking for a man to do more than just talk and to take some action, the honourable senator from New Westminster (Hon. Mr. Reid) would be about the last man in this chamber I would approach—certainly to carry through any threat to any Liberal anywhere. The honourable senator boasted the other day about being an independent and not being afraid to go back to the people to face re-election. I would remind him of these words of the famous bard, Robert Burns:

> Oh wad some power the giftie gie us
> To see oursels as others see us!
> It wad frae monie a blunder free us,
> An' foolish notion.

Hon. Mr. Reid: And I am looking at you now.

Hon. Mr. Horner: We have been told during this debate that senators should have nothing to say about this question of filling Senate vacancies. I would at this point read section 26 of the British North America Act:

> If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Three or Six Members be added to the Senate, the Governor General may by Summons to Three or Six qualified Persons (As the Case may be), representing equally the Three Divisions of Canada, add to the Senate accordingly.

That provides for at least six extra members. Section 27 of the same act reads:

> In case of such Addition being at any Time made the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, until each of the Three Divisions of Canada is represented by Twenty-four Senators and no more.

Honourable senators, another point not raised in this debate concerns the volume of business now done in this country. When I was appointed to the Senate the federal budget amounted to some $450 million—less than the present budget of Ontario alone—and today it amounts to $5 billion. Look at the mammoth business done by the federal government and the huge sums of money it spends. Someone has raised the question of the cost of the Senate. Well, anyone who has had any experience in the business world knows that on a cost basis the country could well afford to have three or four hundred senators. In any event, there is no doubt the Senate should continue to exist. Like many others I had hoped that the Prime Minister might have made appointments to this side of the chamber. If I were Prime Minister or even a member of the Liberal party I would regret sincerely that the late Agnes Macphail was not appointed to the Senate. I think the Government made a major mistake by not conferring this honour upon her. Such an appointment would have accomplished many things, but I will not go into them now.

Another Senate appointment that could have been made was that of John R. MacNicol, a staunch Conservative who performed his duties so faithfully in the House of Commons for many years. How long did either one of those persons live after the dates when they might have been appointed to this house? Instead of hanging back, had the Prime Minister appointed these outstanding Canadians to the Senate his action would have created good will and, as a matter of fact, would have been first-class politics.

When Newfoundland joined Confederation most Newfoundlanders were neither Liberals nor Conservatives as we know them in Canada. I said then and I still say that the only just and fair thing to have done was to have appointed three senators from Newfoundland to sit on the Opposition benches in this house.

Hon. Mr. Beaubien: Suppose they had refused to sit there?

Hon. Mr. Horner: Not a chance. I can name some who would have gladly sat on this side. I do not think any reasonable person inside or outside the Senate would argue that such appointments would not have been fair and just. Furthermore, in order to right the wrong that has been done I would suggest that such appointments could still be made whenever vacancies occur in Newfoundland constituencies. Two former Newfoundland members in the House of Commons, Gordon Higgins and William Browne, would be delightful men to have here.

The honourable Leader of the Government made a play on the fact that the Prime Minister was courageous enough to not fill vacancies before elections. While he was making that statement the thought occurred to me that perhaps it was very smart politics on the Prime Minister's part, that it was just the same as saying, "I am betting we are going to win the election". Maybe that had just as much to do with his action as did any generosity on his part.

I want to deal with the question of representation in the Senate from the various parts

of Canada. As a result of the vast development that is taking place in our north country it might be necessary in the not too distant future to appoint the finest Indian or Eskimo we can find. I think it would be a good thing to appoint an Eskimo of the calibre of the nine who, after surviving three or four days on an ice flow in the open waters of Hudson Bay last January, jogged down the shoreline some 150 miles to their village. They had lived on a small supply of seal meat and were none the worse for wear. If we had such a man in this chamber he could tell us how we might surmount some of our seeming difficulties. Incidentally, we could bring in a weatherman from that part of the country too. I am sure he would make just as good a job of forecasting our weather as does some of our modern equipment.

The honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley) told us to leave everything to the Government and not to embarrass it. He said that the people of Canada had voted the Government in, and that it was doing a fine job of appointing judges, and so on. While he was speaking I could not help but think that much of what he said illustrated just where this country is drifting. During the past few years the Government has opened up an enormous number of positions. Just yesterday our Standing Committee on Finance was given evidence about the large number of persons employed by the Government, some who are exempt from the Civil Service Act, and many others who, I would say, are political appointments.

What has been the trend in the past few years? Today no fewer than three Cabinet ministers, and another man who is holding one of the most important positions in the country—a man who says he is ready to go through and over certain mountains—are from Conservative families. I know of men who have been approached; in fact I myself was approached, and I might have been guaranteed election without spending a five-cent piece on my own behalf, if I had consented to run as a Liberal. Well, I do not know what I would have thought of myself, but I know that my Liberal opponent would have been grateful to me had I accepted, because then his party would have been in a position to dictate. Let us see what is taking place in the province of Saskatchewan today. A man who attended a Conservative convention as a supporter in 1948 is now the leader of the Liberal party in Saskatchewan. That indicates the temptation that has to be faced by a man who is anxious to get into public life and secure a position at any cost. Our parliamentary system is getting into a very dangerous position in Canada. As was said by the honourable senator who spoke immediately before me, the best form of government is a government faced with strong opposition. My thoughts go back to a period when Western Canada thought it was being ill-treated. At that time we had about 61 members in the Commons. The present Government Whip in this house, the honourable senator from Provencher (Hon. Mr. Beaubien), and the honourable senator from Churchill (Hon. Mr. Crerar), with others, came down on behalf of the Progressives, and they were taken over by the Liberal party. Granted, they may have got a great many things they desired. I am quite concerned about what is going on in the political field. When I think of men tempted to leave their party for better opportunities I am reminded of the story we used to read about the Chinese armies in the early days, when their soldiers would desert from a small army to join the ranks of the largest. Well, in politics I will be the last possible one to run to the other side.

I am not questioning the desirability of appointing senators to fill vacancies here. Some people have advocated appointment of representatives of different groups. On that point, I may say that I share the very fear that one honourable senator expressed of group government.

As to the appointment of members from another party, Conservative or any other, I do not think the Government would refuse an appointment on that account, but the trend is all the other way.

I will not detain the house longer. I understand there is a desire to conclude the debate today; and knowing the honourable senator from Waterloo (Hon. Mr. Euler) as I do, I do not expect there is any chance of his withdrawing the bill.

Honourable senators, I believe in taking an independent point of view. A few years ago when the sponsor of this bill was sponsoring a bill to amend the Dairy Industry Act I opposed it for all I was worth. Although the bill was not passed my friend achieved his objective in another way; and I think that embarrassed the Government and is still embarrassing them to the tune of many million pounds of butter. The bill before us, however, is not so complicated, and it has been presented merely because of a feeling that the Senate would be a more efficient body if the Government could be persuaded to feel that vacancies in this house should be filled within a reasonable time.

The honourable senator has suggested that if the bill goes to committee it could be amended so as to extend the time for making

appointments to a year. I think that would be a backward step. As the honourable senator from Toronto (Hon. Mr. Hayden) said, if the Senate defeats this bill it will be a very serious thing. I think it will be much more serious than just the defeat of the bill, because the people of this country will say: "The Government didn't want that legislation, and as the Senate has a large Liberal majority it of course defeated the bill." So I ask honourable senators who talk as independents to show a little independent action and support the bill.

Hon. W. D. Euler: Honourable senators,—

The Hon. the Speaker: Honourable senators, may I remind the house that if the honourable gentleman, the sponsor of the bill, speaks now he will close the debate.

Hon. W. D. Euler: Honourable senators, as seems to be the custom, I should compliment those who have participated in the discussion upon the high level at which the debate has been maintained. In fact, I think perhaps I ought to compliment myself in that my little bill, which I thought was simplicity itself, should have provoked what has been, in my opinion, the best debate since I came to the Senate, fifteen years ago. There was only one slightly discordant note, which has already been referred to by my good friend from Blaine Lake (Hon. Mr. Horner). The senator from New Westminster (Hon. Mr. Reid), without any provocation or relevancy to the bill itself quite unfairly, I think, charged the senator from Churchill (Hon. Mr. Crerar) and my humble self with a lack of independence. Under all the circumstances I think honourable members will understand me when I say that I thought he was joking, but it seems that he was serious, for he compared our lack of independence with his own fearless course in the House of Commons, where he had been, as he said with considerable pride, a rebel; and he twice intimated that perhaps his independence had cost him a seat in the federal cabinet. Well, perhaps he is right. But for some reason I was reminded of a little incident that occurred a few weeks ago when I was being taken upstairs in the Senate elevator on the way to my breakfast. The operator of the elevator seemed to be in a cheerful mood, and was singing a little song to himself, so I said to him, "I am glad to see you are so happy this morning." He replied, "Oh, well, senator, I am just kidding myself."

Some Hon. Senators: Oh, oh.

Hon. Mr. Euler: The reputation of my deskmate the senator from Churchill (Hon. Mr. Crerar) requires no defence whatsoever in this house. I would say that his record of probably 40 years of public service in Canada would bear fair comparison with that of anyone else here.

Some Hon. Members: Hear, hear.

Hon. Mr. Euler: May I proceed to discuss with becoming seriousness the question of this bill. In doing so I hope to stay within the confines of the bill, and not go far afield as many previous speakers have done. I understand that in closing the debate I am not supposed to raise any new issues or discuss any new matters. I am therefore pretty much limited to a discussion of the remarks of those who expressed opposition to the bill. In doing so I shall perhaps pay considerable attention to what the Leader of the Government (Hon. Mr. Macdonald) had to say last evening, and if I seem to overlook what some other senators have said I hope they will take no offence.

May I refer first to the good speech made by the senator from Queen's-Lunenburg (Hon. Mr. Kinley). Although he roved far and wide, he finally touched on what I think is the crux of the question before us today. He said—I do not have his exact words—that he thought I had made a pretty good case, but that upon reflection he came to the conclusion that my bill was not a friendly one. While this bill is neither friendly nor unfriendly, this is the first intimation I have had that any manner of sentiment can be injected into a bill. If my friend can show me how I can inject any kindly or affectionate feeling into any bills I may introduce in the future—and I am sure they will be few, because my experience in introducing bills has not been happy—I shall be glad to consider the matter. However, I do not know what my hard-boiled legal friends would do to any bill of that kind. From what my friend from Queen's-Lunenburg said I gathered the distinct impression that in his opinion it was entirely outside the duty or right of a senator to introduce legislation which might be at variance with the policy of the Government. To that concept, I take absolute exception.

The senator from Toronto-Trinity (Hon. Mr. Roebuck), in the best speech I ever heard him make, established in the most convincing fashion, to me at least, that under the British North America Act the Senate, like the House of Commons, is an integral part of the Parliament of Canada, neither inferior nor superior, but equal, with one doubtful exception, namely, that of our inability to interfere with financial measures.

If I believed that a majority of the members of this chamber shared the concept that we were merely an appendage of the House of Commons or of the administration, then

it would be difficult for me to defend the continuance of the Senate as a part of the Parliament of Canada.

The distinguished lawyer members of this house—I need not name them, because they are well known—have quite definitely stated that there is no constitutional obstacle to this bill such as was referred to by the Leader of the Government last evening. Opinions were expressed by the senators from Toronto-Trinity (Hon. Mr. Roebuck), Inkerman (Hon. Mr. Hugessen), Ottawa West (Hon. Mr. Connolly), Vancouver South (Hon. Mr. Farris), Toronto (Hon. Mr. Hayden), and other distinguished and unimpeachable authorities, all of whom say Parliament has a perfect right to enact this bill.

Let me come to the principle involved, which leads me to the objections that have been advanced against the bill. There has been almost complete unanimity amongst all speakers that the present practice of accumulating senatorial vacancies is wrong; I have heard no one defend it. The speech of the senator from Vancouver South was freely quoted to bolster the arguments of my friend the Leader of the Government. But the senator from Vancouver South also said this:

> Whether I agree with all the results which he—

Referring to myself.

> —expects would flow from the bill, I find myself in complete accord with every pronouncement he made. He referred to a number of sections of the B.N.A. Act, particularly section 32, which deals with Senate vacancies. It reads:
>
> When a Vacancy happens in the Senate by Resignation, Death, or otherwise,—
>
> That covers the entire field.
>
> —the Governor General shall—
>
> It does not say "may".
>
> —by Summons to a fit and qualified Person fill the Vacancy.
>
> No lawyer would stake his reputation upon the proposition that this means the vacancy shall be filled some three, five or even seven years after it occurs. The question is entirely one of what is a reasonable time. It cannot possibly mean an indefinite time in the indefinite future.

I could read further along the same line, but perhaps that is sufficient.

The Leader of the Government—who I hope will take my remarks in good part, as I took his—said in his speech last evening that he would like to see the vacancies filled. Of course he would, and so would all the other senators who have spoken. All the speakers and especially those who are lawyers have said that under the present law it is legally a neglect of duty—I do not think I am putting it too strongly—not to fill these vacancies within a reasonable time. Thus we have this situation: undoubtedly, Parliament has power to enact this proposed amendment; and eminent lawyers express the opinion that the present law is not being observed, in that appointments are not being made within a reasonable time. The senator from Inkerman made the interesting observation that while the law is there, it is not enforceable. Presumably that is on the basis that since appointments are made by Her Majesty's representative, the Governor General, the well-known principle that "the King can do no wrong" applies and the law cannot be enforced. Not being a lawyer, I am perhaps treading on dangerous ground when entering this field. But it is not so long ago that anyone who had a grievance against the Crown or one of its representatives could not bring an action for redress in the courts unless the government consented and a fiat was obtained. That practice has been abandoned, and quite rightly so. Today any aggrieved citizen who believes he has a claim against the Crown can sue in the courts without first obtaining consent. I fail to see any distinction between that principle and the one which would be involved upon enactment of this bill. If this bill became law and the Governor General were thereby instructed to fill vacancies in the Senate within a period of six months, why could that law not be enforced and the vacancies filled? After all, it is only a polite fiction to say that the Queen fills the vacancies. Everyone knows that no appointments are made except upon the advice of the head of the country, the Prime Minister. Why one cannot apply the very same rule in this case as is now applied when a citizen has a grievance against the Crown, I fail to understand, and I wish there were some opportunity for some of my legal friends to go into that question just a little more fully.

Hon. Mr. Hugessen: May I ask the honourable senator a question? In the light of what he has said I think section 20 of the British North America Act has a good deal of relevance, and I would like to ask him if he has read that section.

The point I tried to make on Wednesday last was that the bill which he has introduced could not be legally enforced, because you cannot make the Crown do anything, but I went on to point out, as clearly as I could, that if a provision of that kind were in the British North America Act it might have considerable moral and practical effect. Section 20 of the act reads as follows:

> There shall be a Session of the Parliament of Canada once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Parliament in one Session and its first Sitting in the next Session.

Now, legally, that provision is completely unenforceable. It makes no provision for penalty, and the Governor General cannot

be forced to convene Parliament within a year after the previous Parliament has adjourned; but from a moral and practical point of view the effect that that provision has in the constitution is so strong that, I think I am right in saying, no Prime Minister and no Government has ever tried to contravene it since Confederation.

Hon. Mr. Euler: I thank my friend for his interjection. In fact, we are in entire agreement. I am not questioning his legal opinion —as I say, I am not a lawyer. I merely state I do not see why there should be a distinction between the one case and the other. So far as he states his opinion—and he did it the other day very, very well—I entirely agree with him that even if there is no possibility of enforcing the proposed amendment if it becomes law, the moral force of these words "within six months" in black and white in the British North America Act would have far greater effect than a resolution passed by this house. Knowing the Prime Minister of Canada, for whom I have the highest regard, I am sure that if this time limit were inserted in section 32 or section 24, I do not care which, he would not dare to flout such a provision in the act. And no future Prime Minister would dare do such a thing. The moral force of the section would be too great to permit that, even though in law, as I agree, the section would not be enforceable.

So we have the strange and I say the sorry spectacle of senators admitting that the practice that has been followed for 25 years or more is wrong. They admit that the law is being flouted—that word was used by the senator from Ottawa West (Mr. Connolly). I read his speech at noon today, and noted that he actually advances the idea, which I think is vicious, that because the law cannot be enforced it can properly and morally be neglected, disobeyed and dishonoured. With that I do not agree, nor does the senator from Inkerman. The latter takes the moral view that morally there is an obligation to carry out the law, even though it is legally unenforceable, and for that reason he is voting for this bill.

The suggestion was made or at least implied by the senator from Kootenay East (Hon. Mr. King) that I might withdraw this bill; and before my friend does any speculating as to whether I am going to do that may I say to him, as a young man to an older one, that I cannot accept his fatherly advice.

May I repeat that the senator from Ottawa West agrees entirely with the argument of the senator from Inkerman as to—

Hon. Mr. Connolly: Will the honourable senator allow me to modify that statement?

Hon. Mr. Euler: I had not finished my sentence. I was about to say that you agree with the senator from Inkerman as to the legality. You agree with the idea that the practice of accumulating vacancies is wrong, but you part company with the senator from Inkerman on the basis that because the law is not enforceable, one is justified in ignoring it.

Hon. Mr. Connolly: Oh no, that is not what I said last night.

Hon. Mr. Euler: I am quite willing to yield so that you can let us know just where you do stand. As I understand your speech, you abandon the moral view, as do some others, and I think I may include the Leader of the Government.

Hon. Mr. Macdonald: I do not think that you can read that into my speech.

Hon. Mr. Euler: I will take your word for it. I do not believe for one moment that the Prime Minister of Canada would support such a concept of political morality. I believe that if a definite time limit were placed in the act in black and white no Prime Minister would or dare to ignore it. That is why I have not presented this matter in the form of a resolution.

The senator from Vancouver South (Hon. Mr. Farris) said twice in his very eloquent speech that if I had consulted him he would have suggested that I bring this forward in the form of a resolution. Well, I had acquainted the honourable gentleman with the fact that I was going to present this measure as a bill, and at that time he made no suggestion whatsoever that I should present it in the form of a resolution.

Resolutions, they say, are made to be broken, and the road to a certain place is paved with good intentions. While the present Prime Minister might be influenced by such a resolution, I am afraid that in time it would be consigned to the political ash can and we would then be exactly where we are today.

The senator from Vancouver South, after condemning the practice which this bill seeks to correct, feels that the Prime Minister must have some good reasons for not making these appointments. He thinks that in this changing world—I have not his exact words before me —the Prime Minister may feel that persons appointed should be truly representative of all the people of Canada at the present time. Perhaps that is so, and I could wish that it were so, but I have been in politics long enough to believe that that is not the compelling reason why these vacancies have been allowed to accumulate. The chief reason is

the same as the one that caused accumulations of vacancies for 25 years past, and it cannot be denied that that reason was political in its nature. I believe most of the pressure comes from members of the other house who would like to be promoted to this chamber, although some of them, in their public utterances, declare they would like it to be abolished. That this pressure is political, and comes from the source I have mentioned, was confirmed by my friend the Leader of the Government in his eloquent speech yesterday. I hope he will not take offence if I criticize his remarks severely. I do not want to misquote him, but the effect of what he said is that he thought Senate vacancies should be left unfilled for extended periods to provide places for appointees from the Commons; and that it is embarrassing to the Prime Minister to make these appointments, because they involve by-elections, which are undesirable. I do not agree that they are undesirable. A by-election is a very good gauge of public opinion, and it is an excellent thing that once in a while during its tenure of office a government shall have the opportunity of learning what the public thinks of its actions and policies.

Hon. Mr. Macdonald: But not necessarily within six months after a vacancy.

Hon. Mr. Euler: If the Government believe that vacancies in the other place should be filled within a few months, why in the world should not the same principle apply to vacancies in the Senate?

I do not want to burden my friend the Government Leader with too many criticisms, but I am obliged to reply to the speech he made last night. From his point of view it was a very good speech, and it was delivered with a vehemence of which I am not at all capable.

Hon. Mr. Macdonald: Oh, yes.

Hon. Mr. Euler: And for that, I do not criticize him.

Hon. Mr. Macdonald: I do not agree with the statement of the honourable senator.

Hon. Mr. Euler: He said that vacancies are held open for the benefit of members of the Commons.

Hon. Mr. Macdonald: I do not believe I ever made that statement.

Hon. Mr. Euler: Then what did the honourable Leader say?

Hon. Mr. Macdonald: If my honourable friend got that impression, it was not my intention to convey it.

Hon. Mr. Euler: I shall leave it to the judgment of the house whether or not the thought was advanced that the Prime Minister left some of these vacancies unfilled so that he could appoint men who have given good service—perhaps, good political service, and that their elevation to this house involved or might involve by-elections.

Hon. Mr. Macdonald: I do not think I said that the Prime Minister left vacancies unfilled for any reason. I merely gave my opinion as to why appointments were deferred.

Hon. Mr. Euler: I do not wish to misrepresent my friend.

Hon. Mr. Fournier: The honourable senator, in his version of the remarks of someone else, is referring to a speech which has already been printed. I think he should quote the statement from the official record.

Hon. Mr. Euler: I will accept any denial which the leader desires to make. I have not had time, since he made his rather lengthy speech, to read it in *Hansard*, but I shall do so. It is decidedly my impression that I have correctly quoted him, but if he states that he said nothing approaching it, I shall accept his denial.

Appointments to the Senate, if promptly made, would enforce the holding of by-elections. Perhaps this proceeding would be undesirable from the Government's point of view, but is not that the logical course if the desire is that members of the House of Commons shall be raised to this chamber? I believe that persons who have had experience in the other chamber, or in any legislative body, can be of great use in the Senate. But if it is desired to translate members of the House of Commons into the Senate, and without recourse to by-elections, would it not be the logical thing to appoint them at the time a general election is called?

Hon. Mr. Turgeon: There might not be any vacancies here then.

Hon. Mr. Euler: But my friend changes ground. He made an appeal to the Opposition when he said that the Prime Minister was particularly generous—and I am not quarrelling with that statement—when he went into a general election with vacancies unfilled, because the thought in his mind was that if his Government were defeated and a Conservative administration took its place, the ranks of the present Opposition here would be increased. But that does not accord with his previous argument: you cannot have the two things at once.

Hon. Mr. Macdonald: I do not want to be represented as having said that I presume to

report what the Prime Minister had in mind. I was not quoting him, I was merely saying what the result could have been.

Hon. Mr. Euler: It may have been with a more or less humorous intention that my friend held out to the Leader of the Opposition (Hon. Mr. Haig) the hope that, if his party believed that some of these vacancies would be filled by a Government of their political persuasion, they would have good reason to vote against the bill.

Hon. Mr. Haig: We did not fall for that idea, though.

Hon. Mr. Euler: I did not think for one moment that you would.

Hon. Mr. Macdonald: I think it was a very sound idea.

Hon. Mr. Euler: If vacancies are left open in order that members of the House of Commons can be appointed, and they are not appointed before the election, that represents a change of policy. If the Liberal Government is returned to office, and the proposed appointees are members of the House of Commons, they cannot be transferred here, because that would necessitate the by-elections which, from the Government point of view, are so undesirable. So we go through the dizzy round once again, and I admit that I am confused.

The real remedy, in my opinion, is to fill vacancies within a reasonable time after their occurrence. Besides, if the Government wants to strengthen the ranks of the Opposition here—a move to which I would not object—even though this bill is carried it will still have the power to appoint anyone it pleases, whether he be a Liberal, Conservative, Social Crediter, Socialist or anybody else; because, as was pointed out by the senator from Inkerman this bill is not retroactive; there are now 22 vacancies; and the Prime Minister can appoint anyone he pleases and take all the time he likes to do so. But I would suppose that if the present bill goes on the statute books, and a six-month limit is set for future appointments, he would regard it as pretty much of a mandate not to delay too long the filling of the present vacancies. The six-month provision applies only to future vacancies.

Some concern has been expressed as to what effect this bill would have upon the public. I must say that I cannot understand a certain remark made in this chamber last night by the Leader of the Government. There must be an error in the report, which I will read to my honourable friend:

> I hope before I am through that honourable senators will agree with me that if all the vacancies had been filled our dignity not only would have suffered but would have been completely shattered.

He is reported to have made that remark after saying he was in favour of having the vacancies filled. I think my honourable friend must have been misreported because the two things do not go together. It does not make sense.

Hon. Mr. Macdonald: I think it makes complete sense along with the rest of my speech.

Hon. Mr. Euler: The Leader said he was in favour of the vacancies being filled.

Hon. Mr. Macdonald: Not necessarily all at once or within a six-month period.

Hon. Mr. Euler: I am not saying that, but my friend said he was in favour of the vacancies being filled within a reasonable time, and when he said if they had been filled our dignity not only would have suffered but would have been completely shattered. I admit I do not understand that.

Hon. Mr. Macdonald: It would be completely understandable if my speech were read in full.

Hon. Mr. Euler: Perhaps I am a little dull of comprehension.

Hon. Mr. Macdonald: Oh, no.

Hon. Mr. Euler: With regard to the effect upon the public, I share the conviction expressed by the senator from Toronto (Hon. Mr. Hayden), who is not here today, that if the bill is defeated there will be a feeling of dismay among the people of Canada that the Senate is indifferent to its own efficiency and integrity. I believe that. I am certain it would heighten the general feeling of lack of respect for the Senate—and it is not too high now—and if this sort of thing is continued indefinitely there will be a great strengthening of the movement, which at present does not exist to any real degree, for abolition of the Senate itself.

The Leader of the Government says there is no lack of efficiency as a result of there being only 80 members instead of the 102 that the constitution calls for. He says that the committees are working well. The senator from Toronto (Hon. Mr. Campbell) made a strong argument that there were insufficient numbers to man all the committees. There is certainly truth in that.

Hon. Mr. Beaubien: That honourable senator is seldom here.

Hon. Mr. Euler: You had better take that up with the senator from Toronto. Some members serve on five, six and even seven

committees, and the meetings of these committees frequently conflict. Only this morning our most important committee, the Standing Committee on Banking and Commerce, could not start functioning for about twenty minutes because of lack of a quorum.

Hon. Mr. Macdonald: How many constitute a quorum?

Hon. Mr. Euler: My friend knows that.

Hon. Mr. Macdonald: There are 80 senators here, so I do not know why that committee could not get a quorum.

Hon. Mr. Euler: Well, it didn't.

Hon. Mr. Reid: I would point out that this morning the Banking and Commerce Committee was dealing with a private bill while the Committee on the Narcotic Drug Traffic was hearing an important witness from Lexington, Kentucky.

Hon. Mr. Euler: Eighty members might do a pretty good job, but does anyone believe that the addition of twenty-two capable persons would not improve the quality and efficiency of this body? I say that with all due respect to those of us who are here.

Hon. Mr. Golding: I wonder if my honourable friend realizes that some members are named to only one or two committees.

Hon. Mr. Bradette: Hear, hear.

Hon. Mr. Euler: Who is to blame for that? I would say that the Committee of Selection should be asked to change its ways.

Hon. Mr. Golding: It is only—

The Hon. the Speaker: I would point out to honourable senators that they cannot interrupt the speaker to ask a question without first getting his permission to do so.

Hon. Mr. Euler: I shall leave that point. I come now to what I believe is the real reason for the opposition to this bill. It is the feeling that the bill is embarrassing to the Prime Minister.

Hon. Mr. Haig: Hear, hear.

Hon. Mr. Howard: That is right.

Hon. Mr. Macdonald: I want to make it perfectly clear that I never intended to leave that impression.

Hon. Mr. Euler: I say that is the real reason for the opposition to the bill. My friend from Wellington (Hon. Mr. Howard) has just admitted it.

Hon. Mr. Howard: Yes.

Hon. Mr. Euler: The other day I heard an observation, which I am sure was meant for my ears, that the bill is intended merely to take a "crack" at the Prime Minister. That is a vulgar statement, and I desire to contradict it with all the emphasis at my command. I have every regard for the Prime Minister and every sympathy for the troubles that bedevil him at this and all times.

I have already said, and I want to emphasize it, that this bill, instead of embarrassing him, would ultimately, after the present vacancies are filled, make embarrassments impossible, because there could never be any more great accumulations of vacancies.

I admit, of course, that the purpose which the Leader advocates, of holding Senate appointments open for deserving members from the Commons, would not be served, but perhaps that would not be an unmixed evil and would surely be a relief to the Prime Minister himself.

Some reference has been made to the fact that parts of the country are now unrepresented in the Senate. There are nine vacancies in the Maritimes representation, and those provinces certainly would not have come into Confederation if they had not been assured of the representation which the constitution assures them. Quebec has seven vacancies, nearly 30 per cent of the number to which it is entitled.

Some solemn observations have been made as to the "sacredness" of the constitution, and it has been suggested that unholy hands should not be laid upon it. Well, perhaps I am not greatly impressed by things that are gone before, for I do not feel that a thing should be regarded as sacred just because it is eighty years old. My reply would be that as the Sabbath was made for man, not man for the Sabbath, so the constitution was made for the benefit of the Canadian people and it should be amended if changing circumstances or certain conditions demand it.

Hon. Mr. Lambert: Hear, hear.

Hon. Mr. Euler: The Leader of the Government, in closing, summed up his opposition as follows. First, the bill has no legal enforceable effect.

Supposing I admit that, he thus ignores entirely the moral effect, which is often of greater significance amongst honest people than the letter of the law.

Secondly, he quoted the senator from Vancouver South (Hon. Mr. Farris) as still having some doubt about the constitutional aspect. Parenthetically, I might say that I am not quite sure that the senator from Vancouver South presented that doubt with any great forcefulness. But, in any event, against that we have the opinions of such lawyers as the senators from Toronto-Trinity (Hon. Mr. Roebuck), Inkerman (Hon. Mr. Hugessen),

Ottawa West (Hon. Mr. Connolly), Toronto (Hon. Mr. Hayden), and Toronto (Hon. Mr. Campbell); and it was not denied by the Leader himself (Hon. Mr. Macdonald) who also is a lawyer.

Hon. Mr. Macdonald: Not the honourable senator from Toronto (Hon. Mr. Hayden), or at least I did not gather that.

Hon. Mr. Euler: I have enough authority, anyway. I do not like to overlook anyone, and I hope I have not done so. I cannot, of course, include my friend from Calgary (Hon. Mr. Ross).

Then there was the Leader's statement that there is no impairment of efficiency because of the vacancies, but I have dealt with that already.

Fourthly—and I think this has very little strength—he suggested that the proposed amendment is to the wrong section of the B.N.A. Act: that it should be to section 32 instead of to section 24. Well, I do not care which section is amended; the effect would be exactly the same; and I am assured by the gentlemen who drew up the bill for me that the amendment is made in the proper form.

Finally, apart from all arguments, legal and otherwise, the Senate is faced with this undeniable fact: Section 32 of the constitution is being violated; the law is now being broken, and has been broken for years. Yet some members take the remarkable position that that is apparently quite ethical because the law cannot be enforced, because of the polite fiction that the King can do no wrong. Well, they must vote either to condone what is contrary to the B.N.A. Act, or else to vindicate the responsibility, the integrity and the good repute of the Senate throughout Canada. And who has in fact any greater responsibility than members of this body to preserve its responsibility, integrity and good repute in the minds of the people of this country?

I believe that if honourable senators will face the real issue without prejudice, if they will face the moral issue fairly and squarely, they will in duty support this bill.

In conclusion, may I say that I have been in public life for a long time, and I am not easily shocked; but without in any sense adopting what might be called a "holier than thou" attitude. I just cannot help being genuinely shocked that some members of this house put themselves before the people of Canada in supporting the principle, or lack of principle, that something which is morally wrong is justified by the fact that no one can be punished for doing it, because of some peculiar quirk in the interpretation of the law. Each member of the Senate is the keeper of his own conscience, and mine is genuinely shocked by the thought that this honourable chamber is setting so bad an example to the people of this country.

The motion of Hon. Mr. Euler was negatived on the following division:

CONTENTS

Honourable Senators

Baird	Hodges
Crerar	Horner
Euler	Howden
Fallis	Hugessen
Gershaw	Lambert
Haig	Roebuck—12.

NON-CONTENTS

Honourable Senators

Barbour	Hawkins
Basha	Howard
Beaubien	King
Bishop	Leger
Bouffard	Macdonald
Bradette	Marcotte
Burchill	McDonald
Comeau	Paterson
Connolly	Pirie
Daigle	Reid
Dessureault	Ross
Duffus	Stambaugh
Dupuis	Taylor
Farquhar	Tremblay
Fergusson	Turgeon
Fournier	Vaillancourt
Godbout	Veniot
Golding	Vien—37.
Gouin	

Hon. Mr. Quinn: Honourable senators, I was paired with the honourable senator from Mount Stewart (Hon. Mr. McIntyre). Had I voted, I would have voted for the bill.

PRIVATE BILL

DOMINION GENERAL LIFE INSURANCE COMPANY—FIRST READING

Hon. William H. Taylor, for Hon. Mr. Hayden, presented Bill W-14, an Act to incorporate Dominion General Life Insurance Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Taylor: Tuesday next.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, May 26, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

THE ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, would proceed to the Senate Chamber this day at 5.45 p.m., for the purpose of giving the Royal Assent to certain bills.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house adjourns today it stand adjourned until Tuesday, May 31, at eight o'clock in the evening.

The motion was agreed to.

PRIVATE BILL

WESTCOAST TRANSMISSION COMPANY LIMITED—THIRD READING

Hon. John A. McDonald, for Hon. Mr. Farris, moved the third reading of Bill B-14, an Act respecting Westcoast Transmission Company Limited.

The motion was agreed to, and the bill was read the third time, and passed.

CANADIAN FORCES BILL

SECOND READING

Hon. John J. Connolly moved the second reading of Bill 257, an Act respecting the Canadian Forces.

He said: Honourable senators, this bill follows the pattern set in the last four years when single acts were passed to amend various statutes affecting the defence forces of Canada. This is in the nature of a statute law amending bill, and in other years sometimes four and five statutes affecting the forces were amended by an act of this character. This year two acts only are being amended: the first thirteen clauses of the bill amend the National Defence Act, and the remaining twelve clauses amend the Defence Services Pension Act.

Last year I had the privilege of explaining Bill 80, an Act respecting the Canadian Forces, and at that time some objection was taken to the practice of amending several acts by one bill. However, in justification of the continuation of this practice it should be said that it is easier for people interested in legislation affecting the forces to go to these annual law amending statutes to find the various changes that occur from year to year. Also, I am informed by officials of the Judge Advocate General's Branch that these statutes are not of much wider significance or interest than for people in the services, so perhaps there is some justification of the practice, although I say that by way of explaining it rather than of justifying it.

I think it might be most helpful if I explained this bill section by section, because all the sections are disconnected one from another, unlike a new piece of legislation in which one principle is embodied.

Section 2 provides authority for a man to be reinstated in one of the branches of the armed services without any break in his service, if after there has been a break in his service as a result of a decision by a service or a civilian court that decision of the lower court is reversed by a higher court. What is now proposed is that if a man is dismissed as a result of a decision of a lower court, the fact that he is dismissed means that his service is broken. If later another court reversed that decision, there is no authority whatever to enable him to pick up the service, to dispense with the break in the service. In other words, he may now pick up his service where he should have picked it up after dismissal which resulted from the decision of the court that apparently was not warranted. It seems to be a fair amendment to make, and I think it would be accepted, generally.

Hon. Mr. Crerar: May I ask my honourable friend a question? The bill states that reinstatement may be made as the result of a decision by an appellate court "or other competent authority". What is the other competent authority?

Hon. Mr. Connolly: I wonder if my honourable friend would ask that question in committee, if the bill is referred to a committee. Frankly, I cannot answer his question. I would think that normally the court martial appeal board would be a competent authority, but it is in the nature of an appellate court. Certainly, if the original trial took place in the civil courts, only an appellate court of higher jurisdiction could pronounce the decision of the lower court to be wrong.

Hon. Mr. Roebuck: Is there not an appeal from the service court to the Supreme Court of Canada in some cases?

Hon. Mr. Connolly: Yes, there is an appeal in a great many cases to the Supreme Court of Canada. However, I am afraid that still does not supply the answer to the question of my honourable friend from Churchill (Hon. Mr. Crerar), because in such cases the Supreme Court of Canada would be an appellate court. My honourable friend from Churchill is concerned as to who other than an appellate court could reverse the decision of a lower court. I am afraid I cannot answer that question, but I think officials of the Judge Advocate General's Branch could do so.

Hon. Mr. Dupuis: Is there anything in the army regulations which permits a soldier to be suspended instead of being dismissed pending the outcome of an appeal of a judgment against him by a lower court? What happens if his appeal is successful?

Hon. Mr. Connolly: I suppose that would be a matter of service discipline. However, I think the problem my honourable friend has in mind is cured by the provision that if a soldier is dismissed from service because of an erroneous decision of a lower court, which is later reversed on appeal to a higher court, he is absolved from the effect of the original judgment. Heretofore it has been provided that upon conviction if he was dismissed from the service he could not be re-established and have his service dated back to the time of his dismissal, even if the decision causing his dismissal was reversed by a higher court. By this amendment, the man would receive fair treatment if the adverse decision of a lower court is in due time corrected by a higher court.

Hon. Mr. Reid: The new subsection 4 in section 2 of the bill contains these words ". . . transferred from one component to another . . ." May I ask whether "component" is the proper word as used by the military authorities in the case of transfer from one branch to another?

Hon. Mr. Connolly: It means, I think, transferred from one establishment to another. The word "component" is frequently used in the National Defence Act and is given a specific meaning in the definition section.

Hon. Mr. Roebuck: Would not the term "competent authority" sometimes mean a commanding officer? The decision of a court martial is, I think, frequently reviewed by the higher officers of a unit. In those circumstances "competent authority" might not mean a court at all, but simply a higher officer.

Hon. Mr. Connolly: That may well be the answer to the question asked by my honourable friend from Churchill (Hon. Mr. Crerar), and I thank the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) for mentioning it. The reason I hesitated to give an answer of that character is that, quite frankly, I am a little shocked that a decision of a court should be overruled by any body but another court. However, I think the officials of the Judge Advocate General's Branch will have a full explanation to offer on that point.

Section 3 of the bill deals with the case of a man who is officially discharged and legally out of the service, and is later arrested for an offence which he committed within the service. He of course would be subject to the military law in so far as the definition of the offence is concerned, but while he is under arrest, as provided by this section, he becomes subject to service discipline from the time of his arrest until the case is disposed of. That appears to me to be a fair provision, because the man would be in service custody at that time.

Section 4 has this explanation: At the present time the period within which a charge may be laid before a service tribunal is three years. There are times when charges cannot be laid because of the fact that the accused is a prisoner of war, is in desertion, or is serving a sentence other than in a service place of detention. This section provides that any of those periods of time are not to count against the period of three years. Obviously the section will not apply to the situation where a man is in a place of service detention, because there is no reason in the world why the service could not take him out of service detention and try him before a service tribunal. But in all these other cases he is pretty well beyond the reach of service authorities, so he cannot be charged.

Section 5 is designed to make the definition of "insanity" in section 126 of the National Defence Act accord with the definition in section 16 of the Criminal Code. There is a word that is wrong in the Defence Act section. It should be corrected, and that is the purpose of that amendment.

The Hon. the Speaker: May I appeal to honourable senators to refrain from carrying on audible conversation while an honourable member is speaking?

Hon. Senators: Hear, hear.

The Hon. the Speaker: It is not only exceedingly poor parliamentary practice but it is a distinct lack of courtesy to the honourable senator who is speaking and to those who are interested in hearing what he is saying. I am sure honourable senators will co-operate in this matter.

Hon. Mr. Connolly: Honourable senators, section 6 is a little more complicated, perhaps, than the ones I have been dealing with so far. At the present time under the National Defence Act a man can be held in detention for 28 days, and before the 28-day period elapses he can be brought out of detention and then put back into detention again for another 28 days, and he cannot complain. This situation is now to be corrected. Under the amendment he will be able to petition the Minister after he has been in detention for 28 days, and the minister is required to show cause as to why he should be continued in detention. The minister can keep him in detention if he so desires for a period up to 90 days and even longer, but he must give reasons for so doing.

Section 7 is also a rather significant section. At the present time the Judge Advocate, who participates in the work of the court martial, is an adviser only to the court; he is not a member of the court, he is not a judge. Now it is proposed by this amendment that he become a judge of the court, and in fact master of the law; and his position at a court martial will be relatively the same as that of a judge who sits with a jury. I may say that according to the information supplied to me this provision of law is now in force in the United Kingdom and in the United States.

Here is something else which I think will interest honourable senators. It is proposed that hereafter when a point of law pure and simple is to be raised at a court martial it will be heard by the Judge Advocate General's representative at that court, but apart from the other members of the court. In other words the other members of the court will be in the position of a jury: they will retire during consideration of the point of law by the Judge Advocate, and then will reassemble with him, much as is done in civil courts in a civil trial.

Hon. Mr. Roebuck: How far does that go? I raise that point because there are many mixed questions of law and fact. If it is a question of law and fact does the Judge Advocate become the sole judge and do the other members of the court stand aside?

Hon. Mr. Connolly: I would think that the rules applicable in similar cases in the civil courts should apply.

Hon. Mr. Roebuck: Does the bill say that?

Hon. Mr. Connolly: No, it does not say that.

Hon. Mr. Roebuck: Well,—

Hon. Mr. Connolly: Perhaps I might add this: the section is a very important one. I think it is a great improvement on the old system, but the machinery for carrying it out is something to which the committee might give serious consideration when the representatives of the Judge Advocate General's Branch come before it.

Hon. Mr. Lambert: May I ask the honourable senator a question? I did not quite catch what he said about referring this bill to committee, but I assume his purpose is, if the bill is given second reading, to move for reference to the appropriate committee? I am also wondering if my honourable friend is acquainted with the very thorough and long discussion that took place in committee at the time the National Defence Act was being revised and set forth anew. A great deal of attention, as I recall it, was then paid to the very points that my honourable friend is mentioning now. I do not think he was a member here at that time, but the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) was very active in dealing with these matters which would assure to everyone in the forces who came under this section the right not only to have the same procedure as in a civil court, but also the right to appeal to a civil tribunal as well.

Hon. Mr. Connolly: As a matter of fact, I think that some of the discussion which took place then resulted in the establishment of that very necessary addition to the service legal procedure, namely, the Court Martial Appeal Board, which has been a most useful, a most salutary, instrument to assure fairness and justice in dealing with service offences and offenders.

Hon. Mr. Roebuck: Does the section make the Judge Advocate the final decider of questions of law? It says this:

> Where a judge advocate has been appointed to officiate at a court martial, he may, in such circumstances and subject to such conditions and procedures as are prescribed in regulations made by the Governor in Council, determine questions of law arising before or after the commencement of the trial.

That would seem to make him the arbiter of all questions that he determines are questions of law. In the civil courts the judge determines whether a question is one of fact or law, and if he determines it is of law he then proceeds to decide it. Does this provision make the Judge Advocate a judge of all questions of law, setting aside all other members of the court?

Hon. Mr. Connolly: Yes, I understand that is the proposal.

Hon. Mr. Roebuck: It is a serious proposal.

Hon. Mr. Connolly: Yes, I think it is a serious proposal. There is of course this further point to take into account: that now, with the establishment of the Court Martial Appeal Board, where the Judge Advocate goes down the wrong path he becomes subject to correction by that board. Moreover, it is proposed to make regulations, and probably within the scope of those regulations certain restrictions will be laid down under which he will act. I would not attempt to anticipate what is in the mind of the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck), but I would assume, because this is in my own mind: he may think it a questionable procedure to lay down such rules by way of regulations rather than by statute. I think perhaps that is something the committee might very well direct its attention to when this section is being discussed.

Hon. Mr. Roebuck: The rules they may possibly lay down are not before us now, and therefore we must proceed in disregard of them, assuming that there will be no regulations until we know that there are regulations.

Hon. Mr. Connolly: Section 8 permits the Minister to make a finding which is warranted by the evidence given before a service tribunal, to correct what is considered to be an illegal finding. There is one restriction upon the power of the Minister in this case, and that is that under no circumstances, when he makes a finding warranted by the evidence, can he increase the sentence that was awarded by the court. For example, if a man were accused of theft, the ordinary elements of theft that are set out in the Criminal Code would apply, and if upon review the Minister found that one of the essential elements of theft was not present, he might properly come to the conclusion that the charge of theft was not proved. But if the accused was obviously in possession of service equipment or service property, the evidence might very well warrant a finding that he should be found guilty of a charge "to the prejudice of good order and service discipline", or perhaps, a charge of "being in possession" of such property. In a case like that, the Minister would be entitled to find him guilty of the alternate charge, but he could not increase any sentence imposed.

Section 9 permits the Minister to order a new trial in cases where proceedings are irregular. It also permits him to dispense with a new trial which may have been ordered by the Court Martial Appeal Board. There are times when a new trial has been ordered by the Court Martial Appeal Board arising out of offences committed abroad by troops where witnesses were foreign civilians or servicemen serving abroad, and perhaps not in the Canadian forces. Sometimes it is impossible to secure a witness again for a new trial, even though the Court Martial Appeal Board has ordered a new trial. This clause permits the Minister, in such cases, which are extreme cases, to dispense with the holding of the new trial, if such a decision is warranted.

Section 10 deals with suspended sentences. Long sentences, that is to say sentences of over thirty days imposed upon a serviceman, expire at the end of their term, if they are suspended. Shorter sentences, that is to say sentences of thirty days or less, may be kept in suspension in the services for a year. This povision is particularly applicable to the Navy, where a man might be convicted aboard a ship at sea of some service offence and awarded a punishment of, perhaps, ten days. Obviously at sea, especially in small ships, it is not always possible to have him serve that sentence. It is therefore suspended, and he might be required to serve it ashore if his commanding officer or the appropriate authority should decide that should be done. A short term suspended sentence can be held over a man's head for a year; the longer sentences expire at the end of their own period.

Hon. Mr. Reid: Is there no place aboard a ship to confine a man for ten or twenty days?

Hon. Mr. Connolly: There may be places in some of the larger ships where that can be done, but in some of the smaller ships—minesweepers, corvettes, and some of the smaller escorts—it would be very difficult indeed to find a place of detention.

Section 11 simply provides that the chairman of the Court Martial Appeal Board may delegate his powers and functions. As honourable senators know, Mr. Justice Cameron is chairman of the court; he is also one of the very busy judges of the Exchequer Court of Canada, and as this is a circuit court he is away a great deal. There are other members of the court who live in Ottawa. Chambers motions and applications of various kinds could properly be heard by members other than the chairman, and it is now proposed that such other members be permitted to substitute for him.

Section 12 is purely a procedural provision. It provides that when the Court Martial Appeal Board orders a new trial it must in its order set aside the finding of guilty which was made the first time.

Section 13 is, perhaps, an interesting clause: it deals with the exemption of members of the forces from execution of judgments of the civil courts. It is now proposed to limit this exemption to service equipment. In other words, the civilian goods of servicemen are now available to execution by their creditors. Under this section, also, servicemen can now be summoned as witnesses in civil cases before the civil courts. This provision is contained in comparable United Kingdom legislation.

Section 14 provides that a civilian who is abroad with the forces shall be subject to the civil courts for crimes committed by him when he is so abroad. This is a rather practical provision, because there are now, I am informed, some 3,700 dependents of servicemen who are with the forces outside of Canada.

Hon. Mr. Reid: Is action not taken abroad against servicemen for crimes committed by them abroad?

Hon. Mr. Connolly: Yes, indeed, but this section applies to civilians who are abroad with the forces. It simply specifies that a civilian will be subject to trial by the civil courts, under civil law, for any crimes committed by him or her when abroad.

Hon. Mr. Roebuck: Does section 14 set aside the jurisdiction of the court abroad and transfer that jurisdiction to a territorial division within Canada?

Hon. Mr. Connolly: I understand that as far as possible the policy is that civilians abroad with the forces will come under the jurisdiction of courts in Canada rather than courts in a foreign country. This policy would not apply to minor offences such as traffic violations, and so on.

The Visiting Forces Act which is a part of the NATO set-up deals more fully with the subject that the honourable gentleman from Toronto-Trinity has mentioned. My understanding of section 14 is that when Canadian civilians abroad with our forces commit crimes it is preferable to have them dealt with by Canadian courts under Canadian law.

Hon. Mr. Roebuck: May I point out that this is a remarkable provision and sets a precedent of great note. It has been the rule in Canada since Confederation to assume that our jurisdiction ends at the three-mile or seven-mile limit. It was not until the Statute of Westminster was passed that we thought our Parliament had any jurisdiction to legislate for offences committed abroad. For that reason there is a clause in the Criminal Code providing that in certain cases bigamy is leaving Canada for the purpose of committing bigamy abroad. It does not say that bigamy abroad is an offence in Canada. This is the first time I have seen legislation of this character wherein we are exercising the powers that came to us under the Statute of Westminster to legislate against an offence committed abroad; so I think it is a precedent.

Hon. Mr. Connolly: I thank the honourable gentleman for his observation. I think this section too will make an interesting subject for discussion in committee.

Hon. Mr. Roebuck: Very.

Hon. Mr. Bouffard: May I ask the honourable senator a question? This section does not provide that civilian courts abroad shall not have jurisdiction over a civilian accompanying Canadian forces abroad, so such a person may be charged with an offence abroad or in Canada. In a case of that kind who will decide which court is to try the accused?

Hon. Mr. Connolly: Certainly the offender could not be tried and punished by both courts. In view of the discussion we have had on this section I wonder if we might leave it for further consideration in committee? Would honourable senators agree to that procedure? I think the section has been well pointed up.

I come now to the proposed amendments to the Defence Services Pensions Act. Section 15 of the bill inserts a new section in the act, section 31A similar to section 12 (4) of the Public Service Superannuation Act which the Senate considered some weeks ago. It provides that a common law wife who has been living with a serviceman for seven years before his death becomes eligible, provided one of the parties is married, to receive his pension in the same way as a wife. If they are both unmarried the seven-year period does not apply and the length of time required to establish the status of the common law wife and her eligibility for pension is at the discretion of the Treasury Board.

The section also provides for the case of a widow who is living apart from her husband, who is a service man and a pensioner, under circumstances in the province where the domicile is which would disentitle her to alimony. Because she is living apart from her husband she is deemed in these circumstances to have predeceased her husband, thus allowing the children to acquire pension rights.

Hon. Mr. Reid: This is going quite a long way.

Hon. Mr. Connolly: There are precedents for this. Before the Easter recess the Senate dealt with a bill similar in principle to this one.

Hon. Mr. Reid: Your explanation would lead us to believe that this section applies to everyone in the military forces, but as I read the section it applies only to officers. Why does it apply to officers and not to the average rank and file? It puts the officer's widow or his common law wife in a class by herself.

Hon. Mr. Connolly: It is not my understanding that the section is so restricted.

Hon. Mr. Reid: That is the way it reads—"If, upon the death of an officer or former officer—".

Hon. Mr. Connolly: Here again I am unable to give a full explanation. I agree that this section does amend the provision with reference to officers, and perhaps I should have anticipated this difficulty. There may be another section applicable to other ranks. However, the questions that have been asked demonstrate the value of discussing the bill section by section. The honourable gentleman from New Westminster (Hon. Mr. Reid) has raised a most valid point.

Hon. Mr. Reid: What is meant by the words, "been maintained and publicly represented by that officer as his wife"? A service man could not very well announce that the woman he is living with is his common law wife.

Hon. Mr. Connolly: The circumstances would dictate what discretion would have to be exercised by the board which administers this section. There is of course no document which can establish the position of the common law wife. This must arise from the circumstances.

Hon. Mr. Reid: I think we are going a long way.

Hon. Mr. Connolly: That may very well be. Of course, the second part of the section is intended to be for the relief of children.

Section 16 provides that service pensioners who re-enroll in the service after June 30, 1950, can acquire the benefits of the Defence Services Pension Act. Of itself that does not mean too much, but formerly only service pensioners who re-enrolled after March 4, 1954, could acquire the benefits of this act. The purpose of the amendment is to entitle people who enlisted for the Korean service, and who later left the forces, to acquire the benefits of the act should they re-enroll in the service.

Section 17 is a simple section, which merely requires that a witnessed statement as to the continued existence of a person entitled to a pension be accepted as evidence of the person's continued existence, instead of requiring a statutory declaration. I am informed that both the Treasury Board and the service people who administer this section of the act feel that to require a statutory declaration in cases of this kind entails expense, and perhaps causes inconvenience to a great many people.

I come now to section 18. After a man has served for a certain length of time in one of the services he becomes eligible for a pension under the Defence Services Pension Act. From one year after the date of his eligibility, he is entitled to join the pension plan. It is now proposed that that period be extended indefinitely. In other words, he shall be eligible to join the pension plan at any time while he is in the service, subject to a medical examination and subject to his making the contribution for past service.

I think I should direct the attention of honourable senators to a difference between this section of the Defence Services Pension Act and section 24 of the Public Service Superannuation Act. Under section 24 of the Public Service Superannuation Act it is spelled out in detail what the contribution shall be, but under section 18 of the Defence Services Pension Act that is to be fixed by order in council. I think that might very well be a subject of inquiry if the bill goes to committee.

Section 19 provides that these pension rights shall apply only to the regular forces and not to the reserve forces.

Section 20 provides that regardless of the amount of the pension received by a pensioner or his dependents, the minimum recoverable will be the amount of his contribution. This, of course, is a benefit to the widow and to the children. The pensioner will be sure they or his estate will get back at least everything he paid in.

Section 21 deals with a situation where a man might become eligible for a pension, partly under the Public Service Superannuation Act, partly under the defence forces plan, or partly under the Royal Canadian Mounted Police pension plan. This section simply says that he can count one period of service under any plan but once.

Section 22 provides that where a contributor has served in the forces for a period of less than ten years and a gratuity only is payable to him, the gratuity can be paid after approval by the Treasury Board only, and without reference either to the Service Pension Board or to the Judge Advocate General.

The remaining sections 23, 24 and 25 make amendments to Part V of the Defence Services Pension Act, to bring it in line with

Parts I to III, which provide for pensions granted under the pre-war pension plan. Part V provides for pensions under the new act, that is, the post-war pension plan. These three sections make the comparable provisions in the second plan agree with those in the first.

Honourable senators, I have burdened the Senate with this tedious explanation. It is very difficult to explain a bill of this character without dealing with it section by section. Had I done otherwise the explanation would have been completely unintelligible.

If the bill receives second reading I shall move that it be referred to the Banking and Commerce Committee.

Hon. Arthur W. Roebuck: Honourable senators, I wish to compliment the honourable gentleman from Ottawa (Hon. Mr. Connolly) upon his excellent explanation of this bill.

Hon. Mr. Macdonald: Hear, hear.

Hon. Mr. Roebuck: At the same time, I would like to commend it to the grave and careful attention of honourable senators in committee, for I have no doubt it will be referred to a committee. The act is virtually the Criminal Code for the Canadian forces. The Canadian forces include the three armed services, the Navy, the Air Force and the Army. The act was discussed in this house two or three years ago with very great care, and a subcommittee was appointed, of which I was a member, and again it was studied very carefully. In fact, it was before us for all of one session, and we so tore it to pieces that it was decided to rewrite the whole act. A bill setting out the act in a very different form was introduced at the next session, and we carefully studied that bill also in committee and made quite a number of revisions.

Honourable senators, I suggest that if this bill goes to a committee it should also be referred to a sub-committee for study so that all its implications may be known before the committee reports back to this house. For instance, I observe amendments which give certain additional powers to some officials, who no doubt had a great deal to do with the drawing of these amendments. It is not unusual for departments to seek further powers for certain officials, is it? One should always look at such amendments, not exactly with suspicion, but with a good deal of care. I shall be satisfied if the bill receives second reading, but only on the understanding that it go to the Banking and Commerce Committee, as the honourable gentleman suggested, and that the committee give it very careful study.

50437—35½

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly, the bill was referred to the Standing Committee on Banking and Commerce.

APPROPRIATION BILL NO. 3

FIRST READING

A message was received from the House of Commons with Bill 413, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

The bill was read the first time.

SECOND READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: Honourable senators, this is the interim supply bill making provision for one-twelfth of the total sums to be spent during the current year, together with one-twelfth of certain additional sums. With the consent of the house I would move that the bill be read a second time now.

Hon. Senators: Agreed.

Hon. Mr. Roebuck: Honourable senators, when the Leader of the Government makes such a request to this house it is usual to give an assurance that immediate passage of the bill will not in any way affect the discussion which may take place on these items at a later date. I presume we have that assurance now.

Hon. Mr. Macdonald: I am glad the honourable senator has reminded me that an undertaking is usually given. I have prepared an undertaking similar to that which I gave at the end of March when the first interim supply for the current fiscal year was being considered in this house: The usual undertaking is given that the passage of this bill will not in any way prejudice the rights and privileges of honourable senators to criticize and discuss any item in the estimates which might come up from time to time throughout the remainder of the session. Such rights and privileges will be respected and will not be curtailed or restricted in any way as a result of this measure having been passed.

I now give that undertaking.

Hon. Mr. Reid: The honourable Leader has told the house that this bill deals not with the whole estimates, but with only one-twelfth of them. I would point out to him that the total amount of the vote referred to in the schedule to the bill is $3,122,487.50,

and it would appear that this amount goes almost entirely to one department, namely, Mines and Technical Surveys.

Hon. Mr. Macdonald: My introductory remarks were perhaps not very clear. What I meant to say was that the bill votes one-twelfth of the whole estimates, with an additional one-twelfth of the estimates for two departments—Mines and Technical Surveys, and Veterans Affairs. As honourable senators know, the Department of Mines and Technical Surveys incurs large expenditures at this time of the year on survey parties and various special services. As to the Department of Veterans Affairs, honourable senators will recall that earlier this year Parliament amended the War Veterans' Allowance Act to provide for payment of increased allowances to veterans qualified for them. The increase in that respect which this house has already approved accounts for the additional one-twelfth now being asked for.

Hon. Mr. Reid: Do I understand that the net total of $3,122,487.50 given at the bottom of the schedule is included in the total figure of $37,469,850 shown in the second column? I must say these figures are always confusing to me.

Hon. Mr. Macdonald: The amounts which this bill would grant are $257,705,895.34 plus $3,122,487.50. I assure my honourable friend from New Westminster that as a fellow Scot I also find these large sums baffling.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourabe senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: Honourable senators, as it is intended that the Royal Assent be given this afternoon to certain other bills, may I have the unanimous consent of the house to move that this bill be now read a third time?

Hon. Senators: Agreed.

Hon. Mr. Macdonald: Then I so move.

Hon. Mr. Haig: Honourable senators, before the bill is given third reading I should like to say that I hope the next supply bill, which will come to us near the end of June and will be the final supply bill this session—

Hon. Mr. Macdonald: I hope so.

Hon. Mr. Haig: —will reach us further in advance of the date on which we are expected to consider it than this one did. I was able to give my consent to three readings of this bill today because it was very kindly placed in my hands three or four days ago and I have had an opportunity to study it. All members of this house should have at least four or five days to study a supply bill before we are asked to consider it. I am sure I need only remind the Leader of the Government of our wishes in this respect, and he will do his utmost to have future supply bills reach us as early as possible.

Hon. Mr. Macdonald: I will do my best to present the next supply bill to the house as early as possible.

The motion was agreed to, and the bill was read the third time, and passed.

PRIVATE BILL

CONSOLIDATED PIPE LINES COMPANY—SECOND READING

Hon. John J. Connolly (for Hon. Mr. Hayden) moved the second reading of Bill C-14, an Act to incorporate Consolidated Pipe Lines Company.

He said: Honourable senators, I have been asked by the honourable senator from Toronto (Hon. Mr. Hayden) to give a brief explanation of this bill.

The bill is drawn in the form of similar pipe lines bills. I have noticed that the other house usually amends section 5 to provide that the main trunk line shall be built entirely within Canada. That provision is not in this bill and perhaps that is a matter which should be considered in committee.

Apart from that the form of this bill is simply an enabling bill to permit these people to go before the Board of Transport Commissioners to get authority to build a specific project. That is all that is being asked. The applicants will be here before the committee to explain the specific purpose that they have in mind.

They are all Canadians; they are oil and gas people, and contractors, who, I am informed, have had considerable experience with pipe line construction and operation.

At the present time, within the province of Alberta, they operate an organization called Consolidated Gathering Systems. They have built pipe lines, I am informed, to small communities, between oil fields and gas fields, and they build feeder lines to main trunk lines.

I understand further that their project is by no means an attempt to interfere with or to be competitive with any of the main transcontinental gas or oil pipe lines. Apparently there is some requirement, for the proper operation of the company or of their work, shall I say, that in certain cases they cross the boundary line between Alberta and British Columbia on one side or between Alberta

and Saskatchewan on the other. I am informed that for that reason they require this special authority of Parliament.

If the bill receives second reading—and being a private bill it is only given second reading for the purpose of sending it to committee—I will move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Stambaugh: Honourable senators, I would like to suggest that this is a proper bill to go before the Committee on Transport and Communications.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Connolly: In view of the suggestion made by the honourable senator from Bruce (Hon. Mr. Stambaugh), if it is agreeable to the house I would move that the bill be referred to the Standing Committee on Transport and Communications.

The motion was agreed to, and the bill was referred to the Standing Committee on Transport and Communications.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce Nos. 365 to 375, dealing with petitions for divorce.

Hon. Arthur W. Roebuck, Chairman of the committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck moved the second reading of the following bills:

Bill D-14, an Act for the relief of Marie Therese Jeannette Mainville Froment.

Bill E-14, an Act for the relief of Goldie Moscovitch Katz.

Bill F-14, an Act for the relief of Yvette Cayer Lefebvre.

Bill G-14, an Act for the relief of Regina Wiener Strelezky Distelman.

Bill H-14, an Act for the relief of Marie-Louise Ashby Tremblay.

Bill I-14, an Act for the relief of Lorna Greenberg Buium.

Bill J-14, an Act for the relief of Myrtle Ada Lewin Derbridge.

Bill K-14, an Act for the relief of Georges Etienne Barry.

Bill L-14, an Act for the relief of Joseph Delphis Guillaume Delorme.

Bill M-14, an Act for the relief of Eileen Baylis Roberts.

Bill N-14, an Act for the relief of Ernest Augustus Lepage.

Bill O-14, an Act for the relief of Rosaire Jacques Rene Tetrault.

Bill P-14, an Act for the relief of Phyllis Lucy Stiles Beal.

Bill Q-14, an Act for the relief of Margaret Durning Mullins.

Bill R-14, an Act for the relief of Mary Elizabeth Lorraine Callard Ramsay.

Bill S-14, an Act for the relief of Ann Mary Allward Spighi.

Bill T-14, an Act for the relief of Anne Rynski Vincent.

Bill U-14, an Act for the relief of Dora Helen Simmons Glancy.

Bill V-14, an Act for the relief of Joseph Louis Armand Carrier.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

Hon. Mr. Macdonald: Honourable senators, as His Honour the Speaker indicated earlier, the Deputy of His Excellency the Governor General will attend in this chamber at 5.45 p.m. for the purpose of giving the Royal Assent to certain bills. I therefore move that the house now adjourn during pleasure, to reassemble at the call of the bell at approximately 5.40.

The motion was agreed to, and the Senate adjourned during pleasure.

THE ROYAL ASSENT

The Honourable Patrick Kerwin, Chief Justice of Canada, acting as Deputy of His Excellency the Governor General, having come and being seated at the foot of the Throne, and the House of Commons having been summoned and being come with their Speaker, the Honourable the Deputy of His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Northwest Territories Act.

An Act to amend the Yukon Act.

An Act to amend the Emergency Gold Mining Assistance Act.

An Act to amend the Precious Metals Marking Act.

An Act to incorporate Westspur Pipe Line Company.

An Act to amend the Historic Sites and Monuments Act.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

The House of Commons withdrew.

The Honourable the Deputy of His Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

BRITISH NORTH AMERICA ACTS AMENDMENT BILL

WITHDRAWAL OF STATEMENT

Hon. W. D. Euler: Honourable senators, in justice to the honourable senator from Ottawa West (Hon. Mr. Connolly), I want to withdraw a statement that I made yesterday. In referring to his speech on the Bill to amend the British North America Acts, 1867 to 1952 I attributed to him the expression of the idea that, because the law could not be enforced properly, it could be disobeyed or disregarded. I find, upon reading his speech more carefully, that I cannot fairly place that interpretation upon it. I therefore beg leave to withdraw that statement.

Hon. J. J. Connolly: Honourable senators, may I say that I do appreciate what the honourable gentleman from Waterloo (Hon. Mr. Euler) has said and done. I do not think he should have gone to the length he has gone of bothering to do it in the House; but it is a most graceful gesture and I appreciate it very much. Perhaps the fault is mine, in that my language was not clear enough. The next time I will try to make it a little clearer.

The Senate adjourned until Tuesday, May 31, at 8 p.m.

THE SENATE

Tuesday, May 31, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PARLIAMENT BUILDINGS

FIRE OF 1916—UNVEILING OF COMMEMORATIVE PLAQUE

The Hon. the Speaker: Honourable senators will recall that in 1916 the Main Block of the Parliament Buildings was destroyed by fire, and that for three years thereafter Parliament met in the Victoria Museum.

The Historic Parks and Sites section of the Department of Northern Affairs and National Resources have, on the recommendation of the Historic Sites and Monuments Board of Canada, prepared a bronze plaque commemorative of this fact, for erection inside the doorway of the Museum.

The unveiling of the plaque will take place in the entrance hall of the Museum on Thursday, June 2nd at 3.30 p.m. All honourable senators are invited to be present at this ceremony, which will include addresses by Professor Fred Landon, Chairman of the Historic Sites and Monuments Board of Canada, the Honourable Senator T. A. Crerar, P.C., and the Honourable C. G. Power, P.C., M.P.

PRIVATE BILLS

S & M PIPELINE LIMITED—COMMONS AMENDMENT

A message was received from the House of Commons returning Bill W-11, an Act to incorporate S & M Pipeline Limited, and acquainting the Senate that they have passed this bill with an amendment, to which they desire the concurrence of the Senate.

The amendment was read by the Clerk Assistant as follows:

Page 3, line 23: Immediately after the word "lines", insert the following:

"provided that the main pipe line or main pipe lines for the transmission of gas and gaseous hydrocarbons shall be located entirely within Canada".

The Hon. the Speaker: Honourable senators, when shall the amendment be taken into consideration?

Hon. Mr. Haig: Honourable senators, I should like to raise a point. This is the second occasion on which the House of Commons has passed a private pipe line bill with the same amendment, and I have been told by a member of that house that they are going to amend every pipe line bill in this fashion. It seems to me that the Senate should have a conference with the Commons to ascertain whether they want all pipe lines to be located entirely in Canada. Personally, I think the bills as we have passed them are preferable. In any event, Parliament cannot give authority to build in the United States. If the House of Commons is going to insist on this procedure, we should decide how we are going to deal with these bills.

Hon. Mr. Macdonald: Honourable senators, I would point out that this is a private bill. Some private companies may want to keep their lines entirely within Canada. I think it is a matter for each company that is being incorporated. I do not know who sponsored this bill, but I would suggest that we should leave it to him to state what this company desires.

Hon. Mr. Haig: All right.

The Hon. the Speaker: Honourable senators, when shall the amendment be taken into consideration?

Hon. Mr. Macdonald: Honourable senators, I would suggest that when a private bill comes back from the House of Commons its sponsor in this house should be informed, so he could decide what procedure he would like to have adopted.

Hon. Mr. Haig: Who is the sponsor of the bill?

Hon. Mr. Stambaugh: I am the sponsor. The matter will be taken up with the directors of the company tomorrow, and I would ask that consideration of the Commons amendment stand until then.

The Hon. the Speaker: Consideration tomorrow.

YUKON PIPELINES LIMITED—COMMONS AMENDMENT

A message was received from the House of Commons returning Bill X-12, an Act to incorporate Yukon Pipelines Limited, and acquainting the Senate that they have passed this bill with an amendment, to which they desire the concurrence of the Senate.

The amendment was read by the Clerk Assistant as follows:

Page 2, line 31: Immediately after the word "lines", insert the following:

"provided that the main pipe line or main pipe lines for the transmission of gas and gaseous hydrocarbons shall be located entirely within Canada."

The Hon. the Speaker: Honourable senators, when shall the amendment be taken into consideration?

Hon. Mr. Haig: Who is the sponsor of this bill?

An Hon. Senator: Senator Reid.

Hon. Mr. Haig: The sponsor of the bill is in Washington at present, so I suggest that the bill be put over until Thursday.

Hon. Mr. Macdonald: Agreed.

The Hon. the Speaker: Consideration on Thursday, June 2.

MEAT INSPECTION BILL

FIRST READING

A message was received from the House of Commons with Bill 352, an Act respecting the inspection of meat and meat products entering into international and interprovincial trade.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADA AGRICULTURAL PRODUCTS STANDARDS BILL

FIRST READING

A message was received from the House of Commons with Bill 411, an Act to establish national standards for agricultural products and to regulate international and interprovincial trade in agricultural products.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 376 to 403, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill X-14, an Act for the relief of Marie Merilda Longval Roy.

Bill Y-14, an Act for the relief of Charles Edouard Thibodeau.

Bill Z-14, an Act for the relief of Rose Bowman Fox.

Bill A-15, an Act for the relief of Marguerite Gladys Letitia Mathers Grimsdale.

Bill B-15, an Act for the relief of Jennie Switzman Rashcovsky.

Bill C-15, an Act for the relief of Charles Ryerson Stewart.

Bill D-15, an Act for the relief of Hilda Emmalin Christensen Taylor.

Bill E-15, an Act for the relief of Glendon Joseph Lynes.

Bill F-15, an Act for the relief of Kenneth Rae Story.

Bill G-15, an Act for the relief of Joseph Marcel Plourde.

Bill H-15, an Act for the relief of Mayo Arthur Perrin Harrigan.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

THIRD READINGS

Hon. Mr. Roebuck moved the third reading of the following bills:

Bill D-14, an Act for the relief of Marie Therese Jeannette Mainville Froment.

Bill E-14, an Act for the relief of Goldie Moscovitch Katz.

Bill F-14, an Act for the relief of Yvette Cayer Lefebvre.

Bill G-14, an Act for the relief of Regina Wiener Strelezky Distelman.

Bill H-14, an Act for the relief of Marie-Louise Ashby Tremblay.

Bill I-14, an Act for the relief of Lorna Greenberg Buium.

Bill J-14, an Act for the relief of Myrtle Ada Lewin Derbridge.

Bill K-14, an Act for the relief of Georges Etienne Barry.

Bill L-14, an Act for the relief of Joseph Delphis Guillaume Delorme.

Bill M-14, an Act for the relief of Eileen Baylis Roberts.

Bill N-14, an Act for the relief of Ernest Augustus Lepage.

Bill O-14, an Act for the relief of Rosaire Jacques Rene Tetrault.

Bill P-14, an Act for the relief of Phyllis Lucy Stiles Beal.

Bill Q-14, an Act for the relief of Margaret Durning Mullins.

Bill R-14, an Act for the relief of Mary Elizabeth Lorraine Callard Ramsay.

Bill S-14, an Act for the relief of Ann Mary Allward Spighi.

Bill T-14, an Act for the relief of Anne Rynski Vincent.

Bill U-14, an Act for the relief of Dora Helen Simmons Glancy.

Bill V-14, an Act for the relief of Joseph Louis Armand Carrier.

The motion was agreed to, and the bills were read the third time, and passed, on division.

VETERANS BENEFIT BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 278, an Act to amend the Veterans Benefit Act, 1954.

He said: Honourable senators, you will recall that when hostilities broke out in Korea those who joined the special force were promised that they would receive the same benefits as those who served in the armed forces during the second world war. There was a difference between those who enlisted and had not previously been in the forces from those who were in the forces at the time and volunteered to serve in Korea, although, generally speaking, I can say that the same benefits were promised to all those who volunteered to go to Korea.

The Veterans Benefit Act of 1951, which is Chapter 62 of the Statutes that year, is entitled "An Act respecting benefits for members of the Canadian Forces". The benefits to which the men and women of the special force were entitled under that act are set forth in a schedule to the act, which is in two parts. The first part includes the benefits under sections 28, 29 and 30 of the Civil Service Act, and under the Veterans' Land Act, the Veterans Insurance Act, the War Service Grants Act, 1944, the Department of Veterans Affairs Act, the Veterans Rehabilitation Act, the Veterans Business and Professional Loans Act, and the War Veterans Allowance Act, 1946. The second part of the schedule makes the members of the special force eligible for benefits under subsection (2) of section 2, section 5A and subsections (4) and (7) of section 7A of the Civil Service Superannuation Act, and under the Pension Act, Part IV of the Unemployment Insurance Act, 1940, and the Reinstatement in Civil Employment Act, 1946.

As honourable senators know, practically all Canadian sailors, soldiers and airmen have returned from Korea to Canada. I say practically all, because at the present time an ambulance unit is still in Korea. We hope that the war in Korea has come to its final conclusion.

The provisions of the bill before us apply to the Reinstatement in Civil Employment Act and the Unemployment Insurance Act. It will be recalled that during the days of the war parliament provided that those who enlisted in the special force would be entitled, upon their return, to the employment they had previous to enlistment if they applied for it within a certain time—I have forgotten the exact number of months—after their discharge from the armed forces. This provision, under an amendment to the Veterans Benefit Act, applied to all members of the armed forces who were in the service in 1954. It will be realized that, now hostilities are ended, those who are joining the forces at the present time do so for the purpose of making the service their career, and probably their life work, so there is no reason why, when they leave the forces, they should be entitled to regain the civil employment in which they were formerly engaged. The amendment set out in section 1 of the bill, whereby the provision to which I refer ceases to have application, will come into effect on July 1, 1955. There is no particular significance to that date: some date had to be fixed, and it was felt that July 1 would be satisfactory. Ample notice has been given that the provision will be effective as of that time.

The only other section of the bill relates to unemployment insurance. As a result of the Korean emergency, personnel serving in the armed forces were made eligible for ninety days' benefits under the Unemployment Insurance Act. Honourable senators will realize that the provision was inserted because at that time men and women were leaving their regular employment and going into the armed forces for a particular purpose. That object having been effected, it is felt that the provision relating to unemployment insurance should be discontinued.

The bill so amends the Veterans Benefit Act, 1954 that the two clauses I have mentioned will no longer be in effect.

Honourable senators may ask why men and women who enlist on and after the 1st of July should not receive the benefits of the Unemployment Insurance Act. May I point out that this bill was carefully considered, not only in the House of Commons, but by a special committee of members of that house, before whom representations were made by various organizations. The representatives of the Canadian Legion suggested that the existing provisions relative to unemployment insurance should be retained. However,

members of the committee did not think that this proposal should be adopted at the present time: there were suggestions that some members of the armed forces do not want to be subject to it; and the proposal was put forward that if they are to be eligible for benefits under the act they should make contributions in the same manner as persons in regular civilian employment. However, as members of the committee were uncertain whether this course would be acceptable to members of the forces, it was decided to obtain an expression of their views through inquiries by the Department of National Defence. I am informed that these proceedings are now under way.

I do not think there are any other features of this bill to which I need draw attention. I recommend it to the serious consideration of the house.

Hon. Mr. Roebuck: As inquiries are being made, would it not be well to retain the present provision until the reports come in?

Hon. Mr. Macdonald: These inquiries may take some time, and I do not think it would be fair, in inviting men to join the armed forces after July 1, to hold out as a possibility the benefits I have referred to; it would be better first to determine definitely whether it is the wish of the service men that this provision be continued. We propose to eliminate it, but if, upon inquiry, it appears that the armed forces personnel want it retained, there would be no difficulty about reintroducing it and making it retroactive.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: With leave, next sitting.

Hon. Mr. Roebuck: Oh, no. Representations concerning the bill were made in the Commons, and there are some questions in my mind with regard to it. I think the bill should go to committee.

Hon. Mr. Macdonald: I have no objection. I had assumed, as there was no suggestion to the contrary, that the bill could be read the third time at the next sitting.

On motion of Hon. Mr. Macdonald, the bill was referred to the Standing Committee on Banking and Commerce.

PRIVATE BILL

DOMINION GENERAL LIFE INSURANCE COMPANY—SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill W-14, an Act to incorporate Dominion General Life Insurance Company.

He said: Honourable senators, the people who are promoting this bill incorporated through Parliament, in 1945, Dominion General Benefit Association, as a fraternal benefit society, and they carried on the business of life insurance and personal accident and sickness insurance. Having operated for some ten years, they are feeling the pains of growth, and are now applying to Parliament to be incorporated as a joint stock company, so that they may carry on the same lines of business in a larger way.

There is a special clause in the bill which provides that this joint stock company, when incorporated, will take over the assets, operations and liabilities of Dominion General Benefit Association.

The form of the bill, which is usual for bills of this kind, has been approved by the Superintendent of Insurance. The capital with which it is proposed to carry on insurance operations has also been approved by the Superintendent. I should add that there have been indications of objection to the name, Dominion General Life Insurance Company and I am authorized to state that in committee the sponsors will withdraw any part of this name which might in any sense be objectionable and propose a name entirely acceptable to the committee.

Hon. Mr. Euler: Has an alternative name been selected yet?

Hon. Mr. Hayden: Not as yet, but one will be by the time the bill gets to committee.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Hayden, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, June 1, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CUSTOMS BILL

FIRST READING

A message was received from the House of Commons with Bill 410, an Act to amend the Customs Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Hayden: Tuesday next.

VETERANS BENEFIT BILL

REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 278.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (278) intituled: "An Act to amend the Veterans Benefit Act, 1954", have in obedience to the order of reference of May 31, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Haig: Tuesday next.

CANADIAN FORCES BILL

REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of the Standing Committee on Banking and Commerce on Bill 257.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (257) intituled: "An Act respecting the Canadian Forces", have in obedience to the order of reference of May 26, 1955, examined the said bill, and now beg leave to report the same without any amendment.

Hon. Mr. Haig: Honourable senators, I move that this report be considered on Tuesday next.

The motion was agreed to.

PRIVATE BILLS

CONSOLIDATED PIPE LINES COMPANY—REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill C-14.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (C-14) intituled: "An Act to incorporate Consolidated Pipe Lines Company", have in obedience to the order of reference of May 26, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

BAUDETTE AND RAINY RIVER MUNICIPAL BRIDGE COMPANY—FIRST READING

Hon. Mr. Campbell, for Hon. Mr. Paterson, presented Bill I-15, an Act to incorporate Baudette and Rainy River Municipal Bridge Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Campbell: With leave of the Senate, next sitting.

TOURIST TRAFFIC

COMMITTEE EMPOWERED TO MAKE INQUIRY

Hon. Gordon B. Isnor: Honourable senators, with leave of the Senate, I move:

That the Standing Committee on Tourist Traffic be empowered to inquire into and report upon the activities of the various agencies concerned with promoting tourist travel in Canada, and that the committee be authorized to send for persons and records.

Hon. Mr. Roebuck: I think we ought to have an explanation from the mover of the motion.

Hon. Mr. Isnor: Honourable senators, the explanation is in the wording of the motion, I think. It simply authorizes the committee to meet and call necessary witnesses in order to make an inquiry into the tourist traffic in Canada.

The Hon. the Speaker: Has the honourable senator unanimous leave to move the motion now?

Hon. Senators: Agreed.

The motion was agreed to.

GOVERNMENT EMPLOYEES COMPENSATION BILL

SECOND READING

Hon. Muriel McQ. Fergusson moved the second reading of Bill 188, an Act to amend the Government Employees Compensation Act.

She said: Honourable senators, this bill is an amendment to the Government Employees Compensation Act which was passed in 1918. It was introduced because of representations by employees of the former Canadian Government Railways which is now an integral part of the Canadian National Railways. After a number of amendments had been made a new act was passed, in 1947, which did not change any of the basic principles.

The act provides for compensation and medical aid to employees of the Government of Canada should they become incapacitated through occupational accidents or disease. The act, which of course applies only to persons employed by the Government of Canada, protects them if an accident or an illness suffered by any such person is due to or arises out of his or her duties as an employee. It applies to both temporary and permanent employees.

This legislation does for employees of the Government of Canada what provincial workmen's compensation legislation does for employees of private industry. You may be interested, honourable senators, to know that as of this date the act covers 205,000 persons, including slightly more than 20,000 employed by Crown corporations, boards and commissions and other similar Government agencies.

The sole principle underlying the whole act is to place employees of the Crown in a position comparable to that of employees of private industry in relation to compensation for injury or disease which arises out of their employment. All the provinces have such legislation as this, but as provision for payment of compensation to workers or to their dependents in case of injury or death in the course of their employment is a matter of civil right, under section 92 of the British North America Act, such legislation is within the jurisdiction of the provinces and therefore is not applicable to the Crown in right of Canada nor to employees of the Crown in right of Canada.

Under provisions of the act of 1947 the provincial workmen's compensation boards have, by arrangement, handled as agents for the federal Government the adjudication of claims of employees under the federal act, and it is intended that they shall continue to do so. The amendments contained in the present bill are proposed only because it is believed that the result will be better service to the employees and an improved administration of the act.

It seems to me, after studying the bill, that the amendments proposed fall under five main points:

First, that the compensation shall be at the rate effective in the province in which the injured person is normally employed. Under the present act the rate is that of the province in which the injury takes place or the occupational disease is contracted.

Second, the bill will include coverage of persons in government employ who are not paid by direct salaries or wages.

Third, employees of Canada assigned to foreign parts will be covered and will be paid according to the compensation rate in the province of Ontario.

Fourth, locally-engaged employees in Canadian offices abroad, as in our embassies, will be recognized, and provision will be made for payment to them in case of injury or disease.

Fifth, through the bill changes will be made in the subrogation provisions of the act, which I shall outline in more detail when I refer to particular sections.

Probably there are some other provisions which should be mentioned; and I think that chief amongst them is a provision that the minister may permit and encourage accident prevention measures and may encourage safety programs amongst the people who are employed in the Civil Service. Accident prevention, of course, has been promoted in the past, but it is hoped that, after the passage of this bill, a more cohesive effort will be exerted and that all departments will be more apt to co-operate.

It may be interesting to mention that last year—that is, in 1954-55—there were 15,690 claims, by and on behalf of employees of the Government of Canada, in respect of accidents. Of these, 30 were fatalities. Eleven employees lost their lives by drowning on outside work, such as surveys. The number of accidents in Canada has increased year by year; and the public has become conscious of the necessity of an aggressive campaign to cut down the often unnecessary loss of life and manpower, as was shown by the National Conference on Safety, held in Ottawa last week, which I attended when my other duties permitted. This provision which authorizes the minister to encourage a campaign against accidents seems to be in line with concurrent thinking.

I should like now to discuss some of the clauses in this bill. Clause 1 amends the act by changing some definitions. The new definitions of "compensation" and of "industrial disease" will bring these definitions more into conformity with the new subsection which provides that benefits shall be according to the Workmen's Compensation Act of the province where the workman is ordinarily employed and not necessarily where he sustained his injury. The new definition of "employee" includes persons not paid by direct salary or wage but who are otherwise employees of Her Majesty. There are not many such persons rendering service to Her Majesty without being paid a salary or wage, but some have been loaned to the Government of Canada by business and industry. The definition in this bill provides that where any members of the staff of a department, company, corporation, commissions, board or agency are declared by the Governor in Council to be subject to the act, the declaration shall be made on the recommendation of the Minister; that is, the Minister of Labour. It is expected that requiring the approval of the Minister in such cases will make for greater uniformity.

Under clause 2 of the bill, sections 3 to 6 of the act are repealed and new sections substituted. The proposed new section 3 states who are entitled to compensation, and provides that the rates of compensation payable to employees under the act shall be determined in accordance with the law of the province where the employee is ordinarily employed, rather than, as at present, under the law of the province where the accident occurs or where the industrial disease is contracted. This amendment is proposed so that persons required to do official travelling shall be protected at the compensation rates of the province where they are normally employed. For example, public officials travelling out of Ottawa to provinces other than Saskatchewan and British Columbia, would, if suffering an injury during such official travelling, not receive compensation at as high a rate as is current in Ontario.

The three provinces I have mentioned each have a rate of 75 per cent of salary up to $4,000 a year, which, of course, is broken down to amounts for the period of disablement. Some other provinces have a much lower rate, and therefore if a person from Ottawa were injured in a province in which the maximum rate of compensation is lower than it is in Ontario, he would certainly be greatly prejudiced under the act as it is at present. While it is likely that there would be not more than 100 claims a year of persons being injured in a province other than the one in which they are usually employed, the amendment is regarded as necessary for equitable treatment.

Honourable senators, this will bring the application of the legislation more closely in line with the provincial Workmen's Compensation Acts, which apply generally if a non-government employee's usual place of business is in the province and the accident takes place somewhere outside the province. The amendment is designed to put government employees on the same footing as non-government employees.

The new section 4 provides that where a person is usually employed in the Yukon or the Northwest Territories he shall, for the purposes of this act, be considered to be usually employed in the province of Alberta. This will mean that an injured workman "usually employed" in the Yukon or Northwest Territories will have his claim to compensation processed through the province of Alberta, no matter where the accident occurred. I believe the reason for this is that Alberta is the province with the most direct access to the northland, and the chain of travel to the northland is usually through Edmonton.

The new section 5 provides that employees assigned to work outside of Canada—such as employees of the Departments of External Affairs, Trade and Commerce, and Citizenship and Immigration—for the purpose of this act shall be deemed to be usually employed in Ontario. Most people who receive such appointments receive them in Ottawa and are sent out from this city. Therefore it is reasonable that there should be this provision removing any uncertainty as to their usual place of employment.

The new section 6 brings locally-engaged employees abroad under the act. In the countries where Canada has representation it is customary to employ local personnel—clerks, porters, and so on. In the past there has been an informal arrangement for looking after such persons if they are injured in the course of their employment. Now they will be legally covered.

Clause 3 of the bill repeals subsections (1) and (2) of section 8 of the act and adds new subsections (3a) and (3b). At the present time an employee who is injured by an outside party has a choice of either taking compensation under the act and surrendering any claim for damages to the Crown, or taking legal action himself for an amount which he feels would adequately compensate him for his injuries and loss of earnings. If he sues and collects less than he would have received for medical care and compensation under the act, the difference is payable to

him. If he gets a judgment greater than the value of the act, he is that much ahead. In other words, he could not lose by suing, in so far as treatment and compensation are concerned; but if he decided to sue, the legal fees he incurred might cut down the larger amount of his judgment and he might not be any better off. On the other hand, if he decided to take the benefits provided under the act, the Crown was subrogated to his rights of redress against the third party; there would be an action in the name of Her Majesty, and if judgment was given for an amount greater than the cost of hospital and medical care and compensation, the excess would be paid into the consolidated revenue fund. The proposed change in this act will permit payment of any such excess judgment money to the employee, but of course that must be subject to the Government being relieved up to the amount of the excess for further treatment or compensation in connection with the same injury.

Clause 4 of the bill provides that the minister may make regulations.

Clause 5 provides for payment of supplementary expenses in cases where the death of an employee entitled to compensation occurs at a place other than the place where he is usually employed. An additional amount can be paid if heavy expense is incurred in such circumstances.

Honourable senators, I believe I have covered all the important points of this bill. If it receives second reading I shall propose that it be referred to the Committee on Immigration and Labour, as there may be points which honourable senators may wish to have clarified by officials of the Department of Labour.

In conclusion, may I say that the principle of the bill, which is to provide better service to the employees of Canada, and to improve administration of the act, is surely one that we can all approve.

I move second reading of the bill.

Hon. Mr. Horner: Honourable senators, I do not intend to discuss the bill at all, but in reply to a remark made by the honourable senator from Fredericton (Hon. Mrs. Fergusson) that Alberta is the province with the most direct access to the northland, I merely wish to say that we in Saskatchewan feel that with Prince Albert, and the highway to Waskesiu, Lac la Ronge and Ile a la Crosse, we have the natural facilities to deal with all territory lying north of the province of Saskatchewan.

Hon. Mr. McKeen: I might put in a word for British Columbia. We have the Alaska highway.

Hon. Mr. Roebuck: Honourable senators, may I be permitted to compliment the honourable senator from Fredericton (Hon. Mrs. Fergusson) upon the clarity with which she explained this bill? I think her clear and reasonable explanation of the bill deserves warm commendation.

Hon. Senators: Hear, hear.

Hon. Mr. King: Honourable senators, I agree with the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) that this bill was very clearly explained, and I join him in complimenting the honourable senator from Fredericton. However, the rules of the Senate do not permit explanation of a bill clause by clause. I draw attention to that fact, because the contrary practice might become common. On the motion for the second reading of a bill the explanation should be confined to the principle of the bill and the bill should not be explained section by section. I think I am right, Mr. Speaker?

The Hon. the Speaker: Honourable senators, I must say that during my membership in this house it has been a common practice to explain bills clause by clause on second reading, particularly a bill of this type. I think it would be very difficult to set forth in acceptable terms the general principle of a bill such as the one before the house. The honourable senator from Kootenay East (Hon. Mr. King) has had a long experience in parliament and I have great confidence in his opinion. I believe that what he has just said is correct. However, in dealing with a bill of this kind, which has as its object the welfare of those whom it is intended to serve, I think it would be very difficult indeed to explain the bill other than clause by clause. The honourable senator from Fredericton followed a practice which has become quite common in this house.

Hon. Mr. Hayden: Honourable senators, I think the objection of the honourable senator from Kootenay East might have some application if the bill were a piece of original legislation, but the present bill seeks to amend an existing statute. When the motion for second reading of the original bill was moved, I am sure the sponsor was very careful to see that he explained only the principle of the bill. But I do not see how one could possibly explain a bill like the one before us without making some reference to the proposed amendments. I think the word "principle" must have different interpretations, depending on the nature of the bill discussed. I feel that the form of explanation given on this occasion was necessary, so that I for one might understand how the

principle of compensation to government employees would be affected by certain changes.

Hon. Mr. Hugessen: Honourable senators, I agree with the honourable senator from Toronto (Hon. Mr. Hayden). I listened very closely to the explanation by the honourable senator from Fredericton (Hon. Mrs. Fergusson), and it seemed to me that she did exactly what was needed to be done. First of all, she explained to us very clearly the points of principle covered by the bill, and then she indicated the particular sections which were designed to deal with those points. I do not see how else she could have proceeded.

Hon. Mr. King: I merely wished to call attention to the rules of the house, and at the outset of my remarks I congratulated the honourable lady who moved second reading.

Hon. Mr. Isnor: Honourable senators, I think we all enjoyed the manner in which this bill was explained to us. In another place a bill such as this one would be discussed in committee of the whole, where it could be discussed clause by clause. In this house we seldom meet in committee of the whole, so that on second reading an explanation clause by clause is most helpful. It seems to me that the honourable senator from Fredericton was quite in order in explaining the amendments as she did, and I wish to compliment her on doing it so clearly.

Hon. Mrs. Fergusson: Honourable senators, if I transgressed the rules of the Senate, I am very sorry, and I shall certainly be very careful in future.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mrs. Fergusson, the bill was referred to the Standing Committee on Immigration and Labour.

PRIVATE BILLS

S & M PIPELINE LIMITED—COMMONS AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the House of Commons to Bill W-11, an Act to incorporate S & M Pipeline Limited.

Hon. Mr. Stambaugh: Honourable senators, I move that the amendment be now concurred in.

The motion was agreed to.

YUKON PIPELINES LIMITED—COMMONS AMENDMENT CONCURRED IN

On the Order for Thursday, June 2:

Consideration of the amendment made by the House of Commons to the Bill (X-12) intituled: "An Act to incorporate Yukon Pipelines Limited".—Hon. Senator Haig for Hon. Senator Reid.

Hon. Mr. Golding: Honourable senators, this item which stands on the Order Paper for consideration tomorrow, is for concurrence in an amendment in exactly the same words as the one that the house has just agreed to in respect of the bill to incorporate S & M Pipeline Limited. I may say that I was in touch this morning with the sponsors of this bill to incorporate Yukon Pipelines Limited, and I was advised that the amendment is acceptable to them. In the circumstances, I would ask permission of the house to move that this amendment be now concurred in.

Hon. Mr. Haig: That is agreeable. In the absence of the senator from New Westminster (Hon. Mr. Reid) last evening, I asked that the order stand for consideration Thursday.

The Hon. the Speaker: Honourable senators, has the honourable senator from Huron-Perth (Hon. Mr. Golding) unanimous consent of the house to move concurrence in this amendment now?

Hon. Senators: Agreed.

Hon. Mr. Golding: Honourable senators, I move that the amendment be concurred in now.

The motion was agreed to.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 376 to 403, dealing with petitions for divorce.

Hon. Mr. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck moved the second reading of the following bills:

Bill X-14, an Act for the relief of Marie Merilda Longval Roy.

Bill Y-14, an Act for the relief of Charles Edouard Thibodeau.

Bill Z-14, an Act for the relief of Rose Bowman Fox.

Bill A-15, an Act for the relief of Marguerite Gladys Letitia Mathers Grimsdale.

Bill B-15, an Act for the relief of Jennie Switzman Rashcovsky.

Bill C-15, an Act for the relief of Charles Ryerson Stewart.

Bill D-15, an Act for the relief of Hilda Emmalin Christensen Taylor.

Bill E-15, an Act for the relief of Glendon Joseph Lynes.

Bill F-15, an Act for the relief of Kenneth Rae Story.

Bill G-15, an Act for the relief of Joseph Marcel Plourde.

Bill H-15, an Act for the relief of Mayo Arthur Perrin Harrigan.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, June 2, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

INTERNAL ECONOMY

SIXTH REPORT OF COMMITTEE

Hon. Norman McL. Paterson, Chairman of the Standing Committee on Internal Economy and Contingent Accounts, presented the committee's sixth report.

The report was read by the Clerk Assistant.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Haig: Might I ask the Leader of the Government (Hon. Mr. Macdonald) if he would allow the report to stand until Wednesday of next week?

Hon. Mr. Macdonald: I have no objection.

Hon. Mr. Paterson: Honourable senators, I move that the report be taken into consideration Wednesday next.

The motion was agreed to.

GOVERNMENT EMPLOYEES COMPENSATION BILL

REPORT OF COMMITTEE

Hon. Cairine R. Wilson, Chairman of the Standing Committee on Immigration and Labour, presented the report of the committee on Bill 188.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Immigration and Labour, to whom was referred the Bill (188) intituled: "An Act to amend the Government Employees Compensation Act", have in obedience to the order of reference of June 1, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mrs. Wilson: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house adjourns today it stands adjourned until Tuesday, June 7, at eight o'clock in the evening.

The motion was agreed to.

DIVORCE BILLS

THIRD READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the third reading of the following bills:

Bill X-14, an Act for the relief of Marie Merilda Longval Roy.

Bill Y-14, an Act for the relief of Charles Edouard Thibodeau.

Bill Z-14, an Act for the relief of Rose Bowman Fox.

Bill A-15, an Act for the relief of Marguerite Gladys Letitia Mathers Grimsdale.

Bill B-15, an Act for the relief of Jennie Switzman Rashcovsky.

Bill C-15, an Act for the relief of Charles Ryerson Stewart.

Bill D-15, an Act for the relief of Hilda Emmalin Christensen Taylor.

Bill E-15, an Act for the relief of Glendon Joseph Lynes.

Bill F-15 an Act for the relief of Kenneth Rae Story.

Bill G-15, an Act for the relief of Joseph Marcel Plourde.

Bill H-15, an Act for the relief of Mayo Arthur Perrin Harrigan.

The motion was agreed to, and the bills were read the third time, and passed, on division.

GREAT LAKES FISHERIES CONVENTION BILL

SECOND READING

Hon. Norman McL. Paterson moved the second reading of Bill 279, an Act to implement a Convention on Great Lakes Fisheries between Canada and the United States.

He said: Honourable senators, this bill has to do with one of the most interesting matters that have come before the Senate in recent years. It treats of the damage done to the Great Lakes fisheries by a parasite called the lamprey. Originally the lamprey was an eel from the ocean. It is different from the eel now, as it has adapted itself to fresh water and does not have to go to the ocean to spawn. The eel is a fish with bones; the lamprey is a glutinous fish which lives in the Great Lakes and feeds on our fresh-water fish. It has bcome such a curse that it has

completely depleted Lake Ontario, Lake Erie, Lake St. Clair, Luke Huron and Lake Michigan of the valuable lake trout fishing, and it is attacking the whitefish and cheaper grades of fish. To date, Lake Superior has not been affected to any great extent: so that this bill is for the purpose of, first of all, creating a situation which may protect Lake Superior and rehabilitate conditions in the other lakes. At one time the value of the lake trout fishing on Lake Erie alone was $5 million a year.

Hon. Mr. Macdonald: Are there no lake trout now?

Hon. Mr. Paterson: Practically none; there is hardly any commercial fishing on Lake Erie. For the past few years an attempt has been made to get the United States and Canada together on a comprehensive scheme for combating the lamprey. The project was objected to by the State of Ohio, which did not want interference by the federal authorities of the United States or Canada with its fishing; but now that Ohio has lost practically all its fishing resources it has asked the United States Government to take a hand; and through that government's Fish and Wild Life Service, eight American states bordering on the lakes have been harnessed together and have met with the Canadian federal authorities and the Province of Ontario. I should mention that all the Great Lakes, except Lake Michigan, are in the province of Ontario, and that province took care of the fishing on these lakes until the problem became too much for them, and they called upon the dominion Government to take a hand in the matter. In September of last year the two countries got together, Ambassador Heeney and Stewart Bates being the representatives of Canada, and Walter Bedell Smith and William Herrington representing the United States, at Washington, and arranged a convention, practically all the terms of which are embodied in Bill 279, which we are to discuss.

The commission which is to administer the convention is not authorized to spend money, but is purely a clearing house to co-ordinate the efforts of the eight states, the Fish and Wild Life Service, the federal Government of Canada, and the Ontario Government. The convention which is set out in the bill has been passed by the United States Senate and House of Representatives, as well as by the Canadian House of Commons, and now only awaits approval by this house. In the meantime the American fisheries authorities have not waited to act on this matter. A little later on I shall deal with what the Canadian Government is doing.

Honourable senators, I was going to tell you a little more about the lamprey. Trouble was first noticed in Lake Ontario about 1922, although as a result of the opening of the Welland Canal in 1919 there may have been lampreys up there before 1922. The lamprey has peculiar habits. He has a sucker mouth which he attaches on such fish as salmon and trout, and by this method he sucks out the cold blood of its victim. The lamprey is not interested in human or warm blood, but only in cold blood and fish juices. I have caught quite a few salmon with holes in their sides about the size of a walnut, indicating where lampreys had attached themselves. Sometimes the lamprey will stay on a fish as long as three weeks and it nearly always kills its victim. The salmon I have caught with holes in their sides had been able to wrench themselves free.

At this point I should like to call the attention of honourable senators to one of the most exciting and enthralling stories I have ever read. It appears in the May issue of *Coronet* magazine, and relates how a young Toronto girl, Marilyn Bell, swam across Lake Ontario from Youngstown, New York, to Toronto, Ontario. It describes how she had not been in the water very long when a lamprey attached itself to her stomach, but she was fortunate in being able to knock it off. There is no record of humans being hurt by lampreys, but this experience was a harrowing one for this young girl. I would advise anyone to read this story, for I have never read anything quite like it.

Honourable senators, whitefish still exist in the lakes I have mentioned, but trout fishing in Lake Erie, Lake Michigan, Lake St. Clair, and Lake Huron is almost extinct, and the only way it can be brought back is by stopping the breeding of this curse, the lamprey.

Hon. Mr. Macdonald: Does the lamprey attack the whitefish?

Hon. Mr. Paterson: It does now, but it goes after the best fish first. The lamprey has cleaned out the trout, so now it will start cleaning out the whitefish. If the lamprey tries to get over a dam it is able to attach its peculiar mouth to the straight wall of the dam and work its way back up. The Government has now devised a scheme of putting perforated steel tops on its dams so that the lamprey loses its suction at this point and falls back.

The idea is not so much to prevent the lamprey from coming out of the creeks and rivers where it breeds, as to prevent it from ever getting into these places. The lamprey is like the British Columbia salmon; it goes up creeks and rivers to spawn and die, and if it is not able to spawn it will die anyway.

Honourable senators, as you will learn in committee, this Convention is to remain in force for ten years. The reason is that the offspring of the lamprey stays in the mud of the creek or river, where it has been spawned, for five years, during which time it grows from an egg to about eight inches in length. In its fifth year it takes to the deep water and within one year it grows to a length of from eighteen inches to two feet.

Hon. Mr. Aseltine: Has the honourable senator ever seen a lamprey?

Hon. Mr. Paterson: Yes. As a matter of fact, I had one on my desk yesterday. It was in a glass jar. It is a most interesting specimen and Dr. Sprules, one of our leading scientists in this field, will display it to the committee members.

Hon. Mr. Euler: Is the lamprey edible?

Hon. Mr. Paterson: People in Canada and the United States have never got to the point where they want to eat this fish, but in foreign countries it is pickled and is regarded as a good food.

Hon. Mr. Hugessen: Did not some king of England die from a surfeit of lamprey?

Hon. Mr. Paterson: That may be so. There are two ways of killing lampreys. The first way is to prevent them from coming up the river to spawn—

Hon. Mr. Aseltine: That will only destroy the females.

Hon. Mr. Paterson: —by putting a dam in the river. The second way is to put electric wires across, if electricity is available, and the charged wires will prevent the lampreys from going up the river, but the difficulty is that the wires also prevent the good fish from going up and down.

The convention is made for a term of ten years because lampreys lie five years in mud, take one year to grow and one year to spawn, thus following a seven-year cycle of development. At the end of eight years the two countries hope to find how successful they have been in their efforts to control the lamprey.

Hon. Mr. Aseltine: Do lampreys spawn in the spring or the fall?

Hon. Mr. Paterson: In the spring, so I understand.

Hon. Mr. Aseltine: Well, lake trout spawn in the fall.

Hon. Mr. Paterson: Speckled and lake trout spawn in the fall.

On Lake Superior, very near my home town of Fort William, at Pigeon River, right clean around to Sault Ste. Marie, which is on the north side of Lake Superior, are 592 creeks and rivers, most of which are suitable for the spawning of lampreys. Lampreys will not go where there is particularly greasy mud or swampy water; they want sand and gravel to spawn in, and in which their young stay for five years. Quite a number of rivers are not suitable for lampreys, but a good many of them have already been dammed up and wired, through the efforts of the Ontario Government and the dominion Government; and what they do not know, and are very anxious to find out is, if the lamprey, when it is blocked from going up a river can get on the gravel beach and spawn and get away with it. That question has not been answered yet, and the governments are anxious to have sufficient time to test out if their efforts have been successful.

If this bill goes to committee and we call one or more experts before us, they should be able to give most interesting and helpful information.

Honourable senators, I move second reading of the bill.

Hon. John T. Haig: Honourable members, I do not pose as a fish specialist, as my honourable friend on my left (Hon. Mr. Aseltine) does, but I am interested in this bill. The convention was ratified and confirmed by the United States Senate yesterday by a vote of 79 to 0, according to the newspapers, and now awaits confirmation by Canada.

I am told by people in authority, who should know, that the great problem is to deal with the spawning ground of the lamprey, and I am informed that one of the greatest spawning areas is on Lake Huron. It was stated in a committee of the other house that either the Ontario Government or the dominion Government, or both, would have to put fingerlings of trout in the lakes at once if they are to be successfully restocked; and it is vitally important to protect the trout from lampreys.

I would like personally to congratulate the Government of Canada on making this agreement with the United States; I think it is along the right lines. I have read the bill and the agreement very carefully, and as far as I can judge, as a layman, both the bill and the agreement cover what is necessary to be covered. I agree with the honourable member from Thunder Bay (Hon. Mr. Paterson) that the bill is in the nature of a policy of experimentation with the lamprey—to find out its habits of life, and eventually to destroy it. It seems most peculiar that a salt-water fish should come into fresh-water lakes and

become acclimatized; it must be a quirk of nature. It is the purpose of the experts to destroy the life line which exists. I am sure that members of this house have never been asked to make a more vital contribution toward the protection of our fresh-water fish than this bill provides. I for one—and I speak on behalf of our party—heartily support the bill, and I think the Senate of the United States is to be commended for approving the agreement so quickly. I hope the convention is approved and confirmed in this house by as large a majority vote as in the United States Senate.

Hon. Arthur W. Roebuck: Honourable senators, I wish to join with the Leader of the Opposition (Hon. Mr. Haig) in congratulating the honourable senator who explained this bill, and also the Government which negotiated the agreement.

The honourable senator from Rosetown (Hon. Mr. Aseltine) asked if the sponsor of the bill had ever seen a lamprey-eel. Well, I have, on a number of occasions. Lamprey-eels will fasten themselves on the side of a yacht, a rowboat, or any other vessel of that kind, and one can actually catch them by means of the first and third fingers held against the second; they cannot be grabbed by the hand, for they will squeeze themselves out. By the method I have described you can dislodge a lamprey-eel and take a good look at it, and I can assure honourable senators that it is one of the most disgusting sights one could imagine—with its mouth rounded out for sucking purposes, and a little bit of a bone in the centre with which it pierces the side of the fish.

Of course, we are all thoroughly in sympathy with this bill, and hope it succeeds.

It has been mentioned that the lamprey, a creature of the ocean, is able to come from salt water and adapt itself to fresh-water conditions; and therefore I would very much doubt the efficacy of merely blocking it in its effort to go up the river to spawn. Of course, it is not for us to give advice to the experts, but a fish that can adapt itself so ably would most likely become adapted to new conditions if it found the rivers blocked. I should think it would be more effective to allow the lamprey to spawn, and then deal with the spawn in some way.

Hon. Mr. Macdonald: There is no reason why we should not do both.

Hon. Mr. Roebuck: But we cannot stop this type of fish from spawning in certain places and at the same time trap its spawn in those places.

Hon. Mr. Macdonald: As I understand it, an effort is going to be made to prevent the spawn from getting out into the lakes.

Hon. Mr. Roebuck: I did not understand the honourable senator who explained the bill to say that; I understood that the effort was to prevent the lamprey from going up the river to spawn.

Hon. Mr. Paterson: As they lay some 60,000 eggs, the idea is to prevent them from spawning.

Hon. Mr. Macdonald: There is no reason for not trying to destroy the spawn as well as using some method to prevent the fish from spawning.

Hon. Mr. Roebuck: Let us hope that some effective method will be adopted to rid the lakes of this pest. The Great Lakes fisheries were at one time a valuable industry, and I am sure we would all like to see it re-established. In my younger days there was a large fishing fleet harboured at Port Credit; the boats were used not only in fishing, but in carrying stone for building purposes. But the whole fleet has disappeared. There is sufficient quantity of food in the Great Lakes today to feed large numbers of fish, and I hope that the fishing industry will be revived and made to thrive again.

May I make one or two observations with respect to the bill. Section 5 contains these words:

> All courts, justices of the peace and magistrates in Canada have the same jurisdiction with respect to offences under the regulations as they have under sections 689 to 692 of the Canada Shipping Act, with respect to offences under that act . . .

Does that not mean that they shall have such jurisdiction if this bill passes, rather than that they now have it?

That section continues:

> . . . and the provisions of those sections apply to offences under the regulations in the same manner and to the same extent as they apply to offences under the Canada Shipping Act.

Does that not mean that such provisions shall apply when the bill is passed, rather than that they do apply now?

Hon. Mr. Paterson: I did not look into that phase of the bill, and I am unable to answer the honourable senator's question. I assumed that such details would be discussed in committee.

Hon. Mr. Roebuck: That is so.

Hon. Stanley S. McKeen: Honourable senators, I should like to commend the mover of this bill (Hon. Mr. Paterson) for his very lucid explanation. May I also say that I do not think we have to concern ourselves with whether we are to prevent the lamprey from

spawning or to destroy them after they spawn. If my prediction is right, whichever scheme is adopted will not be a hundred per cent perfect; no doubt some of this type of fish will spawn, no matter what is done.

We in British Columbia, where the first fisheries trade treaty was signed, on the halibut fisheries, have found that it has worked exceptionally well, and that fishery has been completely rehabilitated. The point has now been reached where the fishermen on the west coast get just the amount of halibut they require every year.

The next treaty was on the sockeye salmon fisheries, which are regulated by the international commission, of the Canadian section of which the honourable senator from New Westminster (Hon. Mr. Reid) is the present chairman. Through their efforts the fishery has been rehabilitated in the Fraser River to the point where it is again a valuable industry, and is expected to continue expanding. Rehabilitation has taken place throughout the Fraser River watershed, but there is still work to be done. When it has been completed the fishing industry will again be what it was prior to 1913, when the big slide on the Fraser River took place.

Attempts are now being made to negotiate a treaty with the United States with respect to pink salmon. Heretofore the Americans have been getting some 80 per cent of the catch while we were getting only 20 per cent, although most of the fish were spawning in British Columbia. The federal government has asked for a treaty on a 50-50 basis. However, I think this year the ratio of catch as between the United States and Canada will swing to the point where we will get perhaps 60 per cent and they will get the remaining 40 per cent. I predict that by next year we will have a treaty whereby Canada will split with the United States the pink salmon catch.

In my opinion the type of legislation now before us builds up good will between the two countries and increases trade. Therefore, I am heartily in accord with this measure.

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Paterson, seconded by the Honourable Senator Campbell, for the second reading of Bill 279, an Act to implement a convention on Great Lakes Fisheries between Canada and the United States. Is it your pleasure to adopt the motion?

Hon. Senators: Carried.

Hon. Mr. Roebuck: Unanimously.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Paterson, the bill was referred to the Standing Committee on Natural Resources.

PRIVATE BILL

BAUDETTE AND RAINY RIVER MUNICIPAL BRIDGE COMPANY—SECOND READING

Hon. Norman McL. Paterson moved the second reading of Bill I-15, an Act to incorporate Baudette and Rainy River Municipal Bridge Company.

He said: Honourable senators, I seem to be on my feet a good deal today, but as I have not spoken in the house for some time, perhaps you will bear with me a little longer.

Hon. Senators: Hear, hear.

Hon. Mr. Aseltine: This is your day.

Hon. Mr. Paterson: This bill, which is for the construction of a bridge between Baudette and Rainy River, brings back memories to my mind. In the year 1905, as a young man, I was private secretary to the Superintendent of a new railway known as the Manitoba and Southeastern, built by Mackenzie and Mann, and I crossed the railway bridge at this point. That railway is now a part of the Canadian National Railways system, and its line between Winnipeg and Fort William touches a portion of Minnesota, between Sprague and Warroad, and comes back to Ontario. Throughout all the years the people of that area have been without a bridge for vehicular traffic; they have had to resort to the use of boats for crossing the river, the nearest vehicular bridge being at Fort Frances, some sixty-five miles away. At long last the people of the locality have organized the building of a bridge, and from a reading of the many clauses in the bill honourable senators will observe that the probable intention is to sell most of the bonds in the United States. I am advised that, strangely enough, in the case of a public endeavour of this kind, the income from the bonds is tax free in the United States; consequently, such bonds are very desirable there. However, that is the affair of the promoters.

The information I have on the bill is as follows. This is an application by the residents of the town of Rainy River, in the province of Ontario, for the incorporation of a company with power to build an international bridge over the Rainy River in the province of Ontario. The bridge is to extend from a point in or near the village of Baudette in the state of Minnesota, in the United States of America, to a point in or near the town of Rainy River. Both municipalities, namely, the village of Baudette

and the town of Rainy River, have seen the need for the construction of this bridge for some time past, and both are actively promoting its construction. It is anticipated that the bridge will cost approximately $400,000 and arrangements have already been made for financing it.

The bridge will be a toll bridge, and the net toll profits will be used solely for paying off the cost of financing the project. No profits of any kind will be paid to the shareholders of the company.

When the financing costs have been paid, that portion of the bridge which is in Canada will become the property of Her Majesty in right of Canada, or some other body to be designated by Her Majesty.

The passing of this legislation will not, of course, assure the construction of the bridge, but will enable the promoters to make all necessary surveys and to do all necessary acts to proceed with the bridge. It is the definite feeling of both municipalities that there is a very definite need for the bridge and that it will serve a very useful purpose among them in providing another link for traffic between Canada and the United States, with increased tourist and other benefits to all municipalities in the area served by the bridge.

Among other things, the bridge will give continuous dependable service throughout the year and will avoid any tie-ups in service from icy conditions.

The great increase of heavy-type transportation by truck is common knowledge and is becoming more and more an economic factor of importance to industry. A bridge accommodating such type of transportation will add important advantages to our local industry trading into the great markets of the Middle West of the United States.

The form of the proposed bill is similar to the recent act which incorporated St. Mary's River Bridge Company and was passed at the present session of Parliament. The company incorporated by that act has the object of constructing a bridge between Sault Ste. Marie, Michigan, and Sault Ste. Marie, Ontario; and while the expected cost of the Sault Ste. Marie bridge is expected to be many times the cost of the bridge over the Rainy River, the provisions of the draft bill in this case are largely the same as those of that act.

Hon. R. B. Horner: Honourable senators, I rise just to say that I fully endorse the bill that is before us. I do not know why, but some people in this country have a peculiar objection to or prejudice against toll roads and toll bridges, but I may say that in my opinion a toll bridge is better than no bridge at all. I know the site of this bridge very well. Years ago when shipping horses out West we followed the very road that the honourable senator has mentioned, between Rainy River and Baudette, Minnesota, and I have often spent four to five hours during freight train delays at that point.

The river is difficult to negotiate at certain periods of the year, and I may say that we have similar conditions in Saskatchewan. A ferry can be used for a part of the year, but not in the fall when the ice is forming, or in the spring, when the ice is breaking up. In Saskatchewan there sometimes are thirty or forty cars waiting in line to use a ferry. The advantage of a toll bridge is that the people who are using the bridge pay for it. The bridge can be used throughout the year, so that time is saved by people wishing to cross the river. These people are willing to pay the toll exacted.

I am pleased to endorse the principle of this bill for the construction of a bridge between Rainy River and Baudette.

Hon. Norman P. Lambert: May I ask the honourable senator from Thunder Bay (Hon. Mr. Paterson) if I understood him correctly to say that the same interests are proposing to build this bridge as will be building the bridge at the Soo?

Hon. Mr. Paterson: No; I said it is the same form of application.

Hon. Mr. Lambert: It is interesting to note that three of these international bridges—the one at Sarnia, the one at Mackinac Island, and the one proposed for Sault Ste. Marie—have been undertaken by a group of people who have worked with the State of Michigan road authority. I think the financing was largely done by American capital, and I presume that the same will be true of this bridge, chiefly by means of an issue of tax-free bonds. Over the years a number of bridges—the one at Cornwall, the Ivy Lea Bridge near Gananoque, the one at Sarnia, the one proposed at the Soo, and bridges all the way along the river passages between the Great Lakes—have been built or are being built largely through the enterprise of people representing American capital and development in this country. This construction will lead I think to very profitable results to both countries as far as tourist traffic is concerned.

Hon. Mr. Roebuck: May I ask one question? Section 2 of the bill, which is declaratory, says:

> 2. The works and undertaking of the company are declared to be for the general advantage of Canada.

Of course that phrase is usually used for the purpose of bringing the undertaking within the legislative jurisdiction of the dominion parliament, but in this instance it is unnecessary to do it in that way because section 92 (10) of the British North America Act declares the following classes of works and undertakings to be within our jurisdiction:

Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the Limits of the Province.

Now, this bridge is to be built between a point in Ontario and a point in Minnesota, U.S.A., and those words "Undertakings . . . extending beyond the limits of the Province" would bring this bridge within our jurisdiction anyway; so I wonder what is the idea behind the declaration that this is a work for the general advantage of Canada.

Before I sit down may I comment upon the observation of the honourable senator from Blaine Lake (Hon. Mr. Horner) about the prejudice, as he called it, of the public against toll roads and toll bridges. Undoubtedly, a toll bridge is better than no bridge at all, but the people in general are certainly opposed to having to pay tolls every time they use a strip of road or cross a bridge. It is one of the natural functions of government to supply roads and communications, and the public requires us to do so.

Hon. Mr. Horner: May I repeat that a toll is paid only by those who use the bridge.

Hon. Mr. Roebuck: That is true, but not by all those who benefit from it. That is the point. The bridge will confer benefits on others besides those who travel on it. It will increase land values, for instance, on both sides of the river, and the landowners will put that increased value into their pockets. The proper method of financing a bridge is by a tax on land values increased by reason of the bridge.

I have an illustration in what we call the viaduct over the Humber River in Toronto. Land values went up two and a half times the cost of the bridge before the bridge was opened, as a result of the access which the bridge would give to that territory. The trading interests on both sides of the river are benefited by the intercommunication that will result. It is very difficult to trace how far the benefit goes or to say who does get it, but it certainly is a fact that the benefit is not confined entirely to those who use the bridge.

Hon. Mr. Macdonald: May I point out that if this bridge is being built by a private corporation it would almost have to be a toll bridge.

Hon. Mr. Roebuck: As I said, a toll bridge is better than no bridge at all. But a bridge that is open to the public, which is paid for and built by the Government, and made available for the free use of the public, is very much better than a toll bridge. That is why, I think, the public is so set against toll roads and toll bridges. It is for governments, whether local, municipal or federal, to provide them.

Hon. Mr. Euler: Is it not a fact that the federal Government also spends money for the benefit merely of some local community, though everyone, all over Canada, has to pay for the work?

Hon. Mr. Roebuck: That statement may be accurate in a sense, but the actual fact is that the Government has been building bridges and roads from one end of Canada to the other, and it is not unjust that the cost should be spread from one end of the country to the other. It may be much more unjust to require one community to pay the entire cost of these works, when the expense of similar improvements in other communities is spread over the whole country. So in my opinion it is fair, whenever bridges are required, to defray the cost from government funds, because everybody right across the country benefits from the bridges of Canada.

Hon. Mr. Macdonald: Would the honourable senator differentiate between a type of road such as, in the United States, is built from Chicago to New York, and is called a super-highway, and a road which goes through a number of cities, and on which the speed is limited?

Hon. Mr. Roebuck: Well, I don't know that I would. It is rather difficult to define what is a super or trunk road or something of that kind which should be financed privately and paid for by those who use it, and a general through road. Both carry the same type of traffic. It may be that a highway in the class of a luxury road should be paid for by those who wish to use it. But I do not see very much to these distinctions. We are progressing to better and wider roads and bridges. The next generation will see wonderful advances in this regard. One of the most amazing developments in this country is the extension of our highways, and the rapidity with which this continent has been interlaced within the last few years with bonded roads. Further improvements will be seen by the next generation—unless, of course,

something unforeseen occurs. I want governments to do these jobs and not leave them to private individuals, or exact, from a portion of those benefited, the entire cost.

Hon. Mr. Macdonald: My recollection is that the bill relating to St. Mary's Bridge Company, which was recently before this house, contained a provision that after a period of years—twenty, I believe—the bridge would become public property.

Hon. Mr. Paterson: That is, the Canadian half.

Hon. Mr. Lambert: May I point out, with the permission of the house, that the cases which have been discussed are not at all parallel either with the St. Mary's Bridge bill or this one. International undertakings require the participation of two countries; and these bridges that have been developed along the dividing line of the Great Lakes and up the river as far as Rainy River are dependent very much on the enterprise of American capital; and, as the honourable senator from Thunder Bay (Hon. Mr. Paterson) has pointed out, there is the fact of an inducement in the form of tax-free bonds. This is a condition which we cannot control in any way. The country will benefit to a certain extent through the enterprise of these people, who see an opportunity to build a bridge and to make it a source of profit.

Hon. Mr. Roebuck: I am voting for the bill. Will the honourable senator from Thunder Bay (Hon. Mr. Paterson) answer my question with regard to section 2?

Hon. Mr. Paterson: I would prefer to have the answer given in the Committee on Transport and Communications, to which I intend to move that the bill be referred.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Paterson, the bill was referred to the Standing Committee on Transport and Communications.

The Senate adjourned until Tuesday, June 7, at 8 p.m.

THE SENATE

Tuesday, June 7, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PRAIRIE FARM REHABILITATION BILL

FIRST READING

A message was received from the House of Commons with Bill 5, an Act to amend the Prairie Farm Rehabilitation Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILL

TRANS-PRAIRIE PIPELINES, LTD.—COMMONS AMENDMENTS

A message was received from the House of Commons returning Bill U-12, an Act to authorize Trans-Prairie Pipelines, Ltd. to construct, own and operate an extra-provincial pipe line, and acquainting the Senate that they have passed this bill with certain amendments, to which they desire the concurrence of the Senate.

The Clerk Assistant, reading:

(1) Page 1, lines 6 to 11. Strike out clause 1 and substitute therefor the following clauses:

Hon. Mr. Crerar: Dispense.

Honourable senators, this bill U-12 is one that I sponsored in the Senate some time ago. I would suggest that, as the amendments are lengthy, we might dispense with the reading of them; and they could be printed in our *Minutes of the Proceedings*, and considered at a later date.

Hon. Mr. Macdonald: Agreed.

The Hon. the Speaker: Will the honourable senator make a motion to that effect? At what date shall these amendments be taken into consideration?

Hon. Mr. Crerar: On Thursday next. I so move.

The motion was agreed to.

DIVORCE PETITIONS

REPORT OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 404 to 419, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

PRIVATE BILL

PROVIDENT ASSURANCE COMPANY—FIRST READING

Hon. Cyrille Vaillancourt presented Bill J-16, an Act to incorporate The Provident Assurance Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Vaillancourt: With leave, next sitting.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill J-15, an Act for the relief of Marian Douglas Jodrey Wallace.

Bill K-15, an Act for the relief of Elie Chabotar.

Bill L-15, an Act for the relief of Evelyn Robert Hurst Watson.

Bill M-15, an Act for the relief of Sidney Robert Allen.

Bill N-15, an Act for the relief of Cecil Brooks.

Bill O-15, an Act for the relief of Jeanne Jacqueline Content Brown.

Bill P-15, an Act for the relief of Eugene Theodore Mantha.

Bill Q-15, an Act for the relief of Marilyn Irene Damer Brophey.

Bill R-15, an Act for the relief of Dorothea Josephine Forbes Chaffey.

Bill S-15, an Act for the relief of Violet Ruby Baxter Williamson.

Bill T-15, an Act for the relief of Nicole Emile Dardano.

Bill U-15, an Act for the relief of Ruth Steirman Levine.

Bill V-15, an Act for the relief of Pearl Raicek Rutwind.

Bill W-15, an Act for the relief of Lorraine Bennet Favreau Williams.

Bill X-15, an Act for the relief of Robert Irvin Morrow.

Bill Y-15, an Act for the relief of Phyllis Lilian Buck Beatty.

Bill Z-15, an Act for the relief of Barbara Louise Bartlett Broadbent.

Bill A-16, an Act for the relief of Ronald Elikum Bessey.

Bill B-16, an Act for the relief of Margaret Francis Kennedy Bailie.

Bill C-16, an Act for the relief of Anna Cibula Reynolds.

Bill D-16, an Act for the relief of Mary McKinnon McEachran Coolon.

Bill E-16, an Act for the relief of Joseph Armand Jacques Phaneuf.

Bill F-16, an Act for the relief of Julia Hut Lutterman.

Bill G-16, an Act for the relief of Evelina Dixon Taylor.

Bill H-16, an Act for the relief of Frances Marguerite Beaudin Karibian.

Bill I-16, an Act for the relief of Claude Ferron.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

VETERANS BENEFIT BILL

THIRD READING

Hon. Mr. Macdonald moved the third reading of Bill 278, an Act to amend the Veterans Benefit Act, 1954.

The motion was agreed to, and the bill was read the third time, and passed.

CUSTOMS BILL

SECOND READING

Hon. Salter A. Hayden moved the second reading of Bill 410, an Act to amend the Customs Act.

He said: Honourable senators, the bill before the house for second reading proposes a number of changes in the Customs Act, the principal ones having to do with the question of value of goods for purposes of calculation of duty. I had thought of dealing with that particular subject first. However, the bill is a short one—it has only nine sections—and at the risk of someone questioning my development of the principle of the bill—if there is a principle in an amending bill—and referring to sections, I propose, as an aid to guide honourable senators in following my remarks, to refer to the sections about which I propose to say something.

Section 1 of the bill is a rewriting of section 18 of the act. The real change in the section is this: The act provides that "the following persons"—who are described in section 18—when arriving at a border point in charge of a vehicle, or on foot or otherwise, shall do thus and so in the way of reporting to the customs officer at that border point. In the interest of good draftsmanship and also to be sure that there is proper protection of our revenues, it is proposed that section 18 be changed to read as follows:

> Every person in charge of a vehicle arriving in Canada, other than a railway carriage, and every person arriving in Canada on foot or otherwise, shall . . .

do certain things. The purpose of requiring every person, without distinction, who arrives at a border point to report to the nearest customs officer or the nearest station and to furnish a list of what he may have that may be dutiable and to account for the various things he may have—in a van, for instance, in the way of animals, trappings, harness, and things of that kind—is twofold: first, so that Canada may have a proper record of what is coming in that may be dutiable; and, second, in order that officials at customs border points may perform certain functions required of them under various statutes. For instance, I can think offhand of statutes like the Pest Control Products Act, the Animal Contagious Diseases Act, and the Immigration Act. There is an absolute obligation on every person to report at the nearest border point, and that is why the section is re-arranged and redrawn.

I come now to the main and most important provision in the bill, having to do with value for duty purposes. May I take a minute or two to explain the changes made in the bill in this respect? Before the changes proposed in this bill are made, we start off with the general or basic principle of Customs law that the value of goods coming into Canada for duty purposes shall not be less than the value at which like goods are sold in the home market, that is, in the market from which these goods are being exported to Canada at the time of export. That basic principle seems reasonably simple, but the conditions that are set out in the present law provide that value for duty purposes shall be the fair market value of such or like goods in the home market at the time of sale and export when sold in like quantities in the ordinary course of trade, under comparable conditions of sale and under fully competitive conditions.

Well, the second principle laid down in the present act, in section 35, is if you are not able to get your value under this basic principle which I have enunciated, then under subsection 2 of section 35 you have what is called the principle of the nearest ascertainable equivalent of fair market value, and that has presented all kinds of problems. As one who has had something to do with these

particular subsections, I know that this subsection 2, dealing with the basis of determining the nearest ascertainable market value of like goods, has been a real poser and very unsatisfactory.

The third method was the method of what we would call, by statute, constructing a price. In other words, subsection 3 of the present section 35 provides a basis for arriving at value for duty. You take the material cost, the labour cost, overhead, all those factors, and then add to that certain items—the Minister has to exercise a discretion in this—for administration, selling cost and profit. In other words, you take actual cost of production of similar goods at the date of shipment to Canada, which would include all those direct charges like cost of material, labour costs, factory overhead, plus additions for administration, selling costs and profit.

Now, it has been held as a matter of law that these various methods of arriving at value for duty purposes are to be dealt with and are only to come into operation successively; that is, you have to exhaust the conditions of subsection 1—the basic principle of determining value for duty purposes—before you can move into subsection 2. Only when you cannot find the answer in subsection 1 can you avail yourself of the provisions of subsection 2. In other words, you cannot go searching through all the subsections to find one that suits you. You must exhaust yourself in subsection 1 first, and if the answer to the problem cannot be found in subsection 1 then you drop into subsection 2, and if you fail to find the answer in subsection 2 you move into subsection 3.

Because of the practical difficulties that have been presented by the words "the nearest ascertainable equivalent of fair market value" we have the proposals contained in the various subsections of new section 35. You will notice that subsection 1 is just a general statement that the value for duty shall be determined in accordance with the provisions of this section. Subsection 2 is a restatement of the basic general law of value for duty purposes that is contained in the present act. It is the fair market value of like goods when sold for home consumption in the ordinary course of trade at the time of sale and export to this country of the goods in like quantities and under comparable conditions of sale and under fully competitive conditions.

In succeeding subsections there is worked out what I suppose might be called, for want of a better expression, "working rules" which are a little more realistic than that expression "the nearest ascertainable equivalent of fair market value" that has presented a real problem in administration. An instance of the so-called working rules is found in subsection 3 on page 2 of the bill, which provides that if you have a situation where the goods are being imported into Canada and you can find like goods being sold in the home market at the same time in the ordinary course of trade and under fully competitive conditions and in like quantities, but if you cannot find comparable conditions of sale—that is the one factor that is missing that takes you out of the general basic rule for determination of value for duty purposes—then in those circumstances you go ahead and work with what you have; that is, you take the situation where you find the like goods. For instance, if they are coming in from the United States you check on sales taking place in the United States in like quantities to the quantities involved in the importation, and you also look to see if the conditions under which they are sold are fully competitive conditions; and if that one element of comparable conditions of sales is missing, this subsection provides a working rule by which the customs officials try if possible to fit themselves into subsection 3. If they cannot, then they have to move down the line to the next successive step.

The next successive step is this: If you find at the time you are exporting the goods into Canada, say from the United States, that there are no goods being sold in the exporting country that you can identify as like goods, then under subsection 4 you may look for similar goods. Then if you find all the other conditions existing, in relation to similar goods, and you find comparable conditions of sale under fully competitive conditions in the ordinary course of trade and in the same quantities, that is the rule that you apply, and you try to work out an answer and establish value under that subsection.

But if you do not meet the conditions, if the facts will not fit into subsection 4, then you move along to subsection 5, still dealing with similar goods, and if the element of comparable conditions of sale is missing you get along as best you can without that one element.

Now, those are high sounding words, "comparable conditions of sale", but they only mean the level at which the transaction is taking place.

Hon. Mr. Connolly: Will the honourable senator permit a question? In the first line of subsection 4 the words "like goods" are used, and later on the words "similar goods" occur. Can the honourable gentleman explain the reason for this different phraseology?

Hon. Mr. Hayden: If the honourable senator will read subsection 4 he will see that it says where "like goods", that is goods that may be described as like goods to those being imported, are not sold in the manner described in subsection 2 or 3, the value for duty purposes shall be the fair market value of similar goods. So if you cannot find like goods being the subject-matter of the transaction, say in the United States, at the time you are bringing like goods into Canada, then under subsection 4 you have recourse to similar goods.

Subsection 5 is simply a repetition of subsection 3, only subsection 5 has relation to similar goods rather than like goods, and here if the element of comparable conditions of sale is missing you get along in the best way you can without it.

May I pause for a moment here? I think I heard someone say in the course of my remarks that possibly the goods would have to travel with a lawyer at all those admission points. It is not really that bad. Two comments may be made here. One is that having lawyers along, even in that phase of operation, might be a good thing. People are getting better educated at all times to the many uses and good purposes that lawyers can serve.

Hon. Senators: Hear, hear.

Hon. Mr. Hayden: Secondly, more and more of the next generation are embarking on the study and practice of law. So if this procedure will require the use of lawyers I am not objecting or suggesting that we should withdraw the bill, but I do not think it will, because forms will be furnished which the importer and the vendor of the goods from the exporting country will have to fill out. Certainly those who are engaged in the business of exporting and importing know what this language means; they have been familiar with it for a great many years; and the changes which are here made are changes which give, so to speak, a larger area of selection for the person to fit himself into the heading than he has had available to fit himself into under the present act.

Hon. Mr. Macdonald: Heading, or headache?

Hon. Mr. Hayden: Heading. There may be headaches too. But that depends on how well one classifies his goods. When one has got away from the basic principle for the determination of value, which is the one I first stated, having gone successively through subsections 3, 4 and 5, and found nothing to fit, he comes to subsection 6, the one which, in my opinion, should have been the last. But the framers of the bill went on and added another, because they have inserted in subsection 6 that when the value for duty cannot be determined under any of these preceding sections because like or similar goods are not sold for use or consumption in the country of export, or there is no established market in the country of export for like or similar goods, the value for duty of the goods shall be such as the minister determines. The importer, however, does not arrive at subsection 6 before he has run the course and exhausted himself without any beneficial results: it is then that subsection 6 applies. As far as I am concerned, if the enumeration stopped after subsection 6 I would think that the purpose of the enactment would be fully accomplished, because what more could there be than a conferment on the minister of the right to determine the value? Naturally, if the matter goes before the Tariff Board, the values must be supported by appropriate evidence. I do not assume, and I have no reason to assume, that when the minister exercises his power under subsection 6 he exercises it arbitrarily or unfairly or against the interest of the importer.

Hon. Mr. Macdonald: Is the minister required to fix the value in accordance with subsection 7?

Hon. Mr. Hayden: No. Here, however, I am expressing a legal opinion, which ordinarily I do not do. But subsection 7 reproduces in the present bill the old subsection 3, which establishes the value for duty as the actual cost of production, and adds certain amounts for administration, overhead and profit; this is the enumeration which would apply. If one takes the steps one at a time, when subsection 6 is reached and the minister, because the previous subsections do not fit, makes the determination of value himself, it seems to me that that is the end of the road.

Hon. Mr. Aseltine: Should not subsections 8 and 9 have preceded subsection 6?

Hon. Mr. Hayden: No. Do not run too fast. Section 7 deals with a constructive price: notice the opening words, to the effect that it applies when the value for duty cannot be determined under the preceding subsections. That is very plain English.

Hon. Mr. Macdonald: Could not the minister arrive at a value?

Hon. Mr. Hayden: If I am asked what might happen, I would say that if the minister could not find any other way of arriving at the value he might very well take a look at cost of production and similar factors in the

country where the goods were produced. But I do not think that, in establishing a price and giving the reasons therefor, he can say, as a matter of law, that his determination is under subsection 6; he would have to say, "I cannot make it under subsection 6, I am making it under subsection 7."

Hon. Mr. Reid: With reference to subsection 7: "Where the value for duty cannot be determined under the preceding subsections, the value for duty shall be the actual cost of production of like or similar goods..."—that means production of the goods where?

Hon. Mr. Hayden: In the home market; that is, the country of origin of the goods.

Hon. Mr. Isnor: How do the Customs Department officials arrive at that value?

Hon. Mr. Hayden: The officials have been doing that for years. They require the manufacturer of goods to furnish these figures; also there are departmental officers located in various centres of the United States; or, if the matter is of special importance, a man is sent down to check the figures as to cost of production and so forth.

Hon. Mrs. Wilson: May I ask a question with reference to subsection 2? Am I to understand that the purchaser is not required to pay duty on taxes levied in the country of origin? I have always had to pay duty on luxury taxes.

Hon. Mr. Hayden: Subsection 2 establishes the basic principle, which is, that one cannot import goods into Canada and pay duty on a value less than the price at which those goods are sold in the home market at the time. On the question of what taxes are included, I come to that a little later.

Hon. Mrs. Wilson: Another question, relating to section 1: why are horse-drawn vehicles the only vehicles referred to?

Hon. Mr. Hayden: I had not noticed that horse-drawn vehicles are included. I observe that the section states that "every person in charge of a vehicle", which presumably might be horse-drawn or power-motivated, "and every person arriving in Canada on foot or otherwise, . . . "which, I assume, would cover a motor-cycle or a boat or a plane.

Hon. Mrs. Wilson: Harness is referred to.

Hon. Mr. Hayden: That is to deal with a situation where race horses are brought into Canada during the racing season with their equipment, which is checked on the way in and checked on the way out, because it could happen that equipment might be brought in for ready sale rather than for use in the racing season. They keep tally by checking it when it comes in and when it goes out.

Subsection 8 lays down the basic principle that if, in attempting to arrive at a value for duty purposes, you come on a figure of value which is less than the purchaser in Canada is paying for the goods, the duty must be paid on the actual price to the purchaser, not on a figure less than was actually paid by him.

Subsection 9 is merely a re-statement of a provision in the act that the value for duty of imported goods shall not include the amount of any internal tax imposed on the goods in the home market. The reason that this provision is made so specific is, I believe, that there is some ambiguity in the language of the corresponding subsection of section 35. Some question has been raised as to social security taxes and matters of that kind in the United States if, for example, the goods are imported from that country. These are really more of the nature of taxes on the person, and the purpose of the subsection is to make absolutely clear that the only sort of tax which should be excluded from the assessment of value for duty purposes is a tax levied on the imported goods in the country of origin.

Under subsection 10 the Governor General in Council may order that import duties in the country of export may be disregarded for the purpose of arriving at the value for duty purposes.

Subsection 11 gives the minister the power to eliminate from value for duty purposes the cost of services. Cases have gone to the Tariff Board where architects' plans and drawings and educational kits which have to be assembled in Canada have been brought in, involving an element of service as far as the cost of the goods is concerned; and under this subsection the minister is given statutory authority—I believe the same provision has been in the act for some years, as subsection 6—to eliminate a portion of what otherwise would be the cost of goods of the kind I have described.

An Hon. Senator: What about legal services?

Hon. Mr. Hayden: Legal services are not dutiable; they are taxable but not dutiable.

Section 3 deals fully with the procedure for appeals. For instance, if an importer is dissatisfied with the classification of a tariff item under which his goods are put, or if he is dissatisfied with the appraisal for duty purposes, he has the right to appeal within sixty days to a Dominion customs appraiser for a redetermination or a reappraisal. I notice that in some of our legislation, notwithstanding comments we hear from time

to time about the word "Dominion", we still retain the word as part of a title in describing certain officials. If the importer does not exercise that right of appeal within sixty days it is gone for ever, so far as he is concerned. If he fails on his appeal to the Dominion customs appraiser he may then appeal to the deputy minister. This right must be exercised within thirty days after a decision has been given by the Dominion customs appraiser. This section 3 introduces a new section 43 of the act, which provides for the counterpart of the rights of appeal given to the importer. It is a counterpart in the sense that the Dominion customs appraiser may at any time within two years reappraise or redetermine a classification. The section also provides that the deputy minister may within two years in any case redetermine a classification or reappraise a value for duty purposes. The deputy minister may also at any time make such redetermination or reappraisal if the importer, on the entry of the goods, has made any misrepresentation or committed any fraud. Therefore, with respect to fraud or misrepresentation it is wide open at any time when the fraud or misrepresentation is discovered for the deputy minister to take action under this section.

Hon. Mr. Roebuck: Does that mean that if a price for import duty has been determined the department can change its mind at any time within two years?

Hon. Mr. Hayden: It does not mean exactly that, for there are statutory provisions under which the department must function. What we are talking about is the determination of a tariff classification or of an appraisal value for duty purposes.

Hon. Mr. Roebuck: The determination has already been made.

Hon. Mr. Hayden: Yes, but it must be remembered that in the first instance the importer fills out his forms and presents them to the customs officer who, in perfectly good faith, may accept the descriptions on those forms. However, at some future time he may discover that the descriptions given were not such that a proper determination of classification could be made or that a proper appraisal of value for duty purposes could be made. Therefore he may re-open and redetermine and reappraise.

Hon. Mr. Horner: Would that have a retroactive effect for two years? Could the authorities go back and collect further duty?

Hon. Mr. Hayden: As a matter of law, yes; as a matter of practice, in the department—and some of these procedures have existed for some time—they do not go back more than two or three months.

Hon. Mr. Roebuck: The goods may have been sold in the meantime. This does not stipulate that there must have been fraud or misstatement. The section gives the widest power to the deputy minister to redetermine a classification or reappraise a value which has been previously determined. Perhaps the importer has been perfectly innocent, and he may have sold the goods in the meantime, figuring the cost at the rate determined when he imported the goods.

Hon. Mr. Hayden: I would tell my honourable friend that that is the present law. This is a re-statement; this is not new law; and the objection my honourable friend has made may be answered if he will permit me to finish what I was explaining. When goods are presented by an importer at the border he must set out on his forms the fair market value in the country of origin, and the price at which he has purchased the goods. If the customs officer accepts that information, a determination is made of the value for duty purposes. There may also be involved a determination of the tariff classification. It may develop later that the information given was not correct, and this may become known long after the goods have been disposed of. Such a situation may arise in two different ways. The wrong information may be given quite innocently, or with an intent to misrepresent in the hope of getting away with something. In such a situation the deputy minister, and in a limited way the Dominion customs appraiser, is given the right at any time within two years after the entry of the goods to go back and in a proper case make a redetermination of classification or a reappraisal of value.

I was going on to say that while the law provides that the departmental officials may go back for two years, unless they find a case where somebody has been trying to be smart and put something over the department they only go back a few months or, at the latest to the point at which the customs official raised the question of the value or of the classification.

Hon. Mr. Baird: I am afraid my honourable friend does not know everything concerning customs.

Hon. Mr. Hayden: I do not pretend to. I am trying to appraise or, shall I say, reappraise, with the limited facilities available in the bill before me, the interjection of my honourable friend from St. John's (Hon. Mr. Baird), who I feel is a good friend. I yielded to him so that he might ask a question.

Hon. Mr. Vien: Does my honourable friend claim that the words "within two years of the date of entry" apply to the whole of subsection 4 or only to paragraph (d)? If these words are meant to apply to paragraphs (a), (b), (c) and (d), they should be separated. As the legislation is now drawn, I think the words "within two years of date of entry" would apply only to paragraph (d).

Hon. Mr. Hayden: My honourable friend is correct, but he must remember that subsection 4 is an enumeration of the various powers of the deputy minister. Under subsection 4 (a) the deputy minister may act in respect of an appeal taken by an importer from the decision of a Dominion customs appraiser.

Hon. Mr. Vien: During what period?

Hon. Mr. Hayden: The appeal must be taken within thirty days and may be disposed of at any time after that. There is no time limit on this. Paragraph (b) deals with special cases of misrepresentation or fraud, and time is unlimited. Paragraph (c) deals with the case of an importer who felt himself aggrieved, ran the gamut of all the legal proceedings open to him, and finally ended up in the Supreme Court of Canada with a decision in his favour. The deputy minister is given power to make whatever redetermination or reappraisal is necessary to give effect to the decision. Paragraph (d) specifies that the deputy minister may redetermine the tariff classification or reappraise the value for duty of any goods "in any other case where he deems it advisable". The best way I can describe it is that the deputy minister may be self-starting—he does not need anyone to prod him into action under subsection (d).

Section 4 is a beneficial section, providing for right of appeal to the Tariff Board by a person who deems himself aggrieved in any case where the question at issue has to do with drawback of customs duties, the question of the rate, etc.

Hon. Mr. Vien: Can my honourable friend provide information as to why paragraph (d) should be necessary, when section 43 gives a blanket authorization to the deputy minister to redetermine tax classification? Under (d) the deputy minister is given power to do that in any other case where he deems it advisable, within two years of the date of entry of the goods. The goods may have been sold two or three times within that period. Section (d) does not apply to fraud or misrepresentation, it applies "in any other case"—other than fraud or misrepresentation. Why should a deputy minister have the power "in any other case" to review the classification within two years after the goods have passed entry?

Hon. Mr. Hayden: My friend will appreciate that the enumerations (a), (b) and (c) of subsection 4 deal with particular situations. Paragraph (d), as I stated before, enables the deputy minister to be self-starting in relation to any inquiry where he feels that there has not been a proper determination of classification or a proper appraisal of value for duty purposes—not because of fraud or misrepresentation, but for any other reason.

Hon. Mr. Vien: But can the honourable gentleman state any specific reason for giving to the deputy minister such a broad power to review a reclassification two years after the entry has been passed, when the goods have been sold and everybody acted in good faith?

Hon. Mr. Hayden: All I can say is that I did not determine the policy in relation to this, but I can see some justification for it. In any event, the time limit is considerably shorter than the time limits for retroactive inquiry under other taxing statutes in Canada. Situations could arise occasionally by reason of erroneous classifications of various items and the errors which might go undetected for some time. It is possible that a number of shipments might be erroneously described over a period of time, and suddenly some person, for some reason or another, becomes alert, checks a particular importation, and upon looking back to see what was done as to previous shipments finds misrepresentation—which might have been quite innocent —so the deputy minister is given that power to go back for a period within two years.

Hon. Mr. Euler: Does my friend know it to be a fact that in the United States they make use of that particular power to go back and reclassify and revalue, even though the goods may have gone into consumption? For instance, raw material which has gone into the States may have been absorbed into a manufacturer's product, and the American manufacturer has to pay a higher duty, with a resulting disturbance in the course of trade. Is this perhaps by way of retaliation?

Hon. Mr. Hayden: I should have thought that my friend, whom I regard highly, could answer that question, because I think some of this law was being administered by the Department of National Revenue many years ago.

Hon. Mr. Euler: That does not answer my question.

Hon. Mr. Roebuck: May I suggest that the real justification for this clause is not its

actual wording but rather the common-sense of the officials who administer the affairs of the customs division of the Department of National Revenue. They are highly trained and very sensible people. If it were not for that fact I would strongly object to this section.

Hon. Mr. Hayden: And of course, adding to what my friend has said, I might point out that a person adversely affected has all the rights and processes of appeal open to him. If he has been done an injustice, and can demonstrate it, the facilities are at his disposal.

Hon. Mr. Roebuck: They are pretty costly, though.

Hon. Mr. Hayden: Anyway, I have explained section 4.

Section 5 is just a consequential section on the enactment of a new section 35.

Section 6 deals with section 104 of the act. Section 104 deals with special situations, where goods are imported into Canada and by reason of some special use to which they are being put, by the person who brings them in, are free of duty or are subject to a reduced rate of duty. If the person who brought the goods in, instead of using them for the special purpose turned around and sold them to somebody else, then of course the benefit of the tariff item disappeared, but by some strange quirk the penalty heretofore has been on the person who bought the goods. That did not appear to me to have any logic or sense. The importer who brought them in and sold them should be liable as well. Subsection 2 of section 104, proposed by section 6 of the bill, has for its purpose the making of the importer liable for any additional duty if he uses the goods for a purpose for which they were not intended. By way of illustration, some kind of mechanical equipment which is not manufactured in Canada might be imported into Canada for use in a college, and if it went to a college for the particular use for which it was intended, it would enter free of duty; but if the person bringing them in, instead of devoting them to his own use turned around and sold them at a profit because of the fact that they were free of duty, he has violated the provisions of the act. All that this new subsection 2 does, is to make the importer and the person who bought the goods jointly and severally liable for the payment of additional duties.

Hon. Mr. Roebuck: Why is the person who bought the goods included?

Hon. Mr. Hayden: That is the present law. I am not attempting to justify it; I am dealing only with the amendments.

Hon. Mr. Howard: Was subsection 4 in the old act?

Hon. Mr. Hayden: Subsection 4 provides the penalty to be meted out to anyone who fails to comply with subsection 2 or subsection 3.

Section 7 of the bill is a consequential section: it arises because of the amendments which have been made to section 43 in connection with appeals. It is a rather backhanded way of describing the right to a refund. It states that:

> . . . no refund of a payment or overpayment of duty or taxes, arising otherwise than by reason of an erroneous tariff classification or an erroneous appraisal of value, shall be made unless an application therefor is made within two years of the date of payment or overpayment.

What that really means is that if you are applying for a refund on account of an erroneous tariff classification or an erroneous appraisal of value, your application must be made within two years of the payment of the duty. If the refund arises out of a clerical mistake, such as an addition of amounts, the customs officials will correct it at any time, but otherwise applications for refund must be made within two years.

Section 8 is a beneficial section which has to do with the provision to repeal parts of section 166. Certainly the lawyers at some stage or other have had something to do with it. It deals with smuggling. If goods are being smuggled—a car, for example—and the culprit is caught and the car seized, some person who claims to have a lien on it may want a declaration of his interest. There is machinery in the act for him to get this declaration, but under the present law the time limit for making his application is thirty days. It has been found that in many cases the lien holder did not know what had happened until the first following payment went into default. All that this section does is to give the holder of an interest the right to make an application within sixty days instead of thirty, as at present.

Section 9 provides a penalty for failure to report at a border point. If any person, on arrival at a border point in Canada in a car or on foot, does not report to the customs authority there, the goods he is transporting shall be forfeited and may be seized and dealt with accordingly.

Those are the various sections of the bill, and I hope that I have not been too lengthy in my explanation.

Hon. Mr. Ross: Do any of the proposed amendments to this act conflict in any way with the provisions of GATT the General Agreement on Tariffs and Trade?

Hon. Mr. Hayden: None of these provisions does.

Hon. Mr. Ross: Not in any way?

Hon. Mr. Hayden: No.

Hon. Mr. Roebuck: I would like to revert, honourable senators, to a question under section 6, where the importer as well as the purchaser is now made liable for additional duties on goods which have been diverted to purposes other than for which they were imported. I see that the two parties are now made jointly and severally liable. That means, I fancy, that you can collect from either of them and that the person you collect from has no claim over against the other.

Hon. Mr. Hayden: I do not think that follows.

Hon. Mr. Roebuck: I do.

Hon. Mr. Hayden: No.

Hon. Mr. Roebuck: That is the meaning I take out of the words "severally liable". It does seem to me, however, that there should be some determination of who is primarily liable, and to my mind it is the importer who imports under certain conditions and then changes the conditions and sells the goods. But in doing so he may sell them to a perfectly innocent party.

Hon. Mr. Hayden: This section deals not only with goods of that nature but also with goods which a person imports for a specific purpose and uses for some other purpose. He would then be both importer and user. My honourable friend is talking about the meaning of the words jointly and severally. This relates to the liability as between the customs authorities on the one hand and the importer and the purchaser of the goods on the other hand. If a person purchases goods innocently from an importer and the importer knows that the goods are subject to that restriction and that law, then I do not agree with my friend—as a matter of fact I disagree very heartily—that in those circumstances the purchaser would not have a remedy against the vendor of the goods to him.

Hon. Mr. Horner: What would happen in the case where the importer had disappeared—had left the country entirely? The Customs division would then have to take their full satisfaction from the man who purchased the article, because he would have the article to be seized and the original importer would not be available at all.

Hon. Mr. Hayden: Well, that is the penalty when you deal with those situations.

Hon. Mr. Horner: But he may be completely innocent.

Hon. Mr. Roebuck: I think this section should be taken up in committee because I do not see any provision for a claim over by the purchaser, if the collection is made from him, as against the importer, when they are both severally liable.

Honourable senators, there is one comment I would like to make. It is not in the way of a question. My honourable friend opened up his very clear and capable explanation of this bill by rather apologizing for his intention to take it up section by section. There was some discussion, and there has been discussion in the house in the past as to what our rules are with respect to dealing with the principle of a bill, on the motion for second reading, and as to whether you can go into it section by section. I took the trouble to read the rule on this point, and I think it would be salutary to quote it—not that honourable senators do not know it—so as to have the matter rather more vividly in mind.

Rule 64 states, under the heading "Principle discussed at second reading":

64. The principle of a bill is usually debated at its second reading.

That is all it says. It does not state that the principle of a bill cannot be debated on any other occasion, nor that only the principle of the bill may be debated on second reading; it merely asserts the fact that the principle of the bill is usually debated at second reading. That is to say, it places the time for the discussion of the principle of the bill at the second reading. There is nothing, to my mind, either in practice or in law or in these words, to show that you cannot take up the details of a bill on second reading. You do not even need to discuss the principle unless you like to do so, but it is usually done. I think it was worth while and salutary to read that rule.

Hon. Mr. Vien: Does not my honourable friend think that in a bill of this nature there is a different principle in each section of the bill and therefore, when the sponsor of the bill explains it, he must necessarily set out what is involved in every section? It would be out of order to discuss details of each section, but the principle involved in every section can properly be discussed. In dealing with the bill before us there are a number of questions that would arise in the minds of honourable senators with respect to almost every section, involving the principle and the reason for the section. I would appreciate it if, when this bill goes to committee, the officers of the department could attend to explain those reasons that my honourable friend (Hon. Mr. Hayden) could not be

expected to give tonight. I am sure that we are all grateful to the honourable gentleman for the very able way in which he has presented the bill; but it would be unreasonable to ask him to go into all the details and all the reasons why each section of the bill has been suggested by officers of the department. I am anxious to listen to these officials when the bill goes to committee.

I entirely concur in the observation of the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), that the officers of the department are men of the highest possible character. They have a very wide and long experience, and they have demonstrated in the administration of the Customs Act a very high sense of duty. But it may be that on some future occasion the country will be served by officials not equipped with the same experience and good judgment; and when this chamber is passing legislation it should guard against assenting to the grant of blanket powers to administrative officers. It is a fundamental principle of Magna Carta and of the Bill of Rights that Parliament alone should impose on the people burdens by way of taxation. Customs duties are a burden of this nature; and when we consent to a blanket authorization we are simply delegating to departmental administrators the power which by Magna Carta and the Bill of Rights is vested in Parliament. No matter how much confidence we may have in the present administrators of this act, Parliament should retain to itself the right to determine in a specific way what burdens shall be imposed on the people of Canada. I repeat, with the utmost respect for the present departmental officers, whose experience and sense of duty I recognize, that there is at stake the principle of the retention by Parliament of the power to impose charges on the people, and that those powers should not be delegated without specific instructions.

I will not say more at this time, but I reserve the right, when the committee stage is reached, to put forward questions which suggest themselves to my mind.

Hon. Thomas Reid: Honourable senators, I rise to say a word or two about the remarks made by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck). I was not in the chamber when a question arose with regard to the reading of sections of the bill, but I am greatly interested in having the matter clarified. One of the first things I noticed when I came to this chamber from the House of Commons was that sections of bills are read or referred to here on the motion for second reading. I readily recognize that there is a reason for this practice, and I trust that it will continue. It is natural that in the House of Commons sections of a bill are not referred to until the house itself moves into the committee stage, when they are dealt with clause by clause. But in the Senate they are examined by one of our committees, and not in this chamber. I repeat: I trust that in future we shall continue the practice of discussing clauses of bills on the motion for second reading.

Hon. Mr. Vien: It is difficult to see how the principle of a bill can be studied unless an examination is made of how each section reflects the application of that principle. One cannot discuss in detail the provisions of each clause, but one may properly question whether the principle expressed in any particular section or sections is acceptable or not.

Hon. John T. Haig: I do not intend to speak on the subject-matter of the bill, but on this matter of the rules I wish to say a few words. I can speak from an experience of twenty years in this house: and not many honourable senators who are now members entered the chamber prior to 1935. I came to this place under conditions which made me alive to the subject of the rules, because for sixteen years I sat in a legislature where, as a member of the Opposition, it was my duty to deal with and discuss rules of procedure. When I came to the Senate I learned that, upon the introduction of a bill which involved some new principle of legislation, the representative of the Government spoke, on second reading, on the principle of the bill and outlined briefly the general provisions by which it was sought to effect its purpose. That, I repeat, was the procedure when the subject-matter of the legislation was new. But when, as in the case of the measure before us, there is already legislation in existence which it is sought to amend, the purpose of the proposed legislation is discussed, but not the principle. In the Legislature of Manitoba it was the practice to resolve the house into Committee of the Whole and discuss the details after second reading. That system has seldom been followed here. Perhaps on three occasions since I came to this house the Senate has gone into Committee of the Whole, and then, probably, because our members were "rowing" about something which it did not seem possible to settle outside the chamber.

I believe that the principle generally adopted in the past has worked very satisfactorily. As far as my memory goes—and it covers the leadership of the late Senator Dandurand, the honourable senator from Kootenay East (Hon. Mr. King), the honourable the Speaker (Hon. Mr. Robertson), and the present Government Leader (Hon. Mr. Macdonald)—the leader has never refused

any reasonable demand that a bill be sent to committee for discussion. To a large extent our work is done in committee, where we can hear explanations from the appropriate officials. The reason for this practice is clear. I put the question on occasion to Senator Dandurand and also to Senator Meighen, and both of them gave me the same answer. They said: "We are not experts in all problems which come before the Senate. In the House of Commons a bill is usually introduced by a member of the Government, generally the one whose department it affects, so that he is an expert on the questions involved. Our procedure here is to send an important bill to committee and call on members of the Government or permanent officials to give us the expert advice we need". That is the reason for our procedure, and I, personally, approve of it. I hope that in future parliaments it will never be the practice merely to move second reading and briefly discuss a principle. To make the contents of a measure thoroughly understood by the house it should be examined in detail in committee; and this, as I have said, has been our practice for many years.

Hon. Mr. Dupuis: Honourable senators, with reference to the objections made by my honourable colleague from De Lorimier (Hon. Mr. Vien) to the delegation of powers to ministers and departmental officials, I would remind him that wide powers have already been delegated in the Customs Act to the high officials of the Department of National Revenue. I would also point out that in scores of cases powers have been delegated to various government officials. I do not say that this is wrong, although in general I agree with my honourable friend that it is a breach of the great principle in Magna Carta and the Bill of Rights, but in practice it is virtually impossible to apply these principles in every way. For instance, we have delegated powers to various boards such as the Board of Transport Commissioners, the Board of Directors of the Canadian National Railways, the Board of Directors of the Canadian Broadcasting Corporation and many other bodies. And I might add that one cannot obtain much information about the operations of many boards which spend public money. Only last week I inquired of one of these boards about the salaries of employees in a certain city, and I was told that the board was not bound to disclose that information.

I would just like to say to my honourable friend that he should not be too greatly scandalized about the delegation of power which is given in the section to which he has referred this evening.

Hon. Mr. Lambert: Honourable senators, with all due deference to the splendid explanation of the details of this bill by the honourable senator from Toronto (Hon. Mr. Hayden), and the other comments that have been made, I submit there has been no discussion at all of the principle underlying this bill. I think that after honourable senators have had the benefit of any information that may be elicited in committee, they will have a better opportunity to discuss the principle of this bill when it comes before the Senate for third reading. I am not going to take time now to make the point clear that I should like to make, that in this instance the rule requiring explanation of the principle of a bill has been more honoured in the breach than the observance. I give my honourable friend from Toronto full credit for having been frank enough to say at the outset of his remarks that he was going to refer to the sections of the bill rather than to deal with the principle; but when the bill comes before us for third reading we may have something to say on its principle.

Hon. Mr. Aseltine: Does my honourable friend say that it is a protection measure?

Hon. Mr. Lambert: I am sorry, but I did not catch the remarks of my honourable friend.

Hon. Mr. Horner: He asked if you thought it was a protection measure.

Hon. Mr. Lambert: I shall give my honourable friends opposite a suggestion. This bill takes me back in memory over twenty years, when they were very much in favour of this sort of thing as part of the customs administration of the country and some of the rest of us were just as much opposed to it.

Hon. Mr. Aseltine: What is your opinion of this legislation?

Some Hon. Senators: Question.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Mr. Hayden, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until tomorrow at 3 p.m.

50437—37½

THE SENATE

Wednesday, June 8, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CUSTOMS BILL

REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 410, an Act to amend the Customs Act.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (410) intituled: "An Act to amend the Customs Act", have in obedience to the order of reference of June 7, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

NARCOTIC DRUG TRAFFIC

AUTHORITY TO PRINT COMMITTEE PROCEEDINGS IN BLUE BOOK FORM

Hon. Thomas Reid, Chairman of the Special Committee on the Traffic in Narcotic Drugs in Canada, presented a report of the committee.

The report was read by the Clerk Assistant as follows:

The committee recommended that it be authorized to print 800 copies in English and 200 copies in French of its proceedings in Blue Book form, for distribution as the committee may direct.

The motion was agreed to.

GREAT LAKES FISHERIES CONVENTION BILL

REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the report of the committee on Bill 279.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Natural Resources, to whom was referred the Bill (279) intituled: "An Act to implement a Convention on Great Lakes Fisheries between Canada and the United States", have in obedience to the order of reference of June 2, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Vaillancourt: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

INTERNAL ECONOMY

SIXTH REPORT OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy and Contingent Accounts.

Hon. Arthur Marcotte: Honourable senators, I was going to oppose the adoption of this report, but fortunately for me the honourable Leader of the Government (Hon. Mr. Macdonald) and the honourable Leader on this side (Hon. Mr. Haig) were kind enough to allow me at least a couple of days to read the law on the matter, and I am now satisfied.

In 1934 I opposed the Honourable Mr. Cahan, then Secretary of State, on the adoption of the present law. However, it is the law, and I cannot do a thing about it. *Dura lex sed lex.* So I bow to it. In doing what I have done, I have accomplished my duty as I saw it, and I take my defeat well, I hope.

The Hon. the Speaker: I draw the attention of honourable senators to the fact that there is no motion before the house.

Hon. Mr. Macdonald: I move, seconded by the honourable senator from Montarville (Hon. Mr. Godbout), that the report be now concurred in.

The motion was agreed to, and the report was concurred in.

NEW WESTMINSTER HARBOUR COMMISSIONERS LOAN BILL

SECOND READING

Hon. Thomas Reid moved the second reading of Bill 187, an Act respecting the New Westminster Harbour Commissioners.

He said: Honourable senators, before explaining this bill may I first say a few words about the city of New Westminster and its port.

New Westminster, which now has a population of 30,000, was the first city in British Columbia. It was for a time the capital of the province, before Victoria was chosen to be the seat of government. At one time it had a mint of its own, and it minted some ten coins which are now quite valuable as souvenirs.

New Westminster was the only city which some years ago saw fit to spend money on the development of its waterfront; for this purpose it raised some $500,000 by by-law. The Harbour Board was formed in 1913, and it is worthy of note that the first indebtedness against the board's operation was for the cost of an elevator; further, it is the only harbour board in Canada which has year by year paid its interest charges. The board consists of three commissioners, two appointed by the federal Government and one by the City of New Westminster.

The commissioners applied to the federal Government for a loan of $200,000 for the building of a causeway, some 2,000 feet in length, to Annacis Island. The loan has already been made, the money has been spent and the causeway built; and the purpose of this bill is to obtain parliamentary authorization for the loan in the regular way.

Annacis Island, consisting of some 1,100 acres in all, has been taken over by the Duke of Westminster's Estate, in London, which has started to develop the whole of it into one of the finest industrial projects in the entire province. The estate must have in its management some far-seeing men, because although the island at flood time was under water, development has now reached the stage where some two or three hundred acres have been raised eight feet, three miles of concrete road have been laid, a large administration building and a bank have been erected, and industries from Great Britain are being developed. Up to the present time the estate has spent about $4 million and has undertaken to spend a further $15 million within the next fifteen years. I have been informed by the heads of the estate that, taking the long view of development, they expect in the next 50 years to expend $100 million in the development of this industrial site, which is just a mile or so from the city itself. Every convenience is being installed on the island. The causeway conecting it with the mainland will give access to the island by railway and motor vehicle and, of course, for pedestrians too. It is expected that the industries on the island will give employment to upwards of 7,000 people within a period of seven years.

It was with those facts before them that the Government agreed to lend to the Harbour Board the sum of $200,000 to build the causeway to the island, and this amount will be paid back by way of rentals from water lots. As I mentioned earlier, the Board has regularly met its interest payments year by year. I think the only exception was for a period of three years during the war when shipping to the port entirely ceased, because the Pacific had been blocked out.

Honourable senators, this is perhaps all I need say at the moment. If the bill were to go to a committee I do not know that much more information could be given there, in view of the fact that the money has been spent on the causeway.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Reid: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 404 to 419, dealing with petitions for divorce.

Hon. Mrs. Fergusson, for the Chairman of the Committee, moved that the reports be concurred in.

The motion was agreed to, on division.

PRIVATE BILL

PROVIDENT ASSURANCE COMPANY—SECOND READING

Hon. Cyrille Vaillancourt moved the second reading of Bill J-16, an Act to incorporate The Provident Assurance Company.

He said: Honourable senators, this bill is of a routine type, its purpose being to grant federal incorporation to The Provident Assurance Company, which at present is operating under a provincial charter. The authority sought by this bill is the same as is granted to any other insurance company.

The clauses of this bill have been approved by the Superintendent of Insurance. I cannot explain every technical angle of the bill: however, after the second reading I will

move that the bill be referred to the proper committee, where all necessary explanations will be given.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Vaillancourt, the bill was referred to the Standing Committee on Banking and Commerce.

DIVORCE BILLS

SECOND READINGS

Hon. Mrs. Fergusson moved the second reading of the following bills:

Bill J-15, an Act for the relief of Marian Douglas Jodrey Wallace.

Bill K-15, an Act for the relief of Elie Chabotar.

Bill L-15, an Act for the relief of Evelyn Robert Hurst Watson.

Bill M-15, an Act for the relief of Sidney Robert Allen.

Bill N-15, an Act for the relief of Cecil Brooks.

Bill O-15, an Act for the relief of Jeanne Jacqueline Content Brown.

Bill P-15, an Act for the relief of Eugene Theodore Mantha.

Bill Q-15, an Act for the relief of Marilyn Irene Damer Brophey.

Bill R-15, an Act for the relief of Dorothea Josephine Forbes Chaffey.

Bill S-15, an Act for the relief of Violet Ruby Baxter Williamson.

Bill T-15, an Act for the relief of Nicole Emile Dardano.

Bill U-15, an Act for the relief of Ruth Steirman Levine.

Bill V-15, an Act for the relief of Pearl Raicek Rutwind.

Bill W-15, an Act for the relief of Lorraine Bennett Favreau Williams.

Bill X-15, an Act for the relief of Robert Irvin Morrow.

Bill Y-15, an Act for the relief of Phyllis Lilian Buck Beatty.

Bill Z-15, an Act for the relief of Barbara Louise Bartlett Broadbent.

Bill A-16, an Act for the relief of Ronald Elikum Bessey.

Bill B-16, an Act for the relief of Margaret Francis Kennedy Bailie.

Bill C-16, an Act for the relief of Anna Cibula Reynolds.

Bill D-16, an Act for the relief of Mary McKinnon McEachran Coolon.

Bill E-16, an Act for the relief of Joseph Armand Jacques Phaneuf.

Bill F-16, an Act for the relief of Julia Hut Lutterman.

Bill G-16, an Act for the relief of Evelina Dixon Taylor.

Bill H-16, an Act for the relief of Frances Marguerite Beaudin Karibian.

Bill I-16, an Act for the relief of Claude Ferron.

The motion was agreed to, and the bills were read the second time, on division.

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mrs. Fergusson: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, June 9, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PRIVATE BILLS

BAUDETTE AND RAINY RIVER MUNICIPAL BRIDGE COMPANY—REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill I-15, an Act to incorporate Baudette and Rainy River Municipal Bridge Company.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (I-15) intituled: "An Act to incorporate Baudette and Rainy River Municipal Bridge Company", have in obedience to the order of reference of June 2, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

DOMINION GENERAL LIFE INSURANCE COMPANY—REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. John J. Connolly, for Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill W-14, an Act to incorporate Dominion General Life Insurance Company.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (W-14) intituled: "An Act to incorporate Dominion General Life Insurance Company", have in obedience to the order of reference of May 31, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 1: strike out lines 16, 17 and 18 and substitute the following:

"the name of Canadian Premier Life Insurance company, and in French, La Compagnie d'Assurance-vie Premiere Canadienne, hereinafter called 'the Company'."

2. Page 2, line 19: strike out the word "contracts" and substitute therefor the word "policies".

In the Title

3. Page 1: strike out the title and substitute therefor the following:

"An Act to incorporate Canadian Premier Life Insurance Company".

The Hon. the Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Mr. Connolly: With leave of the Senate, I move that the amendments be concurred in.

Hon. Mr. Isnor: Would the honourable gentleman be good enough to explain the difference between the words "contracts" and "policies", which are used in the second amendment?

Hon. Mr. Connolly: In section 8 of the bill the word "contracts" is used in one place and "policies" in another. It is proposed to use the same term throughout, rather than two different terms, because the same type of document is referred to in each case.

Hon. Mr. Isnor: Thank you.

The motion was agreed to, and the amendments were concurred in.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Connolly: Honourable senators, with leave of the Senate, in view of the late stage of the session I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

DIVORCE BILLS

FIRST READINGS

Hon. George H. Ross, for Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill K-16, an Act for the relief of Real Perras.

Bill L-16, an Act for the relief of Izrael Szer.

Bill M-16, an Act for the relief of Mary Madeline Collings Bell.

Bill N-16, an Act for the relief of Joseph Flavien Denis Rheo Baillargeon.

Bill O-16, an Act for the relief of Susan Waldman Ruttenberg.

Bill P-16, an Act for the relief of Andre Labreche.

Bill Q-16, an Act for the relief of Alfred Sevigny.

Bill R-16, an Act for the relief of Beatrice Macdonald Stewart Pasmore.

Bill S-16, an Act for the relief of Georges-Etienne Cartier.

Bill T-16, an Act for the relief of Kathleen Dallas White Barnes.

Bill U-16, an Act for the relief of John Tilga.

Bill V-16, an Act for the relief of Edwin Albert Verge.

Bill W-16, an Act for the relief of Aline Sauve Page.

Bill X-16, an Act for the relief of Helen Margaret Robb Woods.

Bill Y-16, an Act for the relief of Jean Louis Larose.

Bill Z-16, an Act for the relief of Molly Wineberg Fishman.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Ross: With leave, next sitting.

ADJOURNMENT

Hon. Mr. Godbout: Honourable senators, I move that when this house adjourns today it stand adjourned until Tuesday, June 14, at eight o'clock in the evening.

The motion was agreed to.

DIVORCE BILLS

THIRD READINGS

Hon. Mr. Ross moved the third reading of the following bills:

Bill J-15, an Act for the relief of Marian Douglas Jodrey Wallace.

Bill K-15, an Act for the relief of Elie Chabotar.

Bill L-15, an Act for the relief of Evelyn Robert Hurst Watson.

Bill M-15, an Act for the relief of Sidney Robert Allen.

Bill N-15, an Act for the relief of Cecil Brooks.

Bill O-15, an Act for the relief of Jeanne Jacqueline Content Brown.

Bill P-15, an Act for the relief of Eugene Theodore Mantha.

Bill Q-15, an Act for the relief of Marilyn Irene Damer Brophey.

Bill R-15, an Act for the relief of Dorothea Josephine Forbes Chaffey.

Bill S-15, an Act for the relief of Violet Ruby Baxter Williamson.

Bill T-15, an Act for the relief of Nicole Emile Dardano.

Bill U-15, an Act for the relief of Ruth Steirman Levine.

Bill V-15, an Act for the relief of Pearl Raicek Rutwind.

Bill W-15, an Act for the relief of Lorraine Bennett Favreau Williams.

Bill X-15, an Act for the relief of Robert Irvin Morrow.

Bill Y-15, an Act for the relief of Phyllis Lilian Buck Beatty.

Bill Z-15, an Act for the relief of Barbara Louise Bartlett Broadbent.

Bill A-16, an Act for the relief of Ronald Elikum Bessey.

Bill B-16, an Act for the relief of Margaret Francis Kennedy Bailie.

Bill C-16, an Act for the relief of Anna Cibula Reynolds.

Bill D-16, an Act for the relief of Mary McKinnon McEachran Coolon.

Bill E-16, an Act for the relief of Joseph Armand Jacques Phaneuf.

Bill F-16, an Act for the relief of Julia Hut Lutterman.

Bill G-16, an Act for the relief of Evelina Dixon Taylor.

Bill H-16, an Act for the relief of Frances Marguerite Beaudin Karibian.

Bill I-16, an Act for the relief of Claude Ferron.

The motion was agreed to, the bills were read the third time, and passed, on division.

NATIONAL PARKS BILL

SECOND READING

Hon. A. B. Baird moved the second reading of Bill 261, an Act to amend the National Parks Act and to establish a National Park in the Province of Newfoundland.

He said: I am sure honourable senators will agree that the most important proposal put forward in this bill is for the establishment of a National Park in Newfoundland. This subject has been discussed in the other house on a number of occasions since Newfoundland entered Confederation and I believe that the proposal has been supported by members from all parts of Canada. The provincial Government, that is the Government of Newfoundland, has expressed its desire to have a park established, and discussions have been continuing for several years. A suitable general area on the east coast of Newfoundland has been agreed upon. The bill provides for the establishment of the park on proclamation by the Governor in Council as soon as the boundaries have been set out in the area turned over to the federal Government free of all encumbrances.

It is also proposed to amend the National Parks Act by withdrawing a parcel of land from the Waterton Lakes Park. This land will become the property of the Blood Band of Indians. In exchange, the Band will transfer to National Park ownership certain land within the park that is now owned by the Band. The reason for this exchange goes back to the time of the construction of the Chief Mountain International Highway through the park, some twenty years ago.

There is an Indian reserve belonging to the Blood Band of Indians located within the

boundaries of the park. When the Chief Mountain Highway was built it was constructed across the reserve, and at the time no arrangements were made to compensate the Blood Band for the land taken. Negotiations have continued at intervals over the years, and it has only been within the past year that it is possible to reach an agreement.

It is now proposed to give the Blood Indians an area of about 753 acres between the north boundary of the park and the north boundary of the reserve in exchange for the right of way of the highway and for a small area within the reserve on which a park warden station is located. While the total area to be added to the park is only about 45 acres, compared to the detachment of about 753 acres, it is considered that this is a reasonable exchange. The Indians should receive compensation for the land taken for the right of way, as the lands being turned over to them are of little value to the park, and after the exchange the Indians would obtain direct access to their reserve from the north without crossing the park lands, where service patrol work within the park would be simplified. The Council of the Band has agreed to the proposed arrangement.

It has also been necessary to obtain the approval of the Province of Alberta, as, under the Alberta Natural Resources Act, any lands no longer required for park purposes revert to the province. The land to be detached from the park under the proposed amendment would have to be given back to the federal Government by the province before it could be added to the Indian reserve. The province has agreed to do this.

The bill also provides for clarification of certain provisions in the National Parks Act concerned with the use of park waters either in the parks or at locations adjacent to them. The present wording of the National Parks Act provides that the Governor in Council may make regulations permitting the use in the parks of water for domestic and for railway water supply purposes. It also provides for agreements with municipalities or water districts or other persons on land adjacent to the parks for the supply of water for domestic purposes. It has been somewhat doubtful whether the use of the word "domestic" in each case precludes the use of water in connection with the operation of a business, as, for example, a tourist camp development.

As it is considered that the use of water should not be restricted to this degree, the bill provides for the use of water within a park by any establishment licensed to do business within the park. It also provides for the removal of any limitations on the purposes for which water can be used by municipalities and water districts under the agreements now provided for in the act. The bill provides as well for the extension of the use of water to other persons on lands adjacent to a park for purposes of tourist accommodation as well as for the domestic purposes now permitted.

A further proposed amendment to the National Parks Act deals with the question of hospital services within the parks. At the present time Banff Park alone is concerned. The existing hospital serving Banff Townsite is operated by the Sisters of Ste. Martha. The Sisters have indicated that they cannot continue to operate the hospital much longer unless its operation is brought under the provincial hospitalization scheme, which is generally known as the "Dollar-a-Day" plan. Under this plan local residents of a hospital district pay only one dollar a day for each day they are in hospital, provided they accept standard ward accommodation. If they use more expensive hospital accommodation they pay the one dollar plus the difference in cost between the standard and the more expensive space. The difference between the cost of standard ward accommodation and the one dollar paid by the patient is met in equal shares by the provincial Government and the local municipality concerned. As there is no established municipality in Banff, it would be necessary to collect the municipal share by some form of local taxation.

There is some question whether the present term of the National Parks Act would permit the department to enter into an agreement with any hospital board or other authority that might be set up as required by the provincial legislation. There is also no provision in the present act whereby we could charge the cost of collecting the tax against the taxes received. The bill now before the house would provide these authorities.

One further amendment contained in the bill provides for the withdrawal of Broder Island from St. Lawrence Islands National Park. This island will be completely flooded through the construction of the St. Lawrence Seaway, and statutory provision must be made for its withdrawal if seaway construction is to proceed.

Hon. W. M. Aseltine: Honourable senators, would the sponsor of this bill let us know whether the location of the new park in Newfoundland has been decided upon, in what part of the province it will be located, its extent, and its boundaries? I think this information would be very helpful to us. I believe we are all in favour of the park being established, and at as early a date as possible, but also we would like to have full information with reference to it, particularly as to its size and location. That is one reason why I should like this bill to go to committee.

Honourable senators, some years ago a large piece of land contiguous to Montreal

Lake was taken from Prince Albert National Park in Saskatchewan and given back to the province. I strenuously opposed that move, and I have always felt it was made so that certain timber operators could acquire the right to go into the area to cut timber. I am now, as I have been in the past, opposed to the reduction in size of any of our national parks. Some of them are none too big to start with. I am sure that honourable senators who have visited Waterton Lakes National Park have found it to be none too big, and I should like a lot more information about the parcel of land which it is now proposed to withdraw from this park and give back to the province of Alberta.

I do not wish to make any comments about the other proposed amendments to the National Parks Act, to provide for furnishing utilities to residents, levying taxes for hospitals, and so on. I am satisfied that these amendments are necessary. The town of Banff is a fairly large centre and it is only natural that the business people there should pay for certain benefits that they operate under.

Hon. Mr. McDonald: I wonder if my honourable friend from St. John's (Hon. Mr. Baird) would also be good enough to give the house some information about the accessibility of the proposed national park in Newfoundland to tourist traffic.

Hon. Mr. Baird: In reply to the remarks of the honourable senator from Rosetown (Hon. Mr. Aseltine) may I say that, for the benefit of all Canadians, we should like to make a national park out of the whole of Newfoundland. However, we are going to compromise and place the park in the Bonavista Bay district, whose beauty is known to everybody familiar with Newfoundland. When I look around this city, with all its lovely flowers and trees, I like to think also of the beauty of our Newfoundland hills, valleys and fishing villages. I feel our greatest difficulty is going to be in limiting the size of the park. We have not quite decided how far its boundaries will extend, but both the provincial and federal authorities are satisfied that a park should be established.

As to accessibility, may I say to the honourable senator from King's (Hon. Mr. McDonald) that all Newfoundland is accessible, and probably the Bonavista Bay district is a little more so than most parts. It lies close to Gander airport, and has its own seaport and railway facilities. In fact, it is situated just about at the hub of the universe.

Hon. R. B. Horner: Honourable senators, after the comment by the honourable senator from Rosetown (Hon. Mr. Aseltine) that we are all in favour of a national park in Newfoundland, I hesitate in any way to disapprove of its establishment. As has been said, the whole island is a park, and I am just wondering whether the national park will prove as beneficial to its own people as do the national parks in the other provinces. For instance, it is considered a "must" for everyone in Saskatchewan to visit the national park in the northern part of the province. The climate is quite different from that of the southern plains, where you may be buried in dust—

Hon. Mr. Aseltine: Not this year.

Hon. Mr. Horner: No, but as a rule. The park has an abundance of trees and fresh water and is most appealing to the inhabitants of the prairies. Similarly, the people of Alberta, which has a large area of treeless prairie land, are attracted in large numbers to Banff National Park. Now, as I understand it, the climate in any one part of Newfoundland does not vary greatly from that in any other part of the island, and I am wondering to what extent Newfoundlanders themselves will be attracted to their national park. I do not know what the park will cost, but I hope that it will not be too much.

I have no objection to the proposed withdrawal of 753 acres of land from the Waterton Lakes National Park. As the sponsor of the bill has said, it is of no particular value to the park.

Hon. Mr. Aseltine: That sort of thing is always said.

Hon. Mr. Horner: The area of land withdrawn from the Prince Albert National Park some years ago covered some seven townships. I, too, was opposed to that action, believing that the area should have been retained as grazing land for wild game. However, the parcel of land that is being withdrawn from the Waterton Lakes National Park will eventually be transferred to Canada for the use of the Blood Indians. In exchange for this land the Blood Band of Indians is giving up title to land used for the park highway and an area required for a warden's station.

Honourable senators, before being asked to approve this bill I think we should be given some information as to the cost of establishing a national park in Newfoundland.

Hon. Vincent Dupuis: Honourable senators, I should like to make a few comments on this bill. When Newfoundland came into Confederation it marked the fulfilment of a hope that I had long cherished, that Canada would extend her eastern territory through union with the island. From any point of view, it seems to me, it was a splendid move

on the part of our fellow citizens of Newfoundland to decide to become a part of the Canadian nation. It is natural for the older sister provinces to spoil the youngest, and even if it were in that spirit—and I deny it—that Newfoundland is being granted a national park by this bill, I still would be very pleased to support the bill. I completely disagree with a view expressed by my honourable friend from Blaine Lake (Hon. Mr. Horner). This park is going to be established in a new province whose future is very promising, although some may doubt it, and the park will be of great service to the people of the province as well as a strong attraction for tourists. I can speak freely about a measure to establish a national park in Newfoundland, for we in Quebec have not been spoiled with national parks—having, I think, only two small ones.

My honourable friend from Blaine Lake mentioned Prince Albert National Park, in Saskatchewan, which I had the great pleasure of visiting in 1933. It is a beautiful park. I saw there a lake almost the size of a sea—Lake Waskesiu—on whose shore the late Prime Minister Mackenzie King had a summer residence, in which I enjoyed the experience of eating the best duck that I have ever tasted. I was told at the time that wild ducks were pests to the farmers in that part of the country, because when they landed on a crop of wheat or oats they devoured it all within an hour.

Hon. Mr. Horner: No wonder they were fat.

Hon. Mr. Aseltine: They don't eat oats, they eat wheat.

Hon. Mr. Dupuis: I do not know the name given to these ducks, but I thought they were delicious.

Honourable senators, I am very pleased to have said a word on behalf of a national park for our youngest sister province, Newfoundland, and I hope the Senate will approve the bill.

Hon. Mr. Ross: May I ask if the sponsor of the bill proposes to refer the bill to a committee?

Hon. Mr. Beaubien: Certainly.

Hon. Mr. Baird: To the Committee on Natural Resources.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

Hon. Mr. Baird: Honourable senators, I move that this bill be referred to the Standing Committee on Natural Resources.

Hon. Mr. Aseltine: Honourable senators, I would like to ask the sponsor of the bill if he will produce a good map of Newfoundland to enable the members of the committee to study this famous province of his, and to help them to understand where the park will be located.

Hon. Mr. Baird: Certainly. However, I am terribly sorry that the education of the Deputy Leader of the Opposition has been so sadly neglected with respect to the great province of Newfoundland.

Hon. Mr. Aseltine: I know more about Newfoundland than my honourable friend thinks I do.

On motion of Hon. Mr. Baird, the bill was referred to the Standing Committee on Natural Resources.

MEAT INSPECTION BILL

SECOND READING

Hon. J. Adelard Godbout moved the second reading of Bill 352, an Act respecting the inspection of meat and meat products entering into international and interprovincial trade.

He said: Honourable senators, this bill is not very complicated; it simply embodies the regulations on classification and inspection of meat and meat products that are already contained in a statute originally enacted in 1907. The general regulations embodied in that statute, the Meat and Canned Foods Act, have to do with not only the classification and inspection of meat and meat products, but also the grading and inspection of canned foods, including fish, fruits and vegetables. The three phases of the act, having to do with meat inspection, canned fish and canned fruits and vegetables, have no administrative association, but are absolutely independent from an administrative point of view. The Department of Fisheries administers the inspection of fish, and the inspection of fruit and vegetables is done by the Department of Agriculture.

The officials of the respective departments feel that it is much easier for them to control the inspection of products which are under their surveillance. In 1949 Parliament passed the Fish Inspection Act, to take inspection of fish products out of the general law. It is now the wish of the Government to separate meat and meat products from fruit and vegetable products for sanitary inspection purposes. This, I think, would permit easier supervision and inspection by officials of the department.

This bill embodies the substance of the meat inspection law as it has existed since 1907, with one slight difference. Provision is made by clause 4 of the bill for the Governor in Council to make regulations providing for the registration of establishments and the payment by them of inspection and licence

fees. I am told that this is not for the purpose of gaining revenue, but to enable officials to better control the establishments handling meat and meat products.

The bill, in any event, should go to a committee because there is a printing error to be corrected. I can assure the house that when it is in committee an official of the department will be on hand to answer any questions asked. Therefore, if the bill receives second reading, I will move that it be referred to the Standing Committee on Banking and Commerce.

Hon. Mr. Horner: Have we no committee on agriculture? Perhaps it should go to the Committee on Natural Resources.

Hon. Mr. Godbout: I have no strong feelings as to which committee the bill should go, but I would point out that when meat and meat products have reached the inspection stage they have left the classification of agriculture and are in the classification of commerce.

Hon. Mr. Aseltine: But the Minister of Agriculture is the one who will carry out the provisions of this legislation.

Hon. Mr. Godbout: This measure has to do only with meat and meat products which move from one province to another or are exported from Canada to another country; therefore, it is not a matter of concern to farmers but to business and commerce.

Hon. Mr. Horner: But it is very important to note that the products being dealt with are produced by the farmer.

Hon. Mr. Godbout: They are produced by him but when they have reached the inspection stage they have passed out of his hands. However, I have no objection to the bill being referred to the Committee on Natural Resources.

Hon. Mr. Reid: May I ask my honourable friend if it is intended that when this bill becomes law similar provisions contained in the Meat and Canned Foods Act will be immediately cancelled? If that is not done immediately there will be confusion as to which act should prevail.

Hon. Mr. Godbout: In answer to my friend I may say that upon passage of this bill similar clauses in the general law will be revoked.

Hon. Mr. Horner: Honourable senators, before this bill receives second reading, I have a few remarks to make. After reading in the House of Commons *Hansard* the debate that took place on the bill in that house, I believe there is considerable misunderstanding about it. As I understand it, this bill has to do with many questions, including the grading of hogs. We all remember that several years ago we were told we had to raise a better type of hog in order to secure the British market.

Hon. Mr. Godbout: Will my honourable friend permit me to interrupt him? I am of course glad to hear what he has to say, but I should point out that the question he is raising will come into consideration when we discuss Bill 411, which is an act to establish national standards for agricultural products, and to do other things. The bill before us deals only with the sanitary condition of meat and meat products entering into interprovincial and international trade.

Hon. Mr. Horner: Perhaps my remarks should be reserved for the debate on Bill 411. I have no objection to this bill going to committee.

Hon. Mrs. Fergusson: May I ask the honourable senator to point out the section of the bill that provides for payment of licence fees? He cited section 4, but my reading of it indicates that it has nothing to do with licensing.

Hon. Mr. Godbout: Pardon me, but I was mistaken when I said section 4. I meant section 5, which reads:

> The Governor in Council may make regulations . . .
>
> (a) providing for the registration of establishments and prescribing fees for registration;
>
> (b) respecting the operation of establishments;
>
> (c) providing for the inspection of establishments, animals and meat products and prescribing fees therefor; . . .

Hon. Mr. Isnor: Does that mean that the federal Government will fix a licence fee to be charged on meat shipped from one province to another?

Hon. Mr. Godbout: No. The fee is to be paid for the licensing of an establishment which, after inspection, is recognized as a suitable and proper place for the preparation of meat for shipment from one province to another and for export to an outside country. In other words, the fee will be imposed for inspection of the premises and of the quality of the meat to be exported, but not on the quantity of meat being exported.

Some Hon. Senators: Question!

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Godbout, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until Tuesday, June 14, at 8 p.m.

THE SENATE

Tuesday, June 14, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

PRIVATE BILL

TRANS-BORDER PIPELINE COMPANY LTD.—
COMMONS AMENDMENT

A message was received from the House of Commons returning Bill Z-12, An Act to incorporate Trans-Border Pipeline Company Ltd., and acquainting the Senate that they have passed this bill with an amendment, to which they desire the concurrence of the Senate.

The amendment was read by the Clerk Assistant as follows:

Page 2, line 31: After the word "lines", insert the following:

"provided that the main pipe line or main pipe lines for the transmission of gas and gaseous hydrocarbons shall be located entirely within Canada".

The Hon. the Speaker: Honourable senators, when shall the amendment be taken into consideration?

Hon. Mr. Reid: Next sitting.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 420 to 424, dealing with petitions for divorce, and moved, with leave, that the said reports be now concurred in.

The motion was agreed to, on division.

DIVORCE BILLS

FIRST READINGS

Hon. Mr. Roebuck presented the following bills:

Bill A-17, an Act for the relief of James McMartin.

Bill B-17, an Act for the relief of Charles John Urban.

Bill C-17, an Act for the relief of Joseph Adalbert Beaudoin, otherwise known as Georges Beaudoin.

Bill D-17, an Act for the relief of Donald John McGillivray.

The bills were read the first time.

The Hon. the Speaker: Honourable senators, when shall these bills be read the second time?

Hon. Mr. Roebuck: With leave, next sitting.

NEW BRUNSWICK POTATO MARKETING BOARD

INQUIRY AND ANSWER

Hon. Mr. Pirie inquired of the Government, pursuant to notice of May 24:

1. What sum or sums of money were authorized by Treasury Board under the Agriculture Products Co-Operative Marketing Act and paid to the New Brunswick Potato Marketing Board under agreement entered into December 21, 1953?
2. What amount of the total sum covered support to the grower and what amount covered salaries or wages and other expense to members of the board, including fieldmen, office help, equipment, or any other expense?
3. Give names and amount received by each individual grower.
4. Give names and amount received by each individual dealer or shipper.
5. Give names and amount received by each individual member of the New Brunswick Potato Marketing Board for salary and expense.
6. Give names and amount received by any employee of the board by way of salary, wages and/or expenses.
7. Give total number of railway car loads or motor truck loads of potatoes which were inspected and certified by the federal government inspectors as to grade, and which were sold, shipped and marketed under the said agreement, and the amount received by the New Brunswick Potato Marketing Board for said potatoes.
8. What portion of the total sum on which support money was paid for potatoes delivered by growers to potato starch factories?

Hon. Mr. Macdonald: Honourable senators, the answer to the inquiry is as follows:

Final audit has not been completed in connection with the claim of the New Brunswick Potato Marketing Board, under the Agricultural Products Co-operative Marketing Act, and final settlement of the above claim has not yet been made. Since any claims due are payable to the Board under conditions specified in the agreement, and not to individuals, much of the details requested with respect to individuals will not be available in Departmental records. After the claim is processed, totals will be available with such detail as was considered necessary by the Department to assess the validity of the claim.

CANADA AGRICULTURAL PRODUCTS STANDARDS BILL

MOTION FOR SECOND READING—
DEBATE ADJOURNED

Hon. Cairine R. Wilson moved the second reading of Bill 411, an Act to establish national standards for agricultural products and to regulate international and interprovincial trade in agricultural products.

She said: Honourable senators, the title of this bill, I think, is self-explanatory. According to the definition given in the bill:

"Agricultural product" means livestock (including fur-bearing animals raised in captivity), eggs, poultry, milk, vegetables, fruit, honey and maple syrup, and products thereof.

This bill replaces a number of existing statutes under which inspection is now carried on. The principal acts are: Canada Dairy Products Act; Fruit, Vegetables and Honey Act; Livestock and Livestock Products Act; Maple Products Industry Act, and Meat and Canned Foods Act.

The purpose of the bill is to provide in one statute for the establishment of standards and grading for all the agricultural products covered by the foregoing acts. The new act will come into force by order of the Governor in Council. Regulations will be made under the new act; the corresponding regulations under the present acts will be revoked.

This bill empowers the Governor in Council to make regulations establishing grades with appropriate names for any class of agricultural products, and to prescribe terms and conditions as to the manner in which agricultural products may be graded and inspected. This is, as we know, for the regulation of interprovincial and export trade. No person shall sell or offer for sale any agricultural product under a grade name, or even under a designation closely resembling it. Under the bill the Governor in Council may make regulations re importation into Canada or exportation out of Canada, or conveyance from one province to another; and he may prohibit carriage to destinations outside the province of agricultural products for which grades are established unless they meet the requirements of this measure. Also, the Governor in Council may make regulations for the licensing of dealers in any agricultural product and for the issue, cancellation and suspension of licences.

Inspectors, graders and other persons necessary for the administration and enforcement of this measure will be appointed or employed under the provisions of the Civil Service Act. The bill will give inspectors power to enter any premises where they have reason to believe that goods of the type to which the bill applies are offered for sale.

This measure, of course, will not interfere with agricultural products which are sold in the province, unless any dealer falsely claims that some article has been inspected and bears the Government-approved stamp.

There are many provisions for administration, also penalties attached to infringement of any of these stipulations. There are so many clauses that honourable senators, I am sure, will wish to be better informed as to the contents of the bill, and if it receives second reading I will move that it be sent to the Banking and Commerce Committee.

Hon. Mr. Roebuck: Would the honourable senator kindly point out what is new in this bill, which replaces five existing acts?

Hon. Mrs. Wilson: There is not anything new. The bill is a consolidation. I do not know whether the penalties are more severe: I think we shall have to inquire about that from the officials if the bill goes to committee.

Hon. R. B. Horner: Honourable senators, I wish to congratulate the honourable member from Rockcliffe (Hon. Mrs. Wilson) upon her clear explanation of this bill. I do not propose to deal with the amendments, except to discuss certain standards and grading of livestock, a subject on which I think I am qualified to speak. I know that our first legislation dealing with the grading of hogs was rather severe. At that time it was felt that our bacon was not suitable to the British market, and that we did not have the right type of hog to compete with the Danish hog. However, I was told by pork handlers in the Old Country that our hogs were all right, but that our method of curing the meat was not good. They said it did not compare favourably with the Danish method.

Only this summer I had occasion to visit a former neighbour of mine, a Dane, who is now a very successful Jersey cattle rancher in Alberta. He and his wife had recently flown to Denmark for a family reunion. Sixteen of the surviving nineteen members of his family were able to attend the gathering, five of them flying over from the United States. I think he said one brother was ill in New Zealand and was unable to attend. Anyway, he told me that conditions are wonderful now in Denmark and that if it were not for his family he would return to his old homeland to live. I asked him if Danish hog producers were able to sell all their bacon, saying that I understood they were bound by certain restrictions, and he replied that they are selling to England all the hogs they could raise. That was just last summer, when Canadian hog producers were making scarcely any sales to that country.

There was an interesting discussion on this bill in the House of Commons. The Minister of Agriculture referred to a certain livestock butcher in an Alberta town who had helped him out on a former occasion. Well, I would just like to say there are no longer any butchers, in the true sense of the word. The so-called butchers merely sell the meat now. The packers have been anxious to see this

condition brought about. It has resulted in higher freight costs, which have to be borne by the public, for sometimes a return journey of as long as 400 miles is necessary in order that cattle may be shipped away to be slaughtered.

I remember an international company buying out a local butcher in Blaine Lake who had a good cement abattoir. They put in a regular city market, bought beef for about three cents and sold it for twenty-five, if I remember correctly. First of all, I thought they were trying to do something for the community, but one day the head man came in and I had quite a disagreement with him. He said to me, "Oh, you don't understand." To which I replied, "Well, I understood the cattle and hog business well enough to make a living long before I heard of you or your company, and I will start a real butcher shop in town and just see how long you last." So I got in touch with a man by the name of Hill, got him started up in business and provided him with real beef to sell. In a very short time the fancy company closed up, because they could not compete with the man who did his own killing and cut the meat right at the block.

At one time I did my own killing, and I had a crew of men under me. There was no going to the butcher's shop, or the baker's shop either, in those days, but in spite of that our family lived well. Four or five hogs would be killed in the fall, and the pork hung up for the winter. Then in the summer, before the deer-hunting season, year-old lambs and sheep had to be killed every so often for fresh meat. When I was young I tried to dodge helping my father to kill pigs, and when there was a sheep or lamb to be killed I would scheme to be somewhere else, but my father would wait for me to make sure that I helped him. One day I was in tears, for he insisted on my helping him and I could not get out of it. He scolded me and said: "What will become of you if you grow up and raise a family? Will you have to depend on somebody else to do the killing so that you can have meat?" So I gave in. Some years later, when I was living in the West he visited me, and it happened that a neighbour needed some killing done and I was asked to help. I took my father along with me and I said, "Are you satisfied now that I don't have to depend on somebody else to do the killing?"

Honourable senators, there is a lot of nonsense discussed about this whole question of grading agricultural products. The original intention of grading was to assist the producer but, as a matter of fact, all through the years, as I have maintained, it has helped the packer to make large profits. I stated that years ago in an agricultural committee of the Senate. The late Senator Burns was present, and he said, "Well, I don't care." To which I replied, "I didn't expect you would, but that is what I think just the same." Under the system of grading, one price is charged if a pig is one pound underweight, and another price if the pig is one pound overweight. Some people have objected to too much fat on red brand beef, and the farmer has been accused of not feeding his livestock properly. Well, we as farmers and feeders have heard that story often. As a matter of fact, all that excess fat is wasted today.

Honourable senators, when the Canada Dairy Products Act was under discussion in the House of Commons a year ago the member for Kamloops, which is a great ranching country, said that there is no better beef than that which comes from a healthy cow. The member was a lawyer, so I assume he must have got his information from men who dealt with livestock. He talked a great deal in the Commons at that time about the discrimination against cow beef, and he knew what he was talking about. If the meat is old and the fat has not been on it a long time, nothing could have a finer flavour. I do not know if it was because of his discussion of the question, but ever since then cow beef has been brought to the attention of the public. Cattle used to be fed so that the animals were broad in the back and were just loaded with fat, but now there is more lean meat, and that is what people want today.

I may be censured for saying so, but I still believe that the great hope of this country is the farm, and the farm family. I think that the present system of grading needs looking into, and that the judgment of the farmer and the feeder should be respected.

When I first went to the West the Mennonites were settling there from the Old Country and from Nebraska, and it was wonderful to see the men and women raise their own cattle and hogs and kill them for pork and beef. They made blood sausage from the pork, and did everything themselves; they took the bone out of the pork, made the lard, and the spare-ribs taken from the pork were boiled in the boilers of lard. Somehow, those ribs would keep all winter, and they tasted like the choicest goose. Those people pickled the pigs' feet, and made sure that nothing was wasted.

If this bill goes to a committee, I would like to see an amendment made with regard to the grading of hogs. We have a very fine

class of hogs in this country, and I think that the strict rule of grading has gone on long enough and that an unnecessary restriction is being placed on the producer, with the packers often getting all the advantage.

I want to mention also the grading of lambs. The practice is to grade a year-old sheep down to about half the price of a lamb, although as a matter of fact it is difficult to distinguish between the meat. Also, the meat from a buck lamb is given a lower grading that that of a ewe lamb, although here again there is very little difference in the taste of the meat.

Honourable senators may not be fully aware of the practice with respect to the grading of hogs. Boar hogs, for instance, are sometimes graded down as low as five cents a pound, although as a matter of fact, taking the whole carcass, the meat is as good as or perhaps a little better than other pork. I recall seeing boar hogs killed at the depot for use in the Abitibi Lumber Company camps, and it was said to be the best pork the men ever ate. In my view there is a lot of nonsense in the matter of the grading of meat, and, it has served to discourage some producers. What may happen is this: A farmer may raise a hog, and for some reason or other—it may be that the roads are bad and he cannot get to market—the hog gets over weight. That very fact will considerably reduce the amount of money he receives for the animal. At the Royal Winter Fair in Toronto I saw a man from Saskatchewan chasing a pig around the alleyways in the pig pens early one morning. He looked tired and so did the pig. I asked him what he was doing, and he told me that the pig was some eight pounds overweight and he had been chasing it all night in order to get its weight down. I told him that I thought that he would lose eight pounds too. It seems to me ridiculous that so much attention should be paid to the weight of hogs in determining the value of the meat.

I once drove a sleigh load of pigs to town, and, failing to get a satisfactory price because they were overweight, I turned around and took them home again, and slaughtered them myself. Although I did not have a licence for doing so, I peddled the meat around town and made myself a few extra dollars for my day's work. However, all farmers may not be as handy a butcher as I am. As a matter of fact, the butcher's work has been pretty well taken out of the farmer's hands; nowadays even the farmer's bacon comes to him sliced wafer thin and packaged.

In closing, honourable senators, may I say that I should like to hear some further discussion on this bill, and perhaps when it goes to committee the provisions covering the grading of hogs can be amended.

Hon. Mr. Golding: Would the honourable senator tell us what the minimum and maximum weights are for a Grade A hog?

Hon. Mr. Horner: I am not at all sure of my figures, but I think the low and high are something like 125 pounds and 175 pounds, dressed weight.

Hon. Mr. Barbour: I think it is more like 145 and 175 pounds.

Hon. Mr. Horner: Possibly so. Anyway, my argument is that when a farmer is raising a large bunch of pigs it is not at all easy for him to govern their weight to the exact pound; furthermore, in my opinion the meat from a 200-pound hog is just as good as, or perhaps better than, that from a 175 pounder.

On motion of Hon. Mr. McLean, the debate was adjourned.

DIVORCE BILLS

SECOND READINGS

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill K-16, an Act for the relief of Real Perras.

Bill L-16, an Act for the relief of Izrael Szer.

Bill M-16, an Act for the relief of Mary Madeline Collings Bell.

Bill N-16, an Act for the relief of Joseph Flavien Denis Rheo Baillargeon.

Bill O-16, an Act for the relief of Susan Waldman Ruttenberg.

Bill P-16, an Act for the relief of Andre Labreche.

Bill Q-16, an Act for the relief of Alfred Sevigny.

Bill R-16, an Act for the relief of Beatrice Macdonald Stewart Pasmore.

Bill S-16, an Act for the relief of Georges-Étienne Cartier.

Bill T-16, an Act for the relief of Kathleen Dallas White Barnes.

Bill U-16, an Act for the relief of John Tilga.

Bill V-16, an Act for the relief of Edwin Albert Verge.

Bill W-16, an Act for the relief of Aline Sauve Page.

Bill X-16, an Act for the relief of Helen Margaret Robb Woods.

Bill Y-16, an Act for the relief of Jean Louis Larose.

Bill Z-16, an Act for the relief of Molly Wineberg Fishman.

The motion was agreed to, and the bills were read the second time, on division.

THIRD READINGS

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Honourable senators, as a rule I object to bills being given two readings in the same day. However, these bills have to be printed and sent to the House of Commons promptly if they are to be passed at this session, and with the unanimous consent of the house I would move that they be read a third time now.

Hon. Mr. Haig: Honourable senators, may I say to my friend from Toronto-Trinity (Hon. Mr. Roebuck) that I am quite willing to give the required consent, but I would draw his attention to the fact that as the present session will not conclude before August 1 there is little need for hurry.

Hon. Senators: Oh, oh!

The motion was agreed to, and the bills were read the third time, and passed on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, June 15, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

INTERNATIONAL RIVER IMPROVEMENTS BILL

FIRST READING

A message was received from the House of Commons with Bill 3, an Act respecting the construction, operation and maintenance of international river improvements.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave of the Senate, next sitting.

UNEMPLOYMENT INSURANCE BILL

FIRST READING

A message was received from the House of Commons with Bill 328, an Act respecting unemployment insurance.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave of the Senate, next sitting.

BLIND PERSONS BILL

FIRST READING

A message was received from the House of Commons with Bill 350, an Act to amend the Blind Persons Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave of the Senate, next sitting.

CANADIAN NATIONAL RAILWAYS REFUNDING BILL

FIRST READING

A message was received from the House of Commons with Bill 450, an Act respecting Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave of the Senate, next sitting.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL

FIRST READING

A message was received from the House of Commons with Bill 451, an Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System during the calendar year 1955, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

PRIVATE BILL

PROVIDENT ASSURANCE COMPANY—REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill J-16.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (J-16) intituled: "An Act to incorporate The Provident Assurance Company", have in obedience to the order of reference of June 8, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

MEAT INSPECTION BILL

REPORT OF COMMITTEE

Hon. Mr. Hayden presented the report of the Standing Committee on Banking and Commerce on Bill 352.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (352) intituled: "An Act respecting the inspection of meat and meat products entering into international and interprovincial trade", have in obedience to the order of reference of June 9, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 4, lines 21 and 22: strike out the words "whether or not the forfeiture is directed by the conviction." and substitute therefor the words "if such forfeiture is directed by the Court."

2. Page 4, line 38: strike out the figure "5" and substitute therefor the figure "4".

The Hon. the Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Mr. Hayden: Next sitting.

Hon. Mr. Roebuck: May I suggest that a few words of explanation of these rather important amendments would be useful to those who were not present at the sitting of the committee.

Hon. Mr. Hayden: The chief amendment which was made has to do with this situation. Under the provisions of the bill certain requirements in the way of standards of meat products, etc., must be observed. Then there is a section under which every person who violates any provision of section 8 or of any regulation made under that section is guilty of an offence and liable to a penalty. It may be that in the course of commission of such an offence a truck or some other object or article might be used in transporting meat products. The bill that came to us in committee provided that when a person was convicted of a violation in such a case there would be automatic forfeiture of the truck, object or article.

Hon. Mr. Dupuis: May I ask the honourable senator whether under the Customs Act there is not automatic forfeiture of trucks or automobiles which are used in the commission of the offence of smuggling?

Hon. Mr. Hayden: May I just finish my explanation? In committee it was felt that, since we have taken out of the offence under this bill any question of intent or knowledge, some person at some place along the line should have the opportunity to exercise a discretion in the penalty to be meted out so that substantial justice would be done. We felt the proper person to determine whether or not a forfeiture should occur would be the magistrate or judge trying the particular case.

In reply to the question interjected by the honourable senator from Rigaud (Hon. Mr. Dupuis), may I say it is quite true that there are provisions for forfeiture under the Customs Act. However, so far as third persons are concerned there are relieving provisions whereby an accused may apply for a declaration of interest, but a person who smuggled and used a car as part of the smuggling operation certainly could not come into court and say that he used the car innocently; whereas under the provisions of the bill it could be—

Hon. Mr. Roebuck: Is not intent necessary before there is a forfeiture?

Hon. Mr. Hayden: I was answering the question in another way and saying that the offence of smuggling must of necessity involve knowledge. If I bring goods into the country by automobile without the benefit of customs, I have knowledge of doing so. On the other hand, under the bill before us a trucking agency might be called on to deliver some meat products from one province to another, and the law requires that the meat products must bear certain markings and certificates indicating that the products have satisfied the provisions of the act. The trucker who accepts these products and transports them interprovincially might innocently fail to notice the lack of certificates. As a matter of fact, he might not even know that such certificates are required. Nevertheless, in the interest of public health it is important that these certificates be provided, and if they are not and the trucker transports in those circumstances he is guilty of offence, but not in the way a smuggler would be guilty under the Customs Act when he uses a car or other method of transportation for bringing goods into Canada, for the smuggler knows what he is doing. We felt that the difference between the two kinds of cases should be recognized.

Hon. Mr. Dupuis: There is no difference.

Hon. Mr. Hayden: I would not be as dogmatic as my honourable friend. I never like to make pronouncements from on high. I would prefer to have the legislation allow for a difference and to place discretionary powers in the hands of the magistrate or judge who is hearing the evidence and considering the conduct of the person charged.

Hon. Mr. Roebuck: Very good.

Hon. Mr. Dupuis: Honourable senators—

The Hon. the Speaker: May I remind honourable senators that there is no motion before the house and that consideration of the report has been put off until tomorrow, at which time the report may be debated.

CANADA AGRICULTURAL PRODUCTS STANDARDS BILL

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mrs. Wilson for the second reading of Bill 411, an Act to establish national standards for agricultural products and to regulate international and interprovincial trade in agricultural products.

Hon. A. Neil McLean: Honourable senators, with reference to Bill 411, I am in favour of the principle of this bill, and I have the highest confidence in the officials of the Department of Agriculture. I feel that an excellent job for agriculture is being done by the Minister, Deputy Minister and their capable staff. However, we must realize we are not only putting laws on the books for the present, but for future years as well, and any legislation of this kind is deserving of our careful attention.

The British North America Act endeavoured to make trade between the provinces as free as possible and we should endeavour to keep it that way. A great many food products are sold under brand names both at home and abroad. Buyers in foreign countries and in the Canadian market know well hundreds of branded Canadian products; for instance, Maple Leaf bacon, Swift's premium hams, Aylmer brands, Heinz brands, Pippin brand potatoes, Bird's Eye frozen foods, and many others. The owners of these brands have spent millions of dollars in building up these high-standard brands throughout the markets of the world over a long period of years, and they are proud of the reputation for quality that they have established through laboratory research and in other ways. Now if anything happened to usurp these brands by grade markings, I feel sure it would not be understood in foreign countries, as a great many important foreign buyers are interested simply in brands, not grades.

After being in the export market for one-third of a century, I know how sensitive foreign buyers are to change. When they have been buying a brand for years and know it, that is what they want, without any frills.

Exporters receive wonderful help from our Canadian Trade Commissioners sent out to different parts of the free world by the Department of Trade and Commerce. I think Canada has the best trade representatives abroad of any country of the globe. They make a careful study of foreign markets, and the knowledge they gain as to what kind of goods there is a market for in the respective countries where they are stationed and how the goods should be put up to meet competition is invaluable to Canadian exporters. Having taken for granted that the goods being exported are of good quality and high nutritious food value, as sold in the domestic market, we then must remember that the buyer in the foreign country is spending his own money and has the right to say how he wants the goods put up; and if his desires are not met the orders are liable to go to competitors in other countries, and there are plenty of them looking for business. A good many importers in countries not as rich as Canada is and having not many dollars to spend, want the best in straight food value they can get. That is the first consideration. They are not interested in fancy wrappers or trimmings that may possibly enhance the outside looks but on the other hand raises the price and adds nothing whatever to the food value of the contents. Many of us here remember when we bought the major portion of our foodstuffs in old-fashioned sacks or barrels, brown paper bags and brown wrapping paper. Now we have cellophane and fancy boxes and other wrappings, which we are quite willing to pay extra for, although we know the modern wrapping does not add to the food value of the contents.

Now I can easily see the reason why an analyst would seize goods or hold up shipment, for such a person as a representative of the Food and Drug Division would be a trained scientist, and as such would make an examination as to quality and food value. In ordinary circumstances goods certainly should not be shipped anywhere, for human consumption, if they are poor quality and low food value. In this connection, most of the leading food processors of Canada have their own laboratories, and their chemists and biologists are given full authority to establish absolute control over all foods being processed in order to see that the high quality of their respective brands is always maintained.

On the other hand, an inspector would have to be a Solomon, it seems to me, to be always able to make prompt and wise decisions at certain times when such decisions are needed. At our coast ports there are many receiving warehouses where goods are stored in advance of departing ships which may call and leave on short notice. We will say, for instance, that there are branded goods stored in one of these warehouses, and these goods may be just what the buyer ordered, as the importer knows full well what competition he has to meet, but the goods may be held up by an inspector on technicalities such as markings, boxing, etc., which have nothing to do with the food value. In the meantime the ship sails or the letter of credit runs out. Well

the exporter simply loses the business and may have to take his goods back home after a great deal of expense.

The bill states that agricultural products and other things may be detained 90 days or more. I am wondering what "other things" include? Would those words mean trucks, a span of horses, wagons or other vehicles, or what do they mean? Ninety days, or such longer period as may be prescribed, is a long time to hold goods up from shipment, especially when the food value of the goods is by far the major factor in question. The bill says that when a person has been convicted of a violation of the act—even on a technicality—then in addition to the penalty that is imposed the agricultural products and other things are forfeited to the Crown, whether or not such forfeiture is directed by the court conviction. Why take the matter out of the courts in this way? The penalties are heavy, being as high as a $2,000 fine or a year's imprisonment, or both, besides forfeiture of the goods and the penalties apply to an employer even if any of his help broke the prescribed regulations, and the employee does not have to be identified as such.

We all know that it is often difficult to get responsible help in connection with primary industries, and also that a considerable number of immigrants are coming into the country to work on farms, in packing plants, etc., and it takes them some time to get used to our ways and methods. We can only hope that great discretion will be used in the enforcement of this part of the act. I can see no reason, for instance, for seizure and forfeiture of goods unless it is on account of poor quality. Then again, the markings on the package will be used as *prima facie* evidence. There is quite a tendency in the Maritimes, I know, to use second-hand boxes over again in the domestic trade. This is done for the sake of economy, and old markings may have been carelessly left on a package, as they are sometimes hard to get off. This is another instance where discretion will have to be used by officials.

To sum up: To grade goods nationally and internationally needs a great deal of careful thought, for so many important factors are involved, especially where brands are concerned. At this time Canada needs all the export trade possible, for our international trade balance is in the debit column, and we must see that nothing is done to unnecessarily interfere with selling our goods abroad and keeping our interprovincial trade at the highest level possible. And for this purpose our foreign and interprovincial trade must be free of unnecessary restrictions.

Hon. Senators: Hear, hear.

Hon. John T. Haig: May I ask the honourable leader of the Government whether it is intended that this bill should go to committee?

Hon. Mr. Macdonald: The honourable senator from Rockcliffe (Hon. Mrs. Wilson), who moved second reading of the bill, suggested that it should be referred to committee. The honourable lady is absent at the moment. If the bill receives second reading before she returns to the house, I will move for reference to committee.

Hon. Mr. Haig: Thank you.

Honourable senators, I have only a few words to say about the bill at this time. Quite naturally, we are all interested in this legislation, for the reason that Canadian producers are finding it more and more difficult to get into foreign markets. Members of parliament who have travelled abroad during the past six months all come back with the same story of the increasing difficulty of trading in foreign markets.

I recall about a year ago being at one of your parties, Mr. Speaker, which I always enjoy very much, and there meeting an ambassador from one of the smaller European countries. He asked me what part of Canada I came from, and when I mentioned Manitoba, he immediately said "Oh yes, Manitoba wheat." He then went on to tell me that his country had always bought wheat from Western Canada until about a year ago when it purchased a carload from Russia. But because they had found a lot of little stones in the shipment, he said they were going to purchase Canadian wheat again. That to me was a compliment on the high standard of quality that we have maintained.

I agree with what has been said by the honourable senator from Southern New Brunswick (Hon. Mr. McLean), but I would remind him that as members of this house we all want to pass only legislation that will assure us that when our goods go abroad they are up to the standard represented by us. That is the only way we can maintain the confidence of buyers of our products.

Let me illustrate my point. Lawyers are often the butt of good-humoured criticism in this house and elsewhere, but they are the very people whose advice is sought by anyone in trouble. The reputation of a lawyer is built up through the years in part by his ability and his strategy in handling important matters, but above all other things, by his integrity, which is worth more than rubies to him. Once he has lost the public confidence, he has lost everything. The same principle can, I think, be applied to Canada as a producer for foreign markets: our goods must be as we represent them if we are to maintain buyer confidence. Our Government is now

trying to sell goods, and it is having difficulties. I am not now indulging in any form of criticism at all. My point is that we are having difficulties so great that we may be faced with the choice of not selling goods or reducing the price. Some of my friends will not like that statement as to what we may have to do; but whatever we do do, let us never reduce the quality of the wheat that we sell.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: Because we are through if we do that. I say the same thing with regard to our manufactured products. This bill, as well as one that was reported back from committee this afternoon, deals with the standards of our goods on the world market, and both bills should have our full support. The only criticism that I am making of this bill is that it does not leave a magistrate or judge any discretion as to whether things seized from persons who have been convicted of a violation of the bill should be forfeited or not. I am sure that when we are considering this bill in committee we will amend it in this respect as we did the Meat Inspection Bill.

I am always glad to see the Government bring in legislation of this character, because our country is one of the foremost trading nations of the world. We were in third place among the trading nations of the world, but now we are in fourth place. Really, we are a small nation to occupy such an important position. Our country depends greatly on foreign trade. Our mineral products do not require such important standards of grading, but grading of manufactured goods and agricultural products is most important on the world market. And as I said before, we Canadians are dependent on world markets and we must keep our standards high if we propose to continue in such an eminent position as we now occupy.

Hon. Thomas Reid: Honourable senators, I have just one point, and I am raising it in the hope that the Department of Agriculture and the Minister will make note of it and take the matter up. While in the southern States last year I learned that they were there selling a grade of bacon called "Canadian Bacon", which was not a product of Canada. Now, I do not think there is any way in which we in Canada can protect those words, but I feel that the poor grade of bacon that was being sold under our name certainly was not doing this country any good at all. I do not know that anything can be done about it, but I think that our officials should draw this to the attention of the officials or the Government of the United States. Whilst we have no right to tell them what name to put on their product, it is hardly playing the game of trade in a fair way to use the word "Canadian" on a grade of bacon produced in the United States and much inferior to anything produced in Canada.

Hon. Arthur W. Roebuck: Honourable senators, I would like to say a word or two with respect to the principle that one finds in section 5 of this bill, which says:

> 5. (1) The Governor in Council may make regulations for prohibiting
> (a) importation into Canada . . .

Now, it is a very serious thing to prohibit the importation of goods into this country; and when one sees a section by which officials are taking into their hands the power to stop international trade one very naturally looks upon the section with, not exactly suspicion but with circumspection, shall I say.

The section continues:

> (b) exportation out of Canada, or
> (c) sending or conveyance from one province to another, of an agricultural product of any class unless it complies with prescribed requirements, has been prepared in accordance with prescribed conditions and is packed and marked in prescribed manner.

It is perfectly all right to make regulations saying that goods shall not be exported from Canada or imported into Canada unless prepared in accordance with prescribed conditions. It may be that the conditions will be designed for reasons of health or something of that kind. The paragraph uses the words, "is packed and marked in prescribed manner". That may serve a very useful purpose, because fraudulent or incorrect marking will do the kind of damage to which the previous speaker referred.

The clause uses even stronger words, when it says: " . . . unless it complies with prescribed requirements . . ." for the prescribed requirements may be with regard to anything. In other words, under this bill, Parliament is surrendering into the hands of the officials of the department, with the consent of the Governor in Council, the power to prohibit trade both ways across the international border for any reason which they desire to state and can get by the council.

I suggest to the members of this house that that is something which Parliament should never surrender. We have kept a fairly close control over tariffs. No tariff can be erected by Order in Council. Because of the necessity of protecting our trade and the intercommunication between ourselves and other countries a tariff is imposed only when Paliament says so. But here, the broadest powers are handed over to the executive to

prescribe trading either way, with scarcely any limitation on what the conditions shall be.

Subsections 2 and 3 of section 5 read as follows:

(2) The Governor in Council may make regulations for prohibiting the carriage to a destination outside the province in which it was received of an agricultural product of a class for which grades have been established under part I or of a class for which requirements have been prescribed under this section unless

(a) prescribed evidence that the product meets the requirements of this act and the regulations has been obtained and produced as prescribed, and

(b) the product is identified in prescribed manner as an agricultural product that meets the requirements of this act and the regulations.

(3) No person shall

(a) import into Canada,

(b) export from Canada,

(c) send or convey from one province to another, or

(d) carry or receive for carriage an agricultural product contrary to a regulation made under this section.

That, I submit to this house, is an authority so broad that we should not submit a department to the pressures which may be brought upon it. We should never pass an authority of that kind unless we know exactly what the regulations are going to be or, at least, the limitations that we place upon it. For instance, if we say in this section that they can prescribe health regulations, that is all right. I go a long way with regulations to preserve the quality of goods and their fitness for human consumption. If we say that the goods must be correctly described, all right. I think fraudulent description is a serious matter. There may be some powers in other fields or divisions which I would be prepared to hand over to this department or to the Governor in Council, but I am not prepared to give them power to prohibit the importation into and exportation from Canada of all goods according to their own sweet will. I think it is wrong to hand that power over to officials or to the executive; we, as members of Parliament, should keep it in our own hands. So I hope the matter will be thoroughly discussed and proper amendments made when the bill goes to committee.

Hon. Mr. Horner: Is it not a fact that, without the intervention of Parliament, the value of goods can be changed, even by the imposition of an excessive duty, when they are brought into this country?

Hon. Mr. Roebuck: The honourable senator is referring to the operations of the Customs Department?

Hon. Mr. Horner: Yes.

Hon. Mr. Roebuck: Of course, I am a free-trader, and I do not approve of any kind of restrictions on trade and commerce. I want more free trade.

Hon. Mr. Horner: I will go further than you in that direction.

Hon. Mr. Roebuck: I am glad to hear that: the honourable senator will have to go quite a distance. I have objected many times to the extent of the powers we entrust to the officials of the Customs Department, but that those powers have been handed over is no reason why, in this case, unlimited powers should be conceded to the executive. We should carefully prescribe the powers that we propose to hand over.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mrs. Wilson, the bill was referred to the Standing Committee on Banking and Commerce.

PRIVATE BILL

TRANS-PRAIRIE PIPELINES, LTD.—COMMONS AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the House of Commons to Bill U-12, an Act to authorize Trans-Prairie Pipelines, Ltd. to construct, own and operate an extra-provincial pipe line.

Hon. T. A. Crerar moved that the amendments be concurred in.

He said: Honourable senators, a few words of explanation of these amendments before we vote on them might be useful.

It will be recalled that on May 12 last the Senate passed Bill U-12, entitled "An Act to authorize Trans-Prairie Pipelines, Ltd. to construct, own and operate an extra-provincial pipe line." Trans-Prairie Pipelines, Ltd. is a company incorporated under Manitoba law. So long as it was transporting oil within the boundaries of Manitoba it was not affected by the provisions of the general Pipe Lines Act. As I mentioned on second reading of the bill, oil fields having what is now a substantial production have been developed in the Virden district. Across the provincial boundary line, some ten or fifteen miles away, oil fields have been discovered in Saskatchewan; and what this company desired was authority to cross the provincial boundary line, tap these oil fields in Saskatchewan, and transport the oil to a point called Cromer, where it would connect with the interprovincial pipe line running from Edmonton to Superior and on to Sarnia. The bill as passed by the Senate simply provided that this company could carry its pipe line across the boundary to Saskatchewan, with the proviso that, conformable to the general Pipe Lines Act, the operations must be carried on

under the administration provided for by the act, and with the approval of the Transport Board.

In due course the bill went to the House of Commons. But, as the poet Burns has said, "The best-laid schemes o' mice an' men, gang aft a-gley", which means—and I explain this for the benefit of the Irish and English, who unfortunately do not understand the Scottish vernacular—that sometimes one's plans go wrong. When the bill was under consideration in the Commons, strong objections were taken in certain quarters to the endowment of a Manitoba-incorporated company with the power to cross a provincial boundary line. As a result of the discussions, and the desire of the promoters to get authority to proceed into Saskatchewan, a compromise was reached. What is practically a new bill was drafted; and it was acceptable to the committee of the Commons that considered it, and satisfactory to the promoters. It really amounted to a new incorporation. The bill was reported back to the Commons; and our innocent little measure, Bill U-12, amended in this rather formidable fashion, now comes back to us for concurrence in those amendments. The promoters are the same promoters; the capital structure is the same capital structure; the company's operations will still be subject to the general Pipe Lines Act and will be carried on, as provided in the original bill, under the authority of the Board of Transport Commissioners.

Personally, I doubt if it was necessary to proceed by what is in effect a new incorporation. A year ago or more we passed what was known as the Niagara Gas Transmission Limited Bill, which was on all fours with Bill U-12 as we passed it recently. We were advised by the Law Clerk of the Senate that it was quite within the competence of Parliament to pass the bill. However, as I stated a moment ago, exception was taken to that form in the House of Commons, and what amounts to really a new incorporation took its place and appears now as amendments to the bill. I have just moved concurrence in these amendments and I trust that the Senate will accept them.

Hon. Mr. Ross: The General Pipe Lines Act provides that the route of every Canadian pipe line is to be approved by the Board of Transport Commissioners. As I understand the amendments to this bill, the Trans-Prairie pipe line must not go into the United States, but must be kept entirely within Canada.

Hon. Mr. Crerar: That is not correct. The honourable senator is thinking of another bill altogether. At no time did this bill propose that the pipe line should go through any part of the United States. It merely provided that the pipe line may cross the international boundary between Manitoba and Saskatchewan and pick up some oil in Saskatchewan. There was another bill before the Senate which proposed to have a pipe line originate in Manitoba and go into the United States, and I am sure that is the bill which my honourable friend has in mind.

Hon. Mr. Reid: When were these amendments submitted to the other house?

Hon. Mr. Crerar: One day last week.

Hon. Mrs. Fergusson: June 7.

Hon. Mr. Reid: Thank you.

The motion was agreed to, and the amendments were concurred in.

CANADIAN FORCES BILL

REFERRED BACK TO COMMITTEE

The Senate proceeded to consideration of the report of the Standing Committee on Banking and Commerce on Bill 257, an Act respecting the Canadian Forces.

Hon. Salter A. Hayden: Honourable senators, I move that this report be adopted.

Hon. John T. Haig: Honourable senators, I move, seconded by the honourable senator from Rosetown (Hon. Mr. Aseltine):

That the report be not now adopted, but that it be referred back to the Standing Committee on Banking and Commerce, with instructions to the said committee to amend the said bill as follows:

"Page 6, line 11: Delete the words 'either' and 'or of herself' from the said line."

The Hon. the Speaker: Honourable senators, I am bound to point out that under Rule 24(g) of the Rules of the Senate one day's notice must be given for an instruction to a committee. Has the honourable senator unanimous consent of the house to proceed now with his motion or must he give one day's notice? I would point out that this is not a matter of resolving the question but merely of giving the honourable senator unanimous consent to proceed.

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Haig, seconded by the Honourable Senator Aseltine:

That the report be not now adopted, but that it be referred back to the Standing Committee on Banking and Commerce, with instructions to the said committee to amend the said bill as follows:

"Page 6, line 11: Delete the words 'either' and 'or of herself' from the said line."

Is it your pleasure to adopt the amendment?

Hon. Mr. Haig: Honourable senators, if I had my way in committee sections 15 and 23 of the bill would have been struck out, but I ran into some difficulties. I have therefore

moved an amendment which to my mind is a straight challenge to one of the main issues in the bill.

Section 15 of the bill would amend the Defence Services Pension Act by adding the following immediately after section 31 thereof:

"31A. (1) For the purposes of this Act, a woman who

(a) establishes to the satisfaction of the Treasury Board that she had, for a period of not less than seven years immediately prior to the death of an officer or former officer with whom she had been residing and whom by law she was prohibited from marrying by reason of a previous marriage either of that officer or of herself to another person, been maintained and publicly represented by that officer as his wife, . . .

shall, if the Treasury Board so directs, be deemed to be the widow of that officer and to have become married to him at such time as she commenced being so represented as his wife, and for the purposes of this Act a woman to whom this subsection would apply, but for her marriage to an officer or former officer after such time as she commenced being so represented as the wife of that officer, shall, if the Treasury Board so directs, be deemed to have become married to that officer at the time when, in fact, she commenced being so represented."

As I understand this section, it means that a woman may go and live with an officer who is already married, and if he acknowledges her as his wife and they live together for seven years, upon his death it will be within the power of the Treasury Board to grant her a pension under the Defence Services Pension Act. In other words, the woman may have lived in adultery for over seven years, and as a reward the Parliament of Canada proposes to give her a pension.

Hon. Mr. Reid: It is just terrible.

Hon. Mr. Haig: I think so. Somebody might ask me why I have mentioned adultery. Well, according to Chapter 20 of the Book of Exodus in the King James version of the Bible, one of the Ten Commandments is:

Thou shalt not commit adultery.

There is a straight prohibition against adultery in the Bible.

If my amendment is adopted, the first part of section 31a(1) of the act will read as follows:

For the purposes of this Act, a woman who (a) establishes to the satisfaction of the Treasury Board that she had, for a period of not less than seven years immediately prior to the death of an officer or former officer with whom she had been residing and whom by law she was prohibited from marrying by reason of a previous marriage of that officer to another person, been maintained and publicly represented by that officer as his wife . . .

Under that wording she could not recover if her legal husband is still living. That is all it means, and no more.

Honourable senators, I do not think sections 15 and 23 of this bill should have been passed by the House of Commons, because I do not believe the people of our country want that kind of legislation.

Hon. Mr. Reid: Hear, hear—they don't.

Hon. Mr. Haig: I would not like to appear before an audience of ordinary men and women of this country and hear them say, "You stood up in the Parliament of Canada as a senator, representing the people of Canada, and voted for a bill to permit a woman to receive a pension for the rest of her life, when she had lived in adultery for seven years with an officer".

I did not serve in the war, but my boy served, and he came back with a D.F.C., so he knows what it is all about. I once asked him what he thought of this kind of law, and he replied, "Dad, don't be crazy—that was not what we fought for. At night when I used to start my plane down the runway and take off for Germany with six hundred machines alongside of me, what did I think of? I thought to myself 'Mother and Dad are safe—let her go!'" Of course he thought that way, because he was brought up that way, and I want all the boys and girls of this country to be reared that way, too. It cuts me to the heart to think that anyone could stand up and support legislation such as sections 15 and 23 of this bill. If an officer has given service to his country I would be the first to give him a pension, but I will not degrade the womanhood of this country by saying that a woman who has lived in adultery with an officer for seven years can receive a pension with parliamentary approval.

Hon. Mr. Macdonald: Do I understand my honourable friend to say that his amendment to the section would take out only the reference to women who were previously married?

Hon. Mr. Haig: Yes. I admit that I would like to take out a lot more, but the trouble is that if I move an amendment covering all the things I want, somebody will get up and say, "On that one point, we don't agree with you, Haig, and we are going to vote against your motion." To avoid that, I put it at the minimum.

Hon. Mr. Macdonald: But if I read the section correctly it refers to the previous marriage of the officer. Now you would amend it—

Hon. Mr. Haig: The officer could not get a pension; he would be dead, anyway.

Hon. Mr. Macdonald: But your amendment would make the section refer only to a

woman who was prohibited from marrying by reason of a previous marriage of the officer.

Hon. Mr. Haig: I am trying to kill the vote for the woman who outlives the officer.

I would like to have sections 15 and 23 of the bill struck out. I do not want any man, by making a slight amendment, to say that I am wrong. The whole issue that I take in this debate is that I am against a woman of that class getting a pension under the law. As I said before, I do not believe that the men and women of this country want that kind of legislation. I cannot understand why the same point was not raised in the House of Commons. Only the other day I expressed my views to one of the most distinguished members of that house, and he said, "You are absolutely right." I have had several letters from people on the subject, including one from a widow whose husband was in the First World War and died from sickness contracted overseas. She was left to bring up her three children. In her letter she said, "Thank God, we have in this country someone who knows the difference between right and wrong." I have another letter from a registered nurse in another province, saying much the same thing. I am persuaded that that is the reaction of parents who have the responsibilities of bringing up boys and girls of their own. I do not believe they want this kind of legislation passed and trumpeted before the people of this country.

For the life of me, I cannot understand how this bill ever got through the House of Commons without a bitter fight being put up against it. I may not be the best man in this house to speak against it, and I do not pretend that I am, but I want people who succeed me to be able to say: "Well, Haig stood up in the Senate and fought for what he thought was right. It was not for money, or trade, or economics, but it was to protect the sacred rights of men and women, especially women, in this country." That is the reputation I want to win. I ask honourable senators, both men and women, to vote for my amendment. The Government will not die if you vote for the amendment, but will still live, and the public will know that the Parliament of Canada refuses to pass this kind of legislation.

Hon. Felix P. Quinn: Honourable members, like the Leader of the Opposition (Hon. Mr. Haig), I cannot help expressing my amazement that this bill should have reached its present stage without more serious opposition in the other house and here. My belief is that sections 15 and 23 of the bill flout the laws of Almighty God. Our lawmakers are attempting to match their wisdom with the wisdom of God who gave us the Ten Commandments, which all Christians are obliged to obey. Christ said, "If thou wilt enter into life, keep the commandments." Yet, we have placed before the Canadian Parliament a bill which declares that we may flout one of those commandments. One section of the bill provides that a man and a woman who have lived in adultery for seven years can be declared by some officer of the law to be man and wife.

Hon. Mr. Roebuck: No, no.

Hon. Mr. Quinn: That is the way I read it.

Hon. Mr. Haig: Paragraph (b) of the new section 31a(1) says just that.

Hon. Mr. Quinn: For the purposes of this bill, such persons can be declared to be man and wife, and the woman, if she is the surviving partner to such adulterous living, can be rewarded for her adultery by being granted a pension for the remainder of her natural life. That is the way I read the bill, and in my opinion it asks us to flout the laws of God.

I could quote a number of passages from the Bible to support my position, but perhaps it would suffice to refer to what St. Paul said in the eleventh chapter of his Epistle to the Romans:

> Oh, the depths of the riches of the wisdom and of the knowledge of God!

I repeat, in this legislation our lawmakers are matching their wisdom with that of God. I cannot condone sin, and so I cannot vote for such legislation.

My friend the Chairman of the Divorce Committee (Hon. Mr. Roebuck) and his colleagues on that committee have placed before us at this session more than four hundred reports, in which the committee, by its recommendations, condemns the adultery of one party to the union. In contrast to that legislation, we are here being asked to condone adultery. Surely, we must be consistent, and vote against such a measure.

I admire you men and women for your allegiance to the party of your choice. But your allegiance to a party need not go so far as to require you to vote for such a bill as this.

Hon. Mr. Isnor: Party has nothing to do with it.

Hon. Mr. Quinn: I am glad to hear my honourable friend make that remark, and I thank him for it. We must consider first our allegiance to God, and secondly our allegiance to our party. I hope, honourable senators, that your conscience will not permit you to support such an iniquitous bill.

Hon. Thomas Reid: Honourable senators, it will be recalled that when this bill was previously before the house I raised a question on this very clause. I would apologize to the Chairman of the Banking and Commerce Committee (Hon. Mr. Hayden) for being absent when the committee considered the bill.

I rise at this time, not with a holier-than-thou attitude, but to ask honourable senators whether they have fully considered where this legislation might lead us. These are days of laxity: common-law unions are not at all unusual in certain parts of the country. But here we are asked to condone that practice by saying that if an officer publicly declares that a woman is his wife, when he knows he has another wife still living, and he continues to do that for not less than seven years—which will likely mean that he may be living with her for eight, nine, ten or more years—they are presumed to be man and wife. In effect, this bill asks us to countenance the fact that a man has two wives. By doing so, we would certainly be changing the lives of some army officers.

While it is my intention to support the proposed amendment, I would like to see this entire new section 31a taken out of the bill. I do not propose to take up any more time of the house, because every honourable senator here knows well the meaning of this section. Certainly, it is a departure from practice for the Government to countenance adultery.

Hon. Mr. Hugessen: As a matter of information, may I ask the honourable Leader of the Opposition (Hon. Mr. Haig) what effect the passage of his amendment would have on this measure. I ask the question only because of the remarks just made by the honourable senator from New Westminster (Hon. Mr. Reid). As I understood him he argued that if an officer who already had a wife, lived with another woman for seven years, and then he died, that woman would be entitled to a pension, regardless of the proposed amendment.

Hon. Mr. Haig: Yes. The bill so provides, and my amendment does not touch that part of it.

Hon. Mr. Hugessen: Quite so.

Hon. Mr. Haig: There is some dispute about a case in such circumstances. For instance, his wife might be in England and have secured a divorce there, but under Canadian law she would still be considered his wife.

Hon. Mr. Macdonald: Do I take from what the Leader of the Opposition has said that it is not as great a sin for an unmarried woman to live with a married man as it is for a married woman to live with a married man not her husband?

Hon. Mr. Haig: I think the sin is just as great in either case, but in moving the amendment I did not want to place myself again in the position that I was in when the bill was before committee. Let me explain what happened in committee. I was told that there might be in this country an officer who had married in England and whose wife remained in that country; that the British parliament had passed a law by which after a certain period of time she could apply for and be granted a divorce in the courts over there, but that the divorce would not be legal in Canada.

Hon. Mr. Burchill: She would likely get it on the grounds of desertion.

Hon. Mr. Haig: Yes; she could get it on that ground over there but not here, so under our law her husband would be still married to her. Certainly, I would like to move an amendment that would clear up the whole situation, but in the hope that the house will pass, my amendment asks for the minimum change.

Hon. Mr. Connolly: Will the honourable Leader of the Opposition permit me to ask him a further question? If his amendment is approved by the house and the bill is referred back to the committee, will the committee be restricted to the changes he has proposed in his amendment, or will it be able to consider the section anew?

Hon. Mr. Macdonald: The bill would be referred back "with instructions".

Hon. Mr. Haig: The situation is quite clear: My amendment instructs the committee to make certain changes. Of course, I would be quite willing either to refer the bill to the Committee of the Whole or to refer it back to the Standing Committee on Banking and Commerce for full consideration of this section. However, I am sure the house will look with favour on my amendment as it now stands.

If someone will move an amendment to my amendment, that we consider the matter in Committee of the Whole, I will be quite willing to vote for that, but I am afraid it could not carry in this house. But I think my amendment will carry.

Hon. Mr. Connolly: Honourable senators, I had the privilege of explaining this bill when it came before the house for second reading, and I was aware at the time of the implications of this section. When I explained the section I think I said precisely what it meant and no more; certainly, I did not

give all the various examples. Unfortunately, I was not in attendance to hear all of the discussion that took place in the committee. One reason that was advanced in support of this provision was the fact that in 1952 a similar section was put into the Public Service Superannuation Act. Apparently there was no objection; perhaps at that time honourable senators and members of the other house did not realize its full implication. I understand that such a provision is also in the War Veterans Allowance Act, and covered also by the regulations under the Pension Act. So what is proposed here is to bring the Defence Services Pension Act into conformity with the other acts.

Having said that—and I say it on my own responsibility—I must also say that if those other pieces of legislation were wrong that is no justification or reason for us now to adopt this measure, using them as a precedent. My thought at the moment is that if this bill should be referred back to committee, we should not limit our inquiry only to the officials in the Department of Defence, because probably their answer—although I do not want to prejudge them—may be "We are just making this measure conform with other pension legislation now on the statute books of this country". I think we might well examine officials in other departments who administer similar legislation. However, I would not take it upon myself, as a newcomer to this chamber, to move an amendment to the amendment proposed by the honourable Leader of the Opposition, but perhaps some of the views that I have expressed will commend themselves to some of the more experienced senators.

Hon. Mr. Aseltine: Honourable senators, I am very much disturbed by sections 15 and 23 of this bill. I did not oppose the sections in the committee, for two reasons. In the first place, I was unaware that they went so far as I now find they do, upon a more careful reading of them. In the second place, I wanted if possible to protect those soldiers who were married and divorced in the Old Country but legally were still married here on account of the fact that the English divorce was not legal in this country. I thought that perhaps the subsection (1)(a) of this new section 31A would give relief in a case of that kind. I knew at the time that the War Veterans Allowance Act contained a provision similar to this. In a discussion with one of the commissioners of the War Veterans Allowance Board on the subject, I got this explanation: it sometimes happens that a poor, worn-out, old veteran who is unable to look after himself, is abandoned by his wife, and another woman comes along, lives with him for seven years and takes care of him, the commissioners feel that when he passes out of the picture she should be taken care of. However, upon careful consideration of these two sections I must say that I am opposed to them entirely. I would even like to see them struck out. I do not think the amendment proposed by the honourable senator from Winnipeg (Hon. Mr. Haig) goes nearly far enough.

Just let me state briefly what the new section 31A subsection (1)(a), does. Let us say an officer, or a former officer, has a wife. He picks up with another woman, or she with him—a woman who also is married—and the two live together. Now, by the enactment of this section we would say that that is a perfectly legal situation, and that when he dies she may be allowed to claim a pension.

Hon. Mr. Hayden: Is that what my honourable friend suggests the section means?

Hon. Mr. Aseltine: Yes, it goes that far. The officer and the common-law wife may both be married, and she may still get the pension.

Hon. Mr. Horner: What becomes of the legal wife, may I ask?

Hon. Mr. Quinn: She is out.

Hon. Mr. Hayden: Certainly.

Hon. Mr. Aseltine: The new section 31A(1)(b) reads:

> For the purposes of this act, a woman who (b) establishes to the satisfaction of the Treasury Board that she had, for a number of years immediately prior to the death of an officer or former officer with whom she had been residing, been maintained and publicly represented by that officer as his wife, and that at the time of the death of that officer neither she nor the officer was married to any other person, . . .

gets a pension.

Then, lo and behold, towards the end of subsection (1)(b) I find these words:

> . . . for the purposes of this act, a woman to whom this subsection would apply, but for her marriage to an officer or former officer after such time as she commenced being so represented as the wife of that officer, shall, if the Treasury Board so directs, be deemed to have become married to that officer at the time when, in fact, she commenced being so represented.

In other words, under this bill we would be marrying these people without a licence.

Hon. Mr. Quinn: Without priest or parson.

Hon. Mr. Aseltine: Without any ceremony whatsoever. And we say it is legal.

I have no objection to subsection (2) of the new section 31A, except that it is not necessary because provincially we have the same kind of law which goes so far as to say that if a man dies when his wife is living separate

and apart from him, under circumstances which would not entitle her to alimony, she gets no part of his estate. Exactly the same principle is embodied in subsection (2). But although I have no objection to subsection (2), I do say this, that if we pass these sections 15 and 23 we shall be subsidizing adultery, or, at least, placing a premium on it. A short time ago we adopted a law to give relief to the gold mining industry; if we pass this measure we shall be giving relief to the gold-diggers. I am not in favour of it.

Hon. Mr. Macdonald: Did the honourable senator say he is opposed to adultery under subsection 1(a) but not under subsection 1(b)?

Hon. Mr. Aseltine: I am opposed to it, and the honourable senator knows I am.

Hon. Mr. Macdonald: I thought the honourable senator said a moment ago he did not object to adultery under subsection (1)(b).

Hon. Mr. Aseltine: Under subsection (2), I said.

Hon. Mr. Hayden: That would be the sort of thing which would disentitle a married woman to alimony.

Hon. Mr. Aseltine: Under subsection (2) the woman is deemed to be dead. Well, let us strike it all out.

Hon. Mr. Macdonald: The honourable senator has changed his mind.

Hon. Mr. Aseltine: Subsection (2) authorizes the Treasury Board to declare the woman to be dead.

Hon. Mr. Horner: His legal wife.

Hon. Mr. Aseltine: Yes, his legal wife is declared to be dead.

The Hon. the Speaker: The honourable senator from Rosetown (Hon. Mr. Aseltine) has the floor; and other honourable senators should not interject except to ask questions.

Hon. Mr. Macdonald: My question is, are there grades of adultery?

Hon. Mr. Aseltine: I do not think so. But any honourable senator who has sat on the Divorce Committee knows perfectly well that there is enough adultery in this country without subsidizing it, and if we pass this measure that is exactly what we shall be doing. And I repeat that if we are not subsidizing it we shall, by passing this measure, at least be encouraging it, making it legal, and placing a premium on it. So if I had my way I would strike out entirely sections 15 and 23. The two sections are the same, except that section 23 uses the words "contributor or former contributor" instead of "officer or former officer". If the amendment of the honourable Leader of the Opposition (Hon. Mr. Haig) to send the bill back for one purpose is carried, I do not see anything in the world to prevent the committee from reconsidering the whole question and, if necessary, striking out sections 15 and 23 altogether.

The Hon. the Speaker: Honourable senators, may I say that according to the Rules, I do not think the honourable gentleman is correct on that point. Generally speaking the position is this: if, after a committee has already reported a bill and it has been regularly considered, it is desired to reverse a decision previously arrived at, the authority of the Senate to do so must be obtained. In this particular case, if the amendment of the honourable Leader of the Opposition (Hon. Mr. Haig) is adopted, the committee will be authorized to amend the bill in accordance with his amendment, and not otherwise. If it is desired that it should be reconsidered in other respects, the Senate should empower the committee to do so. At least, that is my opinion.

Hon. Mr. Aseltine: If I am wrong in that respect I suggest that some honourable senator should make an amendment to have the whole bill referred back to the committee.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Kinley: I feel that honourable members of the Senate would not like to be in the position of appearing to commend adultery in any form. Therefore, if I am in order, I will move that the bill be referred back to the committee for the purpose of reviewing it—that is, for further consideration.

The Hon. the Speaker: I gather from the remarks of the honourable senator that he moves, in amendment to the amendment of the honourable Leader of the Opposition (Hon. Mr. Haig), that the report be referred back to the committee for further consideration of the bill and with power to amend the bill in any respect.

Hon. Mr. Kinley: If they so desire. I so move, seconded by the honourable senator from Ottawa (Hon. Mr. Bishop).

The Hon. the Speaker: It is moved by the Honourable Senator Kinley, seconded by the Honourable Senator Bishop, as an amendment to the amendment:

That the report be referred back to the Standing Committee on Banking and Commerce for further consideration of the bill and with power to amend it in any respect.

Hon. Salter A. Hayden: Honourable senators, since I moved the adoption of the report I think it is proper that at some stage I should make an explanation.

Hon. Mr. Haig: The honourable senator is not closing the debate?

Hon. Mr. Hayden: No; I am speaking to the amendment of the honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley). I think I should attempt to present to the members of the Senate exactly what this legislation means, not in the sense of seizing on one or two words, or attempting to declaim from a platform and using expressions that are more or less in the nature of catch phrases, because words or sentences put together cannot mean anything more than the facts will let them mean.

First of all, the honourable senator from New Westminster (Hon. Mr. Reid) suggested that this bill marks a new departure in legislation in this house. But whether previous legislation be right or wrong, a great deal of it, expressed in exactly the same form, is embodied in other statutes which, I am sure, were passed when the honourable senator was a member either of this house or of the other place. There is, for example, the Public Service Superannuation Act. If my honourable friend looks at section 12, subsections (4) and (5) of chapter 47 of the Statutes of Canada, 1952-53, he will find that my statement is correct. Or he may look at the Pension Act, section 36, subsection (4), chapter 207 of the Revised Statutes of Canada, 1952.

Hon. Mr. Reid: In exactly the same words?

Hon. Mr. Hayden: In exactly the same words. My honourable friend will find it embodied in section 30 (11) (b) of the War Veterans Allowance Act, and he will find a similar provision in section 117 of the Dependents' Allowance Regulations which were enforced during the last war.

The main purpose of incorporating these amendments in this bill is to bring the provisions of the Defence Services Pension Act into line with other pension acts. The reason behind the amendments has been explained in this way. During the last war many Canadian soldiers married in England, and when some of them returned to this country to take up residence their wives refused to accompany them. When according to English divorce laws the required time had elapsed in order to establish desertion, the wives instituted proceedings in England and obtained divorces. Some of the husbands then assumed they were free to remarry in Canada. However, desertion does not constitute a ground for divorce in Canada, which in these cases would be the domicile of the husband and the country in which the divorces should have been sought, and consequently these men were legally prohibited here from marrying a second time.

There is also the situation where a husband abandons his wife, goes to a foreign jurisdiction and obtains a divorce on grounds which are not recognized in Canada. At a later date his wife may become identified with an officer or contributor under a pension plan. Let us assume that she lives with that person for seven years, during which time they do not marry.

Hon. Mr. Aseltine: Would not the passage of the Divorce and Matrimonial Causes Bill to amend our divorce laws have cleared up the mess you have just referred to?

Hon. Mr. Hayden: My honourable friend could answer that question himself. He knows it would, and that is why I am surprised at his inconsistency.

Hon. Mr. Roebuck: I do not think it would.

Hon. Mr. Aseltine: The Senate defeated that bill this year.

Hon. Mr. Hayden: Before being interrupted I was relating these circumstances: A woman who has been deserted by her husband may live with an officer or contributor for seven years, being maintained by him and publicly represented by him to be his wife. As a matter of fact, they may have gone through a form of marriage, but there is an impediment to their legal marriage in Canada because the divorce obtained by the woman's husband in a foreign jurisdiction does not entitle her to remarry in this country.

It was such cases that the department had in mind—perhaps there were only a dozen at most—when it proposed these amendments to bring the Defence Services Pension Act into line with the other acts to which I have referred.

Hon. Mrs. Fallis: May I ask the honourable gentleman a question? Do we understand that the amended legislation will apply only to people in the circumstances he has just spoken of?

Hon. Mr. Hayden: As I shall not be charged with the administration of the act I cannot really say, but I have given the reasons for the introduction of these amendments. They do not give legality to or put a premium on adultery in the sense that just because a woman lives as a common law wife of an officer for seven years she will be entitled to a pension upon his death. The bill merely provides that if the Treasury Board finds these conditions existing it may deem a woman to be a widow so-called of an officer. If the officer has a legal widow who is living apart from him in circumstances under which she would have been entitled to alimony during his lifetime, she is regarded as the legal widow and this particular subsection cannot

come into operation at all. If the legal widow of the officer disqualified herself during his lifetime—that is, by committing adultery—so that she could not have claimed alimony, then for the purposes of the act she is not deemed to be his widow. She is deemed to have predeceased him, and that puts a legal end to any right she may have had. When the Treasury Board considers the circumstances in relation to the woman who had been living with the officer, it may feel satisfied to award her a pension. However, there is no law that could compel the board to make such an award, and there is no right of action that the woman could assert in any court to claim that pension. The Treasury Board must be satisfied that the circumstances merit the granting of a pension.

There might be cases of bare faced abandonment or desertion by wives who leave their legal husbands and take up common-law residence with officers or contributors under a pension plan. It might be said that this is the sort of thing we do not want Parliament to sanction. But do you think it is the type of case in which the Treasury Board would award a pension? I do not think any person could honestly answer that question by saying that in those circumstances the Treasury Board would take a course of action having the effect of putting a premium on the commission of adultery. I cannot believe that the board, in its application of the law, would do that.

In looking for the meaning underlying the provisions of this bill it is essential to keep a sense of proportion. The amendment simply applies to the one situation where a woman and an officer, or a contributor, are living together, and the woman happens to have a living husband. The amendment does not deal with the case of an unmarried woman and a married officer who have lived together under the specified conditions for seven years or longer. In those circumstances, my friend's amendment would still permit the Treasury Board, in a proper case, to award a pension to the widow. Nor does the amendment deal with the case of a married woman and a married officer who have both left their legal spouses and joined forces, where it might well be argued that the impediment is that the officer is married and could not marry again in any event, and therefore we do not look at the status of the wife.

It seems to me that we must get down to some basis of reality when dealing with situations of that kind. If 100 per cent morality cannot be applied, one must try to do the best that can be done in a practical way, regardless of what is thought of the conduct of the individuals involved. It must be faced as a fact that these situations do occur and have to be dealt with. For example, when Canadian soldiers served in England during the war, and married in that country, they could not foresee that their wives might refuse to rejoin them in Canada when the war ceased. In such circumstances, let us suppose that a Canadian soldier divorced on the ground of desertion, married again, and subsequently died, and his second spouse, believing she was his lawful wife had raised a family. Is she to be turned out into the cold and refused a pension? In the meantime, the wife who had secured the divorce in England might very well have remarried. When those factors are matched up, where in equity and morality should the pension fall? It certainly could not be argued that the pension should go to the wife in England who had taken divorce proceedings, but who so far as Canadian law is concerned is still the Canadian soldier's wife.

The thing that disturbs me in this debate is the fact that we are asked to read only one implication into this legislation that would be bad, and it is the one implication that I cannot believe is feasible, because I believe the personnel of the Treasury Board are too intelligent for that, and that their principles of morality are just as high as those of any senator or member of the House of Commons. I believe that when the Treasury Board is called upon to administer the provisions of this bill, they will do so in favour of a woman who becomse the wife of an officer in the circircumstances I have related, only if they feel that their action accords with all the laws of decency and morality. To attempt to argue against these provisions on the basis of the one implication I have mentioned is an unfair way of approach.

Whether this bill goes back to committee for reconsideration or not is of no concern to me. I was the chairman of the committee which dealt with it, and honourable senators who were present had the same opportunity of hearing and weighing the evidence as I had. When the members of the committee voted in favour of the provisions which are now before the house for consideration, one member of the committee, at least, did not vote against the provisions, yet he has spoken against them in this debate. Of course, that is his privilege. However, in my view, there is no point in getting excited about this matter. These are situations which confront the department. The provisions of the bill are not retroactive; they are designed to deal with situations as they occur from now on. If we could become 100 per cent moral—and I wish we could, but it seems to be difficult—we could repeal the provisions which are objected to. The alternative course would be to have the provisions taken out, because I do not think it possible to be equitable by recognizing certain grades

of morality and making various classifications of adultery. I think the circumstances which prompted the department to seek this power in administering the Defence Pensions Act were humane principles which, to the extent that I have indicated, justify themselves on any moral ground. That is why I speak as I do on this motion before the house.

Hon. Cyrille Vaillancourt: Honourable senators, the honourable senator from Toronto (Hon. Mr. Hayden) has explained his point of view very briefly by saying that this proposed legislation is for special cases. I know of one special case, a very bad one. An officer who was married just three days before leaving for overseas in 1942, came back in 1945 and left his wife and is now living with another woman; and since he was an army veteran he asked the department to transfer his pension to his common-law wife. His real wife has been obliged to go out and work ever since. I have no suspicions as regards the members of the Treasury Board, but the board is obliged to act on a report given by some officer or committee. If the amendment is passed, the whole pension will go to the common-law wife in the event of the officer's death, and his legal wife, who is living an absolutely honest life, will be in a very bad position. We are often obliged to give assistance by way of food and money to a good woman who has found herself in these unfortunate circumstances.

For those reasons I will vote for the amendment to the amendment.

Hon. Mr. Haig: Honourable senators, I will be brief in my closing remarks.

I always enjoy what the honourable senator from Toronto (Hon. Mr. Hayden) has to say, and his remarks in this instance were no exception to his general high standard. In his analysis he cleverly came to the most difficult case last, having stated all the plausible cases first. But let me ask, how many times does the Treasury Board itself examine these cases? A committee is appointed to do it for them.

In my earlier years of practice I frequently had persons with matrimonial troubles come to me for advice. For instance, a woman would come to me and say, "I am living with Mr. Brown, but I am not married to him; his wife has been in a mental hospital for twenty years. We are getting older, and he would like to leave his estate to me when he dies." My immediate suggestion to a woman in such circumstances would be to get the man in question to draw a will. The Treasury Board in its consideration of such a case might consider that some action on the woman's part entitled her to a pension. But my point is, and I put it strongly, that it would not matter if the Prime Minister himself was chairman of the Treasury Board, we should not give them the power to do something that is in itself fundamentally wrong. That is all there is to it: it is wrong for a married man to live in adultery with another woman. It is not a question of who should examine the facts of the case; it is a question of right and wrong. If this bill were passed in its present form and only one case came before the board for consideration under this section, the legislation would be just as wrong as if a thousand cases came for consideration and pensions were granted in each case.

However, this type of legislation has to do with people in certain walks of life, namely soldiers. Such problems have come about by reason of the fact that men leave the country to go to war, leaving behind them wives and children. I know many young men in my own city who were married just before going overseas, and absence from the country for a long period of time is apt to result in difficulties. Be that as it may, let us not by any act of ours pass legislation which would condone the conduct of a woman who had been living in adultery with an officer, by giving her a pension.

In closing may I say to my honourable friend from New Westminster (Hon. Mr. Reid) that if the honourable senator from Toronto (Hon. Mr. Hayden) had any grounds for chiding him, he had much wider grounds for chiding me. After all, I am a lawyer and am expected to know what is involved in legislation that passes through this house. I must have been in the house when certain bills to which the honourable senator from Toronto referred were passed, but unfortunately their significance escaped my attention.

Hon. Mr. Beaubien: It happened even in this session.

Hon. Mr. Haig: But the provisions of this bill struck me forcibly the first time I read them.

If this bill goes back to the committee we will give this section the serious consideration it deserves. I think it would be to the credit of the Senate of Canada to reduce to a minimum the pension rights of a woman who has been living in adultery. There may be cases where some special consideration is justified, but I cannot think of any. I will not oppose the amendment to the amendment when it comes to a vote.

Hon. W. Ross Macdonald: Honourable senators, I think the honourable senator from Toronto (Hon. Mr. Hayden) has explained the purpose of this bill very clearly. In his discussion of the details he has shown how unfair it would be if certain women were

deprived of the benefits under section 150. However, the feeling of the house seems to be that the question should be given further consideration. While some honourable senators may not yet have formed a definite opinion on this section, I feel that the majority would like to hear further from the officials of the department and consider certain points raised by the honourable leader opposite before coming to a final decision. Care should be taken to see that no one gets benefits to which they are not entitled, and that none are deprived of benefits to which they are entitled.

As far as I am concerned, I have no objection to the bill going back to the committee for further consideration.

The Hon. the Speaker: Honourable senators, may I review the events of this debate up to the present moment?

First, a motion was made by the Honourable Senator Hayden, seconded by the Honourable Senator Beaubien, that the report of the Standing Committee on Banking and Commerce on Bill 257 be adopted. Secondly, by way of amendment to that motion, the Honourable Senator Haig moved, seconded by the Honourable Senator Aseltine, that:

The report be not now adopted, but that it be referred back to the Standing Committee on Banking and Commerce, with instructions to the said committee to amend the said bill as follows:

"Page 6, line 1: Delete the words 'either' and 'or of herself' from the said line".

In passing I may say that it is my opinion that if the amendment carries, any subsequent action by the committee would be limited to that specified in the amendment.

Thirdly, in amendment to the amendment it was moved by the Honourable Senator Kinley, seconded by the Honourable Senator Bishop:

That the report be referred back to the Standing Committee on Banking and Commerce for further consideration of the bill and with power to amend it in any respect.

The question, honourable senators, is on the amendment to the amendment. Will honourable senators who are in favour of the amendment to the amendment please say "Content"?

Some Hon. Senators: Content.

The Hon. the Speaker: Will honourable senators who are not in favour of the amendment to the amendment please say "Non Content"?

In my opinion, the "Contents" have it, and the amendment to the amendment carries. In the circumstances the amendment may be negatived by the same vote, or it may be withdrawn.

Hon. Mr. Haig: It is defeated, I think.

Hon. Mr. Roebuck: The amendment, Mr. Speaker, is amended by the amendment to the amendment.

Hon. Mr. Macdonald: I agree that is the correct procedure, but the amendment to the amendment did not amend the amendment. It might be a little clearer if the Leader of the Opposition (Hon. Mr. Haig) would withdraw his amendment so that the amendment to the amendment would became the main amendment.

Hon. Mr. Haig: I think the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) is correct. The honourable gentleman from Queen's-Lunenburg (Hon. Mr. Kinley) has moved an amendment amending my amendment.

Hon. Mr. Macdonald: But the amendment to the amendment did not strike anything out of the amendment.

Hon. Mr. Haig: I would suggest that the amendment to the amendment be amended, by consent of the house, to move that my amendment be struck out. That would clear it all up.

Hon. Mr. Lambert: Honourable senators, with all due respect to what has been said, I submit that as the amendment to the amendment has been carried it is necessary now either to have the amendment withdrawn or a vote taken on it.

Hon. Mr. Haig: I would not think so.

Hon. Mr. Lambert: In other words, the proper procedure is to vote on the amendment, and if it is defeated it will be out of the way. Of course, my honourable friend may prefer to withdraw it.

Hon. Mr. Reid: Unless the proper procedure is followed we will not know where we are.

Hon. Mr. Macdonald: I think the difficulty we are in arises from the fact that the amendment to the amendment does not amend the amendment. There was nothing struck out of the amendment. The whole matter could be cleared up if the Leader of the Opposition would withdraw his amendment, as then the amendment to the amendment would be the main amendment.

Hon. Mr. Roebuck: May I say, honourable senators, that an amendment to an amendment does not have to strike out something in order to amend the amendment.

Hon. Mr. Macdonald: That is quite right, so long as the amendment to the amendment makes sense by adding something to the amendment.

Hon. Mr. Roebuck: This amendment to the amendment does make sense. It agrees with the amendment that the report be re-

ferred back, but gives authority to the Banking and Commerce Committee to make such changes as it desires. So in substance it is perfectly clear. It has amended the amendment.

Hon. Mr. Macdonald: Perhaps my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) would just read what the amendment to the amendment says, or have it read.

The Hon. the Speaker: I will read it:

That the report be referred back to the Standing Committee on Banking and Commerce for further consideration of the bill and with power to amend it in any respect.

Hon. Mr. Macdonald: It does not even refer to the amendment.

Hon. Mr. Roebuck: It is moved as an amendment to the amendment, and is to the effect that the report be referred back, as the amendment says, but instead of tying the hands of the Banking and Commerce Committee it gives the committee full authority to act. In other words, the instructions are stricken out of the amendment. That is the common sense of it.

Hon. Mr. Macdonald: This subamendment has no relation whatever to the main amendment.

Hon. Mr. Haig: I understand the amendment to the amendment to mean that the amendment has been struck out.

Hon. Mr. Reid: May I ask the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) just where will we be if we take a vote on the amendment and it carries?

The Hon. the Speaker: Do I understand that the honourable Senator Haig agrees to withdraw his amendment, or agrees that it has been negatived?

Hon. Mr. Haig: I agree that the amendment to the amendment negatives the amendment.

Hon. Mr. Macdonald: And that is the unanimous opinion of the house.

The amendment moved by Hon. Mr. Kinley was agreed to, and the report was referred back to the Standing Committee on Banking and Commerce for further consideration of the bill and with power to amend it in any respect.

The amendment moved by Hon. Mr. Haig was resolved in the negative.

The motion by Hon. Mr. Hayden was resolved in the negative.

PRIVATE BILL

TRANS-BORDER PIPELINE COMPANY LTD.—COMMONS AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the House of Commons to Bill Z-12, an Act to incorporate Trans-Border Pipeline Company Ltd. to construct, own and operate an extra-provincial pipeline.

Hon. Mr. Bouffard: Honourable senators. I move that the amendment be concurred in.

Hon. Mr. Isnor: What is the amendment?

Hon. Mr. Bouffard: The amendment is a short one. It deals only with the location of the pipe line, and requires that the pipe line be built and situated completely in Canada. I got in touch with the promoters of the bill and the lawyer representing the promoters and they are satisfied with the amendment.

The motion was agreed to, and the amendment was concurred in.

DIVORCE BILLS

SECOND READINGS

Hon. Mr. Roebuck, Chairman of the Standing Committee on Divorce, moved the second reading of the following bills:

Bill A-17, an Act for the relief of James McMartin.

Bill B-17, an Act for the relief of Charles John Urban.

Bill C-17, an Act for the relief of Joseph Adalbert Beaudoin, otherwise known as Georges Beaudoin.

Bill D-17, an Act for the relief of Donald John McGillivray.

The motion was agreed to, and the bills were read the second time, on division.

THIRD READINGS

The Hon. the Speaker: Honourable senators, when shall these bills be read the third time?

Hon. Mr. Roebuck: Honourable senators, I would ask that a special concession be made in these cases and that these bills be read the third time now. This request is due only to the fact that the bills must be printed, with the evidence, promptly, in order to have them before the House of Commons within a reasonable time. Usually I am opposed to having two readings on one day, but there is good reason for this request. Therefore, with leave, I move the third reading now.

The motion was agreed to, and the bills were read the third time, and passed, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, June 16, 1955

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine Proceedings.

THE HONOURABLE THE SPEAKER

ATTENDANCE AT NATO MEETINGS ABROAD

The Hon. the Speaker: Honourable senators, with genuine regret I wish to announce to the house that, owing to a combination of circumstances, it will not be possible for me to attend sittings of the house during the balance of the session after Tuesday next. Some honourable senators will know that, as a result of the initiative of the Canadian NATO Parliamentary Association, a meeting of NATO parliamentarians will take place in the middle of July, in Paris. One of the purposes will be to consider the formation of a NATO Inter-Parliamentary Association. The response to our invitations has exceeded our fondest hopes, and it is expected that over 150 NATO parliamentarians will attend. While the NATO Secretariat have been most co-operative re technical details, the main responsibility will fall on the Steering Committee itself, of which our association did me the honour of appointing me the Canadian representative.

Some members of the Steering Committee will meet in London early in the week of July 3, and I feel it is desirable that I should be present. Until recently I had hoped to change a long standing reservation for June 22 to a week later, but the extraordinary circumstances attendant on the stevedoring strike, in the United Kingdom, leave me little alternative to keeping my reservation of June 22. May I ask from honourable senators their indulgence, and understanding, in the circumstances; and may I, in anticipation, thank whoever may be called on by the house to preside in my absence, and to express the hope that all honourable senators will enjoy the recess following the prorogation of Parliament.

MUNICIPAL GRANTS BILL

FIRST READING

A message was received from the House of Commons with Bill 258, an Act to amend the Municipal Grants Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADA AGRICULTURAL PRODUCTS STANDARDS BILL

REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 411.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (411) intituled: "An Act to establish national standards for agricultural products and to regulate international and interprovincial trade in agricultural products", have in obedience to the order of reference of June 15, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 3, line 14: strike out the word "requirements" and substitute therefor the word "standards";

2. Page 3, line 21: strike out the word "requirements" and substitute therefor the word "standards";

3. Page 6, lines 12 and 13: strike out the words "whether or not the forfeiture is directed by the conviction" and substitute therefor the words "if such forfeiture is directed by the Court".

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hayden: With leave of the house, I move that the report be concurred in now. The amendments are similar to those that the committee made to Bill 352, which amendments came before the Senate yesterday and stand for consideration today. One amendment simply deals with the question of forfeiture of a vehicle or other thing used in connection with some product or article where there has been a violation of the act. As the bill came to us it provided that in the event of a conviction for a violation of the act the vehicle or other thing used in the commission of the offence was forfeited, whether or not the magistrate or judge directed forfeiture. We have amended that provision so as to give the magistrate or judge discretionary powers. He can weigh the circumstances of each case and decide whether a forfeiture should be ordered.

Another change follows on a point raised in the Senate yesterday by the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck), having to do with section 5 of the bill. It was not clear how broad were the powers which the bill gave to the Governor in Council to make regulations prohibiting

the import or export of or interprovincial trade in articles or goods covered by the act. The limiting words, which would form the escape clause, were to the effect that goods would not be subject to such prohibition if they complied with prescribed requirements, had been prepared in accordance with prescribed conditions and packed in the prescribed manner. There was no other place else in the bill where the word "requirements" occurred. In committee we concluded that what was meant was that articles which complied with the standards or the grades provided for earlier in the act would escape from the prohibition provision.

Part of the provisions of the Canada Dairy Products Act have been included in Bill 411, and that act referred to "standards" rather than "requirements". "Prescribed requirements", with unlimited power vested in the Governor in Council to make regulations, are unusual. That is why the committee substituted the word "standards" for "requirements" in two places in section 5, which deals with the power of the Governor in Council to regulate international and interprovincial trade in agricultural products. The committee felt that by so doing it had met the point which the honourable senator from Toronto-Trinity properly raised yesterday.

Hon. Mr. Burchill: Honourable senators, although I am a member of the Banking and Commerce Committee, the meetings this morning of other committees of which I am a member prevented me from attending the Banking and Commerce Committee meeting. May I ask the chairman of the committee (Hon. Mr. Hayden) if this bill has brought in any new features that are not now in the act with respect to interprovincial trade in dairy and agricultural products.

Hon. Mr. Hayden: I think I can safely say that the bill does not introduce any new features.

The motion was agreed to, and the amendments were concurred in.

THIRD READINGS

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill, as amended, was read the third time, and passed.

NATIONAL PARKS BILL

REPORT OF COMMITTEE

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the report of the committee on Bill 261, an Act to amend the National Parks Act and to establish a national park in the province of Newfoundland.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Natural Resources, to whom was referred the Bill (261) intituled: "An Act to amend the National Parks Act and to establish a National Park in the Province of Newfoundland", have in obedience to the order of reference of June 9, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Vaillancourt: With leave of the Senate, I move the third reading now.

Hon. W. M. Aseltine: Honourable senators, before this bill is given third reading I should like to say a few words by way of supplement to the brief remarks I made on the debate for second reading of the bill, when I complained about the proposal to reduce the area of the Waterton Lakes National Park.

I should like to repeat that, generally speaking, I am opposed to the reduction in size of any of the national parks of Canada. I consider these parks to be one of Canada's great national resources, and I believe that in years to come they will be playgrounds for a far greater number of people than we have in Canada today. I was opposed to the cutting down of the size of the Prince Albert National Park in Saskatchewan and I still feel that such a move was a mistake. I also opposed the reduction of the area of the Banff National Park and the turning of it into a hydro project. And I thought I was right when I spoke a few days ago against the reduction by some seven hundred acres of the Waterton Lakes National Park. However, in the light of additional information which has since come to me, I find that I was wrong for once at least.

Hon. Mr. MacKinnon: Twice.

Hon. Mr. Hayden: Or three times.

Hon. Mr. Aseltine: I went to the trouble of interviewing the member in the House of Commons representing that district and learned that he, with a representative of the department concerned, had gone over the

whole area last summer and made a thorough study of it. I learned also that the removal of the seven hundred acres, which is just a little more than a square mile, was more of an advantage than a disadvantage to the park. A representative of the department produced a map of the area which showed the road now being constructed. Upon looking over the whole matter carefully one could not but conclude that the removal of the seven hundred acres would not materially affect the park, which still has several hundred square miles of area in it. To that extent, honourable senators, I should like to amend my remarks of the other day, and express my approval of that portion of the bill having to do with the Waterton Lakes National Park.

May I add that when this bill was in committee we saw maps and had a full explanation as to the park about to be established in the province of Newfoundland. The site will be donated by the province, and it remains only for the federal Government to authorize the establishment of a park. It will be contiguous to both air and rail travel facilities, but later on a highway will have to be constructed to it.

With those few words of explanation, honourable senators, I am quite in favour of the bill being given third reading.

Hon. T. A. Crerar: Honourable senators, I endorse almost everything our colleague from the remoter parts of Saskatchewan has just said.

Hon. Mr. Haig: Rosetown.

Hon. Mr. Crerar: But I do desire to take slight exception to something bordering on the nature of criticism of the reduction in area of Saskatchewan's national park north of Prince Albert, and of some change made in the Banff National Park. Of course, if my honourable friend thinks a mistake was made he is entitled to say so. Those changes were effected when I happened to be the minister of the department responsible for administration of the parks. I can assure the house, if there should be any concern at all about the matter, that the area taken out of the Prince Albert National Park was an area of muskeg that had been a continuing hazard to the administration in its fire protection work, and it was just as well to let that area go back to the province, which looked after the adjoining area.

So far as Banff National Park was concerned, we were faced with a real problem. There was a lovely little lake there, which, if my memory is right, was called Lake Minnewanka. The proposal was to build a dam, raise the level of this lake and hold back its waters so that there would be a more gradual and steadier flow into the Bow River for power development. That would never have been done had it not been for the war needs. War industries had been established in the Calgary area and it was absolutely essential that a continuing source of power be available for them, and after weighing the matter very fully we decided to make that exception in the case of Banff National Park. The dam was built, the level of the lake was raised, a storage reservoir was created, and an even flow of water was maintained into the Bow River and on down to Calgary to service power plants.

I quite agree with what the honourable senator from Rosetown (Hon. Mr. Aseltine) said about the small area taken out of the Waterton Lakes Park. And on general principles I agree with everything he said about the importance of maintaining our national parks untouched, as far as possible, in the condition in which nature has left them. We have so much land in this country that we can afford to set aside in various provinces a few hundred square miles and create national parks that will be things of beauty and joy.

Hon. Mr. Aseltine: For ever.

Hon. Mr. Crerar: Yes. They are great playgrounds, and will continue to be a source of recreation to the Canadian people long after all of us have passed from this earthly scene.

Hon. Calvert C. Pratt: Honourable senators, may I say just a word on this bill? I was unable to be present on the occasion of the second reading, so I am very glad to have this opportunity to support the move for the establishment of a national park in Newfoundland. I may say first that it is one of the many things still outstanding which the Newfoundland people have been expecting, arising out of union with Canada. I do not say that it is one of the most important things by any means, but it will unquestionably be of considerable value to the province, especially with relation to the development of tourist traffic. Also a national park gives an uplift to many people, being a wide open space of which everyone can feel he is part owner, a place where everyone can visit and get the satisfaction that comes from beautiful surroundings. It is gratifying to know that a start is being made on the establishment of a national park in Newfoundland.

Just one word concerning the location of this park. The honourable senator who explained the bill on second reading (Hon. Mr. Baird) mentioned that the park will be in the Bonavista Bay area, which is fairly accessible to the Avalon Peninsula, the most closely

populated section of Newfoundland. That will be in the vicinity of the Trans-Canada highway, and it is near to the Gander airport. Incidentally, very few people, even those who frequently cross the ocean back and forth, have any idea of the tremendous role played by that airport in world travel. I feel the establishment of a national park within easy reach of Gander airport will have a good effect on the development of our tourist trade. Newfoundland has the natural attractions for a large tourist trade, but up to the present time we have not had much opportunity of using them. The coastal area in question is very beautiful and the rivers and arms of the sea will provide unexcelled sporting opportunities.

There may be a question in the minds of some as to whether the wood lands and water power potential in the vicinity can be safeguarded for commercial development. I believe that any difficulty in that connection could be overcome by not having the park too compact but spread out in directions most suitable to serve both purposes. I know the proposed location and I can assure honourable senators that it is very picturesque.

I feel that the whole scheme calls for prompt and joint action on the part of the provincial Government and the federal Government to have this legislation implemented.

The motion was agreed to, the bill was read the third time, and passed.

THE ESTIMATES

REPORT OF COMMITTEE ON FINANCE

Hon. T. A. Crerar, Chairman of the Standing Committee on Finance, presented the committee's report on the Estimates laid before Parliament for the fiscal year ending March 31, 1956.

He said: Honourable senators, on March 16 last there was a reference by this house to the Standing Committee on Finance to make inquiries respecting the Estimates that had been tabled earlier in Parliament. I present now the committee's final report, to which is attached a number of exhibits and schedules. The report covers almost seven pages, and with the consent of the house I would move that instead of having it read by the Clerk Assistant it be printed as an appendix to the *Debates of the Senate* and the *Minutes of the Proceedings* of the house for this day, together with the exhibits, but excluding the schedule, Exhibit No. 3, which is a rather large document. That schedule is, in effect, a summary of Government expenditures by departments that appeared in the Blue Book of Estimates. I would suggest that copies of the report and all other exhibits be printed for distribution and that the summary Exhibit No. 3, be inserted in a little pocket at the back of the report, as was done in the Book of Estimates.

I submit this report as the final report of the Finance Committee for the present session.

The Hon. the Speaker: Does the house agree to the suggestion of the honourable senator with regard to printing?

Hon. Senators: Agreed.

The Hon. the Speaker: Does the honourable senator propose that the report be considered in the house in the near future?

Hon. Mr. Crerar: Yes: next Wednesday.

Hon. Mr. Macdonald: Put it on the Order Paper, at least, for next Wednesday.

Hon. Mr. Crerar: Yes.

On motion of Hon. Mr. Crerar it was ordered:

That the report of the Standing Committee on Finance, together with the exhibits attached thereto, less Exhibit No. 3, be printed as an appendix to the *Debates of the Senate* and of the *Minutes of the Proceedings* of the Senate of this date.

See Appendix to today's Hansard, pp. 625 to 643.

AUTHORITY TO PRINT ADDITIONAL COPIES OF COMMITTEE PROCEEDINGS

Hon. Mr. Crerar: Honourable senators, with leave of the Senate I move:

That authority be granted for the printing of 1,000 additional copies in English and 200 additional copies in French of the Report of the Standing Committee on Finance on the expenditures proposed by the Estimates laid before Parliament for the fiscal year ending March 31, 1956.

The motion was agreed to.

DIVORCE PETITIONS

REPORT OF COMMITTEE

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 425 and 426, dealing with petitions for divorce, and moved that the said reports be taken into consideration at the next sitting.

The motion was agreed to, on division.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when this house adjourns today it stand adjourned until Tuesday, June 21, at 8 o'clock in the evening.

It is rather difficult at this time to determine when we should meet. We are getting near the end of the session, and if we thought

that the House of Commons was likely to finish its work next week we would have to sit tomorrow and, probably, on Monday. But in fact I have no more information than any other honourable senator as to when the House of Commons will finish its work. It may be necessary for us to sit on Friday of next week and adjourn till the following Monday. However, conditions are very uncertain.

I appreciate the excellent attendance of honourable senators during this session. I know that all of us are anxious to get away, but I would appreciate it, and I know that the honourable Leader of the Opposition (Hon. Mr. Haig) shares my wishes in this matter, if as many honourable senators as possible would so arrange their affairs that they can remain here until prorogation.

The motion was agreed to.

HUDSON BAY INCIDENT

CONDITIONS AT CHURCHILL

Hon. R. B. Horner: Honourable senators, before the Orders of the Day are called I would like to draw the attention of honourable members and the Government to an article which appeared in yesterday's newspapers concerning a plane immobilized on an ice floe in Hudson Bay. It may be recalled that 300,000 pounds of sawdust have been flown out in an endeavour to keep the ice from melting under the plane and to facilitate its removal. I merely mention this incident because it underlines two points which I have been trying to make in connection with Churchill Harbour. One is that an ocean-going vessel should be stationed there. If one had been stationed there, no difficulty would have been experienced in the salvaging of this plane. Another point which I have stressed is the variation in the length of time during which Churchill may be used year by year. Yesterday, with a temperature of 88 degrees, it was perhaps the hottest place in Canada. Now, or shortly, it will be open for navigation.

RAILWAY BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 259, an Act to amend the Railway Act.

He said: Honourable senators, the purpose of this bill is to enable the federal Government to increase its grant to the railway grade crossing fund, so that, through co-operation with municipal governments and the railroads, accidents at railway crossings, which have caused a great loss of life, may not be so numerous in the future as they have been. Most accidents these days occur on the highways; and I think we were all very pleased when we learned of the meeting at Ottawa of the National Safety Conference, the first conference of its kind in this country. I think we were also very pleased to know that the chairman of the conference was the Honourable Brooke Claxton, who served his country so well over many years in several portfolios in the federal Government. It is reassuring that a man who has given up active service in Parliament should still be interested enough in the public affairs of this country to head this important conference. I am sure that in his new sphere he will continue to give splendid service to Canada.

I should like to quote Mr. Claxton's opening words at that conference:

> Everyone recognizes the necessity, the absolute necessity and the urgent necessity for doing everything we can to stop the loss of life, the crippling injuries, the pain and suffering, and the cost in time and money caused by motor vehicle accidents.

In 1907 there were 2,130 automobiles registered in Canada. This year there are about 3½ million, or an average of about one car for every four persons in the country. It is estimated that by 1960 there will be at least 5 million automobiles registered in Canada, and I would not like to hazard a guess as to how many will be registered in later years.

Again quoting from Mr. Claxton's remarks to the conference:

> Today accidents are the third largest cause of death, third only to the group of diseases or conditions known to the statisticians by the title of "cardio-vascular-renal" which, I think, is medicine talk for the class of diseases or rather conditions which really represent the breakdown of the human system. The second greatest cause of death today is cancer. The third is accidents of all kinds. In this group of accidents, about one-half the deaths are due to automobile accidents . . . During the last twenty-five years, more Canadians were killed by motor vehicles than lost their lives in the Canadian Forces in the Second World War.

Honourable senators will probably be surprised to know that the numbers of people killed by accidents at railway crossings is comparatively small. In 1953 the Board of Transport Commissioners prepared a report on the railway-highway crossing problem in Canada. The Board conducted an exhaustive inquiry into the question of accidents at highway crossings, and at the foot of page 12 in the report appear these words:

> Before proceeding further in analyzing grade crossing accidents it would be well to see the grade crossing problem in its proper setting in relation to all highway accidents. The spectacular and particularly disastrous nature of many grade crossing accidents is perhaps responsible for a tendency on the part of the general public to over

estimate their frequency. Actually they comprise only between 1 per cent and 2 per cent of all highway accidents.

Mr. Claxton, in speaking before the conference, further stated:

People think a lot of accidents are due to railway trains at level crossings. But the figures show that only one one-hundredth of 1 per cent of deaths by automobile are due to railways.

Notwithstanding the fact that the percentage of deaths and accidents at railway crossings is comparatively small, it is still a serious problem and one in which we are all concerned. The Government took such a serious view of it that an order in council was passed directing the Board of Transport Commissioners to make an inquiry into this question.

Hon. Mr. Isnor: May I interrupt the honourable leader to ask him a question? Does the report of the Board of Transport Commissioners deal with railway accidents or automobile accidents?

Hon. Mr. Macdonald: It deals with accidents at railway crossings. Probably I should read the last part of the order in council:

The Board shall

(a) conduct a survey and report on the methods considered by the board to be practicable under all pertinent circumstances of eliminating the hazards and improving the public convenience and the protection and safety of the public at such crossings;

(b) review and report on the adequacy of The Railway Grade Crossing Fund to provide for the construction of works for the protection, safety and convenience of the public in respect of railway-highway crossings; and

(c) make such recommendations as the board may deem advisable in the premises.

So the inquiry was concerned only with accidents at railway crossings. The board made eight recommendations, which appear on page 72 of the report, and with leave of the house I will place them on *Hansard*:

1. Until Parliament enacts otherwise there should be an appropriation of $5,000,000, instead of the present $1,000,000, to the Fund each year from April 1, 1954, with a proviso that where on April 1 in any such year there is an uncommitted balance of more than $2,000,000 in the Fund the appropriation for that year should be such sum as with the uncommitted balance will amount to $7,000,000.

2. The contribution presently provided for, of 40 per cent of the cost of the actual construction work for the protection, safety and convenience of the public, with a maximum of $150,000, in respect of any one crossing at rail level, should be increased to 60 per cent and $300,000 respectively.

3. The Fund should be made available to aid reconstruction and improvement of grade separations in existence at crossings when the amendment comes into force and which because of their location, design or size are inadequate for the highway traffic using them, the contribution in any one case not to exceed 30 per cent of the cost of reconstruction and improvement nor exceed $150,000.

4. Contributions should be permitted towards the annual cost of maintenance and operation of automatic signals installed at crossings after the amendment comes into force, the contribution in respect of any one crossing not to exceed for any year the actual cost for that year nor exceed $200.

5. The provision in subsection (1) of section 265, which prevents a contribution from the Fund in respect of crossings at rail level constructed after April 1, 1909, unless there is the agreement referred to in the subsection between the railway company and a municipal or other corporation or person, should be eliminated, but there should be a provision that the board shall not apply any money out of the Fund towards the cost of work in respect of a crossing unless the crossing has been in existence for at least three years prior to the making of the board's order to apply the money.

6. The board should be expressly empowered to make contributions where it sees fit towards the cost of highway projects which involve the construction of a grade separation and the closing of an existing crossing or the diversion from the existing crossing of nearly all the highway traffic using it.

7. Section 263 of the Railway Act, which places on the railway company, unless and except as otherwise provided by an agreement approved by the board, all cost of protection, safety and convenience of the public in respect of any crossing of the highway where the railway is constructed after May, 1909, should be repealed.

8. That the Railway Act be amended to give effect to the foregoing recommendations.

May I come now to the act itself. The purpose of the act is to increase the amount which the Government will pay into the Railway Grade Crossing Fund from $1 million to $5 million a year. An important new provision is that payment out of the Fund can be made not only in connection with existing crossings at rail level, but also toward improvement of the grade separations that will be in existence at crossings when this act comes into force. The act as it now stands provides for payments toward rail crossings at rail level, but there is no provision for payments in connection with grade separations. Further, the act provides that only 40 per cent of the cost shall be paid out of the Fund toward work done at existing crossings at rail level, up to an amount of $150,000. Under the bill 60 per cent of the cost may be contributed up to a total sum of $300,000.

The bill further provides that 30 per cent of the cost of reconstruction and improvement of a grade separation can be paid from the Fund, up to a total of $150,000. Honourable senators may ask why 30 per cent is applicable to grade separations and 60 per cent to rail level crossings. The increase in danger at railway crossings is not the fault of the railways; it is caused by the increase of traffic on roads that pass over railway crossings. In the case of a grade separation, traffic goes under the crossing or above it, and there is no danger as far as the railway is concerned. The difficulty is that an accident might be

caused through a bottleneck on the highway or by too many vehicles passing over a narrow bridge. For that reason, it was felt that 30 per cent would be a sufficient contribution towards grade separations.

Hon. Mr. Horner: Thirty per cent by the railway?

Hon. Mr. Macdonald: No. Thirty per cent of the cost is paid out of the Railway Grade Crossing Fund. The balance of the money is payable by the municipality and the railway. The Board of Transport Commissioners has not the power to require a provincial government to make a payment, but if a municipality feels that an improvement should be made at a rail level crossing or at a grade separation, it can make its own arrangement with the province to share the cost.

I believe those are the main features of this bill.

May I add that all the recommendations which were made by the Board of Transport Commissioners are embodied in the provisions of this bill, with one exception, namely, the maintenance of warning equipment at railway crossings. The payment into the Fund is $5 million a year, and the Government felt that instead of using any of that money to pay for maintenance of upkeep of equipment at the crossings it would be better to use all the money for improving the crossings; in other words, to prevent accidents at crossings which are not adequately protected. The Government feels that the municipality or the province or the railways should look after the equipment once it has been installed.

I have already said that $5 million is paid into the Fund each year. If for any reason the $5 million is not used in any one year and there is a surplus, that surplus remains in the fund, but if the surplus is more than $2 million any amount over the $2 million is deducted from the $5 million. That means that the Fund will never have more than $7 million in it at any time. It will be seen that as the payment is made annually, unless the whole $5 million is used, there will always be some money in the Fund.

I strongly recommend that honourable senators give favourable consideration to this bill. The municipalities have been asking for the improvement of crossings for many years. If the bill becomes law, I think many lives will be protected and saved by its provisions.

Hon. Thomas Reid: Honourable senators, I think we all agree with the honourable Leader that it is highly desirable to increase the annual appropriation to the Railway Grade Crossing Fund to $5 million. However, the bill goes beyond that, for I notice that section 263 of the act is to be deleted. That section reads as follows:

> In any case where a railway is constructed after the 19th day of May, 1909, the company shall, at its own cost and expense, unless and except as otherwise provided by agreement, approved by the Board, between the company and a municipal or other corporation or person, provide, subject to the order of the board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway.

The new section 262, which is to take the place of the deleted section 263, provides that the cost of eliminating railway crossings may be apportioned by the board, of course making use of the $5 million assistance, as explained by the honourable leader this afternoon.

Hon. Mr. Macdonald: That is an improvement, is it not?

Hon. Mr. Reid: But I have not heard an explanation as to why the railway company seemingly is being let out of its share of the cost. However, I did not rise particularly to draw attention to that clause, but I merely mention it in passing.

Hon. Mr. Macdonald: The new section 262 provides that:

> Notwithstanding anything in this act or any other act, the board may order what portion, if any, of the cost is to be borne respectively by the company, municipality or other corporation . . .

That refers to the railway company.

Hon. Mr. Reid: But under the present section 263 the railway had a greater responsibility than it will have when that section has been deleted.

Hon. Mr. Macdonald: I would point out to my honourable friend that under the present law no payments need be made by the community if the railway line was constructed subsequently to 1909. But this bill provides that no matter when a railway was constructed, the costs of protecting its crossings will come within the provisions of the act.

Hon. Mr. Reid: I should like to mention the general situation. One has only to travel about this great country of ours to realize the impossible task of eliminating every railway crossing. And if we are going to protect all the crazy-fool drivers who approach crossings without due care, we will have to eliminate every crossing. The last accident report I read—and I have not yet seen the one from which the honourable Leader quoted —contained the astounding statement that in 30 to 35 per cent of motor car-train collisions at crossings the motor car had struck not the front but the tail end of the train.

Hon. Mr. Aseltine: They sometimes run into the side of the train too.

Hon. Mr. Reid: I do not know how we are ever going to protect careless drivers against railway crossing accidents in a country that has two transcontinental railways with perhaps 3,000 miles of track each. If the municipalities are going to do anything worth while by way of protecting crossings they must receive greater financial assistance. Certainly no rural municipality that I know of could afford to eliminate a crossing, which means either building a subway under the tracks or constructing an overhead crossing and removing any buildings that happen to be in the way of either operation.

The city of Ottawa is a good example of how traffic can be tied up with railway crossings. Certainly the removal of all level crossings by the construction of subways, as has been done on Bank Street, would greatly improve traffic conditions in this city. While I use conditions in Ottawa as an illustration, I would not like to hazard a guess as to how much it would cost to eliminate its level crossings. Certainly for forty years my own municipality has not been able to afford to eliminate a railway crossing. It is for that reason that I am wondering if greater help could not be given to the municipalities by the federal Government. In most cases the federal Government has put up some 40 per cent of the construction cost out of the fund, and the remaining 60 per cent was apportioned between the municipality and the provincial Government. Any additional assistance the federal Government could give, would of course be of great help to the municipality.

Hon. Mr. Macdonald: Under this bill the federal government proposes to put up 60 per cent of the cost.

Hon. Mr. Reid: If that is so, I want to commend the Government for bringing in the bill. I am sure we all support the honourable Leader of the Government in what he has said as to the need for eliminating accidents at railway crossings.

Hon. Mr. Roebuck: May I ask the honourable Leader of the Government if he can give us some figures as to the number of people killed or injured in crossing accidents? So far he has given only comparative figures as to different classes of highway accidents.

Hon. Mr. Macdonald: I am sorry, but I do not seem to have that precise information. However, I have some general details which may in part answer the question of my honourable friend. There are approximately 33,000 level crossings in Canada, of which 8,595 are in Ontario. The Dominion Bureau of Statistics reveals that at the end of 1952 there were 2,492 urban and 6,103 rural highway crossings on railways in Ontario. Of the urban crossings, 8,955 had some form of protection; and of the rural, 890 were protected crossings. Thus 65 per cent of urban and 84 per cent of rural crossings were unprotected.

I do not have the figures as to the actual number of people killed in crossing accidents, but the annual report of the Board of Transport Commissioners for 1953 contains this information: During the daylight hours automobiles running into the side of trains caused 59 accidents, with 22 killed and 68 injured, and during night hours there were 98 accidents with 19 killed and 175 injured, making a total of 157 accidents, 41 killed and 243 injured.

Hon. R. B. Horner: Honourable senators, I should like to make a few remarks about railway crossing accidents. I am sure a close look at the circumstances of most of such accidents would reveal that they occurred not at obscure crossings or where trains approached from around a bend, but on level crossings where the visibility was good. Drivers have been known to even run into the gates when they were down and in full view.

The number of accidents in Canada from all causes is most regrettable, especially in view of the fact they needlessly take the lives of many young people. The cure, I think, might be found in a more strict examination of persons applying for a driver's licence. The behaviour of a great many people would strongly suggest that they should never be granted a licence to drive on the highways today.

I was astounded to read an account of a recent accident on a four-lane highway where one would think there was little chance of an accident occurring. However, even on a beautiful stretch of road it sometimes happens that a car will cross a boulevard and get involved with a line of traffic going the other way. I know of an accident that occurred in Saskatchewan involving three doctors, only one of whom survived, and it happened on the straightest stretch of road in the province. The cause of most accidents is an excessive rate of speed. The expenditure of money to remove railway crossings may help, but I believe something else will have to be done to curb accidents. The honourable member from New Westminster (Hon. Mr. Reid) said that many municipalities would not be able to undertake the great expense of protecting crossings, especially crossings over which a train passes only once daily or less frequently. In a good many cases it is sufficient to warn people to exercise caution

in approaching a railway track, or perhaps to require motorists to stop at all railway crossings. But something else will have to be done too. While the amount of money set aside under this legislation is quite large, it will nevertheless not be sufficient to build underpasses or overhead crossings everywhere in Canada. I feel that if people are not educated to exercise reasonable care there will continue to be many who will drive into the side of trains.

Hon. Mr. Macdonald: A moment ago the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) asked me if I had any statistics on the number of people killed and injured in level-crossing accidents. I have since had an opportunity of glancing through the report on the railway crossing problem in Canada, which was prepared by the Board of Transport Commissioners, to which report I referred a few moments ago, and I find on page 16 a table setting forth the number of accidents and persons killed and injured from the years 1908 to 1952. With the consent of the house this table could be printed in *Hansard*.

Hon. Mr. Roebuck: What are the figures for 1952?

Hon. Mr. Macdonald: The figures for 1952 are not quite complete. They show only that there were 463 accidents in that year. The figures for 1951 show a total of 490 accidents; that in the urban districts, 67 persons were killed and 213 injured; and in the rural areas, 124 killed and 309 injured.

Hon. Mr. Roebuck: Thank you.

Hon. Mr. Macdonald: Have I the consent of the house to put this table on *Hansard*? I am sure it would be of interest to honourable senators.

Hon. Senators: Agreed.

The statement is as follows:

SIGNIFICANT STATISTICS ON GRADE CROSSING ACCIDENT PROBLEM IN CANADA

Year	Total Number of Accidents	Urban		Rural		Number of Train Miles	Number of Automobile Registrations
		Killed	Injured	Killed	Injured		
	(1)	(3)		(3)		(3)	(2)
						000,000	000
1908	N/A	30	35	21	33	83	3
1909	N/A	33	41	43	31	84	5
1910	N/A	28	45	35	16	90	9
1911	N/A	22	70	14	38	94	22
1912	N/A	33	43	42	41	105	36
1913	84	32	69	31	35	119	54
1914	131	49	72	32	50	113	74
1915	114	30	68	36	44	95	95
1916	101	26	68	41	30	114	128
1917	136	29	88	29	56	119	204
1918	139	40	76	33	56	114	277
1919	142	32	79	30	79	108	.....
1919	.....	39	95	30	98	112	342
1920	191	30	57	45	66	123	408
1921	189	35	60	49	100	108	465
1922	183	29	129	68	133	112	509
1923	241	24	124	50	144	120	576
1924	247	47	143	59	100	115	645
1925	257	35	154	46	197	114	724
1926	303	48	163	96	171	119	832
1927	314	36	147	60	200	123	940
1928	355	51	218	132	241	132	1,069
1929	390	35	190	93	266	124	1,187
1930	338	32	149	81	265	112	1,232
1931	320	33	166	51	55	97	1,201
1932	266	25	146	69	121	85	1,115
1933	218	26	109	52	138	78	1,083
1934	211	19	79	55	148	82	1,130
1935	242	28	88	93	140	84	1,176
1936	243	22	89	97	201	88	1,240
1937	286	23	86	94	252	91	1,320
1938	242	14	66	82	169	90	1,395
1939	243	17	79	83	203	96	1,439
1940	346	21	133	91	237	99	1,501
1941	380	27	107	109	323	115	1,573
1942	341	23	112	114	312	123	1,524
1943	301	22	127	82	271	130	1,512
1944	340	30	121	108	239	133	1,503
1945	382	31	196	90	274	131	1,497
1946	352	28	142	85	300	126	1,622
1947	442	41	195	110	306	131	1,836
1948	414	38	194	103	307	133	2,035
1949	441	50	223	90	267	130	2,291
1950	457	54	254	87	224	128	2,601
1951	490	67	213	124	309	137	2,868
1952	463	N/A	N/A	N/A	N/A	146	3,157

(1) Accidents, Years 1908-1919 ending March 31. Years 1919-1952 ending Dec. 31st.

(2) Motor Registrations are by Calendar Years, source, Dominion Bureau of Statistics.

(3) Casualties and train miles for years 1908-1919 ending June 30th; years 1919-1951 ending Dec. 31st. From Statistics of Steam Railways, Dominion Bureau of Statistics.

Hon. Mr. Isnor: Honourable senators, I rise just to ask a question and at the same time to compliment the Leader of the Government on placing the purpose and objects of this bill before us in such a clear manner. Anyone who has been driving on the highways for a number of years will, I am sure, appreciate the value of this legislation.

I am at a loss to understand why although there is a contribution of 60 per cent from the Fund in the case of work done on a crossing at rail level, the contribution is only 30 per cent in the case of improvement or reconstruction of an existing grade separation. With the increased traffic and increased speed and other dangers and hazards of

today, and particularly when so much stress is being laid on civil defence plans, I should have thought that wherever there is a real hazard and need for protection a maximum contribution would be made, regardless of the nature of the work. No doubt the Leader intends to move that this bill be referred to a committee. If so, I think it would be well to inquire in committee why there is a lower contribution toward the cost of work on existing grade crossings than at rail level.

I am sure we all feel that this increase in the appropriation from $1 million to $5 million is a step in the right direction. For the sake of greater safety I sincerely trust that there will not be $2·5 million or $3·5 million of an unspent balance in the fund, but that the whole $5 million will be used every year. Would you care to comment, Mr. Leader?

Hon. Mr. Macdonald: I have nothing to add to what I said previously. The board decided, after giving this matter most careful consideration, that a payment of 30 per cent in connection with existing grade separations would be equitable. The railways have been running over many of these grade separations for years, the bridge or the underpass is already there, and the increase in danger, if any, is not caused by the railways; it is merely a result of increased traffic over or under the railway, as the case may be.

Hon. Mr. Roebuck: There has been an increase in traffic on railways as well as on the highways.

Hon. Mr. Macdonald: Yes; but the railway can run just as well whether the old bridge remains or a new bridge is built.

Hon. Mr. Isnor: But the object of the legislation is to overcome a hazard, is it not?

Hon. Mr. Macdonald: I do not say it is a hazard. Reconstruction of an existing grade separation might have the effect of enabling highway traffic to move faster. There is not much hazard in cars going over a bridge, whether one or two at a time, but there might be traffic jams, and if the bridge were widened it would allow the traffic to move faster along the highway.

Hon. Mr. Horner: But the railway is not interfering with that traffic?

Hon. Mr. Macdonald: No, the railway is not interfering at all. That is the reasoning which the Board of Transport Commissioners followed, I am sure, and I can see the reasonableness of their recommendation. The Government concurs in the proposal for 30 per cent in this instance.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Haig: Now.

Some Hon. Senators: Next sitting.

Hon. Mr. Macdonald: Some honourable senators suggest now, but I would suggest not earlier than the next sitting.

Hon. Mr. Isnor: Surely the bill is going to be referred to a committee?

Hon. Mr. Macdonald: If the honourable senator feels that the bill should be referred to a committee, I have no objection.

Hon. Mr. Isnor: If I were to speak again on this bill I know that I would be out of order, but I feel it should go to committee where a full discussion can be had on it. For instance, I could cite the case of a subway being built which is a real danger to the community, and all because of a mistake the railway made a number of years ago.

Hon. Mr. Macdonald: I have no objection to referring the bill to committee.

Hon. Mr. Quinn: Certainly, it should be sent to committee.

Hon. Mr. Macdonald: I move that the bill be referred to the Standing Committee on Transport and Communications.

Hon. Mr. Haig: Honourable senators, before this bill is referred to the committee may I question what end can be attained by doing so. This legislation is based on the report of a Government board which was directed to make a report on the subject. It made its report, and the Government by this legislation has adopted its recommendations. Surely nothing we can do in committee will change those recommendations. If we did, it would be the first time I ever saw it happen.

I think the Government has done a very wise thing bringing in this bill to increase the annual appropriation. If I had spoken on the bill I would have said that. I do not want to in effect criticize the Government by going to committee with this bill. As far as I can see we can make no change in it at all in committee. I think we ought to send bills to committee only when there is a reasonable hope that they can be improved by our action. However, I have no objection, even if only one member wants it referred.

Hon. Mr. Quinn: There can be no harm in referring it to a committee.

Hon. Mr. Haig: No; but the Government may say, "What in the world is the use of having a commission to investigate a matter and report on it if the Senate refuses to accept the report and argues about it in committee?" The report will not be changed: I doubt if legally we have the power to change it. I am not opposed to having the bill go to committee, but to my mind it is just a waste of time.

On motion of Hon. Mr. Macdonald, the bill was referred to the Standing Committee on Transport and Communications.

PRAIRIE FARM REHABILITATION BILL

SECOND READING

Hon. F. W. Gershaw moved the second reading of Bill 5, an Act to amend the Prairie Farm Rehabilitation Act.

He said: Honourable senators, the Prairie Farm Rehabilitation Act has been very helpful indeed, and the present amendment is designed to facilitate its operation. If honourable members will bear with me for a few minutes I will try to explain how the act works and in what way the amendments will improve it.

At the turn of the century the ranching industry prospered very greatly in the area where the act now operates. At that time ranchers would lease for one cent an acre—later increased to two cents—as much as 100,000 acres of land; and horses and cattle thrived on the nutritious native prairie grass—grass which was cured by the autumn sun and the wind, and provided feed during the winter when the Chinooks melted the snow; grass which for many centuries had supported vast herds of buffalo. In the early years of this century the dominion Government encouraged the incoming of settlers. They divided up these large leases into homesteads and pre-emptions, and people from Eastern Canada, from Europe and, in particular, from the northern States crowded in to take advantage of this cheap land. Very good crops were grown in 1915 and 1916; but for many years there was drought; and there was massive wind erosion and drifting of the fertile soil. About this time of year, because of the high winds, the crops shrivelled up and failed to mature, bringing poverty and despair to the settlers. In one year alone $80 million was dispersed in relief by way of seed and fodder; in other years, also, considerable relief was given; and of this money very small amounts were ever returned to the treasury.

As long ago as 1857, Captain Palliser, on behalf of the British Government, made an investigation of that short-grass country and marked out a triangular area which he decided was unfit for agriculture. In 1935, when the late Viscount Bennett was Prime Minister of this country, he recalled the fact of the Palliser report; and knowing conditions as he did, realized the seriousness of the situation and succeeded in having passed the Prairie Farm Rehabilitation Act. The next Government, in 1937, greatly enlarged the scope of this measure, with the object of helping the people who were settled in the area and had met with such great disasters. There were three objects in view. One was to put in effect better cultural practices; another was to make better use of the land; a third, and perhaps the most important, was water conservation. As regards the first objective, the system adopted included more summer-fallowing, the re-grassing of certain areas, and the planting of trees. As regards land utilization, a great deal of the poorer land was taken out of cereal production altogether. Of that submarginal land, one and three-quarter million acres was used for pasture purposes; in sixty different localities areas were fenced in where cattle could be fed during the summer months. Last year there were on these pastures 105,000 cattle, belonging to about 10,000 farmers who lived nearby. All this work was done in the province of Saskatchewan; the province of Alberta has never taken advantage of the provisions of the dominion law relating to pasturage.

The chief activity of all was in connection with water conservation. In the spring the snow melts; ten or twelve inches of snow will produce an inch of water; and fifty thousand dug-outs have been constructed to catch that spring run-off and to provide the farmer with a pool of water for stock-watering, for his garden, and for general use. The Government, of course, does the engineering work free and provides amounts ranging from $125 to $350 per dugout for putting in reservoirs for stock-watering purposes. It also has directed its attention to larger systems. In the West there are hills, such as the Cypress Hills and Wood Mountain, in the Souris and Qu'Appelle valleys, whose streams come down from the higher land; and to utilize this supply the Government, bearing the entire capital cost, has established 195 community projects, whereby a large dam is built to store water to be used during the summer for communities in the locality.

Yet another activity is concerned with large irrigation schemes such as the St. Mary-Milk River scheme, where a large dam has been built to hold the mountain streams which descend the eastern slopes of the Rockies. This particular dam is 186 feet high and a

quarter of a mile at the base. It will contain and hold enough water to irrigate 465,000 acres. Another undertaking, the Bow River development, which is to supply water to land at a cost of $20 to $25 an acre, is nearing completion, and will irrigate about 240,000 acres. Larger schemes, connected with the Red Deer and the South Saskatchewan rivers, are being investigated. These will provide, in addition to irrigation, electrical energy, and one of them at least will supply water to some of the cities. Up to the present time about a million and a half acres have been irrigated, and it is estimated that these works can be expanded to irrigate at least three million acres.

Already there have been marked improvements in living conditions. Prior to irrigation a peddler, starting from some town which was supplied with water, would go around the country selling vegetables, small fruits, margarine, and even milk to the farmers. The introduction of irrigation methods enabled the farmers to grow fruits and vegetables and to raise poultry and dairy products. Milk became available, and as a result the farmer's children became healthier and happier. The farms were no longer remote homesteads and the farmers were able to enjoy community life. With the production of fruits and vegetables, canning factories, two sugar beet factories, and several processing plants were built in the area. However, there is still a lot of land that can be irrigated.

The amendment in section 1 of the bill is very simple and it is intended to do away with delays. It simply means that the minister can authorize a project that will cost up to $15,000 instead of $10,000.

The second and only other section of the bill, section 2, repeals sections 10 and 11 of the act. Section 10 of the act is being repealed as it is no longer required. Formerly if a minister wanted to buy a piece of land worth, say, $10, he could not do so without referring the matter to the Governor in Council. However, P.C. 4253, passed in 1952, allows any minister, on the advice of his department, to buy land up to the value of $15,000 without referring the purchase to the Governor in Council. Section 11(1) of the act deals with the purchase or rent of machinery and equipment. Formerly a minister could not acquire more than $5,000 worth of equipment without the approval of the Governor in Council, but the passing of the Financial Administration Act in 1951 gave a department authority to purchase machinery or equipment up to a value of $15,000 without referring the purchase to the Governor in Council. Section 11(2) of the act deals with the disposal of surpluses. Under the present arrangement the Crown Assets Disposal Corporation has the sole right to dispose of these surplus products.

Honourable senators, in brief, the object of this bill is to repeal sections 10 and 11, in order to tidy up the act; and to change the word "ten" to "fifteen" in section 9(2), so as to permit a minister to proceed with projects costing up to $15,000 without getting approval of the Governor in Council.

I should be glad to answer any questions, and if the bill is given second reading it could be referred to committee.

Hon. Mr. Reid: Could the honourable senator inform the house who bears the cost of these dugouts? Does the farmer or province contribute anything or does the federal government bear the whole cost?

Hon. Mr. Gershaw: The farmer does the work and the federal government will give him $125 for every dugout and $150 for every dam. In the case of a larger dam which irrigates a garden, the federal Government will pay the farmer up to $350. Then you have community schemes where water is harnessed from the hills. There are 195 of these schemes and the P.F.R.A. meets their whole capital cost. As to bigger schemes like the St. Mary's Milk River and the Bow River, the dominion pays for the cost of the reservoirs and the connecting canals. Then the provincial Government distributes the water to the farmers. The St. Mary's project cost the federal Government somewhere around $12 million for the Spring Coulee dam and the connecting canals. Another $12 million was paid by the province in connection with building the laterals and for distributing the water, but the province is entitled to recover whatever it can from the farmers. It will probably recover the full amount as a result of water rentals, and so on. The dominion's contribution is not recoverable.

Hon. Mr. Reid: Then in most instances the federal Government pays the whole cost of dugouts?

Hon. Mr. Gershaw: Not necessarily. If the farmer estimates his time it would probably cost more than $125. He would be out the difference. The Government only pays him $125 for a small dugout.

Hon. Mr. Reid: I do not criticize the legislation but when one considers that Alberta is almost the richest province in Canada and can clear off its provincial debt, I wonder why it should not be called upon to contribute to the cost of these schemes.

Hon. Mr. Horner: Some of these schemes are to be found in the "pool" province of

Saskatchewan. I would like to ask the sponsor of the bill if he knows whether any irrigation has been done as a result of the Sunnynook dam that was built three or four years ago?

Hon. Mr. Gershaw: I am sorry, I do not know.

Hon. Mr. Horner: I saw that dam being built. It is situated on the Westberry Creek south of Hanna at Sunnynook and cost considerable money to build. When it was completed I saw some men demonstrating a new sprinkler method of irrigation. They were using a bunch of aluminum pipes. Evidently the farmers have not taken advantage of the system yet, but my son who lives near there may use it this year. I know that the dam created a lake eighteen miles long. It blocked a roadway and caused many farmers to drive greater distances to the grain elevator.

The honourable gentleman from Medicine Hat (Hon. Mr. Gershaw) referred to canning factories at Brooks, Alberta. It is amazing that the rather small acreage of fertile soil there will supply all the needs of the canning factories in the area. The same is true of the sugar beet industry. If the farmers were assured of a market they could grow sufficient sugar beets there to supply the whole of Canada. Just one irrigation scheme has made that possible. However, a great deal of the land around the Bassano dam is still used for grazing of horses. If settlers came in by the thousands, possibly the dam could be used to very great advantage. There is lots of land, and the soil is first class. A great variety of vegetables could be grown if that water were used. The last time I visited that district I was told that this was one of the finest places for fishing in the whole of Alberta. I do not know if the Government stocked the lake with fish or not, but I noticed about a hundred cars parked there; everybody seemed to be catching fish, which weighed from eight to ten pounds. There must be sufficient food to enable the fish to grow to that size, yet they were evidently hungry enough to take the bait.

For a number of years the seasons have been more favourable for dry farming, but no doubt the good years will come back again, and through irrigation the farmers will be able to grow alfalfa once more. The irrigation method of providing crops with water is all right for beets, peas and other products which go to the canning factories, but as a wheat growing proposition it is pretty well out. I venture to say that 95 per cent of the farmers would not pay for the cost of irrigation in an endeavour to raise wheat. Many years ago I visited a farmer in the wheat belt, and I said to him, "Why don't you get some irrigated land?" He replied: "Well, I have a failure every other year or so, but sometimes I am able to grow sixty bushels to the acre, without any irrigation, and I figure that the cost of levelling the land and the cost of the water would be too high. I think I am making more money than the men who are attempting to grow wheat on irrigated land."

Hon. Mr. Haig: May I ask the honourable member who explained the bill how much the dominion Government has paid out to date for these policies in the provinces of Manitoba, Saskatchewan and Alberta?

Hon. Mr. Gershaw: The Government has expended $100 million in the four western provinces, including British Columbia.

Hon. Mr. Haig: Can the honourable member state how much the Government has spent in each of the provinces of Manitoba, Saskatchewan, Alberta, British Columbia and Ontario?

Hon. Mr. Gershaw: I am sorry, I cannot give those figures now but I will try to obtain them for my honourable friend.

The motion was agreed to, and the bill was read the second time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Gershaw: Next sitting.

MEAT INSPECTION BILL

COMMITTEE AMENDMENTS CONCURRED IN

The Senate proceeded to consideration of the amendments made by the Standing Committee on Banking and Commerce on Bill 352, an Act respecting the inspection of meat and meat products entering into international and interprovincial trade.

Hon. Mr. Macdonald: Honourable senators, I move that these amendments be now concurred in.

The motion was agreed to.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill, as amended, was read the third time, and passed.

The Senate adjourned until Tuesday, June 21, at 8 p.m.

APPENDIX

REPORT OF STANDING COMMITTEE ON FINANCE

(Presented by Hon. Mr. Crerar. See p. 614)

THURSDAY, June 16, 1955.

The Standing Committee on Finance, to whom were referred the Estimates laid before Parliament for the fiscal year ending March 31, 1956, reports as follows:

On Wednesday, March 16 last, the Senate passed the following reference to the Senate Finance Committee:

That the Standing Committee on Finance be authorized to examine the expenditures proposed by the Estimates laid before Parliament for the fiscal year ending March 31, 1956, in advance of the bills based on the said Estimates reaching the Senate: That the said committee be empowered to send for records of revenues from taxation collected by the federal, provincial and municipal governments in Canada and the incidence of this taxation in its effect upon different income groups, and records of expenditures by such governments, showing sources of income and expenditures of same under appropriate headings, together with estimates of gross national production, net national income and movement of the cost-of-living index, and their relation to such total expenditures, for the year 1939 and for the latest year for which such information is available, and such other matters as may be pertinent to the examination of the Estimates, and to report upon the same.

That the said committee be empowered to send for persons, papers and records.

In reports of previous years your committee has sought to show the effect of inflation upon public finance at all levels of government. That factor is still at work and is reflected directly in unprecedented estimates of the country's gross national wealth and income. In this report, however, we simply point out some high spots in connection with the federal Government Estimates, which reflect continued increases in public spending. We draw attention particularly to significant increases in the numbers of civil servants with special reference to the Department of National Defence, and to high costs connected with the construction of new buildings and the reconstruction of old ones. Our examination of witnesses was confined altogether to officials from the Treasury Board, the Civil Service Commission, the National Defence Department and the Department of Public Works. Your committee has not been able to have as many meetings, or give as much detailed attention to the entire list of estimates as in previous years, owing to the delayed reference to the committee in the earlier part of the session; and to the preoccupation of many of our members with other committee work.

CIVIL SERVICE INCREASES

Your committee did assemble data from official sources showing the steady increase in Civil Service personnel over recent years (Exhibit 1). It will be noted from this data that the paid servants of the Government have increased in number more than fifteen thousand in the last two years, mainly in the Defence Department. The total in the Service is now over 174,000.

In 1939 the cost of the Service in salaries and wages was well under $80 million. For the present fiscal year the total of Civil Service salaries and wages exceeds $554 million. This latter, it may be added, is about $40 million in excess of the previous year. The introduction of the five-day week over a large area of the Service has been responsible to a considerable extent for this increase which, of course, in the final analysis, has to be paid by taxpayers throughout the land. Evidence supplied by the Department of Public Works showed that as the result of the recent adoption of the five-day week, costs of servicing public buildings in Ottawa alone had been increased by $243,000.

Included in this exhibit also is a list of Crown corporations, 23 in number. Many of these Crown corporations pay their own way and a few have substantial surpluses from year to year in their operations. It should be clearly kept in mind, however, that since these are Crown corporations the Government must make good the deficits when any of them fail to make ends meet. An illustration of this was the Canadian National Railways in 1954. It will be noted also that in round figures the total employees in Crown corporations at the end of 1954 numbered 138 thousand. If we combine these with the Civil Service figures, excluding revenue postmasters who receive their remunerations mostly from commissions, the total number of persons directly and indirectly associated with Government activities at February 28, 1955, was over 312 thousand.

Included also is a summary of expenditures for the current fiscal year compared with the previous year, under the heading of "Standard Objects of Expenditures in Special Categories" (Exhibit 2). This shows the total

expenditures by all departments for these various purposes. Associated with this is a statement of the amount each department of Government contributed to these expenditures (Exhibit 3). This statement (found in the pocket at the back of this report) provides the details of the summary just mentioned. This document was presented to Parliament by the Minister of Finance along with his annual estimates at the beginning of this session. Your committee suggests that all members of Parliament as well as others interested in Public Affairs would find a study of it useful.

COSTS OF PUBLIC CONSTRUCTION

The figures relating to the costs of certain public buildings (Exhibit 4) in Ottawa, are cited as an example of the increasing expenditures connected with Government Buildings everywhere. The officials from the Public Works Department, in their evidence, pointed out that plans and estimates for all such construction are now subject to the close examination and approval of committees of departmental officials, as well as by the members of Treasury Board. The Public Works Department is now trying to bring all Federal public building under its supervision, as provided by the Public Works Act. During the war years and the immediate post-war period, much building expansion was initiated and undertaken directly by other departments; and we think that the present trend to restore all such activities to the control of the Public Works Department should bring greater efficiency and greater economy.

GROSS NATIONAL PRODUCT

We mention here a statement showing the gross national product and national income for the years 1939 and 1945 to 1954 inclusive (Exhibit 5). Your committee emphasizes the importance of this exhibit. The gross national product is the total of gross earnings of all the Canadian people in all their varied activities. This is the index to the economic health of the nation. If this gross product expands steadily year after year, a broader basis for taxation results. It thus follows that a given rate of taxation will produce increasing revenue as the national product increases; and conversely if expenditures are held down taxes can be reduced. However, if for any reason the gross product fails to increase, or declines, less revenue is produced from taxes and, with the same given expenditures, deficits are the consequence. This happened in 1954 when gross product declined, as against 1953, well over $400 million, accounted for mainly by a large measure of crop failure in the Prairie Provinces, and a higher ratio of unemployment due to curtailment of markets. It is clear now that the competition between the larger countries of the world for markets is becoming more intense and this competition may well force downwards the prices we receive for our exports. Any serious decline in prices, and more important, any loss of markets due to causes beyond our control would be bound to react adversely on the total of our gross National Product. This feature of our economy cannot carry too heavy emphasis.

It may be added here that the difference between the gross national product and the net national income is accounted for very largely by charges against gross income of such things as depreciation and obsolescence.

REVENUES AND EXPENDITURES

Exhibit 6 is a summary of net general combined revenues and expenditures of all Governments in Canada for the years 1939, 1945 and 1950 to 1955 inclusive. The amounts for 1954 and 1955 are estimated but can be considered to be approximately correct. In previous reports this data was further analyzed, giving the main sources from which revenues were derived by all Governments and the main purposes for which money was expended. We regret that this cannot be included in the present report. The Bureau of Statistics, which in the past has supplied this information, has been for some time engaged in the preparation of similar data for the coming Federal-Provincial Conference in October next, and this naturally had first priority.

Your committee would emphasize the importance of this data on revenues and expenditures by all Governments, which means municipal Governments, provincial Governments and the federal Government. For example, in 1950, the revenue of all Governments combined was roughly $4 billion, 300 million, and their expenditures $4 billion, 100 million. In 1954 the total collected in revenue was almost $5 billion, 950 million and the expenditures were $6 billion, 370 million. For 1955 (estimated) the corresponding figures are, revenue $6 billion 158 million, and expenditures $6 billion, 695 million.

There is an indication here of a tendency to increasing expenditures beyond the needs of the normal increase in population. This means what is generally known as "deficit financing". It becomes epidemic and increasingly affects all public financing—municipal and provincial as well as federal. What happens if this tendency continues and through possible inability to find markets for our products at profitable prices our economy slows down? Your committee feels that this

is a matter which deserves the earnest attention of public men everywhere, irrespective of where the responsibility for governing lies, because a progression of years with "deficit financing" will mean ruinous inflation.

CONSUMER PRICES AND INFLATION

At this point in our report we include a table (Exhibit 7) showing the Consumer Price Index of the Bureau of Statistics. Prior to 1949 this was called the Cost-of-living Index, but for reasons which need not be considered here was changed in 1949 to Consumer Price Index. This table shows that for the last three years this index has remained quite stable. The inflationary trends of five years ago have been brought under control, for the time being at any rate—a matter of very great importance for all Canadians. It should not be forgotten, however, that inflation is still a powerful factor in our economy. The important thing here for all Governments is to strive to keep their spending within their income. The increasing demands, by sections of our population, on all Governments for more expenditures, to meet needs fancied or real, can be noted almost every day. In addition demands come from farmers for guaranteed prices for agricultural products, from labor unions for a guaranteed annual wage and higher rates of pay, from well-meaning groups of individuals for higher welfare expenditures, and from industries exposed to foreign competition for subsidies or more tariff protection. To what degree these demands upon Governments undermine the admirable qualities of self-reliance and initiative in the individual may be a question for debate. But there can be little doubt the extent to which such demands are met, in its end results, creates inflationary pressures.

For general information we include here a table (Exhibit 8) of selected items of consumer expenditure. While we have not precise figures of the total expenditures by all Governments combined under the broad heading of social welfare, it may be assumed that, at the present time, this is in excess of $1 billion, 600 million per year. We think it is worthy of note that the Canadian people, for alcoholic beverages, tobacco in its various forms, race track betting, soft drink beverages of all kinds, and commercial recreation, are spending well in excess of the total amount expended under the heading of welfare.

ECONOMY IN PUBLIC SPENDING

Your committee offers here some general observations. For reasons already stated it was not possible to make extensive examinations of all items of expenditures. The big item is, of course, the outlay associated with the defence services. It is not possible to forecast how these defence expenditures may proceed, but it appears to be a safe assumption that they will continue without much change for several years. Our responsibility to NATO, the need for ensuring our defences in our northern frontiers, appears to make certain that, unless some effective international plan of controlling armaments is worked out, we shall require to bear these burdens for the indefinite future. Your committee does suggest that these are hard inescapable facts. This emphasizes the need and importance of the strictest economy in ordinary Government administration, whether it be municipal, provincial or federal.

As already noted, we can view only with concern the increasing pressures on all Governments of sections of public opinion for increased spending. We do think that in this respect Governments, as the responsible leaders of the country, must cultivate realistic resistance to sections of the public which appear to think that Governments have inexhaustible resources to meet all the demands made upon them.

The Canadian people have a great record of achievement. In less than ninety years, since Confederation, they have developed a country that was largely a wilderness to the point where it is now the third or fourth trading nation in the world; where Canada has taken her place honourably in two world wars in defence of freedom; where organs of government at all levels have been established, and universities, schools and hospitals have been erected. With all this, a boundless natural heritage still remains to afford a sound economic basis for an enlightened, happy and prosperous people.

But we do wish to emphasize that if we are to enjoy in the future the fruits of past achievements we must journey along the road of reason and common sense and avoid the pitfalls of unsound political appeals.

WHERE THE BURDEN LIES

Your committee suggests that in matters of public spending there is a lack of understanding in the minds of many people of what the business of government, at all levels, is about. Governments have no money of their own. They can secure their money requirements only by taking it out of peoples' pockets in taxes, or by borrowing so long as they are able to borrow. If taxation becomes burdensome, and we believe that this is the case today, the individual's ability to spend and prosper in his own way is curtailed.

Equally, when Governments have to borrow to meet deficits, the danger signals are definitely flying. Surely it is possible for Governments to economize both in small things and large things, and thereby set a good example to individuals in the nation everywhere.

Above all, it is important to keep alive in the minds of all the people of the nation an understanding of what freedom means. People may clamour for security—many are doing that today—but it should never be forgotten that if personal freedom is sacrificed for personal security provided by Governments, the individual can have no guarantee that in the end he will have either freedom or security.

All of which is respectfully submitted.

T. A. CRERAR,
Chairman.

EXHIBIT 1

REPORTED NUMBERS OF EMPLOYEES OF THE GOVERNMENT OF CANADA EXCLUDING MEMBERS OF THE ARMED FORCES AND THE R.C.M.P.

Year	Government Departments	Crown Corporations
March 31, 1939	46,106	67,752
March 31, 1945	115,908	161,464
March 31, 1948	118,370	119,566
March 31, 1951	124,866	115,942
March 31, 1952	137,037	136,400
March 31, 1953	159,654	143,438
March 31, 1954	165,454	139,473
February 28, 1955	174,860	138,094

NOTES

1. The statistics for the last three years were prepared on a slightly different basis from that of the previous years given. The latter, however, can be accepted as approximately correct in comparison with the last three years.

2. Crown Corporations. Figures for all years were supplied by the Bureau of Statistics based on data gathered by them from the Corporations.

Department (a)	March 31, 1953	March 31, 1954	February 28, 1955
Agriculture	7,320	7,544	7,712
Auditor General	145	140	139
Chief Electoral Officer	22	19	17
Citizenship and Immigration	3,435	3,462	3,854
Civil Service Commission	578	570	598
Defence Production	1,678	1,522	1,446
External Affairs	1,375	1,454	1,527
Finance	784	801	789
Comptroller of the Treasury	4,130	4,145	4,107
Royal Canadian Mint	226	215	222
Tariff Board	17	15	16
Fisheries	1,875	1,847	1,845
Governor General's Secretary	16	12	13
House of Commons	676	687	667
Insurance	94	94	90
International Joint Commission	20	20	21
Justice	230	246	254
Penitentiaries Branch	1,615	1,705	1,728
Labour	633	650	596
Unemployment Insurance Commission	8,330	8,881	8,845
Library of Parliament	45	49	61
Mines and Technical Surveys	1,703	1,919	1,991
National Defence—			
Administration	5,126	5,601	5,858
Army Services	18,257	18,832	22,097
Naval Services	9,514	9,648	11,393
Air Services	9,923	11,637	14,212
National Film Board	558	553	581
National Health and Welfare—			
Departmental Administration	331	438	523
Health Branch	890	906	885
Welfare Branch	924	867	869
Indian Health Services	1,582	1,526	1,654
National Library	14	19	23
National Research Council and Atomic Energy Control Board	2,268	2,415	2,541
National Revenue—			
Customs and Excise	6,654	6,790	7,219
Income Tax	6,785	7,264	6,725
Post Office (b)	19,298	19,789	21,321
Prime Minister's Office and Privy Council Office	107	103	103
Public Archives	65	59	62
Public Printing and Stationery	1,199	1,295	1,382
Public Works	7,595	7,797	7,842
Northern Affairs and National Resources	2,402	2,335	2,610
Royal Canadian Mounted Police	849	903	933
Secretary of State	522	554	578
Senate	156	161	160
Trade and Commerce (including Dominion Bureau of Statistics)	2,853	2,649	2,649

Department (a)	March 31, 1953	March 31, 1954	February 28, 1955
Board of Grain Commissioners	833	826	836
Canadian Government Elevators	238	224	206
Transport	11,336	12,074	11,211
Air Transport Board	52	53	50
Board of Transport Commissioners	158	167	165
Veterans Affairs	13,042	12,847	12,519
Soldier Settlement and Veterans' Land Act	1,176	1,125	1,115
Sub Total, Government Departments	159,654	165,454	174,860
Revenue Postmasters	9,355	9,213	9,068
Total	169,009	174,667	183,928
Crown Corporations (c)	143,438	139,473	138,094
Grand Total	312,447	314,140	322,022

NOTES:

(a) The statistics for regular Government Departments include Classified Employees, Prevailing Rate Employees, Casual Employees and Ships' Officers and Crews.

Classified employees comprise those paid on the basis of stated annual salaries, the vast majority being under certificate of the Civil Service Commission, the balance being employed under the authority of other statutes (e.g. staffs of the National Research Council, the National Film Board, and the Canadian Government Elevators).

Prevailing Rate Employees are those whose remuneration is based on the prevailing hourly, daily or monthly rate for similar type of work in the area of employment and who occupy a continuing year round position on the establishment of a Department. Casual Employees are those whose remuneration is based on the prevailing hourly, daily or monthly rate for a similar type of work in the area of employment and who are employed for short periods of time in connection with specific projects.

Ships' Officers and Crews are employed on Canadian Government Vessels.

(b) Excludes revenue postmasters, figures for which are shown separately immediately below the sub-total.

(c) The Crown Corporations for whom staff strengths are included in this total are—

Atomic Energy of Canada, Ltd.
Bank of Canada
Canadian Arsenals Ltd.
Canadian Broadcasting Corporation.
Canadian Commercial Corporation
Canadian National Railways
Canadian National (West Indies) Steamships, Ltd.
Canadian Overseas Telecommunication
Canadian Wheat Board
Central Mortgage and Housing Corporation
Crown Assets Disposal Corporation.
Defence Construction, Ltd.
Eldorado Mining and Refining, Ltd.
Export Credits Insurance Corporation
Hudson Bay Railway
Industrial Development Bank
National Harbours Board
Northern Transportation Co. Ltd.
Northwest Territories Power Comm.
Polymer Corporation, Ltd.
Prince Edward Island Car Ferry
St. Lawrence Seaway Authority
Trans-Canada Air Lines

EXHIBIT 2

SUMMARY OF ANNUAL ESTIMATES OF THE GOVERNMENT OF CANADA BY STANDARD OBJECTS OF EXPENDITURES AND SPECIAL CATEGORIES

Total, all Departments

	1938-39	1951-52	1952-53	1953-54	1954-55*	1955-56*
	(in millions of dollars)					
(1) Civil Salaries and Wages	76·9	367·5	413·9	450·6	515·9	554·4
(2) Civilian Allowances	1·2	7·7	8·3	8·8	9·2	9·8
(3) Pay and Allowances, Defence Forces and R.C.M. Police	15·1	223·3	266·5	297·5	339·2	380·3
(4) Professional and Special Services	4·3	36·1	39·1	43·7	48·6	52·9
(5) Travelling and Removal Expenses	4·6	36·5	48·1	53·7	59·4	61·9
(6) Freight, Express and Cartage	0·7	13·4	19·3	18·8	17·9	22·0
(7) Postage	0·4	3·7	3·7	3·9	5·1	5·5
(8) Telephones, Telegrams and Other Communication Services	0·7	8·5	10·9	13·0	12·9	14·2
(9) Publication of Departmental Reports and Other Material		6·7	7·3	7·7	7·2	6·8
(10) Films, Displays, Advertising and Other Informational Publicity	1·8	10·8	10·6	10·0	11·2	10·2
(11) Office Stationery, Supplies, Equipment and Furnishings	2·7	18·3	18·4	19·4	19·6	19·6
(12) Materials and Supplies	6·1	263·3	379·6	228·9	213·2	196·6
BUILDINGS AND WORKS, INCLUDING LAND						
(13) Construction or Acquisition	34·9	442·5	507·5	449·4	382·9	337·9
(14) Repairs and Upkeep	4·0	46·5	59·0	42·0	37·9	40·6
(15) Rentals	1·8	9·3	10·4	11·5	13·8	15·3
EQUIPMENT						
(16) Construction or Acquisition	14·3	697·9	797·6	919·2	850·8	684·5
(17) Repairs and Upkeep	1·2	104·1	145·9	142·1	164·7	157·2
(18) Rentals		1·1	1·2	1·2	1·7	2·0
(19) Municipal or Public Utility Services	0·9	9·7	13·6	16·8	18·3	20·4
(20) Contributions, Grants, Subsidies, etc., not included elsewhere	50·7	117·3	193·8	518·3	479·2	326·5
(21) Pensions, Superannuation and Other Benefits	5·5	152·5†	79·6	102·1	88·2	79·1
(22) All Other Expenditures (other than Special Categories)	14·0	35·6	39·9	42·5	41·6	43·1
Total Standard Objects	241·8	2,612·3	3,074·2	3,401·1	3,338·5	3,040·8
SPECIAL CATEGORIES						
(23) Interest on Public Debt and Other Debt Charges	132·4	437·7	435·5	469·0	511·5	487·1
(24) Subsidies and Special Payments to the Provinces	21·2	115·1	32·3 (317·1)	328·4	350·8	350·5
(25) Family Allowances Payments		320·0	332·2	348·8	366·0	383·6
(26) Old Age Pensions, including Allowances to the Blind and the Disabled	30·5	187·4	23·0	25·1	24·6	31·1
(27) Veterans Disability Pensions and Other Payments under the Pension Act	40·9	103·8	127·2	127·7	128·9	129·8

		1938-39	1951-52	1952-53	1953-54	1954-55*	1955-56*
				(in millions of dollars)			
(28)	Other Payments to Veterans and Dependents	9·4	56·8	46·8	46·2	43·3	41·0
(29)	Government's Contribution to the Unemployment Insurance Fund		30·2	32·0	32·0	33·7	32·5
(30)	General Health Grants		25·0	27·5	30·0	31·8	31·8
(31)	Trans-Canada Highway Contributions		15·2	15·0	15·0	20·0	20·0
(32)	Movement of Mail by Land, Air and Water (Post Office)	15·6	38·2	41·4	45·6	48·0	46·6
(33)	Deficits—Government Owned Enterprises	57·2	17·9	4·9	5·5	34·1‡	4·7
	Total Special Categories	307·2	1,347·3	1,117·8 (1,402·6)	1,473·3	1,592·7	1,558·7
	Total Standard Objects and Special Categories	549·0	3,959·6	4,192·0 (4,476·8)	4,874·4	4,931·2	4,599·5
(34)	Less—Estimated Savings and Recoverable Items	0·1	27·3	27·0	344·5	366·6	239·2
	Net Total Estimated Expenditures (Budgetary)	548·9	3,932·3	4,165·0 (4,449·8)	4,529·9	4,564·6	4,360·3
(26)	Old Age Security Payments			322·0	344·9	355·9	367·6

(Figures in brackets include amounts payable in 1952–53 under the 1952 Tax-Rental Agreements but which were not shown in the printed Estimates for 1952–53).

NOTES

*A further breakdown by Standard Objects by Departments for the years 1954–55 and 1955–56 is set out following the "Definitions of Standard Objects and Special Categories".

†Includes $75 million in 1951–52, being a special Government Contribution to the Civil Service Superannuation Account, designed to reduce the deficit in the Account.

‡Includes $28·7 million in 1954–55, being the Canadian National Railways Deficit for 1954.

DEFINITIONS OF STANDARD OBJECTS OF EXPENDITURE AND SPECIAL CATEGORIES

Standard Objects (Items 1 to 22)

1. Civil Salaries and Wages

Includes salaries and wages, overtime and other special pay of all civilian full time, part time, seasonal and casual personnel normally considered as "Government Employees" (but does not include employees of agency and proprietary Crown corporations) whether paid at hourly, daily, weekly, monthly or annual rates of pay. It also includes Judges' salaries, those of the Governor General and Lieutenant-Governors and the indemnities to Members of both Houses of Parliament but does not include persons engaged for a specific project where pay and other costs would normally enter into the total cost of the project.

2. Civilian Allowances

Includes all types of allowances paid to or in respect of personnel normally considered as "Government Employees", such as Living, Terminable, Officer-in-Charge, Living and Representation Abroad, Special Service, Northern, Isolation, and Board and Subsistence Allowances, Mileage Allowances to Railway Mail Service Staffs, Allowances for Assistants, and other such allowances. Also includes Ministers' Motor Car Allowances, and the Expense Allowances to Senators and Members of the House of Commons.

3. Pay and Allowances—Defence Forces and R.C.M.Police

Includes pay and all types of allowances (except travel allowances included in Item No. 5 below) payable to members of the Defence Forces and the Royal Canadian Mounted Police, including Subsistence Allowances and other perquisites common to such Services.

4. Professional and Special Services

Includes provision for services performed by individuals or organizations outside a particular departmental service, other than such services identified with specific works, projects or with projects and programs for which provision is made under Items 9 and 10; payments in the nature of fees, commissions, etc. for legal services, architects', engineers', analysts', accountants', reporters', translators', and writers' services; medical and dental services, doctors and nurses for Veterans Treatment and examination of pension applicants, hospital treatment and care and other outside technical, professional and other expert assistance; annuities and other agents paid on a fee or commission basis, payments to church organizations for Indian education, and Corps of Commissionaires services. It includes armoured car service and other operational and maintenance services performed under contract other than those more properly classified under other Items, such as the Marconi-operated Radio Stations of the Department of Transport which are included in Item No. 8.

5. Travelling and Removal Expenses

Includes travelling and transportation expenses of Government Employees, Members of the Defence Forces and the Royal Canadian Mounted Police, removal expenses of those persons and their dependents, and living and other expenses of such persons on travel status; Judges' travelling expenses and travelling expenses and allowances payable to Senators and Members of the House of Commons. It also includes transportation of persons by contract and chartered facilities or by other means, automobile mileage, aeroplane fares, local transportation, etc., travelling expenses of persons engaged in field survey work, inspections and investigations. Does not include travelling and transportation of other than Government Employees such as travel costs for deports, applicants for treatment or pensions (veterans), etc., which are classified under Item No. 22.

6. Freight, Express and Cartage

Includes the cost of transportation of goods other than initial delivery cost on a purchase which is included in the Object covering the cost of the purchase itself. These costs range from the movement of mails from city Post Offices to the various Government Departments, to the movement of heavy equipment between camps and other establishments of the Defence Services.

7. Postage

Includes ordinary postage, air mail, registered mail, special delivery mail, post office box rentals and any other postal charges. Does not, of course, include provision for mail enjoying the "frank" privilege.

8. Telephones, Telegrams and Other Communication Services

Includes all costs of communication services by telephone, telegram, cable, teletype, radio and wireless communication (tolls, rates, rentals, etc.) and other communication costs such as Courier Services provided by outside agencies and communication services performed under contract or agreement such as the Marconi-operated Radio Stations of the Department of Transport.

9. Publication of Departmental Reports and Other Material

Includes provision for the publication, through the Queen's Printer, of Departmental Reports and other material, including informational and educational bulletins and pamphlets; publications on scientific and technical matters, natural resources, statistics and other such material; Hansard and other Parliamentary Papers; maps, charts, etc. The costs of printing, binding, engraving, lithographing, artwork, mats, writers' fees, and other costs attributable to specific publication projects and programs are included hereunder, with the exception of those belonging under Items 1, 2 and 5. The costs of publications and material produced wholly within a Service are distributed throughout other Items. The printing of forms and other stationery is included under Item No. 11.

10. Films, Displays, Advertising and Other Informational Publicity With the Exception of Publications

Includes provision for films, displays and other visual materials, advertising for publicity and general purposes, including advertising for tenders (except that charges directly arising from specific construction projects or purchases are included under such headings). It includes publication of proclamations, announcements, notices, etc., and various forms of educational and informational publicity, by radio, poster, press and other means. The costs of artwork, writers' fees, casual employees hired for a specific project, and other costs attributable to the foregoing are included hereunder with the exception of those belonging under Objects Nos. 1, 2 and 5, and the costs of projects or programs produced wholly within a Service where the costs are distributed throughout other Objects. Total provision for the operation of the National Film Board and the International Service of the Canadian Broadcasting Corporation is included under this item.

11. Office Stationery, Supplies, Equipment and Furnishings

Includes stationery, envelopes, blotting paper and other office supplies such as pens, pencils, erasers, ink, etc.; printed forms, including tax return, statistical and like forms; letterheads, ledgers and ledger sheets, carbon paper, stencils and other paper supplies; the purchase, repair and rentals of office machines and appliances, including typewriters, adding machines, calculators, recording machines, tabulating machines, microfilming equipment and supplies, inter-office communication equipment, postal meter machines, machine records and all other office equipment; also includes desks, chairs, filing cabinets and such office furnishings; books, newspapers and periodicals for office or library use.

12. Materials and Supplies

Includes provision for materials and supplies required for normal operation and maintenance of Government Services (other than Office Stationery, Supplies and Furnishings). It includes gasoline and oil purchase in bulk; fuel for ships, planes, transport, heating, etc.; feed for livestock; food and other supplies for ships and other establishments; live stock purchased for ultimate consumption or resale; seed for farming operations; food, clothing and other supplies for sick and indigent Indians; text books and school supplies purchased for Indian schools; books and other publications purchased for outside distribution; uniforms and kits, coining and refining supplies for the Mint; photographs, maps and charts purchased for administrative and operational purposes; laboratory and scientific supplies, including samples for testing; drafting, blueprinting and artists' supplies; supplies for surveys, investigations, etc.; chemicals, hospital, surgical and medical supplies; mail bags for transportation of the mails; char service supplies; coal, wood and electrical supplies; and all other materials and supplies other than those purchased for construction or repair projects which would normally be charged to such projects.

13. Construction or Acquisition of Buildings and Works, Including Acquisition of Land

Includes provision for all expenditures on new construction of buildings, roads, irrigation works, canals, airports, wharfs, bridges and other such type of fixed assets, and reconstruction of such type of assets, improvements involving additions or changes of a structural nature.

and also the installed cost of fixed equipment which is essentially a part of the work or structure such as elevators, heating and ventilating equipment, etc. It includes all such projects performed under contract or agreement or undertaken by a Department directly. The purchase of land is also included. The cost of casual employees hired for specific projects is included but not the cost of continuing employees assigned to work full or part time on such projects.

14. Repairs and Upkeep of Buildings and Works

Includes materials, supplies and other charges entering directly into the cost of repair and upkeep of the type of durable physical assets indicated under Item No. 13 above. It includes repair and upkeep projects performed under contract or agreement or undertaken by a Department directly.

15. Rentals of Land, Buildings and Works

Includes provision for rentals of properties required for special purposes by the various Departments and for the accommodation of Government Offices and Services by the Department of Public Works. Also includes rentals of space for storage of motor cars and other equipment and supplies.

16. Construction or Acquisition of Equipment

Includes provision for all new machinery, equipment and furnishings (other than office equipment and office furnishings), and includes motor vehicles, aeroplanes, tractors, road equipment, laboratory and other scientific equipment, vessels, ice-breakers and other aids to navigation and all other types of light and heavy equipment, and includes various types of such equipment for National Defence, such as ships, aircraft, mechanical equipment, fighting vehicles, weapons, engines, and such spare parts as are normally acquired with that equipment, workmen's tools, farm implements, furniture and furnishings required for other than normal office purposes. Also includes live stock, horses and dogs purchased for employment as such rather than for ultimate consumption or resale (see Item No. 12 above).

17. Repairs and Upkeep of Equipment

Includes all materials, repair and replacement parts and other costs entering directly into the cost of repair and upkeep of the type of equipment indicated in Item No. 16 above.

18. Rentals of Equipment

Includes provision for hire and charter—with or without crew—of vessels, aircraft, motor vehicles and other equipment (but excluding hire of such vehicles primarily for travel or cartage covered in other items, or hire of vehicles or other equipment for works projects where the rental would normally be included in the costs of the projects).

19. Municipal or Public Utility Services

Includes provision for all payments for services of a type normally provided by a Municipality, School Board, or Public Utility Service such as the supply of water, electricity, gas, etc., and includes water rates, light, power and gas services, school fees, and payment for such services whether obtained from the Municipality or elsewhere; taxes and water rates on diplomatic properties. Also includes payments to Municipalities in lieu of Taxes and local improvement charges.

20. Contributions, Grants, Subsidies, etc., not included Elsewhere

Includes contributions to international and other organizations; contributions toward the cost of joint undertakings and programs not directly the responsibility of the Federal Government; contributions or grants to governments outside Canada, whether in money or in kind; grants to national organizations such as the Boy Scouts Association and agricultural, health, welfare and similar organizations; subsidies to primary and other industries; contributions under agreements with the Provinces for vocational training and other purposes, unless otherwise provided for in special categories; payments under the Maritime Freight Rates Act; grants to various exhibitions, etc.; research grants and other assistance toward research carried on by non-governmental organizations; scholarships and similar payments. Does not include Grants to Municipalities in lieu of Taxes (Item No. 19),

Subsidies and Special Payments to the Provinces (Item No. 24), Government's contribution to the Unemployment Insurance Fund (Item No. 29), General Health Grants paid to Provinces (Item No. 30), contributions to the Provinces for the Trans-Canada Highway (Item No. 31), nor the Deficits on Government Owned Enterprises (Item No. 33).

21. Pensions, Superannuation and Other Benefits in Consideration of Personal Services

Includes pensions, superannuation and other benefits to former civilian Government employees and ex-members of the Royal Canadian Mounted Police, or their dependents. It also includes payment of compensation under the Government Employees Compensation Act, the Government's contribution to the Superannuation Account and the Members of Parliament Retiring Allowances Account, Sick Mariners Dues, Judges' Pensions, Gratuities in lieu of Retiring Leave, Gratuities to Families of Deceased Employees, the Government's contribution to the Public Service and Regular Forces Death Benefit Accounts, payments under the Defence Services Pension Act and the Government's contribution, as an employer, to the Unemployment Insurance Fund. It does not, however, include the Government's contribution to the Unemployment Insurance Fund which represents one-fifth of the net amount contributed by employers and employees combined (Item No. 29) Disability Pensions in respect of World Wars 1 and 2 (Item No. 27), nor Other Payments to Veterans and Dependents (Item No. 28).

22. All Other Expenditures (other than Special Categories)

Includes minor residual items shown as "Sundries" in practically all votes. These include such costs as towel service, laundering and dry cleaning, loss of personal effects, bonding of Government employees, and other small miscellaneous articles and services. It includes licences, permits, dockage, towage, wharfage and mooring privileges; works of art for exhibits, and historical material for galleries, museums and archives. It includes travel costs incurred for other than Government employees, e.g., immigrants, veteran patients and migrant labour. Also included is provision for many items and services detailed throughout the Estimates which do not lend themselves to distribution under the specific headings detailed in this Summary.

SPECIAL CATEGORIES (Items 23 to 33)

23. Interest on Public Debt and Other Debt Charges

Includes interest on the Funded Debt of Canada (including Treasury Bills) and on other liabilities such as Trust and Other Special Funds. It also includes costs of issuing new loans, Annual Amortization of Bond Discount, Premiums and Commissions, and the costs of servicing the Public Debt.

24. Subsidies and Special Payments to the Provinces.

Includes Provincial Subsidies payable under the British North America Act and subsequent arrangements; Special Compensation to the Provinces in lieu of certain taxes as provided in the Tax-Rental Agreements. It also includes certain payments to Newfoundland under the Terms of Union. In general, it does not include payments made to Provinces for expenditures for specific purposes, some of which are included in Items Nos. 20, 26, 30 and 31.

25. Family Allowances Payments

Payments of monthly allowances authorized by the Family Allowances Act—Chap. 109, Revised Statutes.

26. Old Age Pensions, Including Allowances to the Blind and the Disabled

Includes pensions authorized by the Old Age Security Act, payment of the Federal Government's 50% share of old age assistance authorized by the Old Age Assistance Act, payment of the Federal Government's 75% share of allowances paid to blind persons under the Blind Persons Act, and payment of the Federal Government's 50% share of allowances paid to disabled persons under the Disabled Persons Act.

27. Veterans' Disability Pensions and Other Payments Under the Pension Act

Includes pensions and other payments authorized under the Pension Act, the Civilian War Pensions and Allowances Act and the Civilian Government Employees (War) Compensation Order. Most of these payments arise from service during World Wars 1 and 2.

28. Other Payments to Veterans and Dependents

Includes provision for War Veterans Allowances, including the Assistance Fund, Veterans Treatment and Other Allowances, Unemployment Assistance for Veterans, Rehabilitation Benefits, War Service Gratuities, Re-establishment Credits and other Sundry Items.

29. Government's Contribution to the Unemployment Insurance Fund

Provides for the Government's contribution to the Unemployment Insurance Fund and represents one-fifth of the net amount contributed by employers and employees combined.

30. General Health Grants

Provides for General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory under terms and conditions approved by the Governor in Council to assist in hospital construction, extending and improving health services, prevention of tuberculosis, prevention of mental illness, control of venereal diseases, prevention and treatment of crippling conditions in children, training of health and hospital personnel, programs for the detection and treatment of cancer, public health research, provision of laboratory and radiological diagnostic facilities and services, medical rehabilitation and the improvement of maternity, infant and child care.

31. Trans-Canada Highway Contributions

Covers payments to those Provinces which have entered into agreements with the Federal Government under the Trans-Canada Highway Act, Chap. 269, Revised Statutes, in respect of the construction of the Trans-Canada Highway.

32. Movement of Mail by Land, Air and Water (Post Office)

Includes provision under the Post Office Department for Mail Service by Air, Water and Ordinary Land Conveyance, including Rural Mail Delivery.

33. Deficits—Government Owned Enterprises

Includes provision for the deficits incurred in the operation of Government Owned Enterprises such as the Hudson Bay Railway, the Canadian National (West Indies) Steamships, Limited, the Prince Edward Island Car Ferry and Terminals, the North Sydney, N.S.—Port-aux-Basques, Nfld., Ferry and Terminals, and Churchill Harbour.

34. Less—Estimated Savings and Recoverable Items

In certain special instances it is necessary for commitment and control purposes to detail total requirements of services but, in order that the actual amount of cash requirement only may be voted, deductions are made of estimated savings or recoverable amounts. Since the Standard Objects are made up of the gross requirements, the total of those objects must be reduced by these deductions in order to arrive at the total amount provided in the Estimates.

EXHIBIT 4

PUBLIC BUILDINGS OVER $500,000 BEGUN OR COMPLETED IN OTTAWA AND HULL FROM APRIL 1, 1951, TO DATE

(A) There are nineteen public buildings costing over $500,000.00 that were begun or completed in Ottawa and Hull during the five years from April 1, 1951, to the present.
(B) Expenditures involved in each follow:

—	(1) Site	(2) Building	(3) Landscaping and Paving	* (4) Furnishings and Equipment	Total
	$	$	$	$	$
Veterans' Memorial Buildings:					
East Building	427,082	6,456,583	—	129,310	7,012,975
West Building	288,840	6,639,125	—	100,000†	7,027,965
Parliamentary Library (Rehabilitation)	Crown-owned	2,398,000	Nil	Nil	2,398,000
Central Heating Plant—Cliff St.—renovations	Crown-owned	1,413,674	Nil	Nil	1,413,674
Chemistry Lab., Agriculture—Experimental Farm	Crown-owned	865,437	Nil	Nil	865,437
National Research Council, Montreal Road	Crown-owned	—	Performed by F.D.C.	—	
Plant Engineering	—	593,129	—	—	593,129
Building Research	—	1,099,436	—	—	1,099,436
Applied Chemistry	—	1,189,482	—	—	1,189,482
Radio and Electrical	—	3,052,897	—	—	3,052,897
Tunney's Pasture Development	715,680	—	1,887,833	—	2,603,513
Bureau of Statistics	—	6,855,454	—	—	6,855,454
Power Plant	—	675,542	—	—	675,542
Finance Storage	—	603,614	—	26,000	629,614
Archives Storage	—	1,191,172	—	—	1,191,172
Food and Drug Laboratory	—	2,711,457	—	—	2,711,457
P.W.D. Testing Laboratory	—	691,525	—	8,335	699,860
N.H. & W. Virus Laboratory	—	988,921	—	3,900	992,821
Laboratory of Hygiene	—	1,393,567	—	—	1,393,567
National Printing Bureau—Hull, P.Q.	564,991	13,035,009	150,000	250,000†	14,000,000
Central Mortgage and Housing Corporation—Head Office	38,860	2,177,479	67,926	202,538	2,486,803
Total:					58,892,798

* Includes only that type of office equipment normally purchased through Public Works, such as desks, chairs, shelving and filing cabinets. Does not include laboratory equipment and heavy machinery bought departmentally.
† (Est. only).

EXHIBIT 5(i)

NATIONAL INCOME AND GROSS NATIONAL PRODUCT, 1939 AND 1945-54

(millions of dollars)

—	1939	1945	1946	1947	1948	1949[1]	1950[1]	1951[1]	1952[1]	1953[1]	1954[1]
Wages, Salaries and Supplementary Labour Income.	2,575	4,953	5,323	6,221	7,170	7,761	8,311	9,716	10,818	11,661	11,900
Military Pay and Allowances	32	1,117	340	83	82	115	137	201	270	309	367
Investment Income	917	1,859	1,975	2,269	2,464	2,445	3,155	3,642	3,733	3,775	3,709
Net Income of Unincorporated Business:											
Accrued Net Income of Farm Operators from Farm Production[2]	385	1,010	1,112	1,223	1,518	1,504	1,503	2,072	1,858	1,649	1,114
Net Income of Non-farm Unincorporated Business[3]	464	901	1,071	1,189	1,326	1,369	1,444	1,507	1,575	1,692	1,645
NET NATIONAL INCOME AT FACTOR COST	4,373	9,840	9,821	10,985	12,560	13,194	14,550	17,138	18,254	19,086	18,735
Indirect Taxes less Subsidies	733	1,003	1,269	1,604	1,772	1,830	2,018	2,478	2,714	2,900	2,913
Depreciation Allowances and similar Business Costs.	610	928	903	1,118	1,276	1,437	1,636	1,910	2,115	2,364	2,490
Residual Error of Estimate	−9	79	33	61	5	1	−1	−52	119	66	−153
GROSS NATIONAL PRODUCT AT MARKET PRICES	5,707	11,850	12,026	13,768	15,613	16,462	18,203	21,474	23,202	24,416	23,985

[1] Includes Newfoundland.

[2] This item includes the undistributed earnings of the Canadian Wheat Board, and an inventory valuation adjustment for grain in Wheat Board Channels.

[3] Includes net income of independent professional practitioners.

EXHIBIT 5(ii)

GROSS NATIONAL EXPENDITURE, 1939 AND 1945-1954

(millions of dollars)

—	1939	1945	1946	1947	1948	1949[1]	1950[1]	1951[1]	1952[1]	1953[1]	1954[1]
Personal Expenditure on Consumer Goods and Services	3,904	6,811	7,977	9,173	10,112	10,963	12,029	13,273	14,363	15,115	15,581
Government Expenditure on Goods and Services[2]	765	3,704	1,832	1,570	1,798	2,128	2,326	3,243	4,259	4,362	4,360
Gross Domestic Investment: [3]											
New Residential Construction	185	272	371	506	637	742	801	781	786	1,061	1,159
New Non-residential Construction	166	252	443	599	818	903	1,026	1,260	1,554	1,706	1,676
New Machinery and Equipment	254	462	584	1,016	1,230	1,323	1,389	1,769	1,916	2,073	1,711
Change in Inventories	331	−260	519	947	605	231	960	1,620	270	605	−230
Exports of Goods and Services	1,451	3,597	3,210	3,638	4,054	4,011	4,183	5,089	5,573	5,420	5,134
Deduct: Imports of Goods and Services	−1,328	−2,910	−2,878	−3,621	−3,636	−3,837	−4,513	−5,613	−5,400	−5,860	−5,559
Residual Error of Estimate	9	−78	−32	−60	−5	−2	2	52	−119	−66	153
GROSS NATIONAL EXPENDITURE AT MARKET PRICES	5,707	11,850	12,026	13,768	15,613	16,462	18,203	21,474	23,202	24,416	23,985

[1] Includes Newfoundland.

[2] Includes outlay on new durable assets such as building and highway construction by governments, other than government business enterprises. Also, includes the changes in inventories of government commodity agencies.

[3] Include capital expenditures by private and government business enterprises, private non-commercial institutions, and outlays on new residential construction by individuals.

EXHIBIT 6

SUMMARY OF NET GENERAL COMBINED REVENUE AND EXPENDITURE ALL GOVERNMENTS IN CANADA

EXCLUSIVE OF INTER-GOVERNMENT TRANSFERS

Fiscal years ended nearest December 31, 1939, 1945 and 1950 to 1955

	Government of Canada	Provincial governments	Municipal governments	All governments
REVENUE	Millions of Dollars			
1939	480	236	317	1,033
1945	2,720	317	353	3,390
1950	2,906	827	560	4,293
1951	3,766	945	651	5,362
1952	4,349	921	740	6,010
1953[1]	4,437	994	800	6,231
1954[2]	4,149	960	839	5,948
1955[2]	4,242	1,011	905	6,158
EXPENDITURE	Millions of Dollars			
1939	571	355	305	1,231
1945	4,679	371	334	5,384
1950	2,495	924	682	4,101
1951	3,310	1,040	780	5,130
1952	4,009	1,166	899	6,074
1953[1]	4,040	1,218	992	6,250
1954[2]	4,000	1,311	1,060	6,371
1955[2]	4,121	1,464	1,110	6,695

[1] Preliminary.
[2] Estimated.

Dominion Bureau of Statistics, May, 1955

EXHIBIT 7

DOMINION BUREAU OF STATISTICS—PRICES SECTION

CONSUMER PRICE INDEX FOR CANADA, 1945-1955*

(1949 = 100)

			Index
1945			75·0
1946			77·5
1947			84·8
1948			97·0
1949			100·0
1950			102·9
1951			113·7
1952			116·5
1953			115·5
1954			116·2
1954	January	2	115·7
——	February	1	115·7
	March	1	115·5
	April	1	115·6
	May	1	115·5
	June	1	116·1
	July	2	116·2
	August	2	117·0
	September	1	116·8
	October	1	116·8
	November	1	116·8
	December	1	116·6
1955	January	3	116·4
——	February	1	116·3
	March	1	116·0

* All figures in this table are directly comparable with each other.

EXHIBIT 8

SELECTED ITEMS OF CONSUMER EXPENDITURE

(Millions of dollars)

	1952	1953
Alcoholic Beverages	833	869
Tobacco in various forms	455	453
Race track betting	69	84
Soft drink beverage—all kinds	189	198
Commercial Recreation	198	205
Total of above items	1,744	1,809

THE SENATE

Tuesday, June 21, 1955

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

CANADIAN NATIONAL RAILWAYS BILL

FIRST READING

A message was received from the House of Commons with Bill 351, an Act respecting Canadian National Railways.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

MEAT INSPECTION BILL

AMENDMENTS CONCURRED IN BY COMMONS

A message was received from the House of Commons returning Bill 352, an Act respecting the inspection of meat and meat products entering into international and interprovincial trade, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill, without amendment.

CANADA AGRICULTURAL PRODUCTS STANDARDS BILL

AMENDMENTS CONCURRED IN BY COMMONS

A message was received from the House of Commons returning Bill 411, an Act to establish national standards for agricultural products and to regulate international and interprovincial trade in agricultural products, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill, without amendment.

DIVORCE STATISTICS

REPORT OF COMMITTEE

Hon. Arthur W. Roebuck: Honourable senators, I am sure all members of the house, and particularly those who are members of the Standing Committee on Divorce, will be pleased that I am able to report that all petitions for divorce ready to be heard at this session have been dealt with. The committee has completed its work so far as the hearing of divorce petitions and evidence is concerned, so I am in a position tonight to present the committee's 427th and final report for this session. I propose to read it and to make some comments as I go along, and I shall certainly make some further comments when I have read the report.

For the present session 473 petitions for bills of divorce were presented to the Senate and dealt with by the Standing Committee on Divorce, as follows:

Petitions heard and recommended	407
Petitions heard and rejected	7
Petitions withdrawn	11
Petitions not proceeded with	48
Total	473

May I point out that the 48 petitions were not proceeded with because the litigants were not prepared to go on, and not by any wish of the committee.

Of the petitions recommended during the present session of Parliament, 124 were by husbands and 283 were by wives.

Perhaps the lady senators may have some comments to make on that inequality of division as between husbands and wives—no doubt to the disparagement of the husbands.

Hon. Mrs. Fallis: The figures speak for themselves.

Hon. Mr. Roebuck: The report continues:

Of the petitions recommended during the present session of Parliament, one was from a petitioner domiciled in the province of Newfoundland, and 406 were from petitioners domiciled in the province of Quebec.

The petitioner domiciled in the province of Newfoundland was a wife.

Of the 406 petitioners domiciled in the province of Quebec, 124 were husbands and 282 were wives.

The committee met on 52 days and held a total of 190 meetings, of which 138 were meetings of subcommittees. On 10 days the committee functioned in four sections.

Or, more properly, four subcommittees.

On 23 days the committee functioned in three sections. On 10 days the committee functioned in two sections. On 9 days the committee functioned in one section.

On the nine days when the committee functioned in only one section the case in hand was continued from day to day. One case in particular occupied the committee for four consecutive days. The reason why the committee functioned as four subcommittees for

only ten days was that there were not sufficient cases completed and ready for hearing to occupy the four subcommittees for a longer time. A great deal of work is done by the Committees Branch of the Senate in an effort to have counsel prepare their cases for hearing as soon as possible. Had many of the cases been prepared with greater promptitude the committee's work would have been completed long before this date.

In 24 cases the committee recommended that part of the Parliamentary fees be remitted.

The fees were remitted because of the poverty of the applicant, and from memory I would say that the remission in each case was to a woman.

The fees paid to Parliament for bills of divorce heard and recommended during the 1955 session amounted to $82,280.

A considerable sum of money.

Assuming that all bills of divorce recommended by the committee, now in various stages before Parliament, receive the Royal Assent, the comparison of dissolutions of marriage granted by Parliament in the last ten sessions is as follows:

1947	348
1947-48	292
1949, 1st session	184
1949, 2nd session	166
1950	240
1951	294
1952	312
1952-53	282
1953-54	378
1955	407

Honourable senators will note from those figures that from 1947 to 1949 the number of cases decreased, and from 1949 to the present session it has been steadily increasing. Indications are, I think, that we may expect further increases in the immediately forthcoming sessions.

Statistics covering the number of divorces granted in Canada during the years 1950 to 1954, both inclusive, (1955 for Newfoundland and Quebec), are as follows.

I do not propose to read this statement to the house, but it will appear in the record.

The statement is as follows:

	1950	1951	1952	1953	1954	(1955)
Canada	5,373	5,163	5,634	6,110	5,800	
Newfoundland	5	4	3	9	8	1
Prince Edward Island	13	10	9	15	8	
Nova Scotia	199	187	188	185	249	
New Brunswick	194	156	200	181	117	
Quebec	234	290	309	273	370	406
Ontario	2,228	2,102	2,202	2,774	2,346	
Manitoba	309	361	338	374	371	
Saskatchewan	280	226	223	218	250	
Alberta	534	589	630	603	610	
British Columbia	1,377	1,339	1,532	1,478	1,471	

Honourable senators will note from those figures that in 1954 the increase over 1950 for all Canada was about 425. The figures for Ontario are perhaps of interest to the house: in 1954 there was an increase over 1950 of only slightly more than 100 in the number of divorces granted by the Ontario courts. British Columbia seems to be doing very well in the matter of numbers—in 1950 there were 1,377 divorces granted in that province, and in 1954, 1,471.

I thought it interesting to observe the distinction between husbands and wives, as petitioners, over the last few years. The same trend, you will observe, applies to all Canada as to the two provinces from which divorce petitions are made to Parliament.

The following statement shows a comparison between the number of divorces granted to husbands and wives respectively in the years mentioned.

	Husbands	Wives
1950	2,100	3,273
1951	2,010	3,155
1952	2,218	3,416
1953	2,421	3,689
1954	2,278	3,522

Now I would like to make one or two comments on matters that are not mentioned in the report. First, I would like to call attention to the very excellent attendance of most of the senators who are members of this committee. I think that credit should be given where credit is due. The one who stands highest on the attendance list, and to whom I think perhaps the Harbour Commissioner's hat should be awarded, is Senator Golding.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: He attended on 51 days of the 52 days on which the committee sat, and on the one day he was absent I rather suspect that he lost his vote. I suspect so because he abandoned his duties to the Divorce Committee in order to perform his duty as a voter in the province of Ontario. I think Senator Golding should be given a very high award for complete attendance.

Hon. Mr. Euler: Give him an Oscar.

Hon. Mr. Roebuck: The second member who deserves high commendation is Senator Barbour, who attended on 47 days.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I can pass over myself, because I was present on only 40 days.

I can hardly emphasize too strongly the wonderful service that has been given to the committee by both the medical men who are members, Senator Howden and Senator Gershaw.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: The value of their advice has simply been beyond calculation. Senator Howden attended on 39 days.

As a lawyer I suppose I should not bow to the other lawyers who are members of the committee, but I do wish to point out that Senator Ross has performed a great service. He attended on 35 days, and was chairman of a subcommittee, I think, on practically every one of those days.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I would also like to say, if you will permit me, how much I have valued the services of the two lady senators on this committee.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: In my judgment the sense of responsibility exhibited by Senator Hodges and Senator Fergusson toward their duties on this committee was magnificent. If their attendance record is not quite as high as somebody else's, it is because they have also been serving on other important committees. Senator Hodges attended on 33 days; Senator Fergusson, on 32 days.

Senator Hawkins served 29 days; Senator Farquhar, 26 days. And Senator Gershaw, who was away for a period but who when he was here was a constant attendant, served 26 days.

As to the other members of the committee, who served less than 25 days, I do not think I need mention the exact figures on their attendance.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Roebuck: But I must make special reference to Senator Aseltine. In a sense he is regarded as an honorary member of the Divorce Committee, because for a long period of years he was a very active member and for no less than ten years served as the committee's chairman. I have not thought it appropriate to ask him to give very constant service as a member of the committee, but he has substituted for the chairman of the general committee on a number of occasions, and always when he has been asked to do so.

Senator Haig and Senator Macdonald are, of course, ex officio members of the committee in their respective capacities as Leader of the Government and Leader of the Opposition; and may I say that I have greatly valued the attendance of each of them, when their other duties have permitted them to be present. Particularly were we all pleased at the recent attendance of the Leader of the Government, when a general discussion took place in which he was complimentary—I think, not unduly—to the members of the committee.

I have a further statement which, instead of reading in full, I would ask consent to place on *Hansard*.

The following information has been obtained by reviewing 364 cases heard by the committee at the present session of Parliament:

The average duration of the actual marriage, that is from the date of marriage to the date of separation, was 8·2 years.

In 35 cases the marriage lasted 1 year; in 24 cases the marriage lasted 2 years; in 36 cases the marriage lasted 3 years; in 34 cases the marriage lasted 4 years; in 25 cases the marriage laster 5 years; in 23 cases the marriage lasted 6 years; in 23 cases the marriage lasted 7 years; in 17 cases the marriage lasted 8 years; in 19 cases the marriage lasted 9 years; in 18 cases the marriage lasted 10 years; in 17 cases the marriage lasted 11 years; in 14 cases the marriage lasted 12 years; in 10 cases the marriage lasted 13 years; in 7 cases the marriage lasted 14 years; in 9 cases the marriage lasted 15 years; in 7 cases the marriage lasted 16 years; in 6 cases the marriage lasted 17 years; in 7 cases the marriage lasted 18 years in 3 cases the marriage lasted 19 years; in 8 cases the marriage lasted 20 years; in 2 cases the marriage lasted 21 years; in 4 cases the marriage lasted 22 years; in 4 cases the marriage lasted 23 years; in 3 cases the marriage lasted 24 years; in 3 cases the marriage lasted 19 years; in 1 case the marriage lasted 26 years; in 2 cases the marriage lasted 27 years; in 2 cases the marriage lasted 29 years; in 1 case the marriage lasted 33 years; in 1 case the marriage lasted 36.

The shortest period of marriage was 12 days. The longest period of marriage was 36 years. Of the 364 cases reviewed, 192 had children and 172 had none.

I may say that the reason that not all the cases were reviewed was that the review was not commenced until after the Divorce Committee had been sitting some little time. I thought it would be helpful to the house to know the average duration of the actual marriage. I had supposed that most of the divorces were of rather newly married couples, but the figures do not bear out that assumption. The brevity of the shortest period of marriage, namely twelve days, requires some explanation. On the twelfth day after the wedding the husband confided to his wife that he had a common-law wife and a very considerable family, so that his legal wife was not his only financial obligation; and she left him at once. As to the final

statement—that of the 364 cases reviewed, 192 had children and 172 had none—it may be interesting, at least to moralists, to know that 50 per cent of the families in which there were applications for divorce had no children; and it has seemed to me that that fact was, in some cases, the reason for the application.

One more matter of comment, if honourable senators will permit me. I wish to say, and I say it quite honestly, and I mean the words I use, that no body charged with a responsibility such as ours was ever served better, more faithfully, more thoughtfully and more industriously by its staff than this Committee on Divorce has been. It has a considerable staff, headed by Mr. Harvey Armstrong, Chief Clerk of Committees, whose knowledge, attention and ability are thoroughly appreciated by the members of our committee. The Assistant Chief Clerk of Committees, Mr. John Hinds, has served as clerk of No. 4 subcommittee; but his more important duty has been, in each case, to check the papers, payment of fees, advertising of notices, service of process and all that sort of thing, and to make sure that all the particulars and requirements of the Rules have been complied with. In the ordinary courts those duties are left to the judge: he has to check the advertising and the proofs are made before him. Not so in this committee. That work is done by the staff, who certify to our committees that the Rules have been complied with; and the duty is an important one. Mr. James D. MacDonald, clerk of the general committee, and also clerk of No. 1 subcommittee, has kept the minutes of the committee and performed many functions, including the statistical work whose results I have just presented. He has been a most valuable assistant, at the hearings, in preparing for the hearings, and afterwards. Mr. Gerard Lemire, clerk of No. 2 committee, and Mr. Fred Fortier, clerk of No. 3 committee, have performed their tasks most acceptably. I might also mention Mr. Walter Mathews and Mr. Ralph Ells, court criers, who, by the way, perform a good many other services besides announcing cases and calling witnesses. Perhaps I may also be permitted to mention Mrs. Bertha Anderson, who as stenographer has worked industriously very many hours on the multifarious types of documents required in these proceedings. I would like also to say something about the Debates and Reporting Branch. The work of the reporters is so smoothly done that one hardly notices their presence at the hearings, but it is arduous, it requires the closest of attention and a great deal of skill and industry. The staff, under Mr. Lake, the Chief of the branch, has performed its services this session with 100 per cent competence. I will mention one other official—our highly learned, exceedingly efficient, wise and helpful legal counsel, Mr. John F. MacNeill, Q.C. This year the committee—or more correctly, the chairman of the committee—has referred a good many legal problems to Mr. MacNeill. It is a very good practice: there is no doubt about the legality of asking our legal counsel for a written opinion. He has responded on all occasions with capable, readable, wise and useful memoranda. The Senate is fortunate in having a legal counsel of the capacity of Mr. MacNeill. I should also like to mention his very likable and efficient secretary, Mrs. Jean Sutherland.

Honourable senators, that is my report for the moment. I thank you for your patience in listening to all the details.

Hon. Senators: Hear, hear.

Hon. W. Ross Macdonald: Honourable senators, I feel I should not let this occasion pass without extending on behalf of all senators our appreciation to the chairman and the members of his committee for the faithful services they have rendered to Parliament during the past session.

The divorce statistics give us some idea of the time required to dispose of these cases. This session 473 petitions were filed, 407 of which were granted and 7 were refused. This means that the committee heard and made decisions on a total of 414 cases. The fact that the committee sat for 52 days gives the house some idea of how much time its members devoted to this work. It is a committee to which none of us seeks appointment; we do not compete with one another in order to serve. But it is very gratifying to know there are so many who are willing to give of their time and ability to this committee, whose function is essential under our present constitution.

It was my privilege to attend the final meeting of the Divorce Committee this session. Having attended other meetings during this and previous years and having some knowledge of the way divorces are handled in our courts. I can say that the committee considers applications just as carefully and thoroughly as does any court in the land.

I am very happy to know that the Senate has men and women who are competent to do this work and who do it so sacrificingly, without consideration of the time and effort involved. I take this opportunity to thank the chairman and the members of the committee for the services which they have rendered to the Senate, to Parliament and to our country.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable senators, I have a few remarks to make at this time, and I should like to preface them by giving you a statistic with which I am sure you are unfamiliar. I hold the record this session of being chairman of the Divorce Committee for the shortest term of anyone, having served on one occasion only and having heard one case.

Honourable senators, I should like to deal with a matter raised tonight by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) in his report. He referred to divorce procedure in British Columbia. I would point out that that province has shortened the time after which a decree nisi for divorce can be made final to one month.

Hon. Mr. Aseltine: There is no waiting period.

Hon. Mr. Haig: I believe that is right. If I recall correctly the waiting period in Manitoba and some other provinces is six months.

Hon. Mr. Macdonald: In Ontario it is a three-month period.

Hon. Mr. Aseltine: That is the case in Saskatchewan.

Hon. Mr. Haig: You will find that wherever the shorter period is in effect it has assisted the parties to an action to get their freedom more quickly.

There is another matter which I should like to deal with tonight. In a sense it has nothing to do with the report that we have before us and I am not bringing it up to deprecate the work of the committee, although it may raise a discordant note. I know that the chairman and the members of the committee have done a wonderful job, and I congratulate them. Through the years when I served as a ranking member of the Divorce Committee I became acquainted with all the troubles that are recounted to the committee, and I fully appreciate the importance of the work that is done and the time spent on it.

When listening to the radio the other night I heard a deliberate attack—I use the word advisedly—made on the Senate and its Divorce Committee. Such an attack should never have been made, for the facts do not support it. I think that the chairman of the committee (Hon. Mr. Roebuck) has asked the C.B.C. to give the same publicity to those statistics he has compiled as was given to the special reporter the other night.

Hon. Mr. Roebuck: I intend to raise this matter as a question of privilege later tonight.

Hon. Mr. Haig: I am glad of that.

Speaking now in my capacity as Leader of the Opposition in the Senate, I honestly think that before the next session we have got to work out some system whereby we will have continuous sittings of the divorce committee from about the opening of the session to Easter, and from when we resume after the Easter recess until prorogation in order that the committee may function throughout that time. I have always felt that the Government should be asked to make provision for additional compensation for the senators who stay in Ottawa over the week-ends to do the work of the Divorce Committee. In my case my work is finished on Thursday night and I do not work again until the following Tuesday night. Now, I know I have become lazy, but like most men and women in this chamber I would prefer to work rather than doing nothing. I think the Leader of the Government (Hon. Mr. Macdonald)—and I am willing to give him every assistance I can—should try to work out some scheme whereby at the next session those senators who do not serve on the Divorce Committee would not have to remain in Ottawa week in and week out. I realize quite clearly that if the house adjourned for two weeks in February it would be awfully difficult to hold the members of the Divorce Committee here. I also appreciate the position in which the Leader of the Government would find himself if the Government were suddenly to bring down urgent legislation while the Senate was recessed; but that difficulty could be avoided if the Government would co-operate with us and tell us in advance what they intend to do.

I am willing to work five days a week for eight months of the year or whatever length of time is necessary, but I do not want to be kept here to work three days a week and twiddle my thumbs for the remaining four. It is not good for honourable senators or for Canada that we should be asked to do this. I suggest that at the opening of the next session the Leader of the Government invite the Leader of the Opposition in the Senate and the Chairman of the Divorce Committee to accompany him for an interview with the Prime Minister, or whomever is the proper person in the Government to interview, to discuss this matter, because it seems to me that divorce has become a big business. I believe the chairman of the committee (Hon. Mr. Roebuck) said that the divorce fees paid to Parliament this session amounted to $82,000.

Hon. Mr. Roebuck: That is the figure.

Hon. Mr. Haig: I do not think we should ask honourable senators who are not on the committee to sit around and wait for days and days while the divorce committee does its business. Secondly, I want a challenge put to the House of Commons that if its

members will not desist from criticizing the work of the Divorce Committee in the Senate, they should come forward and do the work themselves, if they think they can do it better. The members of this house serve on the committee from necessity and with a feeling of responsibility toward the people of Quebec and Newfoundland. We feel that people who are unhappy in the marriage state and need to be separated have a right to consideration, and for the people of those provinces we have provided a committee to hear their petitions and give them relief. If we refused that service those people would be unable to get relief.

To repeat, honourable senators, I suggest that at the opening of the next session the Leader of the Government in the Senate—in whose ability to arrange the interview I have every confidence—together with the Chairman of the Divorce Committee, and probably someone from the opposition—I am willing to go myself—should confer with the Prime Minister to see if something can be arranged along the lines I have suggested. I do not think it is fair that honourable senators, both men and women, should work from ten o'clock in the morning until one o'clock, and perhaps from 2.30 to five o'clock in the afternoon, while the rest of the members do nothing. The house sits for about three days a week for short periods of time, largely in order that the divorce committee can continue in session. I make the suggestion in good faith, and with ten years' experience as a member of the divorce committee.

I feel very strongly that the constant irritation caused by remarks such as were heard over the radio the other night, and from jibes by members of the House of Commons, are not deserved by this house, and particularly the members of our Divorce Committee. The sooner such critics realize that the Senate is doing a public service as part of its obligation under the terms of Confederation, the better for Canada. I would say that this one case ought to be answered. I also say that next session a conference should be held to see if some arrangement can be made whereby honourable senators who are not serving on the divorce committee may sit in committee if there is work to do, and if there is no work to do the house should adjourn for two or three weeks. That is not a new idea. I was here when that was customary, and the Senate was not abused any more then than it is now. I recall that the late Senator Dandurand, when he was leader in this house, used to say: "Honourable senators, there is nothing more on the Order Paper, and therefore I move we adjourn for two weeks. By that time, I hope the other house will have some legislation ready for us to deal with."

Hon. Mr. Macdonald: I am sure the Chairman of the Divorce Committee would not object to more members on his committee.

Hon. Mr. Roebuck: No, indeed.

Hon. Mr. Macdonald: I am sure he would welcome them.

Hon. Mr. Haig: But certain members will not serve. If you care to take a count of how many are willing to serve, you will be surprised.

Hon. Mr. Macdonald: Of members who are sitting around week-ends?

Hon. Mr. Haig: Some of those who are in Ottawa at week-ends will not serve, either.

Hon. Mr. Reid: This is all foolish talk about honourable senators doing nothing at week-ends. We do not all sit around idle during that time.

Hon. Mr. Haig: But the point is that the house sits three short days a week, so that the Divorce Committee can be kept going.

Hon. Mr. Macdonald: Oh, no, no. Every day this house has been in session so far we have had legislation or some other matter to discuss.

Hon. Mr. Haig: Will the honourable leader not agree with me that this house sits for about two and a half hours a day?

Hon. Mr. Macdonald: I think my work day is closer to twelve and a half hours a day. The house may sit for two and a half hours in the afternoons, but committees also sit in the mornings for two and a half hours. I do not think members of this house have much idle time on their hands if they are attending to their duties.

Hon. Mr. Haig: My honourable friend cannot say that to me. If he will look at the record he will find that my record is better than his in attendance on committees.

Hon. Mr. Macdonald: I agree. I was not making a reference to my honourable friend.

The Hon. the Speaker: Honourable senators, the Leader of the Opposition (Hon. Mr. Haig) has the floor. Any honourable senator may ask him a question, with his permission, but there must be order in this house.

Hon. Mr. Macdonald: May I be permitted to say to the Leader of the Opposition that I know he works much longer than two and a half hours a day, for I am aware that when he is serving on committees he often sits for two and a half hours a day over and above the time he sits in the house?

The Hon. the Speaker: May I ask for order in this house? The Leader of the Opposition

has the floor, and when he has finished any honourable senator can follow him. He can be interrupted by a question, but only with his permission. The order and procedure of this house must be observed. Will the Honourable Leader of the Opposition please continue?

Hon. Mr. Haig: Honourable senators, I will conclude by saying that although my suggestion may not be acceptable to the house, it is my view, and I wanted to express it on this occasion so that there will be lots of time to consider the matter. I am not asking the Leader of the Government or the members of this house to make any rash decision; it will be perhaps six months before the next session commences.

Hon. Mr. Macdonald: On a question of privilege, may I be permitted to say that I did not intend to suggest in any way that the Leader of the Opposition does not attend to his duties faithfully. On the contrary, I wanted to emphasize that he does attend to his duties faithfully, and in fact sits here much longer than two and a half hours a day.

Hon. R. B. Horner: Honourable senators, I wish to dissociate myself from the remarks which have been made, because I think that the subject of what we do or do not do in this chamber has been discussed at too great length. I am reminded of an occasion some time ago when I had to leave my farm temporarily and I asked one of my men to take charge while I was away. He said he would do so on one condition—that I gave him full authority to settle up, write the cheques, pay off the men, or, as he put it, fire them if necessary. I said that I would give him that authority, and I left him some signed cheques. In those days we worked horses, and the man I put in charge told me afterwards that he had had a little difficulty with the men regarding the work they had to do. So he told the men: "There is no one tied here, except the horses, and some of them are loose part of the time. The same applies to you fellows, and it is quite possible for you to resign." I think the same applies to this house. None of us is tied, and I think it is possible for us to resign.

Hon. W. D. Euler: Honourable senators, I would like to make a suggesion, which probably will not find great favour in certain quarters. In view of the fact that divorce petitions to Parliament come from two provinces, would it be fair to suggest that the senators from those two provinces constitute the membership of the Standing Committee on Divorce and do the work which comes from their provinces?

Some Hon. Senators: Hear, hear.

Hon. Mr. Hardy: Mr. Speaker, may I suggest that this debate is getting far afield from the report presented by the Chairman of the Divorce Committee. I think it is entirely out of order, and I would ask Your Honour to so rule.

The Hon. the Speaker: Ordered that the report do lie on the table.

HART DIVORCE CASE

RADIO BROADCAST—QUESTION OF PRIVILEGE

On the Orders of the Day:

Hon. Arthur W. Roebuck: Honourable senators, I have a statement to make with reference to a matter to which the honourable Leader of the Opposition (Hon. Mr. Haig) has already referred. Although I prepared my statement in advance of the remarks of my honourable friend, it is in keeping with his views as to what ought to be done.

As a matter of privilege and as Chairman of the Senate Standing Committee on Divorce, I find it necessary to refer to some grievous errors in a statement made by Mr. Blair Fraser, Ottawa Editor of *Maclean's* Magazine, and broadcast by him all across Canada over the facilities of the Canadian Broadcasting Corporation. I have before me the text of Mr. Fraser's address, filed with the C.B.C. prior to its delivery on the evening of Thursday last, June 16, and put on the air by C.B.C. in the course of a weekly program event called "News Roundup".

Mr. Fraser refers to a bill introduced in the Commons by a member of the C.C.F. party and designed, he says, for the relief of Lawrence Hart, who claims he was divorced without his knowledge while away in Europe. Mr. Fraser is of opinion that the Senate will not pass this bill as, he says, "the Upper House is hardly likely to find itself guilty of incompetence." However, he says the real purpose of the bill is to draw attention to the C.C.F. effort to replace the system of parliamentary divorce, because, he says the members of that party "think the Senate Divorce Committee does a lamentably sloppy job".

In view of these widely publicized strictures, it is necessary in justice to the Senate and its Divorce Committee, and particularly to the senators who served in connection with this case, that I inform the public as to what actually did occur.

In the first place, let me say that I do not believe that all C.C.F. members of the Commons hold any such opinion of the Senate Committee on Divorce as is thus attributed to them.

I have in my hand a Solemn Declaration by Muriel Fishman, a secretary, of Montreal,

who swears that she served Lawrence Hart personally with his wife's notice of intention to apply to Parliament for divorce, together with a copy of her petition and the required Notice of Information to Respondent; that she identified him by a photograph which she produces, and that he admitted to her that he was the person designated in the notice as the husband of the petitioner. This is the usual affidavit accepted in all courts as sufficient *prima facie* evidence of service, and it is neither "sloppy" nor "incompetent" on the part of the Senate committee to rely upon it, particularly when it is unchallenged by any negative suggestion.

In this case challenge was clearly impossible, for the respondent himself has since the hearing admitted to the Chief Clerk of Committees of the Senate, Mr. Harvey Armstrong, that he was served. He has also admitted that after service he left Canada for Europe without consulting solicitors, instructing counsel, or notifying the Senate by letter or otherwise of his intended departure from Canada, his desire for delay, or his wish to defend.

This failure to communicate, by any means, with the Senate is remarkable for two reasons; first, because the respondent is a lawyer and must know something of the significance of legal process; and, second, because in the Notice of Information for Respondent attached to the petition is a clearly expressed warning that if he desires to oppose the granting of the divorce prayed for by the petitioner, he must within 30 days send notice to that effect to the Clerk of the Senate; failing which a bill of divorce may be passed "without any further notice to you".

Just how much sympathy is due to a lawyer who disregards a notice of that kind may be judged by the fact that he now admits that he deliberately left Canada without taking any action of any kind with regard to it.

The evidence in support of the petition was heard by a subcommittee composed of Senator Golding, as Chairman, supported by Senators Farquhar and Fergusson, all experienced members of the Divorce Committee, the last named being a lawyer. I have personally perused the printed transcript of evidence and find it justifies fully and in every particular the action taken in granting the divorce. I may say that the bill referred to was yesterday ruled out of order in the Commons on two grounds: first, that it was frivolous, and secondly, that it was a public bill to repeal a private act.

What happens to the bill for the relief of Lawrence Hart when it reaches the Commons is no concern of ours, but an utterly false statement that a divorce was granted by the Senate without notice to the divorcee is a charge so serious that it cannot be wholly disregarded by this house when the slander is publicized to the people of Canada by the national broadcasting system. The Senate itself is well used to unjust and unfounded criticism, and usually is little concerned, but I submit that this honourable body cannot and should not tolerate the slandering of witnesses who testify under oath before it or any of its committees. The Senate Committee on Divorce is most vigilant to protect from abuse the witnesses who come before it, and to me it is a matter of grave concern to find a government institution such as the Canadian Broadcasting Corporation permitting the use of its facilities for such purposes.

As a make-weight to his misstatements of the Hart case, Mr. Fraser refers to two divorce proceedings of last session. He says:

> Last year they (the C.C.F.) managed to block one divorce bill in which, it turned out, all the evidence against a crippled wife was fabricated and perjured.

The case referred to is clearly identified as that of Lucien L'Esperance, for it is the only one to which the C.C.F. applied blocking tactics and in which the respondent wife might be or has been described as crippled. In this case there has been no finding by any responsible body of either perjury or fabrication by anyone, nor is there any evidence by anyone as against anyone involved of such a crime. There were five witnesses who testified before the Senate Committee in the L'Esperance matter, including the petitioner, who are thus libelled in Mr. Fraser's written statement, and slandered by him in the national broadcast. The case was referred back by the Commons to its Private Bills Committee, but that was because the C.C.F. attackers and others had reported the bill before reading the evidence, and not because there was evidence of perjury, and when the husband withdrew his petition, he stated in writing that he did so because of the publicity, which we were told by his counsel was injuring his business, and because of the protestation of his wife.

Mr. Fraser says that "nobody in that or any other case has been prosecuted for perjury". If Mr. Fraser has evidence of perjury in that case, his remedy is a complaint to the Crown Attorney naming the persons accused, and not by way of a nation-wide smear upon the husband and all his witnesses.

Last year I told the house of a charge of perjury arising out of testimony given before a Senate committee in support of a petition for divorce, in which the accused was convicted and sentenced to two years in prison.

Mr. Fraser refers to "another case, also blocked by the C.C.F." in which, he says, "examination showed that three men testified under oath that they were all standing on a ladder together, apparently side by side". The purpose of this recital is to ridicule the evidence upon which the Senate committee is supposed to have acted, and it is a downright misstatement of fact. There was other and additional evidence before the committee, and the three men did not so testify nor did any one of them. The evidence given by the men was that two of them mounted the ladder, which was big and strong and very wide, and that it was not until the two came down that the third man went up.

It is unbecoming to one who misstates evidence so flagrantly to refer to others as sloppy and incompetent.

It is unnecessary for me to defend the Senate decision in the Delorme case—that is the one that has just been referred to—for as a result of the blocking mentioned, the Commons Private Bills Committee recalled the witnesses and reheard the entire evidence, after which the committee reported the bill, having reached the same decision as made by the senators. Nevertheless, the blocking continued; the bill was "talked out" and died on the Order Paper. It has been passed again by the Senate at this session and is now again before the Commons. If there is virtue to be found in such blocking, I am sure that the litigants, who have borne the additional expense, will not appreciate it.

Hon. William H. Golding: Honourable senators, I would like to add something to what the Chairman of our Divorce Committee has already said and to congratulate him on the very efficient and effective way in which he has dealt with a broadcast by Mr. Blair Fraser in C.B.C. News Roundup last week.

It will not be necessary for me to deal with statements made by Mr. Fraser in regard to some of the cases he spoke of in his broadcast, as the honourable Chairman has already done so very effectively. However, I do feel that I should say a word or two about the Hart case, on which Mr. Fraser spent the major portion of his time in this particular broadcast.

The Hon. the Speaker: If the honourable senator will permit me, unless he rises on a question of privilege his remarks are quite out of order, I have no desire to interfere, if it is the wish of the house that he continue with his statement.

Hon. Mr. Roebuck: The honourable senator was chairman of the subcommittee which heard the case.

The Hon. the Speaker: If it is the will of the house that he continue, it will be in order for him to do so.

Hon. Senators: Agreed.

Hon. Mr. Lambert: As a matter of information, may I ask His Honour the Speaker if other members of this house are to be permitted to discuss the same subject on a point of privilege?

The Hon. the Speaker: I am suggesting it is not in order to do so unless the house, which is all wise in this matter, gives its unanimous consent. As the honourable senator has unanimous consent, he may proceed.

Hon. Mr. Golding: Thank you, Mr. Speaker. As I say, I feel that I should add a word or two about the Hart case, on which Mr. Fraser spent the major portion of his time in this particular broadcast.

This case was heard on Friday, January 21 last, by a subcommittee composed of Honourable Mrs. Fergusson, Honourable Mr. Farquhar and myself, as chairman. This was a case in which I am quite sure none of us who heard it ever expected to be criticized for having decided to recommend the divorce, as the respondent offered no defence at all. I have no intention of referring to the details of the evidence of adultery, other than to say that it was most convincing; but I do feel that in justice to our subcommittee and to the petitioner, I should say something about the evidence she gave under oath when her case was heard.

As shown by page 9 of the evidence, she was asked what had caused the break-up between herself and her husband, and her answer was as follows:

> My husband was very violent, he abused me, and used to strike me frequently in front of the children; life with him was impossible.

The same page of the evidence shows she was asked if her husband has contributed to the support of the children. Her answer was very definite:

> No, he did not. I have supported the children throughout the entire marriage period.

The petitioner also stated that she had not lived with her husband since the spring of 1953. At that time she took action in the civil court in Montreal for a judicial separation and for the custody of her children. Judgment was given in her favour at that time.

The fact that the petitioner had been given custody of the children was a strong point in her favour.

The respondent is a lawyer, evidently well known in Montreal. No doubt he had every opportunity to submit his side of the case

to the civil court in Montreal when the custody action was heard, but it is quite evident that he was not able to make a very favourable impression on those who had the responsibility of dealing with his case.

I have made inquiries from our officials and I am advised that at no time has Mr. Fraser asked for any information regarding any of the cases he referred to in this broadcast last week.

It is certainly not for me or any member of the Senate to advise Mr. Fraser of the responsibilities he assumes when he uses the facilities of the C.B.C. or the press to give our people the news as he sees it from time to time. However, I must assume that he knows the Canadian people do expect to hear news reports which are as fair and accurate as possible. Therefore, it may be advisable for him to try to get his information from reliable sources as far as it is possible for him to do so. I am sure he will agree with this, if he places any value on his prestige as a reporter.

There is only one other point I wish to refer to. Evidently the petitioner in the Hart case re-married after her petition was finally approved by Parliament. It is alleged that she has married a professional detective who has given evidence in many cases before our divorce court. I am afraid that in some way the public has been led to believe that this gentleman had something to do with getting the petitioner's case through our court. That, honourable senators, is not true, as far as we know. This gentleman did not appear before us at all, as the evidence—which is available for any honourable senator to read—clearly shows. In any case the petitioner, after her case had been decided, had a perfect right to marry any person she wished to, and as far as I am concerned I hope that if these people, as it is rumoured, are now married, they will be happy together.

PRAIRIE FARM REHABILITATION BILL

THIRD READING

Hon. F. W. Gershaw moved the third reading of Bill 5, an Act to amend the Prairie Farm Rehabilitation Act.

He said: Honourable senators, I wish at this time to supply some information which was asked for upon the motion for second reading of this bill. The statement is in tabulated form; and with the consent of the house I will place it on *Hansard*.

Expenditures by Provinces

Prairie Farm Rehabilitation Act and Special Votes under its Administration

April 1, 1935 – March 31, 1955

——	Manitoba	Saskatchewan	Alberta	British Columbia	—
	$	$	$	$	$
P.F.R.A.	4,114,329	36,957,316	6,094,279	—	
Major irrigation and reclamation in the Prairie Provinces	24,951	3,850,777	35,509,840	—	
Land reclamation, construction and development in British Columbia	—	—	—	2,981,800	
Land protection and reclamation	1,539,858	—	—	—	
Dyking and cut-off (Assiniboine, Manitoba)	287,544	—	—	—	
Surveys and engineering costs	631,880	2,628,331	2,264,658	130,541	
Administration	225,672	1,688,024	1,550,686	129,820	
	6,824,234	45,124,448	45,419,463	3,242,161	100,610,306

Hon. Mr. Haig: Will the honourable senator explain whether the one and a half million dollars spent in Manitoba for land protection and reclamation has to do with the Winnipeg floods of 1950?

Hon. Mr. Gershaw: I assume that this money, which was expended under the Prairie Farm Rehabilitation Act, was applied to the repair of damage caused by the floods, and for the protection of the Assiniboine.

Hon. Mr. Haig: Those were the two items of expenditure?

Hon. Mr. Gershaw: Yes.

Hon. Mr. Haig: Otherwise not much money was expended in Manitoba. I notice a somewhat similar item of nearly $3 million in relation to British Columbia, presumably for dyking because of the flooding of the Fraser river.

The motion was agreed to, and the bill was read the third time, and passed.

TORONTO HARBOUR RAILWAY TRACKS AGREEMENT BILL

SECOND READING

Hon. G. Peter Campbell moved the second reading of Bill 262, an Act to approve an agreement between The Toronto Harbour Commissioners, The Toronto Terminals Railway Company, Canadian National Railway Company and Canadian Pacific Railway Company.

He said: Honourable senators, the principle involved in this bill is simply the approval by Parliament of an agreement entered into by the parties designated in the bill. By way of explanation I might review briefly the history of the Toronto Harbour Commission and the purpose of certain changes which have been or are proposed to be made with respect to the operation of the railways crossing the lands of the commission.

In 1911 The Toronto Harbour Commissioners Act was passed. It vested all the harbour lands in the city of Toronto, including the docks and the facilities for loading and unloading ships, in The Toronto Harbour Commissioners, giving them full power to construct all facilities for the transportation of goods to the harbour property and the discharge of cargoes from the ships, to levy dues, and so forth. There are five commissioners, of whom three are appointed by the Toronto City Council on recommendation of the Board of Control of that city, one is appointed by the Governor General in Council as the dominion representative, and the fifth is appointed by order in council on the recommendation of the Board of Trade of the city of Toronto.

During the development of the harbour facilities it became necessary to erect service railway spurs connecting with the main lines of the Canadian Pacific Railway and the Canadian National Railway. The Toronto Harbour Commissioners undertook the erection of these spur lines, and since their construction have paid the cost of maintenance. In recent years additional burdens have been put upon The Toronto Harbour Commissioners; and there has been a very substantial increase in traffic. Now an agreement has been entered into between the railways and the Harbour Commissioners providing for the maintenance of those lines by a company known as The Toronto Terminal Railway Company, which is owned jointly by the Canadian National Railway Company and the Canadian Pacific Railway Company.

I may say that The Toronto Terminals Railway Company was incorporated, I believe, in 1906, about the time that the Union Station was being constructed. It has held certain lands which were jointly operated by the two railways for the benefit of the passengers travelling to and from the city of Toronto.

Under its act of incorporation the Toronto Terminals Railway Company has no power to enter into this agreement, but the Toronto Harbour Commissioners have full power to do so. For that reason it becomes necessary to have an act of Parliament approving the agreement. Therefore, the bill before us simply incorporates the agreement as a schedule to the bill, and it provides that the agreement is approved and confirmed, and that the covenants therein contained are declared to be within the powers of the parties thereto and binding upon them.

As to the cost of maintaining the railway spur lines, I may say that no charge was previously made to the railways. But on account of the heavy traffic that now passes over these lines it has been agreed between the railway companies that a charge of $1.50 per loaded freight car shall be paid by the railways and placed in a fund to take care of the rehabilitation and maintenance of the lines which belong to the Toronto Harbour Commissioners.

The agreement sets forth in detail other operating arrangements between the parties, and these will be fully explained when the bill goes to committee. There are only one or two of these arrangements which might interest the house at this time. One is that the traffic over the spur lines last year, totalling about 70,000 cars, on the basis of $1.50 per loaded freight car, would mean a revenue of about $105,000. It is estimated that this will increase to approximately $120,000. The bookkeeping arrangements between the parties, under this agreement,

which will continue for ten years, will be such that any credits in the account, after the entire costs of rehabilitation and maintenance have been taken care of, will be paid to the Toronto Harbour Commissioners, and any deficits will be carried over, to be adjusted between the parties at a later date. Both railways have approved of the new arrangement and, as I said, the Toronto Harbour Commissioners will continue to own the tracks which have been erected on their lines.

The only other matter which may interest honourable senators is that with respect to the sidings serving the occupants of harbour lands. The owners of properties having sidings which connect with spur lines pay for them. They make their own siding installations, which connect with the spur lines, which in turn connect with the main lines of the railways.

Honourable senators, if the bill is given second reading I will propose that it be referred to committee.

Hon. Mr. Burchill: Just as a matter of information to a curious and uninformed layman, may I ask why it is necessary to have legislation to cover an agreement made between three incorporated parties?

Hon. Mr. Campbell: As I mentioned, the only reason is that the Toronto Terminals Railway Company has no power under its act of incorporation to enter into an agreement at this time, and it is desirable that this company, which really is in charge of all the terminal facilities in Toronto, be the company that assumes this obligation, with the approval of the two railways, each of which holds a 50 per cent interest. It gives them the power they do not now have by their act of incorporation.

Hon. Mr. Isnor: I should like to inquire as to the charge of $1.50 per car. Is that a charge for simply passing over the rails of the terminal?

Hon. Mr. Campbell: Yes, it is a charge agreed to be paid by the railways in order to establish a fund to maintain and rehabilitate these tracks which are the property of the Toronto Harbour Commissioners. The amount of $1.50 per car was considered a fair charge for the use of the facilities by the railways.

Hon. Mr. Isnor: And at the end of ten years there is to be an adjustment. That would be handled by the C.N.R., the C.P.R., the Toronto Harbour Board and the terminals railway, is that correct?

Hon. Mr. Campbell: Yes.

Hon. Mr. Isnor: I think that is an answer to the question asked by the honourable senator from Northumberland (Hon. Mr. Burchill) as to why this legislation is necessary. If the C.N.R. is assuming a debt which it will have to take care of in the future, the federal government will have to step in and supply the necessary funds.

Hon. Mr. Campbell: I suppose that would be a reason, but it is not the main reason. It is really an operating arrangement, as far as the C.N.R. is concerned. If it was an agreement between the C.N.R. and The Toronto Harbour Commissioners to pay this charge there would be no necessity for the legislation.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Campbell, the bill was referred to the Standing Committee on Transport and Communications.

MUNICIPAL GRANTS BILL

MOTION FOR SECOND READING—DEBATE ADJOURNED

Hon. W. Ross Macdonald moved the second reading of Bill 258, an Act to amend the Municipal Grants Act.

He said: Honourable senators, the purpose of this bill is to widen the scope under which payments are made to municipalities in lieu of taxes.

Many honourable senators will recall that in 1944 the Prime Minister, the late Right Honourable William Lyon Mackenzie King, after some discussion with the Mayor of Ottawa, Mr. Stanley Lewis, decided that an inquiry should be made into the relations between the City of Ottawa and the Government of Canada. Upon the adoption of a resolution presented by Mr. King to Parliament, a joint committee of both houses was set up to inquire into this subject and make recommendations. As the result of the unanimous report of that joint committee composed of some twenty-three members representing every section of Canada, the Government later introduced legislation which greatly enlarged the outlook of the people of Canada upon the capital city of Ottawa and the surrounding municipalities embodied in the Federal District which is administered by the Federal District Commission under the provisions of the Federal District Act. At that time the federal grant to the City of Ottawa was increased from $100,000 per year to $300,000 per year for a period of five years. By the time that period of five years had

expired, pressure—accumulated pressure—had been brought to bear upon the federal treasury from other municipalities throughout Canada to have grants provided for them as well as for the City of Ottawa.

That is why the Municipal Grants Regulations of 1950 came into existence, and also why they made provision for grants to all municipalities which qualified for same under a certain formula prescribed in the regulations. It is interesting to note that under this formula, which came into effect on January 1, 1950, the grant to the City of Ottawa was increased to approximately $1 million—actually $962,392.

In 1951 the act known as the Municipal Grants Act, which superseded the regulations, came into effect. It is that act which the bill now before us proposes to amend.

I will now deal specifically with this bill. Under its provisions a municipality will qualify for payments in lieu of taxes provided the federal property in that municipality exceeds in value 2 per cent of the combined value of taxable and Federal property, and the Federal property receives the usual urban services from the municipality. This is a reduction from the previous minimum requirement of 4 per cent, and is by far the most important change in the act, although there are other liberalizing features. For instance, under the act as it now stands the grant paid is limited to 75 per cent of a tax rate applied to the value of the Federal property exceeding 4 per cent. Under the provisions of the amending bill, which is now before us, the payment will be on 100 per cent of the value of all Federal property in a municipality which comes within the 2 per cent formula.

I should perhaps point out that there is a provision in this bill whereby the federal Government will pay the full taxes equivalent on a certain type of property. I refer to Crown-owned dwellings occupied by employees of the Crown or by members of the armed forces. In general terms, this can be referred to as residential property owned by the Crown. On such property the equivalent of full taxes is paid.

For the fiscal year ending March 31, 1955, under the Municipal Grants Program the total payments made to municipalities were $3,047,000. It is estimated that under the provisions of this bill the payments to municipalities for the fiscal year ending March 31, 1956, will amount to a sum somewhere in the neighbourhood of $7 million.

In conclusion, I should point out that if a municipality desires to claim the benefits of the present act and has not done so, it must make application before the first day of July, 1955. The bill which is now before us provides that the act, as amended, will be deemed to have come into force as of the first day of January, 1955.

Honourable senators, the bill was referred to the House of Commons Standing Committee on Banking and Commerce, was considered by the Committee of the Whole and eventually received the unanimous consent of the house. Virtually the only objection raised in the other house was that the grants were not large enough. When the Minister of Finance introduced the bill he said it was a rather complicated measure. I have tried to explain some of its more important features, and I would recommend the bill to the favourable consideration of this house. If it receives second reading tonight I shall move that it be referred to the Standing Committee on Banking and Commerce.

On motion of Hon. Mr. Reid, the debate was adjourned.

DIVORCE PETITIONS

REPORTS OF COMMITTEE CONCURRED IN

The Senate proceeded to consideration of the reports of the Standing Committee on Divorce, Nos. 425 and 426, dealing with petitions for divorce.

Hon. Arthur W. Roebuck, Chairman of the Committee, moved that the reports be concurred in.

He said: Honourable senators, may I point out that in both instances these petitions were refused, so that these reports will not be followed by bills. These two cases are the last to be reported by the committee, and therefore these reports conclude the divorce work in the Senate for this session.

The motion was agreed to, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, June 22, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

PRAIRIE FARM ASSISTANCE BILL

FIRST READING

A message was received from the House of Commons with Bill 481, an Act to amend the Prairie Farm Assistance Act.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADIAN FORCES BILL

REPORT OF COMMITTEE

Hon. Salter A. Hayden, Chairman of the Standing Committee on Banking and Commerce, presented the committee's report on Bill 257.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred back the Bill (257) intituled: "An Act respecting the Canadian Forces", have in obedience to the order of reference June 15, 1955, further examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hayden: With leave, I move that the bill be read the third time now.

Hon. Mr. Haig: Honourable senators, I do not intend to debate this measure further. I wish only to thank the members of this house for the kindness shown to me and my associates throughout the discussion of this bill in committee. As to the third reading of the measure, I would ask my associates to allow it to pass, on division.

The motion was agreed to, and the bill was read the third time, and passed, on division.

UNEMPLOYMENT INSURANCE BILL

MOTION FOR SECOND READING—DEBATE ADJOURNED

Hon. Arthur W. Roebuck moved the second reading of Bill 328, an Act respecting unemployment insurance.

He said: Honourable Senators, it will be unnecessary for those who hold that one should not on second reading discuss a bill clause by clause to quote the rules on this occasion, for such a procedure with reference to Bill 328 is a practical impossibility. There are 119 sections in the present Unemployment Insurance Act, 1940, as amended to date and many of these sections are long and complicated. In the bill before us there are 122 sections, extending over 45 pages, and while an effort has been made to simplify the language, it can still take a lot of reading.

One may well ask why a scheme to assist persons when temporarily unemployed should require such wealth of language, and the answer is that this is not in essence a plan of social service, although it may have that effect, but rather an insurance scheme by which vast sums of money are involved and in which large numbers of persons are engaged and many more are affected. It is a complicated world in which we live. Human relationships are infinitely varied and extraordinarily involved, and an insurance scheme that has for its basis inconceivably intricate contractual relations must be precise and comprehensive. Administering such a scheme is the life-work of experts. A prominent Canadian trade union official is on record as saying that there are not more than a dozen people in the trade union movement throughout Canada who can honestly say that they are thoroughly conversant with the act as it reads or with what it means.

I have dwelt thus upon the complexity of the subject because I would have you appreciate the problem of explaining it in the short time at my disposal, and also because I would like to make a plea for your attention and for your patience while I try to cover the very numerous but outstanding features of the bill—not in detail, but rather in principle, and generally. I have spoken of the problem which presents itself to one who undertakes the task of sponsoring a bill of this nature; and I have thought that an attempt to be comprehensive, although not detailed, will be of some value when the bill reaches the committee stage, since we must be familiar with it in all its detail in order to take the responsibility of making it the law of Canada.

This bill is not an amendment to the present act; it is a rewriting of the whole act. It is a rearrangement of the subject-matter and a rephrasing of its expression. There is scarcely a section in the act that has not been altered in some respects in the bill, so that to discuss it clause by clause is out of the question. The best I can do is to tell you something of the act of 1940 and of the alterations in substance which appear in the bill.

The Canadian Unemployment Insurance Act became law on August 7, 1940; and I pause here to comment that of the members of the Special Committee of the Commons and its officials who at that time studied and passed upon its provisions, five only have survived the passage of the years and are still members of Parliament: Mr. Angus MacInnis, Mr. E. G. Hansell and Mr. L. P. Picard are still in the Commons, and my honourable friend Senator Tom Reid and I are in this house.

Hon. Mr. Euler: What about me?

Hon. Mr. Marcotte: And do not forget me. I have claimed all the time that that bill was passed under false pretences.

Hon. Mr. Roebuck: You were a member of the house, but not of the special committee. I am speaking of members of a special committee that devised and re-read and revised the bill before it passed the Commons and before it became law. The bill received considerable study at that time.

Hon. Mr. Hayden: I think my honourable friend is overlooking the fact that in 1940 several senators sat in the Commons committee unofficially, and I was one of them.

Hon. Mr. Roebuck: Unofficially, yes. I knew from the records that it was not a joint committee of the two houses. And I am glad that the honourable gentleman has survived; I hope he will survive many more years for useful public service. Anyway, is it not indicative of the insecurity of parliamentary life that the five members mentioned, plus the unofficial member, alone remain of all that goodly company?

Hon. Mr. Aseltine: Was not this kind of legislation passed when the R. B. Bennett Government was in office?

Hon. Mr. Roebuck: No. The act that was passed then was declared *ultra vires.*

Hon. Mr. Aseltine: It was passed just the same.

Hon. Mr. Roebuck: I would like to observe in passing that it is no criticism of the work of those parliamentary stalwarts who at that time devised the act, that we are now rewriting and remodelling it. Rather, one should note that the act has stood for fifteen years with only seven amendments, all but three of which were amendments of mere detail, and not of principle. In 1948 we changed the basis of the rate of benefit from the average of all contributions in the two years preceding the claim to the average of the most recent 180 contributions. In 1950 we introduced supplementary benefits, and in 1953 we authorized continuation of benefits to those who became sick while unemployed. Of course, they went on unemployment relief—or public insurance, rather.

During these fifteen years of operation we have accumulated much useful experience and data, and there have been notable changes in the conditions under which we operate. In fact, we have had nearly twenty years of useful experience in unemployment insurance legislation, for in 1935 Parliament passed the Employment and Social Insurance Act—to which my friend the Deputy Leader of the Opposition (Hon. Mr. Aseltine) has in effect referred—which was subsequently declared by the Courts to be *ultra vires* of the dominion Parliament, thus requiring an amendment to the British North America Act before we again legislated, in 1940.

Since the proposed act will affect many millions of workers and their employers, it is desirable that its provisions be expressed in the simplest of language consistent with precision, and that clauses dealing with the same subject be brought together. For this purpose, the bill has been subdivided into five divisions, as follows:

Part I: Administration.
Part II: National Employment Service.
Part III: Unemployment Insurance:
(a) coverage,
(b) contributions,
(c) benefits and claim procedure,
(d) the Unemployment Insurance Fund.
Part IV: General.
Part V: Transitional.

Those who draw benefits under the new act, which at present is the bill before the house, will on no occasion lose anything because of the new measure for the next three years.

Hon. Mr. Reid: Would the honourable senator allow a question?

Hon. Mr. Roebuck: Yes.

Hon. Mr. Reid: Does my honourable friend know why the schedule was not placed in the back of the bill when the legislation was redrafted?

Hon. Mr. Roebuck: The schedules are in the act, and I shall refer to them before long.

As study proceeds, honourable senators will observe how greatly this rearrangement has facilitated the use and understanding of the act. I shall deal with it under these heads.

Administration

There has been little change in the administrative set up. The act is administered by a commission of three members, upon which

both labour and management is represented and which is responsible to the Governor in Council through the Minister of Labour. The Commission is assisted in its employment policies by a National Employment Committee, and there is also an independent Unemployment Insurance Advisory Committee which reports to the Governor in Council with respect to the adequacy of the fund. There are some 200 local offices in the larger communities throughout Canada. Nearly 8,000 employees are engaged in carrying out the insurance plan and in operating the employment service.

The cost of the administration has grown throughout the years from $2,343,599.36 in 1942 to $26,096,722.06 in 1954.

The one notable change in administration is with respect to the term of office of the commissioners, and incidentally the change is not to my liking. In the present act, the Chief Commissioner is appointed for ten-year periods and the other commissioners for terms of five years, and all three retire at the age of 70, without power of extension in the Executive. Under the proposed act, the Chief Commissioner is appointed for ten-year terms and the other commissioners for periods not exceeding ten years, and all cease to hold office at the age of 65 years, and all are eligible for reappointment for one or more terms not exceeding one year each. The chief effect of this change is to subject the older commissioners to the necessity of annual reappointment, which is questionable indeed for a commission which Parliament expects to be independent. The change is said to be made in order to bring the provisions of the proposed act in line with the Public Service Superannuation Act. I do not think the answer is a sufficient explanation, but no doubt that will be debated in the house and later on in committee.

It is interesting to note in this connection that one of the present commissioners, the representative of Labour, Mr. Robert Tallon, will be 70 years old on the 21st of July next, and is carrying on with all his old-time keenness and vigour.

National Employment Service

The provisions with regard to employment service are little changed in the proposed act, although this is a most important feature of the Unemployment Insurance scheme. Its function is to bring together employers seeking employees and workers seeking jobs. The service thus reduces the calls upon the Fund and incidentally provides opportunities for testing the availability of claimants for employment and therefore for unemployment compensation.

The reputation of the Canadian Employment Service as being the best in the world is justified in the statistics. In 1950 the service referred applicants to vacancies to the number of 1,120,258, and this figure has increased year by year without exception, until in 1954 it had risen to 1,193,030. The actual placements are equally notable. In 1950 they were 797,227, and the annual increase has been without exception until 1953, when the numbers placed were 993,406. In 1954 employment demand worsened over the previous year by approximately 200,000, so that the placements for that year were 861,588. This year, by all indications, the figures are increasing at a very substantial rate. The Commission's figures show that there were at least 120,000 more persons employed on June 9, 1955 than there were on that date in 1954.

It is in this connection that the National Employment Committee has rendered such notable service. I am speaking here of the committee which not only advises in many ways on matters of employment but sells good will and co-operation in their respective communities. The committee, as I have said, is composed of both employers and employees, and one of its functions has been to sell to employers the desirability of keeping older men on their staffs and of employing older men when vacancies occur. In this way it has been able to convince a large section of our population that it is a terrible and cruel waste of manpower to put capable and experienced men, still able and willing to work, on the shelf of retirement.

Unemployment Insurance Coverage.

The first subheading under division III of the bill, Unemployment Insurance, is coverage, and in this department the administration is faced with many problems and difficulties.

The basis of inclusion for insurance purposes in the present act is restricted to those employees working for an employer under a contract of service; subject, however, to certain important exceptions. In the main the exceptions are: employment in agriculture, fishing, in hospitals not operated for purpose of gain, and in charitable institutions; teachers, members of Canadian armed forces, police, domestic service, and those paid on a weekly or monthly basis who earn more than $4,800 per annum. It is interesting to

note that in 1941 the ceiling was $2,000, and the increase to $4,800 is still below the advance that has taken place in monetary wages since that time. I would emphasize the fact that the monetary wages, not the real wages, have more than doubled in that time.

The provision that only those engaged under contracts of employment are covered excludes of course those working on their own account, independent contractors, professional people such as doctors, dentists, nurses in private service, lawyers and many others, including unpaid family workers, mostly farmers' and fishermen's sons and daughters.

In 1954 the total Canadian labour force numbered 5,426,000 people—a substantial army—on a monthly average for the year. Of these, 736,000 worked on their own account, 296,000 were employers, 240,000 were family workers engaged in agriculture and other primary industries, leaving a residue of paid workers under contract of service of 4,154,000 men and women. Of these 3,244,000 were insured under the Unemployment Insurance Act. No material change in this coverage is proposed.

Contributions.

As you know, the insurance fund out of which unemployment benefits are paid is made up of contributions from employers and employed in equal amounts, and from the dominion treasury of an amount equal to one-fifth of the total of employer and employee contributions. In addition to this the Government pays the cost of administration. For the fiscal year ending the 31st of March 1955 the combined employer-employee contributions amounted to $158,850,309, and the Government contribution was $31,771,464, making a grand total, excluding administration costs, of $190,631,773.

Hon. Mr. Horner: For the year?

Hon. Mr. Roebuck: Yes. That is the amount collected from the Government, employers and employees. To this is to be added the Government's payment of the costs of administration, approximately $28,000,000.

There are three major changes made in relation to contributions. Under the present act contributions have been on a daily basis. That is to say, the contributor paid so many cents per day, depending on his rate of earnings. This has involved a multiplicity of stamps of small denomination, and much processing on the part of both employer and the Commission. Under the proposed act contributions will be on a weekly basis, according to the amount earned in each week. The new rates of contribution will be found in the schedule to the act on page 14 of the bill. I will not attempt to read the schedule, but with the kind permission of the house it will appear in *Hansard*.

Hon. Mr. Isnor: Would you put the old schedule also on *Hansard*?

Hon. Mr. Roebuck: In due season I will present the new schedule and the present one, so that they may be appear in juxtaposition for purposes of comparison. I will refer to the outstanding changes, of course, as well. I know of no place where the two schedules can be found at present in juxtaposition.

The new schedule on page 14 of the bill is as follows:

Rates of Contribution

Column 1 Range of earnings	Column 2 Weekly contribution Cents
Less than $9.00	8
$ 9.00 and under $15.00	16
15.00 and under 21.00	24
21.00 and under 27.00	30
27.00 and under 33.00	36
33.00 and under 39.00	42
39.00 and under 45.00	48
45.00 and under 51.00	52
51.00 and under 57.00	56
57.00 and over	60

It is out of this new schedule that the next major change arises.

This schedule has been built up over the years, and on examination it is to be observed that the rates of contribution as between the low-paid worker and his high paid fellow-worker are seriously out of line. Thus the person earning less than $9 per week pays 18 cents per week, or on an average 3·21 per cent of his wages. As the rate of wages increases the percentage falls, so that the worker earning $34 to $47.99 per week pays 1·17 per cent of his wages and the person earning $48 and over per week pays on an average as little as ·94 per cent of his wages. That, of course, is all out of line.

Hon. Mr. Euler: Hear, hear.

Hon. Mr. Roebuck: It has grown up rather than actually having been devised. Like Topsy, it just "growed". The new schedule to which I have referred corrects this anomaly, so that the percentage of contributions to wages is maintained constant throughout the classes of contributors, as nearly exactly as the avoidance of split-cent payments will permit. This revision results in a reduction in the amount of contributions in all classes up to those drawing from $39 to $45 per

week. The highest reduction is in the lowest-paid class, those under $15 per week, the reduction in respect of these workers being up to ·08 cents per week. The reduction tapers off gradually until the worker earning $51 per week is reached, who pays an increase of ·02 cents per week; and the worker earning $57 and over pays an increase of ·06 cents per week—to be offset, however, by higher benefits.

Now, I come to the benefits. The precise way in which to make clear the changes in the benefits under the proposed act as compared with those under the present provisions is to set forth the schedules, and as I said earlier to my honourable friend from Halifax-Dartmouth (Hon. Mr. Isnor), I will with the consent of the house, place them on *Hansard*.

Present Act

Rates of Contribution and Benefit

Weekly earnings	Average insured person Daily contribution	Rates of benefit Person without a dependant	Person with a dependant
	Cents	Weekly	Weekly
Less than $ 9.00 ..	.18	$ 4.20	$ 4.80
9.00 to 14.99 ..	.24	6.00	7.50
15.00 to 20.99 ..	.30	8.70	12.00
21.00 to 26.99 ..	.36	10.80	15.00
27.00 to 33.99 ..	.42	12.90	18.00
34.00 to 47.99 ..	.48	15.00	21.00
48.00 or more ..	.54	17.10	24.00

I may here observe that the rates for 43·8 per cent of the insured population provide an increase of $6 per week, or generally speaking, 25 per cent. Under the proposed new act there are no decreases in benefits for any person.

Hon. Mr. Euler: May I ask the honourable senator a question? If I have followed him correctly, he stated that the percentage rate of contribution paid by lower salaried employees was greater than that by persons receiving higher salaries. Am I correct in that?

Hon. Mr. Roebuck: That has been so in the past.

Hon. Mr. Euler: That seems to be unreasonable. In the bill is any approach made toward uniformity with regard to this feature?

Hon. Mr. Roebuck: Yes. In the bill there is as complete uniformity as can be devised, subject to the necessity of not having split-cent payments.

Hon. Mr. Euler: One would imagine that the lower salaried person should contribute on a lower percentage basis than the higher salaried person.

Bill 328

Rates of Contribution and Benefit

Weekly earnings	Range of average weekly contributions Column 1	Weekly rate of benefit Column 2	Column 3
	Cents paid per week	Person without dependant	Person with dependant
Less than $15.00	Less than 20	$ 6.00	$ 8.00
15.00 to 20.99	20 and under 27	9.00	12.00
21.00 to 26.99	27 and under 33	11.00	15.00
27.00 to 32.99	33 and under 39	13.00	18.00
33.00 to 38.99	39 and under 45	15.00	21.00
39.00 to 44.99	45 and under 50	17.00	24.00
45.00 to 50.99	50 and under 54	19.00	26.00
51.00 to 56.99	54 and under 58	21.00	28.00
57.00 and over	58 to 60	23.00	30.00

Those who take the trouble to study and compare the two schedules will observe, in the first place, that the lowest rate of benefit —$4.20 weekly to a person without dependant, and $4.80 to a person with a dependant—has been abandoned. The reason is that with the general advance in wages over the years, so few people remain in the class of workers earning wages of less than $9 per week that the cost of a separate category is no longer justified. Those formerly in that class are included in the lowest class in the new bill, and their benefit has been increased to $6 and $8, respectively, per week.

Hon. Mr. Roebuck: One would think so; but the proper course is to have them all pay on the same basis.

Hon. Mr. Macdonald: I understand that inequality is corrected in the new bill.

Hon. Mr. Roebuck: As I have already pointed out, in the bill the rates are calculated with the utmost precision to fall equally, in percentage of wages, upon all classes from the lowest to the highest, subject to avoidance of split-cent payments. I mentioned this to illustrate the exactness with which the calculations have been made.

I said that there were no decreases in benefits to any person under the proposed act. Under the original act of 1940 the ratio of benefits paid to those with dependants was on a basis of forty times the employees' contribution. The basis has been advanced from time to time until at present the ratio of benefits to those with dependants is 45 times the contribution, and under the proposed act it will be 50 times the contribution. So it will be seen that the value to the unemployed insured has been increased.

Hon. Mr. Horner: That is, the individual's contribution, without taking the employer's contribution into account?

Hon. Mr. Roebuck: That is so: fifty times the average individual contribution. Those who study the new schedule of benefits will also observe that three new classes have been added. The purpose is to take care of the advance in monetary wages over the years. Under the present act the top classification included all employees receiving over $48 per week. Nowadays approximately 65 per cent of all insured workers receive over that amount, so it has become necessary to provide three additional classifications.

A compelling reason for the new schedule of benefits is the fact that over the years the percentage of benefit to average weekly wages has been steadily decreasing. This is because the benefit percentage was lowest in the higher paid classes, and, with the advance in monetary wages, more and more workers have been moving up in classification. In 1940, when the act was passed, the percentage of benefit to average weekly wage was 50 per cent. By 1954 it had sunk to 44·3 per cent, and under the proposed act it will be restored to 50·1 per cent.

With regard to the duration of benefits: under the present act the minimum number of contributions which will entitle the worker to claim for benefit is 180 days of payments, for which he is entitled to 36 days, or six weeks, of benefit payments. This duration of benefit has been found in modern experience to be inadequate, as it is not sufficient to carry the immigrant and rookie-worker over his first period of unemployment. I devised the term "rookie-worker" to designate the man who is on his first job, and who is likely to be the first to be let off and the last to be re-employed. To meet this situation, the benefit formula has been altered to provide a minimum duration of benefits of 15 weeks. This is a notable concession to the low-paid worker.

On the other hand, for the worker with a greater accumulation of benefits, a reduction is made from 51 weeks to 36 weeks. It is the opinion of the experts who have been engaged on this matter that 36 weeks is sufficient, as most employees who have accumulated large amounts are unemployed for very short periods.

Hon. Mr. Isnor: Is that in accordance with the original recommendation?

Hon. Mr. Roebuck: No. The original period was 51 weeks, and I understand that this has obtained for a number of years. If the bill is passed unamended there will be a reduction to 36 weeks. However, there is always something to be said on the other side. I refer to seasonal benefits.

Offsetting to some extent this reduction to which I have referred is the improvement planned in the seasonal benefits. During the period from the 1st of January to the 15th of April, employment in Canada is at its seasonal minimum, and in recognition of the consequent difficulties encountered by many workers special benefits are provided during this season. An unemployed worker who has exhausted his benefit credit may nevertheless claim an additional fifteen weeks of benefit payments, which is approximately the entire period. A rookie-worker who has not made sufficient contributions to entitle him to regular benefits, provided he has made fifteen contributions subsequent to the 31st of the previous March, may draw ten weeks of benefits. Seasonal benefits were first established by a special amending act in 1950, when the minimum benefit for a worker who had exhausted his benefits was six weeks instead of the present fifteen weeks. In the other category, the minimum duration of benefit has been increased from three weeks to ten weeks. Most of these increases were incorporated in an act which we passed in January of this year, and in the bill further concessions are provided.

By the 31st of March 1955, we had paid out in seasonal benefits the sum of $54,634,657.

Hon. Mr. Horner: In one year?

Hon. Mr. Roebuck: No. Since the act was enacted in 1950 as a result of anticipated larger unemployment, and up to March 31 this year a total amount of $54,600,000 had been paid out.

May I now address myself to the fund? The period of high employment through which we have passed during the past fifteen years has been reflected in the growth of the insurance fund. It has increased in amount each year since 1941-43 until in 1954 it had reached the sum of $881,274,133. In 1954 we went behind $40,581,816, which left us with an amount of $840,692,317. In the fiscal year ending March 31, 1955, this huge sum earned interest of $26,378,269.

This fund is a substantial cushion against the possibilities of the future, and it justifies the concessions now proposed which will increase the payments out by an estimated 10 per cent on a five-year average, or annually in the order of $25,000,000, based on the experience of the fiscal year 1955.

I have covered this subject more rapidly than I expected. I have touched all the outstanding features of the bill concisely, and somewhat hurriedly, but the details can be discussed more fully if the bill goes to committee.

In conclusion, may I give one or two more figures, which will illustrate the tremendous impact of the unemployment insurance scheme on the working population and the economy of Canada. During the fiscal year ending the 31st of March last, benefits were paid out to one million people, and since the inception of the act, in 1941, benefits have been paid to 6,077,000 persons. There has been paid out in monetary benefits under the act since its inception in 1941 the sum of $1,011,787,716—over one thousand million dollars!

Hon. Senators: Hear, hear.

Hon. Mr. Haig: I would like to ask one question. Can the honourable member give me the number of bank clerks, law students, and others in similar classes covered by the act who have sought and received employment under the act?

Hon. Mr. Roebuck: I cannot give those figures now, for to go into the various classes would require the presentation of much detailed material. However, I will have the figures ready if the bill goes to committee.

Hon. Mr. Haig: Thank you.

On motion of Hon. Mrs. Fergusson, the debate was adjourned.

CRIMINAL CODE (RACE MEETINGS) BILL

FIRST READING

A message was received from the House of Commons with Bill 504, an Act to amend the Criminal Code (Race Meetings).

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

CANADA ELECTIONS BILL

FIRST READING

A message was received from the House of Commons with Bill 415, an Act to amend the Canada Elections Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

THE ESTIMATES

REPORT OF COMMITTEE ON FINANCE CONCURRED IN

The Senate proceeded to consideration of the report of the Standing Committee on Finance on the Estimates laid before Parliament for the fiscal year ending March 31, 1956.

Hon. T. A. Crerar: Honourable senators,—

Hon. Senators: Hear, hear.

Hon. Mr. Crerar: In moving concurrence in the report of the Standing Committee on Finance which was submitted to this house last week, I could probably spend two hours in discussing the wide scope and general inquiry covered by the report. However, I am sure honourable senators will be immensely relieved to know that I expect to speak only a short time.

The committee was somewhat limited in the scope of its inquiry, first, because of the extent of the ground to be covered, or that should have been covered, and, secondly, because we were somewhat late in starting. As has so often happened in the past, the work to be dealt with by this house seems to funnel in steadily towards the busiest part of the session when all the committees are active and a growing number of matters engage the attention of honourable members. However, the Finance Committee did make some inquiry into the several matters remitted to it in the reference.

A study of the estimates shows that the increase in Civil Service salaries requirements was very substantial in the past year, amounting almost to $40 million. This increase in expenditure is explained by the fact that for the last two years, from March 31, 1953 to February 28, 1955, the total number of civil servants in all government departments increased from 159,654 to 174,860.

Hon. Mr. Euler: Does that include government corporations?

Hon. Mr. Crerar: No. Crown companies, to which my friend has alluded, are not included.

Nor does this figure of $174,860 include revenue postmasters. They are employed throughout the country in the smaller post offices and are in the main paid by commissions, but since their income for the services they render comes out of revenue, for all

practical purposes they should be included. If this were done, the total at the end of February 28, 1955, would be almost 184,000 employees, of whom slightly over 9,000 were revenue postmasters. That shows a substantial increase in the numbers in the Civil Service.

The total cost of the service in 1939, just sixteen years ago, was less than $80 million, and for the current fiscal year it is $554 million. In that respect it is interesting to note that the present total number of employees in the two large railway systems of Canada, including their subsidiary companies but excluding their respective air lines, is about 175,000. In other words, the mechanism of government in the federal sphere alone has more employees than have the two railway corporations put together.

Hon. Mr. Reid: Has the number of railway employees gone up or down?

Hon. Mr. Crerar: I regret that I cannot give my honourable friend that information. My inquiry was only as to the number of employees of both railways at the present time.

Honourable senators will I am sure be interested to learn from an examination of the details given as to the number of employees in each department of government, that over the past two years some departments show a substantial increase while others show a slight decline. For instance, the Auditor General's office, a small branch of government service, whose work over the past two years has not diminished but if anything has increased, is employing fewer civil servants in the current year than it did two years ago. Also the Comptroller of the Treasury, a very important official, who on March 31, 1953, had on his payroll 4,130 civil servants, showed a slight reduction at February 28, 1955, with 4,107 employees. I would next draw your attention to the Unemployment Insurance Commission, which we were discussing under a bill earlier this afternoon. Its employees have increased over the past two years by 515. In the Post Office Department we see quite a substantial increase. Excluding revenue postmasters, over the past two years, the number of postal employees has increased from roughly 9,900 to 12,250.

The Department of Transport, an important branch of the government service, has had in the same period a decrease of about 125 employees. True, it is a rather minor decrease, but the importance and efficiency of its functions have not diminished. Another good example is the Department of Trade and Commerce, which over the same period has maintained its efficiency and service and reduced its number of employees by more than 200. While the reduction may appear small, if we take the average annual salary of about $2,500 we see that there has been a decrease in spending by that department of $500,000 a year on salaries alone.

Hon. Mr. Macdonald: Does my friend mean that the number declined by 200 each year?

Hon. Mr. Crerar: No; it is a reduction of 200 in the two-year period from March 31, 1953 to February 28, 1955.

It is interesting, honourable senators, to try to find a reason why some departments are able to reduce their number of employees while others have increased theirs. The only explanation I have to offer from my thinking about the matter is that in their administration some departments are more efficient than others. This is on the assumption that their operations remain fairly stable, which appears to me a reasonable assumption. In a department employing several thousand people it is very easy for the administration to get a bit out of control. I think we must always keep in mind that the great distinction between a government department and an ordinary business is that the business has a manager who has to meet a payroll at the end of each week or month, and the government department does not have that demand. The deputy minister, who in reality is the general manager of a government department, never has to worry about whether his department will earn the money to pay the wages and salaries when they come due. That in itself has a serious moral effect. It might be worth while to carry on an inquiry at some time as to why some departments quite apparently are more efficient than others. I think the reason can only be found in the personnel. The deputy minister of a department is the man who has charge of the staff, who guides their work according to the policies laid down by the Government and by his minister. If he is competent, efficient, with a measure of ruthlessness—for that sometimes is necessary—and if he is left alone he will probably produce economies in the department; but if he is rather easygoing, if he has not had administrative experience or is lacking in some other necessary qualification, the tendency is to multiply the servants in that department.

I am bound to say too that I think there is a rigidity in the whole business of government administration, an inflexibility, that does not tend to efficiency and economical results. This is not in the slightest sense meant as criticism of the Civil Service Commission, for I believe that on the whole the commission is discharging its duties under the act efficiently. But, frankly, I think the commission has too much power over the placing of servants once they are in a department. I agree wholly that every one who enters

the government service should enter through the Civil Service door, but once he has passed the required examination set by the Civil Service Commission the control over him should be left to the responsible official in the department concerned. If a deputy minister is fully competent and knows his work he will resent the fact that he cannot move some person from one sector of his department to another sector, if the move involves an increase in remuneration, without the permission of the Civil Service Commission. I say that if he is a competent man he will resent that; if he is an incompetent man he should not be in the job. I do believe that with the salaries that are being paid to deputy ministers today—which are pretty reasonable salaries—it is possible to get wholly competent and efficient men; and I feel perfectly certain that if we could analyze the reason why some departments are more efficient, apparently, than others we would find it right in the type of personnel at the head of the departments.

The report refers to a few other matters, and I shall touch upon them briefly.

We secured in committee some data on the cost of public buildings in Ottawa and the adjacent district, that is, buildings that house the government departments. The total amount spent or engaged to be spent in the last five years in Ottawa is almost $60 million. Again, one hesitates to offer criticism; but I do think that some of these buildings are on a scale more lavish than is necessary to serve the purposes for which they are intended. As an illustration, I would cite the new Printing Bureau building in Hull. If we look at Exhibit 4 appended to the report, the table dealing with public buildings, we will find that the total expenditure on this building in Hull will be $14 million—for a printing bureau to do the Government's printing. Now, after all, a printing bureau is not a museum of art, nor is it a public library or anything of that kind; it is a place where machines are installed to do printing work and where you must have the necessary facilities to carry through the job. I do think that if for instance we had been able to build a printing bureau for half of that $14 million we might have spent the remaining $7 million much more usefully in trying to clean up slum areas in Ottawa or Hull or somewhere else.

That emphasizes a point which I have made before in this house. The amount of money that governments take out of the taxpayers is important, very important; but even more important is what governments do with the money. We have perhaps been influenced a good deal by the idea that Ottawa should be a lovely city. Every Canadian from one end of the country to the other should take pride in the capital city of his country, but all I am suggesting now is that expenditures on government buildings here should be held in some sort of balanced proportion.

The next matter that I wish to touch upon is rentals. The estimated expenditure for rentals in the present fiscal year shows an increase of $1·5 million over the rentals paid out during the last fiscal year. All of that increase, with the exception of about $150,000, is due to the requirements of the Department of National Defence. Now, if I may revert for a moment to the subject of employees, I would point out that in the period from March 31, 1953, to February 28, 1955, the total number of civilian employees of the Department of National Defence increased by about 10,000. Here again it is difficult to criticize, and certainly I do not wish for a moment to offer any unfair criticism, but the total civilian force in the Department of National Defence now numbers over 50,000.

Hon. Mr. Euler: What is the number of the armed forces?

Hon. Mr. Crerar: When the Deputy Minister of National Defence appeared before our committee, he stated, as I recall, that there was one civilian employee for every two and one-eighth man in uniform. That may be necessary—I do not know—but I do think it is a matter that probably could stand some inquiry. Is it possible that the Department of National Defence is enmeshed in a great deal of red tape in the conduct of its business? If we get down to an analysis of any of these things, or most of them, the increase probably comes about because of a tremendous increase in paper work in the departments. Is it possible in the vast mechanism of government to practice the principle of devolution, to give more responsibility to the man on the spot in the far-distant place, and hold him responsible for his work, instead of making him dependent upon some bureau or department in Ottawa to which he has to refer everything for approval? It is a point upon which it is rather difficult to make any definite pronouncement, but which is well worth study.

Hon. Mr. Golding: With reference to civil servants in the Department of National Defence, can the honourable senator quote the figures given by Mr. Drury, the Deputy Minister, as to the saving which has been made by the use of civilians instead of service men?

Hon. Mr. Crerar: I do not recall that there were figures as to savings. Has the honourable senator the reference?

Hon. Mr. Golding: I believe the statement the witness made was that it costs $2,600 per annum for a civilian, as against $3,600 for a service man.

Hon. Mr. Crerar: I understand the point which the honourable senator is making, and I do not question the figures. The only doubt in my mind in this connection is whether 50,000-odd civilians are needed in the Department of Defence. I readily admit that if these employees are necessary, it is more economical to hire civilians than to put men in uniform on the job.

Hon. Mr. Golding: Economy was the reason the witness gave for the great number of civilian workers in that department.

Hon. Mr. Crerar: As I recall, the percentage he quoted was one civilian employee to every two and one-eighth men in uniform.

Hon. Mr. Golding: That is so.

Hon. Mr. Crerar: Maybe these numbers are necessary, but no private business in this country could operate for six months on that scale.

Hon. Mr. Kinley: It depends on what the business was doing.

Hon. Mr. Crerar: Reference is made in the report to the amount of gross national product and the importance of its relationship to the Canadian economy. We are now in a time of high spending. The figures given in Exhibit 6 of the report are pretty conclusive in that respect. I recognize that, as between the three branches of government—municipal, provincial and federal—the last probably shows up better than either of the other two. But last year expenditures of all governments combined were substantially larger than their revenues, and that has been the trend for the past two years. All I am trying to emphasize in this relation is that the important consideration is the amount of money which the taxpayer has to provide. It is not of first concern to him whether he must dip deeper in his pocket for municipal, or provincial, or federal expenditures; the point which interests him is the total amount of taxes he has to pay to all three branches of government. Here, I believe, is a field in which there should be, if possible, a large measure of co-operation between the three governing authorities in respect of the services they give. For example, federal expenditures on welfare run to very high figures, but provincial welfare disbursements are also very large; so are those of many municipal governments, especially in the larger cities.

Is it possible that some economies might be effected in this respect? I do not know; but it is my belief that there is a great danger for the future in the manner in which expenditures are growing beyond the normal development of the country. If there is a steadily expanding national production, affording a steadily expanding tax base, we can feel reasonably secure. But if for any reason the gross national product declined, as it did last year, and if that decline should continue for several years, or even for only two or three; if there should be another depression, and through causes over which we have no control, such as keener competition from other countries, our markets were lost or seriously contracted, the effect would be immediately felt in the form of a reduction of our gross national production, with consequent unemployment. There can be no other result.

Another danger, it seems to me, is that today our economy is operating on a pretty high cost basis. Wages are high—I do not criticize this: hours of labour have been reduced. Under these conditions shall we be able to compete successfully against some other countries? For instance, the German loves to work; he is happy to put in 48 to 54 hours a week, at a wage substantially lower than Canadian employers are paying. Again, while our trade with Japan is increasing, largely because of the demand for our wheat and barley, can we face the consequences of importations from Japan which compete with our own products and are available at much lower prices? Such factors as these may ultimately have the effect of depressing our gross production. If we could be certain of markets to absorb our production of cereals, timber, metals,—

Hon. Mr. Aseltine: Wheat.

Hon. Mr. Crerar: —and everything else, at fair and remunerative prices, we could go ahead with confidence. But in this we may fail, for reasons beyond our control, and I think we should keep that possibility always before us.

I have occupied more time now than I intended to take. I wish to express my thanks to the members of the committee for the attention and assistance they gave during the inquiry. The investigation was not as complete as I should have liked to have it. But one thing is very certain: if parliamentarians, either in this house or the other, fail in the full discharge of their duty in these matters, it cannot be through lack of the information on which to base sound judgments. Our government's statistical services

are equipped to supply information to committees and to individuals on a scale unexcelled anywhere else in the world. That is very important. We do not know what may lie ahead. Our defence expenditures, as the report states, will probably have to be maintained for the indefinite future. Certainly, if a substantial reduction in defence expenditures could be effected we could look for some decrease in taxation. However, the country expects that due and proper attention will be given to maintaining our defences. There can be no doubt that in the great international struggle the Western powers have attained to a position of strength that is having a marked effect on the whole course of international policy, and therefore we cannot afford to relax our efforts. That being so, it is of vital importance that every government, municipal, provincial and federal, should economize to the fullest possible degree. In the past we had to build slowly, like the old settlers who went out on the prairies 70 or 80 years ago, some of whom, for a few years, had to be content with sod houses until they were able to produce and get some income for development. It is vastly important that expenditures of government should be held in a proper and fair balance. It is vitally important in all branches of public administration, whether provincial, municipal or federal, that the greatest possible degree of efficiency and economy be exercised.

Honourable senators, I move adoption of the report.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable members, I do not intend to take up any unnecessary time. I rise to commend the Chairman of the Finance Committee (Hon. Mr. Crerar) and the Vice-Chairman (Hon. Mr. Lambert) for the great service they have rendered not only to this house, and to the Parliament of Canada, but also to our whole country. They worked very hard to get the data together for the preparation of the committee's report. A few of the rest of us who served on the committee worked earnestly to help them in every way possible, but it is due to those two men more than anybody else that this splendid report was prepared. I urge the people of Canada to read this report from cover to cover, for by so doing they will get a better understanding of the details of the business of the Canadian Government than in any other way. The data was gathered together by the Chairman and the Vice-Chairman of the committee and put in a form that he who runs may read. I repeat that these two honourable senators deserve the thanks of this house and of the people of Canada for the fine work they have done.

Hon. Senators: Hear, hear.

Hon. W. Ross Macdonald: Honourable senators, I join with the Leader of the Opposition (Hon. Mr. Haig) in expressing appreciation to the Chairman and the Vice-Chairman of the Finance Committee for their splendid work on the committee and for the valuable information that has been obtained. Unfortunately it was not possible for me to attend any of the meetings of the committee, because of other duties which I had to perform. However, I understand that the committee, under its Chairman and Vice-Chairman, held numerous meetings, and that officials from various departments furnished statistics which were asked for. It is abundantly clear that this committee has rendered a very splendid service not only to this house but to the country generally.

First, may I refer to the service which the committee has rendered to this house? As honourable senators know, the supply bill always comes to us in the dying hours of the session, when we do not have an opportunity to study the Estimates adequately. However, because of the Finance Committee's study of the Estimates when we receive the next supply bill—which I hope will not be many days hence—we shall have some knowledge of what it contains, and that will help us materially in our consideration of the bill.

I repeat, I join with the Leader of the Opposition in commending the Chairman and Vice-Chairman, and all the members of the finance committee, for their achievement. I am sure that not only the members of this house, but the people of Canada generally, appreciate what they have done.

Hon. Senators: Hear, hear.

Hon. Norman P. Lambert: Honourable senators,—

Hon. Senators: Hear, hear.

Hon. Mr. Lambert: I do not want to usurp the role of my honourable friend from Waterloo (Hon. Mr. Euler) by attempting to second the adoption of this report.

Hon. Mr. Euler: Why not?

Hon. Mr. Lambert: I believe the Honourable the Acting Speaker was good enough to suggest that you should do so. All I wish to do is to make an appropriate bow to my honourable friend the Leader of the Opposition (Hon. Mr. Haig) who introduced my name into this discussion, and simply to say that the work of planning the Finance Committee fell upon the shoulders of the Chairman. He

gave considerable thought and time and effort to its organization, and he deserves the credit for the results achieved.

I am sure the Chairman would like me to say that we all owe a great debt of gratitude to Mr. John Deutsch, the Secretary of the Treasury Board of the Government of Canada.

Hon. Senators: Hear, hear.

Hon. Mr. Lambert: I say that because the report represents a great deal of statistical work. The review of evidence is the introductory part of the report, but the real substance of the report is to be found in the statistical sheets and tables that are included as appendices. In that connection, I think it should be said that the large sheet—the summary of Government expenditures by departments—which accompanies the annual Blue Book of Estimates each year, was introduced into that volume largely as the result of the work done and the suggestions made by the Senate Finance Committee several years ago. That summary, which is available to members of both houses, contains all the material upon which the report of the Finance Committee is based. When we come down to it, I think the whole problem of making any headway along the lines that have been so definitely emphasized by the Chairman rests with Treasury Board, which is the managerial branch of the department that deals with expenditures. I feel sure the Minister of Finance and his colleagues who compose the Treasury Board will read this report and note, with a good deal of gratitude, the emphasis given to certain items of expenditure. I believe they are very sincere in trying to safeguard the economy of our country.

I am hopeful that the report will be read by members of Parliament and that its contents will be widely distributed through the agency of the press, so that as many people as possible throughout the country will get a better idea of public expenditures by federal as well as provincial and municipal governments.

Let me say again that we all recognize the debt of gratitude we owe to the Chairman for the very sincere effort that he has put into the work of the Finance Committee, not only this year but in previous years. Certainly, he has given this committee a status that is a credit to his work and industry.

Hon. Senators: Hear, hear.

Hon. G. Percival Burchill: Honourable senators, at the risk of detaining the house for a few minutes longer, I should like to add my voice to those already heard in an expression of appreciation to the Chairman of the committee and those associated with him in the preparation of his report. I regret that this year I was unable to take an active part in that work. The report is a very valuable contribution to the work of Parliament. The Chairman has painted a picture this afternoon which the members of both houses should always keep before them. Personally, I am very much indebted to him, for I value the earnest and conscientious way in which he looks at the finances of this country.

As the honourable senator was speaking I wondered to myself what could be done to improve the efficiency and economy in the conduct of the public affairs of this nation. I take his report to mean that we should always be on the lookout for storm signals and warnings of trouble ahead, and be able to set our sails accordingly. One of the basic difficulties underlying the management of public affairs today is that our representatives in the House of Commons are continually faced with requests from all parts of the country for greater expenditures of public money. I take it from the report that we must help them to resist such demands. That, honourable senators, is not a very easy task. Personally, I sympathize with members of the other house, because I know something of the demands which come from my section of the country. Indeed, every senator knows the situation well.

Some years ago I was present at a banquet in the city of Saint John in honour of the late Viscount Bennett who was leaving Canada for England after a long term of public life in this country. His friends in his native province of New Brunswick tendered him this banquet, which was attended by many citizens from all over the province, irrespective of party, to do him honour and to say farewell. I recall very well his valedictory speech, which was very much along the same lines of the speech made by the honourable senator from Churchill (Hon. Mr. Crerar) this afternoon. Lord Bennett referred to the extravagant demands made upon men in public life by responsible citizens in every province of Canada—demands which in his judgment the finances of the nation at that time could not stand. He pleaded with those at the banquet to adopt a different attitude towards public men, so as to make their path a little smoother. There was great applause at that point. But Lord Bennett went on to say: "It is all very well for you to applaud my lofty sentiments tonight, but tomorrow if the City of Saint John wants something from the federal Government, half the people now listening to me will join a delegation to go to Ottawa and demand it."

His words came back to me this afternoon as I listened to the honourable senator from

Churchill. I am prompted to say that in addition to bringing the information contained in this report before members of Parliament we must find some effective way of getting it before the people of Canada, particularly the young men and women, so that they may know more about the science of politics and government in this country than they know at the present time.

In our universities across Canada we are establishing chairs for almost every subject except politics.

Hon. Mr. Isnor: Acadia University at Wolfville is establishing a public service course.

Hon. Mr. Burchill: Something may be being done in one or two universities, but not nearly enough is being taught about the mechanism of federal government and the difficulties public men face.

To make the report really effective, and so that it may bear the fruit it deserves, we should find some appropriate means of getting it into the hands of the people all across Canada who will in the future control the destiny of this country.

Hon. Gordon B. Isnor: Honourable senators, as a member of the Finance Committee I would like to add my words of praise to the Chairman (Hon. Mr. Crerar) and the Vice Chairman (Hon. Mr. Lambert) for the excellent report tabled in this house on Thursday last. I should also like to commend the steering committee, composed of the Chairman, the Vice Chairman and three other members who did a splendid job in placing matters for consideration before the committee. The Chairman has this year, as in other years, done a fine piece of work, and the report will, I feel, be well received by the public.

But I am wondering whether the information when it reaches the hands of the average person will be in a form that is readily understandable, and whether he will appreciate what the committee was trying to do. He may not know whether the reference was one calling for a general inquiry or for the purpose of making recommendations which would be useful to the government in future years. While my comment is intended in no way to be critical, I had hoped that the report would contain certain recommendations which it does not contain. Furthermore, no official of the largest department, that of Defence Production, appeared before the committee, so we did not have an opportunity to inquire as to its policy of calling for tenders and awarding contracts, an operation on which we might have been able to suggest some saving to the public. That is a question which the committee may well look into at some future time. I am hopeful that the honourable Leader of the Government (Hon. Mr. Macdonald) will see fit to set up the Finance Committee again next session and that its reference will allow a greater scope for inquiry.

I should like to make particular reference to one or two items mentioned by the Chairman of the committee. He referred to efficiency, and I think there was a question in his mind as to whether the various departments were as efficient as they should be. After studying the evidence adduced before the committee, I feel that we in Canada are very fortunate to have such splendid men at the head of the various departments; and I think that applies pretty well right down the line—with, naturally, certain exceptions. On the whole, I think we can say that we have in the departments a very fine degree of efficiency. That was shown by the evidence placed before us, and I thought, honourable senators, I should stress that point.

While the Chairman of the committee touched on the subject of the Printing Bureau and its estimated cost of $14 million, no one will dispute that it costs a lot of money to put up a building of that type today. The building has many features which are very necessary from a safety point of view. It must be fire-proof, and heavy steel and concrete must be used throughout in order to support the weight of the machinery. I do not think that a comparison can be made between that building and, say, living quarters for the defence forces. And, too, we find private enterprise putting up buildings today at costs running into figures like $10 million or $15 million. On the whole, considering the large number of employees which the Printing Bureau houses, there is some question in my mind as to whether we should be too critical of its cost.

Hon. Mr. Horner: There are materials other than marble that are fire-proof.

Hon. Mr. Isnor: I do not know how much marble is in that building, but I doubt that there is very much.

Next, I want to say a word or two about the number of civilians in the Department of National Defence. I think that was brought out very well in committee through the questions asked by the honourable senator from Huron-Perth (Hon. Mr. Golding). There are certain trades that servicemen cannot be expected to be competent in. For instance, in the dockyards a large number of civilian specialists must be employed, and this applies to both the east and the west coasts. It certainly would not bring about the efficiency

that we all desire if servicemen were carrying out the repairs to ships in dockyards. I say that because I know from experience that civilian employees, while perhaps they do not always give 100 per cent efficient service, nevertheless are very necessary. I think the Deputy Minister of National Defence brought that point out when he was giving his evidence before our committee, and it should be borne in mind when comparisons are made between the number of civilian employees and the number of servicemen in the Department of National Defence.

There is one other point that I wish to raise, honourable senators, and I particularly would refer this to the Leader of the Government in the Senate (Hon. Mr. Macdonald) and to the Chairman of the Finance committee. I believe we should try next year, to compile a list of all payments which are being made to the provinces and set them forth in such a way that there will be no question as to what the federal Government is doing by way of assistance to our provinces. I do not wish at this hour, honourable senators, to enumerate the various amounts paid out or the headings under which the payments are made, but we know that they amount to a very considerable sum. I do not know just what the provinces would do today if it were not for these special grants. Perhaps the provinces of Quebec and Ontario, the two industrial provinces, and also British Columbia, could get along without these grants, but I am quite sure that the other provinces would have a very difficult time without them. These grants can only be made out of revenues coming in to the federal Government. I think, Mr. Leader, that that could be included as a broadening of the reference next year, so that the committee could make an inquiry along these lines and set forth the facts in such a way that the people throughout Canada would appreciate just what is being done for them by the federal Government.

Honourable senators, there is one other item, a note of which I made after reading this very interesting report and listening to the Chairman explaining it. I wonder if we could not in future divide the expenditures into two classes: expenditures that show no return, and expenditures that bring back to our economy $1.50, or some such amount, for every dollar we spend. I think that is a very important subject for future consideration and discussion. I feel a great many of the items of expenditure are worthwhile, in the sense that they result in a direct return in dollars and cents as it affects the economy of our nation.

I thought, honourable senators, that notwithstanding the late hour I would like to add my views, rambling as they have been, to the splendid remarks that have been made this afternoon.

Hon. Mr. Horner: Honourable senators, I have only one remark to make. As the honourable senator from Northumberland (Hon. Mr. Burchill) brought to mind the warning given by the late Viscount Bennett, the thought occurred to me, what a vast change has taken place in regard to our thinking about money matters in Canada in the last twenty-five years. The honourable senator deplored the fact that more of our universities do not have chairs on political science. I say that if they were chairs on statesmanship instead they would be much better received throughout Canada, for the Canadian people suspect that there are too few statesmen and too many politicians.

Hon. Mr. Crerar: Honourable senators—

The Hon. the Acting Speaker: It is understood that if the honourable senator from Churchill (Hon. Mr. Crerar) speaks now he will close the debate on the motion for concurrence in the report.

Hon. Mr. Crerar: Honourable senators, I would be ungrateful indeed if I did not express my appreciation of the very kind things that have been said about the report and whatever part I had in carrying it to the present point. The members, and particularly the honourable senator from Ottawa (Hon. Mr. Lambert), gave the committee very great assistance.

I would not want to leave any impression that there is indifference to this matter of public spending, and I trust my remarks earlier left no such impression. Latterly the Treasury Board has instituted certain steps which will probably have a substantial effect in curtailing expansion in the Civil Service. I do think that the expansion that has taken place in the last few years is pretty extensive, but I believe that the Government is aware of that fact and that the importance of it is realized.

Now, there is just one other thing I would wish to stress. Why do public expenditures which are already high tend to increase? The increase occurs not only in the federal field, but provincially as well. What is the reason for this? If we go back to the source we find it is almost inevitably the demand that comes from communities or organizations or individuals for Governments to spend more money for one thing or another. That is of

vital importance, because the remedy for this condition of affairs lies not so much with those who for the time being are entrusted with the responsibilities of administration, as with the people, that they shall be moderate and reasonable in their demands and requirements. The report attempts to draw attention to that fact.

The honourable senator from Halifax-Dartmouth (Hon. Mr. Isnor) was kind enough to refer in complimentary terms to the report and to express the hope that it will be widely read. To assure that result is not, of course, within the power of the committee; but I may say for the information of the house that, once the report is adopted, copies will be sent to all the Canadian newspapers, to every member of the provincial legislatures, and to the main public libraries. The purpose of circulating it is that the facts it contains may become known. I am confident that if the Canadian people have the facts before them, they will reach sound conclusions. Although ministers must do their part, the problem is not one that can be solved by them alone. Public opinion must arrive at some sane and steady outlook in regard to all these issues if we are to avoid trouble in future.

The motion was agreed to, and the report was concurred in.

BUSINESS OF THE SENATE

On the Order:

Resuming the adjourned debate on the motion for second reading of Bill 258, an Act to amend the Municipal Grants Act:

Hon. Mr. Macdonald: May I point out at this time that, although I had intimated to a number of honourable senators that this order would be proceeded with this afternoon, it is now twenty minutes after five o'clock, and the Chairman of the Committee on Transport and Communications has called a meeting of the committee for this afternoon. I therefore suggest that this and all subsequent items on the Order Paper should stand.

The Hon. the Acting Speaker: The items stand.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, June 23, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

JUDGES BILL

FIRST READING

A message was received from the House of Commons with Bill 505, an Act to amend the Judges Act, and the judicature provisions of the Yukon Act and the Northwest Territories Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

RADIO BILL

REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the report of the committee on Bill 260.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (260) intituled: "An Act to amend the Radio Act", have in obedience to the order of reference of May 10, 1955, examined the said bill and now beg leave to report the same with the following amendment:

Page 1: Strike out clause 2 of the bill and substitute therefor the following:

"2. (1) Section 8 of the said act is amended by adding thereto the following subsection:

'(2) Except as provided in the regulations made by the Minister under this act or in the regulations made under the Canada Shipping Act, every person who, having become acquainted with any radio communication transmitted otherwise than by a broadcasting station, makes use of such communication or divulges it to any person is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.'

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council."

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Hugessen: With leave, next sitting.

TORONTO HARBOUR RAILWAY TRACKS AGREEMENT BILL

REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transportation and Communications, presented the committee's report on Bill 262.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (262) intituled: "An Act to approve an agreement between The Toronto Harbour Commissioners, The Toronto Terminals Railway Company, Canadian National Railway Company and Canadian Pacific Railway Company", have in obedience to the order of reference of June 21, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

RAILWAY BILL

REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transportation and Communications, presented the report of the committee on Bill 259.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (259) intituled: "An Act to amend the Railway Act", have in obedience to the order of reference of June 16, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: With leave of the Senate, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

NARCOTIC DRUG TRAFFIC

REPORT OF COMMITTEE

Hon. Thomas Reid, Chairman of the Special Committee appointed to inquire into and report upon the traffic in narcotic drugs, presented the report of the committee.

He said: Honourable senators, I move:

That the report of the Special Committee on the Traffic in Narcotic Drugs in Canada be printed as an appendix to the *Debates of the Senate* and to the *Minutes of the Proceedings* of the Senate of this date.

The motion was agreed to.

Hon. Mr. Reid: As the report consists of some 32 typewritten pages and a copy will be in the hands of every honourable senator tomorrow, I would ask that, with the consent of the house, the reading of it by the Clerk Assistant be dispensed with.

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Reid: Tuesday next.

For text of the report see Appendix to today's Hansard, pp. 690 to 703.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when the Senate adjourns today it stand adjourned until Monday, June 27, at 8 o'clock in the evening.

The motion was agreed to.

FRASER RIVER BASIN BOARD

INQUIRY AND ANSWER

Hon. Mr. Reid inquired of the Government, pursuant to notice of June 9:

1. Have any changes been made in the regulations and personnel of the Fraser river basin board? If so, what changes have been made in the regulations and what are the names of the personnel who now comprise the Fraser river basin board?
2. In the new personnel set-up, have both the provincial and dominion governments made appointees on the board representing the salmon fishery of the Fraser River? If so, what appointees have been so named to the board?

Hon. Mr. Macdonald: The answer to the honourable gentleman's inquiry is as follows:

1. Yes.

(a) The revised Terms of Reference of the new Board called for submission of an interim report on flood control by June 30, 1956, and of a preliminary report on flood control and power and their effects on other water uses by June 30, 1958. The completion of this report will mark the termination of this Board's activities unless the two Governments agree to an additional program of detailed planning studies.

(b) *For Canada*:

Director,
Engineering and Water Resources Branch,
Department of Northern Affairs and National Resources,
Ottawa, Ontario. (present incumbent—T. M. Patterson)
District Engineer,
B.C.—Yukon District,
Water Resources Division,
Department of Northern Affairs and National Resources,
Vancouver, B.C. (present incumbent—W. E. Warren)
Chief Supervisor of Fisheries,
Department of Fisheries,
Vancouver, B.C. (present incumbent—A. J. Whitmore)

For British Columbia:

Deputy Minister,
Department of Highways,
Victoria, B.C. (present incumbent—E. S. Jones)
Director of Surveys and Mapping,
Department of Lands and Forests,
Victoria, B.C. (present incumbent—G. S. Andrews)
Comptroller of Water Rights,
Department of Lands and Forests,
Victoria, B.C. (present incumbent—A. F. Paget)

2. See answer to 1 (b).

MUNICIPAL GRANTS BILL

SECOND READING

The Senate resumed from Tuesday, June 21, the adjourned debate on the motion of Hon. Mr. Macdonald for the second reading of Bill 258, an Act to amend the Municipal Grants Act.

Hon. Thomas Reid: Honourable senators, in rising to speak to this bill may I say at the outset of my remarks that I intend to deal particularly this afternoon with the city of Ottawa. I make no apology for doing so, because ever since I came to Ottawa, in 1930, I have taken quite an interest in the city and its developments. As a matter of fact, I was counting over the days since I first came here, and I find that I have spent more time in the capital than in my own city. Hence, I think I can speak with some degree of knowledge of Ottawa.

When introducing this bill in the House of Commons, the Minister of Finance described it as a very complicated piece of legislation. In saying this, I think that in the opinion of the average member of Parliament he set a good example of masterly understatement. Over there, the bill was quickly referred to the Standing Committee on Banking and Commerce, which evidently agreed pretty fully with the minister about the complicated character of the bill, because it seemed to be reported unanimously to the House of Commons, where it finally received third

reading without as much as one speech being made upon it by way of elucidation. The main thing about it was that everybody over there seemed to be in favour of boosting direct grants to the municipalities which are affected by this bill. If the Opposition had any suggestions to offer at all it was simply that the grants provided were not large enough. It is interesting to note that members of Parliament generally when they come here are all asking and fighting for buildings and airports in their constituencies, and after they get them they want the Government to pay for them by way of taxation.

I do not propose to say very much about the principle of this bill, which is the paying of grants to municipalities in lieu of taxes upon federal properties located in those municipalities. That principle has been clearly established by the federal Government since 1949, when the Municipal Grants Act was introduced and approved by Parliament. This bill is merely an amendment of that act, and its purpose is to increase the amounts so granted.

I do take this opportunity, however, to point out certain features of this proposed legislation which in my opinion have not been given sufficient attention.

In the first place, the Municipal Grants Act is an outgrowth of the old Ottawa bills which, in the years prior to 1945, came before us every year, and provided for a grant to the City of Ottawa in lieu of payment of local taxes upon federal properties located in this municipality. As was mentioned Tuesday night by the honourable Leader of the Government (Hon. Mr. Macdonald), in moving second reading of the bill:

> . . . in 1944 the Prime Minister, the late Right Honourable William Lyon Mackenzie King, after some discussion with the Mayor of Ottawa. Mr. Stanley Lewis, decided that an inquiry should be made into the relations between the City of Ottawa and the Government of Canada. Upon the adoption of a resolution presented by Mr. King to Parliament, a joint committee of both houses was set up to inquire into the subject and make recommendations.

Two honourable senators who are now in this chamber had the pivilege of sitting on that committee: one is the honourable senator from Ottawa (Hon. Mr. Lambert); the other is myself. I would pay the honourable senator from Ottawa the compliment of saying that he did good service on that committee. As a result of the unanimous report of that joint committee of some twenty-three members representing every section of Canada, the Government later introduced legislation which greatly enlarged the outlook of the people of Canada upon the capital city of Ottawa and the surrounding municipalities embodied in the Federal District, which is administered, under the provisions of the Federal District Commission Act, by the Federal District Commission. At that time the federal grant to the City of Ottawa was increased from $100,000 to $300,000 per year for a period of five years. By the time that period had expired, pressure—accumulated pressure—had been brought to bear upon the federal treasury from other municipalities throughout Canada to have grants provided for them as well as for the City of Ottawa.

That is why the Municipal Grants Act of 1949 came into existence, and also why the old annual grants to the City of Ottawa came to be merged into one total sum provided for all municipalities which were qualified to come under a formula prescribed by the Department of Finance.

I am not going to express an opinion whether the amounts granted under the formula of 1949 or those prescribed under the amended formula in this bill are too much or too little. I do suggest, however, that this bill should include appendices listing the names of the municipalities receiving grants, with the amounts granted to each municipality. The fact of the situation as far as Ottawa is concerned is that in 1949 the annual grant, which for the previous five years had been $300,000, was increased to over one million dollars, and now, under the provisions of this bill, it will amount to something over two and a half million dollars. The total grants to all municipalities affected by this bill will, as has been stated by the minister, amount to a figure between six and seven million dollars, of which the City of Ottawa will receive almost one-half.

That is not all the story regarding the City of Ottawa by any means. We have here a Federal District Commission which renders certain services to this capital city and its surrounding district. One of these days a bill will come before us amending the Federal District Commission Act so as to increase the amount of the annual grant to the Commission to enable it to meet rising costs of operation. Incidentally, it has been estimated that some $50 million has been expended by the Federal District Commission since its inception, all of which has been contributed by the people of Canada generally.

I am touching only briefly upon this particular aspect of the bill before us to emphasize the point that the situation which applies to the City of Ottawa with its intimate and rather complex relations to the federal Government and surrounding municipalities is altogether different and distinctive from that applying to any other municipality in the

country. For that reason, I protest strongly against legislation which tends to obscure the problems affecting this capital city and Federal District by submerging them in a general formula applying to a hundred other municipalities of varying size and character. This is really two bills in one; and I trust that in the near future the Municipal Grants Act will be amended further to remove provisions as to the City of Ottawa from this act and that its case will be presented once again in separate and distinct legislation which may be subject to inquiry and enlightenment each year.

This suggestion, I submit is in keeping with the proposal contained in the Speech from the Throne at the opening of this session, indicating that a Joint Committee of both houses of Parliament would be set up for the purpose of inquiring into matters relating to the capital city and the Federal District. Instead of that undertaking having been fulfilled, we are now presented with a bill without the benefit of enlightenment or recommendations from such an inquiry such as were afforded in 1944.

I have referred earlier to the committee of inquiry which reported on this subject in 1944, and to the legislation which followed its recommendations. It was suggested last year, I think, by the honourable senator from Ottawa (Hon. Mr. Lambert), that a committee similar to that of 1944 should be appointed again after a period of ten years to review relations between the Government and the municipalities. That was not done, but instead notice of a bill to amend the Municipal Grants Act appeared on the Order Paper of the other house at the beginning of last session. It remained there all year and appeared again on the Order Paper at the beginning of this session. Altogether, since it was drafted, this bill has been awaiting the attention of Parliament for over a year and a half. So at least we can say that this is not a case of "hasty" legislation. But one must say that it is a case of "ill conceived" and "ill considered" legislation.

The legislation applying to the City of Ottawa and its surrounding Federal District, which followed the inquiry by a Parliamentary committee in 1944, was the result of the deliberations and the recommendations of members of both Houses of Parliament. As I mentioned before, two senators—the Honourable senator from Ottawa and myself—served on that committee. This bill, and the act which it proposes to amend, are the result of the investigations of departmental officials whose recommendations are expressed solely in a mathematical formula upon which very little light or explanation has been shed.

My real criticism of this bill is that it needs analysis and enlightenment, especially regarding section 4. Not a word was said by the honourable Leader (Hon. Mr. Macdonald) about this section. According to my interpretation it means that, for taxation purposes, the East and West Blocks of the Parliament Buildings are being taken out of the jurisdiction of the federal Government and placed in the jurisdiction of the Corporation of the City of Ottawa. I think this is a most serious matter, and I wonder how many members have noticed that this is being done. I have always understood and I still maintain that the Parliament Buildings are comprised of the West Block, the Centre Block and the East Block. Not a word of explanation has been given as to what is being done, and not one inquiry has been made.

I cannot understand why, before this legislation was drafted and submitted to Parliament, the whole subject-matter of this bill could not have been submitted to a parliamentary committee for examination and recommendation, as was done in 1944.

I shall conclude what I have to say about this bill with a renewed appeal on behalf of the great national enterprise of identifying this capital city and its surrounding district as something outstanding in our national life. It is not merely just one of some one hundred municipalities to come within the scope of this bill. For over fifty years the people of Canada have been told about the great possibilities of this capital city and district; and millions of dollars on their behalf have been expended and pledged in the fulfilment of their desire to realize that glorious objective. The Greber Plan, enshrined in a plaster of paris model which has been exhibited over the length and breadth of Canada, stands in mute testimony of great dreams and visions of a Canadian capital centre worthy of the national aspirations of Canadians. Is this all to be submerged in a statutory provision which can only be reflected in the future by a total figure in the annual estimates showing the amount of total grants to a favoured list of municipalities throughout Canada? If for no other reason than to give some reality to the principle of "no taxation without representation", closer examination and consideration should be given to the project of a national capital centre. It is unthinkable that two and a half to three million dollars per year should be granted to any municipality in behalf of the Canadian taxpayer without some federal control being exercised over the spending of it.

Honourable senators, bear in mind it is estimated that in this city there are some 40,000 civil servants whose payroll runs to

something like $10 million a month, which sum is provided by the people of all ten provinces. All Canada contributes. Now it is proposed to grant $2½ million to Ottawa, even though the Treasurer and Mayor of Ottawa have intimated that they are going to resign. Are we just going to hand this over to the city? I am not going to speak about the dog fights among the civic officials here except to say that perhaps one good has come out of it all. I think I speak on behalf of the average taxpayer of this city when I say that the time is now ripe for this city to be taken over and made a federal district.

Some Hon. Senators: Hear, hear.

Hon. Mr. Reid: I venture to say that if it were put to a vote of the people—the ordinary citizen and taxpayer—hands would go up every time in favour of that great plan.

When the late Prime Minister, the Right Honourable Mackenzie King, presented his resolution to Parliament in 1944, asking for a joint committee to consider this subject, he pictured something of what the future held in store for Canada and its Capital City and District. I cannot do better than quote his actual words on that occasion:

> I should like to take advantage of this moment to say just a word in regard to the future of Ottawa. I have spoken on this subject a number of times, and some years ago I made the suggestion, which others have also made, that some day the capital of Canada might become a federal district to be administered by a commission, in a manner similar to the capital at Washington. I am not putting this forward as anything which should be done immediately. It is a matter which will require a great deal of consideration. But I feel that just now, if there is to be any immediate consideration of the planning of greater Ottawa as a city or as a capital, that planning ought to have in mind all possibilities of the development of this capital. I have often hoped that if the capital were to become a federal district, that district would extend far enough to include a very large area on the other side of the river as well as the Ottawa area. I would ilke to see—I may not live to see it but I hope others may—the day when the Ottawa River, instead of flowing along the north border of the capital, will be flowing through the heart of the city, the greater Ottawa that is to be, and that we shall have a capital city which will extend as far into the province on the other side of the Ottawa River as it may extend in the province on this side. I do not think that is a vision of the future needs or of future greatness by any means too broad or too large. We have seen in recent years how rapidly this city has grown. We may well expect to see a capital city of Canada of dimensions beyond anything we are likely to contemplate at this time.
>
> I have one other thought in mind to which I should like to give expression, and it is this. The sacrifices of the men and women of Canada who served in the last war have been memorialized by a national war memorial in the heart of this city. It would be difficult, if not impossible, to create another memorial which could pay due tribute to the service and sacrifice of those men and women of Canada who will have served in the present world conflict. What finer memorial could there be than a capital city which would serve as a model of community planning for all the other cities of Canada and which would be symbolic of the world-wide effort of Canada in the present war, and the significant place we hope our country will occupy in the world of the future—a national capital which would be not only the pride of Canadians but also an object lesson to other cities and to other countries? The national war memorial of the last war is in the heart of Ottawa. Might not the national memorial of the present war find noble expression, carefully planned, in a federal district as the site of the Canadian capital, through the heart of which would flow the Ottawa River?

Eleven years have passed since those words were uttered, and opinion in this community, as well as feeling throughout the entire country has grown strongly in favour of the project which the late Prime Minister so eloquently expressed. Unfortunately, the bill before the house has failed to recognize that fact.

I sincerely trust that the Government and the Parliament of Canada have not lost the vision of making Ottawa a great capital city. And finally, as a very important step, I suggest that the present Prime Minister interview the Honourable Mr. Frost, Premier of Ontario, and the Honourable Mr. Duplessis, Premier of Quebec, with a view to coming to an agreement in regard to allowing Ottawa and Hull, should it be so decided upon, to become part of the Federal District of Ottawa, similar to that of Washington, D.C., and one that every province in Canada may well feel proud of.

Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: Honourable senators,—

The Hon. the Acting Speaker: Honourable senators, if the honourable Leader speaks now he will close the debate on the second reading of this bill.

Hon. R. B. Horner: Honourable senators, if I remember correctly, I also sat on the joint committee of both houses which has been referred to. Does the honourable senator from New Westminster (Hon. Mr. Reid) suggest that people living in the federal district which he proposes would be deprived of a vote in elections?

Hon. Mr. Reid: If the federal district were well managed, I do not think they would care. The citizens of Washington do not vote.

Hon. Mr. Horner: I know the people do not vote in the District of Columbia. However, this is a somewhat different proposition.

Washington was planned many years ago. I doubt if the plan suggested by my honourable friend would be workable at the present time.

I do not wish to enter into this argument at all, but I think that it is possible to be carried away with these immense schemes of spending money on tearing down buildings and widening streets for programs of development. I do not agree with enterprises of that kind at the present time. I think every part of the country should receive consideration, and not one particular district only.

Honourable senators, I do not wish to argue further about the matter.

Hon. Norman P. Lambert: Honourable senators, first of all, I should like to express my very hearty appreciation of the speech delivered by the honourable senator from New Westminster (Hon. Mr. Reid). He referred to me as one of the members of the Joint Committee on Federal-Municipal Relations, which sat in the summer of 1944. I have in my hand a copy of the unanimous report that was presented by that committee. The late Senator Copp, who was one of the joint chairmen of the committee, the other having been the member for Battleford, from the House of Commons, Mr. Gregory. Senator DuTremblay, the late Senator Leger, the late Senator G. V. White, Senator Stevenson and myself were the other members of the committee from this house.

The honourable senator from New Westminster (Hon. Mr. Reid)—who was then a member of the House of Commons—was a most active and interested member of that house on the committee. The significance of his remarks today is that over these past eleven years little headway has been made in accomplishing the objectives set forth in the committee's report and so eloquently commended in the remarks of the late Prime Minister on the introduction of the resolution in the Commons, as quoted by my honourable friend.

It is a serious reflection on those concerned that more material headway has not been made toward the realization of the great work envisaged at that time. Those objectives had their origin fifty years ago, and in accordance with the development of the national consciousness of Canada they have been emphasized from time to time.

Reference has been made to the sums of money that have been expended on acquiring property around the capital city, and on maintenance of parks, driveways and boulevards, as well as on policing and other activities throughout the city. The people of Canada have all contributed toward the cost of acquiring and maintaining this property. I have no hesitation in emphasizing what my honourable friend has said, that the people of Canada are not getting the run for their money that they deserve in the development of the capital and the federal district areas surrounding it. Public opinion in this community today is overwhelmingly in favour of greater progress being made towards the realization of these objectives.

To emphasize the remarks made by my honourable friend from New Westminster I should like to read a short paragraph from the report made in 1944, which confirms and supports the eloquent words expressed by the Prime Minister of that time. The report reads:

> It is not the purpose of this committee to make definite recommendations to the Government regarding the future character of a federal district to embrace this park area and the municipalities on either side of the Ottawa River including the city of Ottawa. We are of the opinion, however, that this long-term project should be committed by the Government to a special commission of experts for investigation and report, involving as it would the possession of expert professional knowledge and the need for extended travel to study the plans and workings of federal capital districts in other countries. From the observations made by this committee during its investigations, it is clear that with the growth of Canada and the corresponding expansion of its governmental activities, the administrative problems arising between the City of Ottawa and the federal Government will become more complex and more difficult of settlement than they are now. As an indication of that prospect we would merely stress the inevitable difficulty that will arise in connection with the present reckless system of sewage disposal into the Ottawa River, with both banks of which within the most directly affected area, are the property of the Dominion of Canada.
>
> While the project of a federal district of the proportions indicated must wait not only for well matured and well founded plans, but also for the widespread support of a crystallized popular opinion throughout Canada, the development of Ottawa as a national capital is proceeding apace, and must not be held up, pending a settlement of the larger question.

I have read those two paragraphs to emphasize the fact that what my friend has said was clearly considered at that time, in the hope that some headway and progress would be made toward the betterment of this area in the years that followed. One reason why satisfactory progress and headway have not been made has, I think, been due fundamentally to the incompatibility of a small-gauge municipal system of government resting in the heart of an area which is largely representative of the people of Canada. I make that statement, honourable senators, without any disrespect whatsoever to those who may be in positions of importance in relation to the municipal government of this city. Indeed, I have very high respect for the versatile abilities and resourcefulness of the present

Mayor of Ottawa, even though she has recently threatened to resign her position. But I say that the situation as between the municipality and the Federal District can be likened to the tail of a very large dog trying to influence the locomotion of that animal.

I maintain that the large majority of the residents in this city and district, as well as the people throughout the whole of Canada, are very much in favour of some appreciable headway being made towards the realization of the plans undertaken years ago; and they have every right to expect more rapid progress than has been made in the past ten years.

In 1944, when the joint committee's report was submitted and unanimously concurred in, the Government of that day, under the leadership of the late Mackenzie King, brought in new legislation amending the Federal District Commission Act so as to make the Federal District Commission representative of every province in Canada. Prior to that time it had been a purely local commission; but after that, representatives from every province in Canada assembled periodically in Ottawa at meetings of the commission to consider matters relating to the capital city and Federal District. Mr. Greber had been brought to Canada in 1939, but he was brought back after the war with a view to preparing a plan which might readily be carried out over a term of years. As has been said, that plan was enshrined in a plaster of paris model and sent over the length and breadth of this country two or three years ago in order that everybody might have an opportunity of seeing what was contemplated in connection with the development of this project.

In concluding my remarks I would again emphasize what has been said by the honourable senator from New Westminster; and I should also like to read the two concluding sentences of the report of 1944:

> The federal Government and the City of Ottawa as well as other nearby municipalities in reality are travelling along the great national highway of Canada in close partnership; and the journey has just been commenced. The objective at the end of the road is a unified Dominion and a great National Capital which in every respect should reflect the strength of a normal and healthy growth.

Hon. Senators: Hear, hear.

Hon. Mr. Haig: May I ask the honourable gentleman a question on a point which I honestly do not understand—probably because of my ignorance. In the event that a national capital is established here, who is going to provide for municipal services such as schools?

Hon. Mr. Lambert: I think that the point raised by the honourable Leader of the Opposition can be easily explained, but before attempting to answer his question I would suggest that this bill be referred to the appropriate committee before which officials can appear and be questioned about matters related to this legislation. I recognize that there is not time now to go into details of the proposed federal district set-up, involving the elimination of the present municipal form of government and other matters. But the answer to the question asked by my honourable friend concerns the two provinces on either side of the Ottawa River. The Governments of Ontario and Quebec control municipal affairs in their respective provinces.

There is no suggestion, and there never has been, that school facilities should not remain as they are today, embodied in the affairs of the community, just as they are in the District of Columbia, where schools are maintained under school boards as part of the federal district organization. Naturally, the needs of the people living in the district must be met.

But the main point, honourable senators, is to give value in return for the money expended by the taxpayers over the past years, by seeing that something along the proposed lines is set up, corresponding with the ambitions and aspirations of the Canadian people. It has to be thought of in those terms and not in any petty, narrow terms of ward politics. It seems to me that it is a matter of getting ahead with the job. A definite position was taken on this matter more than eleven years ago, but today the whole thing is submerged in a bill giving grants to municipalities—largely as the result, may I say, of political pressure. I say that advisedly, because before 1949, when the Municipal Grants Bill was first introduced, there was no suggestion whatsoever from any other municipality in Canada that it should share in the grants that were being given by the people of Canada to this capital city; but in 1945, when the annual grant was increased from $100,000 to $300,000, then, through the usual processes, claims began to arise. First of all a claim came in from Halifax, and then one came from another place asserting that they too should receive grants because they had federal properties within their municipalities. Well, I am not objecting to that.

Honourable senators are familiar with section 125 of the British North America Act, which says that no federal or provincial government shall be liable to pay taxes to a municipality. In order to get around that, governments make up their minds that it is a good thing to pay grants to municipalities

in lieu of taxes and that becomes a matter of policy. As the honourable senator from New Westminster (Hon. Mr. Reid) has said, that policy was adopted in 1949 under this act, which now is being amended to increase these grants. Well, my objection to the whole thing is that it has not been subjected to proper examination or investigation. A committee should have been set up to look into these matters and give fair perspective to all that is involved in this bill with regard to the capital city and its relation to these other problems.

Hon. Mr. Haig: The honourable senator has not answered my question. I asked who pays the cost of the schools and other municipal services under a federal district set-up.

Hon. Mr. Lambert: Under the present system, education—

Hon. Mr. Haig: I know what the present system is, but what is it going to be under your plan?

Hon. Mr. Lambert: The people living in the federal district would pay for these services. People would still be inhabiting this area—there are 210,000 here today.

Hon. Mr. Aseltine: Would the cost not be paid by the whole country in the form of taxes?

Hon. Mr. Lambert: No, not entirely by the whole country.

Hon. Mr. Aseltine: Why not?

Hon. Mr. Lambert Well, referring back to the District of Columbia, there the people have their institutions, and taxation is levied in that district to maintain services such as police and fire protection, schools, and so on. But that is a matter of detail. I thought my honourable friend was referring to the complication that might arise as the result of these matters being under different governments. That is a problem that will of course have to be dealt with and worked out fully. And, if I may say so, I do not know how the people of this country could be given any finer concrete example of co-operation in the interests of unity in Canada as between the provinces and the Dominion, than through the establishment in this centre of a federal district, including the capital city and the surrounding areas. It would give substance to the idea of national unity and be a symbol which I think would influence in a very real way the broader interests of Canada in every respect.

Hon. John T. Haig: Honourable senators, I did not intend to take part in this debate; in fact I did not know it was going to come up in this way. But if I wanted to congratulate the Government, this bill provides an occasion for doing so. The speech by my honourable friend from Ottawa (Hon. Mr. Lambert) prompts me to think that this proposed increased aid to municipalities is perhaps a good thing. It really looks as if the federal Government is trying to save some money for the people of Canada which, according to the chairman of our Finance Committee (Hon. Mr. Crerar), is a very laudable ambition. But I am not in favour of bringing this area into a federal district, because to do so would increase the cost of municipal services to three times what it is today.

Hon. Mr. Crerar: Nonsense!

Hon. Mr. Haig: You say nonsense, but that has always been the experience.

Hon. Mr. Lambert On what basis do you say that? Is it just a guess?

Hon. Mr. Haig: I will answer you. As I said, that has always been the experience. It matters not what party or government is in power, you will find wherever you go, that when the public service takes over detailed administration, the costs go up. The Government may be able to handle defence and other things of a national character, but when it comes to detailed administration it should be left to the people themselves; they will do it efficiently, because they are the ones who pay the taxes. When the control is exercised by the Government, it is not the Government, but the taxpayers generally, who have to pay. I do not think that this state of things makes for unity.

For twenty years I have viewed the approaches to these buildings, and have seen tourists from the United States arrive here by the carload. The honourable senator from Ottawa (Hon. Mr. Lambert) is not around here in the evenings or during week-ends to see these people, but let me tell him what is the first thing they do when they come here. The other day I asked some tourists who had just arrived from Florida, what they were interested in looking at. The answer they gave, in effect, was, "Well, we want to go to the grounds of the Parliament buildings and have our girls photographed beside the policeman with the red uniform." I said, "Do you know what that building is over there?" No, they said, they didn't. So then I asked, "Do you know what this nearby building is?" Well, they thought it was the Parliament building. But they could not identify one block from the other; they did not even know who owned the grounds; they knew nothing

except that some of them wanted to be photographed with "the redcoats"—one or other of the two or three men stationed in front of the buildings.

Hon. Mr. Lambert: May I ask my honourable friend if they explained to him how they happened to get here?

Hon. Mr. Haig: Let me finish my speech, and then ask me questions. If my honourable friends wants to interrupt me, I will allow him to do so; but in this house it is not good manners to interrupt. I remained silent until he finished what he had to say.

Hon. Mr. Lambert: Do not talk about manners to me. If anybody has less of them than the honourable Leader of the Opposition—

Hon. Mr. Haig: I did not ask you questions until you were ready to sit down. As a matter of fair play, please treat me in the same way.

Why should the people of my province, or of any other, be required to pay taxes when residents of some particular area are relieved of this particular obligation?

Hon. Mr. Reid: They are not.

Hon. Mr. Haig: Those who live in the capital district do not pay taxes on the same scale. Let the Government announce a definite policy, and we shall know what to do; we can either reject or endorse it.

Another point: look at the way the traffic runs. If I want to go by car from this building to the nearby Chateau Laurier, what must I do? I must go south to Slater street, two or three streets below the hotel, then I must cross a bridge over the canal and proceed easterly for a few blocks, then turn north to Rideau street, then make another turn and proceed westerly as many blocks as I went in the opposite direction, and at last I reach the hotel. It means that I travel five times the distance I want to go. No wonder one hears the Plaza called "Confusion Square". I know nothing like it anywhere else on earth. I have visited about a hundred of the world's cities, and in no place have I found it more difficult to get from one spot to the other than here in Ottawa, from the Parliament Buildings to the chief hotel. The other day, when I arrived at the Union Station, I wanted to walk straight across the road, but I was told that it was against the rules; I must take a circular route around the street and back again. That is the kind of thing one may expect to find, and does find, in a controlled city.

Hon. Mr. Roebuck: Those matters are under the city administration.

Hon. Mr. Haig: I admit that, but the federal Government has some control too. If, in my city of Winnipeg, there was no more gravel on the sidewalks after a snowfall than one finds here, the people would shoot the mayor. If snow fell tonight in Winnipeg, tomorrow morning outfits would be busy distributing gravel and sand. When I ask what delays action after a snowfall on the ground between here and the hotel, I am told that it is the responsibility of the Federal District; and about twenty-four hours afterwards one finds that gravel is being sprinkled on the road.

I object to the formation of a federal district unless the proposal is agreed to by the nation's representatives from coast to coast. It is for them to decide the matter; I do not believe that the decision should rest with us alone.

I realize that what I am saying will not be welcomed in some quarters. I shall be lambasted tomorrow in the Ottawa papers; they will assert that I am unfriendly to Ottawa. That is not so, but I am in favour of giving a fair deal to Canada as a whole. In Winnipeg the City provides police and fire protection for all the dominion buildings. For that service we do not receive a cent.

Hon. Mr. Lambert: Your city is not within the formula prescribed by this bill.

Hon. Mr. Haig: Well, the formula is not satisfactory. I want the same conditions in regard to taxation of federal buildings to apply in Ottawa, in Halifax, in Vancouver, and every other Canadian city. Why, for instance, should Winnipeg be taxed to provide fire, police and other protection for dominion government property if some other city is relieved of that obligation? The requirements of the formula are such that our city cannot possibly qualify under it.

Hon. Mr. Lambert: There are not enough federal buildings in Winnipeg.

Hon. Mr. Haig: I admit that we support largely Conservative and CCF candidates. Maybe that has something to do with it. I will not go so far as to say that it has, for at this time the Government is providing us with a Post Office building at a cost of $9 million. That is a pretty fair contribution to Winnipeg.

Hon. Mr. Horner: And you do not need it, at that!

Hon. Mr. Haig: I think we do need it. The building will be very useful, and we are providing the necessary services. I repeat that if a concession is given to one city it should be given to all cities.

I am now willing to answer any question which the honourable senator from Ottawa may wish to ask.

Hon. Mrs. Wilson: Honourable senators, I was pleased that the honourable senator from Ottawa (Hon. Mr. Lambert) referred to the pollution of the Ottawa River. To my mind it is simply disgraceful that not only the citizens of Ottawa, but people on both sides of the river, do not have the benefits of that beautiful stream. The water is unfit for drinking, and it cannot be used for swimming.

Hon. W. Ross Macdonald: Honourable senators,—

The Hon. the Acting Speaker: If the honourable Leader of the Government (Hon. Mr. Macdonald) speaks now, he will close the debate on the second reading of this bill.

Hon. Mr. Macdonald: Honourable senators, I do not propose at this time to enter into the discussion of whether the capital city should be included in a federal district. There is no provision for the establishment of a federal district in this bill, but it has been a very interesting discussion and I am sure the Government will take note of everything that has been said.

Those who have spoken have inadvertently neglected to refer to the beauty of our capital city, and I am fearful that as a result of this debate the people of Canada may get the impression that our capital city is not one of which we can all be proud. Many Canadians have not yet visited Ottawa, and any of them who read this debate might feel it is not worth while to come here. I know that honourable senators did not mean to give this impression, for Ottawa is indeed a beautiful city. I doubt whether any place in the world was more attractive than Ottawa during the Tulip Festival this spring, when thousands upon thousands of tulips decorated our driveway system. Have any of us ever seen a more lovely display? What city in the world has a finer driveway system? What a magnificent sight greets the visitor to Parliament Hill—the broad green lawns, the colourful flower beds, the pleasant walks, and the majestic Parliament Buildings themselves. The natural beauty of Ottawa is enhanced by numerous splendid structures, of which the Veterans Memorial Building on Wellington Street is the most recently completed one; and the new buildings for the National Library, the National Gallery, and the National Museum will add to the grandeur of our capital. I mention these things to emphasize that Ottawa is a really beautiful city and a capital of which all Canadians can truly be proud.

The honourable senator from New Westminster (Hon. Mr. Reid) said that the Parliament Buildings are being excluded from federal property.

Hon. Mr. Reid: Just the East and West Blocks.

Hon. Mr. Macdonald: This follows the basis on which grants in lieu of taxes are made in the United Kingdom. Full taxes are paid there on nearly all Crown properties, although for some classes loss of taxes is paid, which presumably amounts to less than full taxes. Payments had been made on a few Crown properties for centuries, but the main system of grants was set up in 1874. The Treasury Valuer was given the final say about the assessment of Crown properties and the local authorties had no appeal from his decision.

The Houses of Parliament in London were originally excluded from the British system of grants in lieu of taxes. They were, however, added in 1896, at which time it was stated:

> My Lords regard this as a case in which some contribution may be allowed, but the rules for the assessment of private property are not applicable, and they therefore sanction the payment of a moderate contribution to be fixed with due regard to the peculiar character of the property.

I have referred to the exclusion of federal properties in Canada. The rules for the assessment of taxable properties and most federal properties are not applicable to the Parliament Buildings nor to the land which is used along with these buildings. The buildings are large and costly in relation to the number of persons occupying them, and the grant which would result from applying standard assessment procedure, even after eliminating values of ornamental and non-functional features, is out of proportion to the grant paid on other office buildings in Ottawa.

Hon. Mr. Roebuck: That does not apply to land values.

Hon. Mr. Macdonald: It applies to buildings.

Hon. Mr. Roebuck: Only.

Hon. Mr. Macdonald: Yes. The land value would be comparable to other land values in the immediate vicinity.

A grant based on standard assessment procedure is also out of proportion to the cost of providing municipal services. The lands appurtenant to the Parliament Buildings are in the nature of park lands and might be excluded on that ground from the grant base.

The honourable senator from Ottawa (Hon. Mr. Lambert) has suggested that this bill should be referred to committee. I suppose the appropriate one would be the Standing Committee on Banking and Commerce, and if the bill is given second reading I shall be pleased to accede to the suggestion that has been made.

Hon. Mr. Isnor: Before the question is put would the honourable Leader place on record the grants paid to various municipalities?

Hon. Mr. Macdonald: I have not that information available now.

Hon. Mr. Haig: The honourable senator can get that information in committee.

Hon. Mr. Macdonald: Yes, it is information which can be obtained when the bill is in committee.

Hon. Mr. Horner: At that time I should like to get information as to expenditures by the Federal District Commission.

Hon. Mr. Macdonald: That is another question which can be considered in committee, although it is really beyond the provisions of this bill.

Hon. Mr. Isnor: I suppose the committee will not hold a public hearing, and therefore no record will be made of the proceedings.

Hon. Mr. Macdonald: I shall endeavour to obtain the information and have it put on record when the bill is before this house for third reading.

Hon. Mr. Isnor: Thank you.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Macdonald, the bill was referred to the Standing Committee on Banking and Commerce.

CANADIAN NATIONAL RAILWAYS BILL

SECOND READING

Hon. T. A. Crerar moved the second reading of Bill 351, an act respecting Canadian National Railways.

He said: Honourable senators, the principle of this bill rests upon a secure foundation. The system known as the Canadian National Railways is the result of the bringing together of various individual railways over a period of many years. Each of those, of course, was governed or affected by statutes of the Canadian Parliament at some time or another.

The purpose of this bill is simply to consolidate into one statute various legislative acts that affect the operation of the Canadian National Railways as we know the system today. That is the simple, elementary principle of the bill, and I suggest to the house that it rests upon a secure foundation. The consolidation would be a convenience for all who have to do with the administration of the Canadian National Railways, as well as for members of Parliament.

Hon. Mr. Aseltine: Why was it not done when the statutes were revised a year or so before, instead of leaving it until now?

Hon. Mr. Crerar: Well, that is a question which might be answered if the bill goes to committee. I am simply stating that the purpose of the bill is to consolidate into one statute various enactments relating to Canadian National Railways.

A few other points need mention. Some new provisions are referred to in the explanatory notes to the bill. First, the bill includes authority to operate a telecommunication system. At present various subsidiaries controlled by Canadian National Railways have telecommunication systems, but not of a complete, co-ordinated character. The new provision would enable Canadian National Railways to effect a change of that kind.

The second new provision authorizes officers and employees of Canadian National Railways to act as directors of partially owned companies. That is simply a matter of convenience, and it undoubtedly would expedite the work of administration.

Again, the bill authorizes the railway to construct short lines without reference to Parliament. The legislation sets a limit of six miles. Such construction must be approved by the Minister of Transport and the Governor in Council. If, for instance, there was a need to run a spur line into a factory established on the outskirts of some manufacturing centre, this bill would enable the railway, with the approval of the Governor in Council, to build such a spur line without having to come to Parliament for authority to do so.

Hon. Mr. Euler: Can the railways not proceed without authorization now?

Hon. Mr. Crerar: No, I understand that they cannot.

Hon. Mr. Euler: I am surprised.

Hon. Mr. Crerar: There is also a provision in the bill for extinguishing charters of constituent corporations that have no longer any reason for existence. That is a provision to which, I think, no exception can be taken.

There are also provisions in the bill authorizing the company to operate motor vehicles. This provision has aroused some criticism from various parts of the country, as it did in the House of Commons when the bill was discussed there. I think there is some misapprehension about the powers given under this section. According to existing legislation motor vehicles come under the laws of the provinces in which they operate, and that is also true of motor transport traffic across interprovincial boundaries. That is the result of legislation passed by Parliament

last session. The provincial authorities, therefore, will not be affected by developments which may result from this legislation, so far as motor transport vehicles are concerned. Many changes have taken place in railway transportation, and it may be found that on certain branch lines the railway can operate motor vehicle transport at a profit, instead of operating trains at a loss. If the house will permit me, I can give an apt illustration of the great change which has taken place. Fifty years ago a certain railway line in Manitoba, covering a distance of 225 miles, ran a train each way every day with five or six passenger coaches. Last year the railway sought and received permission from the Board of Transport Commissioners to cease to operate trains on that line. The service is now given by motor transport and buses operated by private companies, and the railway has discontinued a line that it had been operating for some time at a substantial loss.

Honourable senators, if this bill receives second reading I shall suggest that it be referred to the Standing Committee on Transport and Communications.

Hon. R. B. Horner: Honourable senators, this bill has received some criticism. The federal Government went to the expense of securing a decision from the Supreme Court of Canada granting it complete control over interprovincial trucking traffic. I was very pleased with that decision, and hoped the Government would introduce legislation that would be uniform and fair to all concerned, so as to permit trucking wherever it would be more economical than railroad services. But, no, the Government, for some reason I fail to understand, passed it over and brought in legislation giving the control back to the provinces, thereby refusing to take the responsibility of dealing with one of the most pressing problems with which this country is faced, and which at some time must be resolved.

There is a large and important area which in so far as the national economy is concerned, is dependent on railways. In the carriage of much of our export products, for example, no method of trucking can successfully compete with the railways. Therefore we are vitally interested in securing for them their just due, and lines that are already built and satisfactorily located should be maintained and continue to render service.

I cannot understand why the federal Government stood by when there was talk of further freight rate increases, and did not make use of the power to control interprovincial truck traffic. True, the railway line which was abandoned in Manitoba was, I understand, within the province and a matter in which the provincial government had authority. But I stress my concern and disappointment over the lack of action by the federal Government when it had received the Supreme Court decision which expressly gave it the authority to control interprovincial truck traffic. In its failure to take action, I say the Government shirked its responsibility. As time goes on we will more and more realize the vital need for action by the federal Government to control interprovincial trucking.

Hon. Thomas Reid: Honourable senators, in view of the possibility that when this bill is considered in committee no record will be kept of the proceedings, I have a few words to say about the measure.

I have been watching with interest this provision whereby the railways can now go into the trucking business, which is a departure from its former activities. I would like some assurance from the railways that what was said by the honourable senator who explained the bill (Hon. Mr. Crerar) is really what is meant.

Let me illustrate my point. The railway at one time carried all the freight from Vancouver to a point some 500 miles into the interior of British Columbia. The time came when a trucking company commenced carrying freight to the same point at a much lower rate than that charged by the railway. Consequently, the trucks got the traffic and the railway did not. After some three or four years the railway reduced its rates below those charged by the trucking company.

Naturally, there was strong protest by the truck operators; but I pointed out to them that they had little ground for protest, because in the first instance they had taken the business from the railway by undercutting its rates. Now, as the railway is losing money on that particular haul, there is talk of it putting in a trucking system.

I should like some assurance from the railway officials that whatever trucking they undertake will be an ancillary operation to the rails and will not be operated in competition with the regular trucking companies.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Crerar, the bill was referred to the Standing Committee on Transport and Communications.

CANADIAN NATIONAL RAILWAYS REFUNDING BILL

SECOND READING

Hon. G. Pervical Burchill moved the second reading of Bill 450, an Act respecting Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

He said: Honourable senators, this is a simple bill, the purpose of which is to give authority to the Canadian National Railways to refund securities which mature or will become callable between the years 1956 and 1962. Similar legislation was passed in 1935, 1938, 1944, 1947 and 1951. This bill is patterned on the bill passed in 1951.

The amount which will mature or become callable in the period mentioned is $200 million. The procedure, as honourable senators know, is that the Canadian National Railways, make temporary borrowings from the Government and issue securities therefor at such times as the official of the Bank of Canada and of the railway feel is most propitious.

I think the bill needs no further explanation.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Burchill, the bill was referred to the Standing Committee on Transport and Communications.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL

SECOND READING

Hon. G. Percival Burchill moved the second reading of Bill 451, an Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System during the calendar year 1955, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

He said: Honourable senators, the purpose of this bill is to provide for financing by the Canadian National Railway Company in order to secure moneys needed for capital expenditures. A similar bill was passed in 1952, and this one is patterned on it.

The total expenditures, which include additions and betterments, branch line construction and new equipment, amount to $163,508,334, less amounts available from depreciation reserves, working capital and retirement of equipment totalling $47,509,334, leaving a balance to be found of $115,999,000. That amount represents, first, authorization to incur capital expenditures of $75,999,000 in the year 1955; and, secondly, it represents authority to discharge obligations incurred under this act which become due and payable after January 1, 1956; and to make capital expenditures prior to July 1, 1956, in the amount of $40 million.

In addition, the act authorizes the railway company to enter into contracts for new equipment and for general additions and betterments in the amount of $45,681,498, to make contracts for but payment for which will likely not be made within the next year or two.

Now, those things are what the bill does as far as financing is concerned. It also provides for the appointment of the auditors of the company for the year 1955. Honourable senators will recall that in previous years a separate bill was introduced for this purpose.

Hon. Mr. Haig: Who are the auditors?

Hon. Mr. Burchill: George A. Touche and Co.

Hon. Mr. Reid: Why was the practice changed, and the appointment of auditors included in a bill of this nature rather than in a separate bill as was done in former years?

Hon. Mr. Burchill: As this bill deals entirely with financing, it was felt that it was proper to include the appointment of the auditors in this bill.

Hon. Mr. Reid: Well, it took a long time to come to that.

Hon. Mr. Macdonald: That is progress.

Hon. Mr. Reid: Slow, though.

Hon. Mr. Roebuck: I would like to ask the honourable senator from Northumberland (Hon. Mr. Burchill) what betterments and new equipment are covered by this bill.

Hon. Mr. Burchill: In reply to my honourable friend I would say that detailed information on that matter was given before the Railways and Shipping Committee of the other house by officials of the railway. The budget was approved by that committee, and it includes the amounts which I have just enumerated. I do not feel competent to discuss these items in detail or to answer the question fully. The information will be given by officials of the company when the bill is before a committee of this house.

Hon. Mr. Horner: Is anything included in this bill for the Conrad Hilton Hotel system?

Hon. Mr. Burchill: I am not in a position to answer that question.

Hon. John T. Haig: Honourable senators, we have had in the past several bills similar to this one. In fact, I would say that this bill is practically identical with other bills that we have had in the past.

Hon. Mr. Burchill: In 1952.

Hon. Mr. Haig: The thing that I have always wondered about in connection with these bills is this: the Canadian National Railways management comes before the Government and asks for certain things, and the Government agrees to write off certain amounts. Last session a bill for this purpose was passed by the House of Commons and subsequently came to our house, and after a long examination of the railway officials who appeared before our committee we agreed to write off a very large indebtedness. I remember distinctly asking Mr. Gordon, the President, this question: Will this be the end of the write-offs? He replied that as the country is now in a prosperous condition he could see no necessity for further write-off on account of deficits. However, I am not going into detail on that now. I do not know what has happened this year to bring about a deficit—only the railway people can answer that question.

Honourable senators, when voting money for the Canadian National Railways in these bills I have never been quite sure what has become of the money through the years. I am not questioning whether it is honestly expended. I know George A. Touche & Company, the company's auditors. They are a well-known English firm which does a large auditing business in all the large cities of Canada. They have been auditing the railway's books throughout the years, and they have an A-1 reputation. I have no qualms on that score. But what I am thinking about is whether the provisions for depreciation have been carried through the books so as to show the true situation. What I want to know is if there is any capital loss in these accounts from time to time that does not show in the current loss, and I want to hear the auditors' answer to that question when they appear before our committee.

Honourable senators, I think this bill should be considered by the Banking and Commerce Committee. True, other railway bills have been referred to the Committee on Transport and Communications, but they were straight railroad bills. This being a finance bill, I think it should be referred to the Banking and Commerce Committee. I would like the management of the company to be able to answer the question that I have just posed. I want to know if all the provisions for depreciation have been properly taken into the accounts throughout the years or if these have just been allowed to disappear. If we are to keep putting in new capital we have to know what becomes of it. At the present time there is nothing to show what happens to the old capital, and that is why I would like to get an answer to my question.

Hon. Mr. Burchill: I have no answer to that, but I should like to put on the record the statement that this bill is not one covering debt financing. It is concerned with new financing.

Hon. Mr. Haig: I know that.

Hon. Mr. Burchill: There is something else that I would like to put on the record. For the purpose of additions and betterments, excluding equipment, $44,758,334 is required; for branch line construction, $12,160,000; for new equipment, $60,897,000; for acquisition of securities, $5,693,000; for capital expenditures January 1, 1956 to June 30, 1956, incurred prior to January 1, 1956, $40 million. That adds up to $163,508,334.

From that figure we have to deduct the amounts my honourable friend is talking about; amount available from depreciation reserves, $12,394,000; retirement of equipment, which is another way of describing depreciation reserves—and this, I may say, is a set-up of their books that I just do not understand—$20,115,334; and working capital available for capital expenditures, $15 million. These items total $47,509,334 which, as I say, is deductible from the required amount of $163,508,334, leaving a balance of $115,999,000, which is the net amount required for capital expenditures.

Hon. Mr. Haig: May I be permitted to ask the honourable gentleman another question? I do not quite understand the full import of the figures that he just read, but I will illustrate what I mean by the write-offs. This year the Canadian National Railways sold four hotels: one at Brandon, Manitoba, one at Minaki, Ontario, one at Pictou, Nova Scotia, and one at Port Arthur, Ontario. Those hotels stood on the books at roughly $3,250,000. That was the original cost. They were sold for about $950,000, and it was said that the difference was the write-off. Now, what I want to know is whether that write-off has been charged during the years as an expense or not, because as far as I can see there is no way to trace it as a loss.

Hon. Mr. Isnor: It was set up as a reserve to take care of that particular item.

Hon. Mr. Haig: But what became of the reserve when this sale took place? I think it was lost.

Hon. Mr. Burchill: That amount would naturally go into the working capital.

Hon. Mr. Haig: Still, I think the reserve was lost. In cases where equipment, engines or buildings are sold, what happens to the reserve? The original cost was $3,250,000. How was the write-off taken care of when new equipment was put in its place? Did it disappear?

Hon. Mr. Roebuck: It disappears when it becomes cash, and so does the reserve. The money thus received becomes cash and goes into the account.

Hon. Mr. Haig: I want to be sure of that.

Hon. Gordon B. Isnor: Honourable senators, I was pleased to hear that the sponsor of this bill intends to move that it be referred to the Committee on Transport and Communications. I say so because of the continuity of the various Canadian National Railyways bills, and in order that the committee may be informed of not only the operational methods but the finances of the Canadian National Railways.

May I also say a word about the railway equipment? It will be recalled that on various occasions I have criticized the Canadian National Railways for the poor type of rolling stock which was running from Halifax to Montreal. Today we are very proud indeed of the equipment, as represented by the *Ocean Limited,* which runs between Halifax and Montreal, and not only are we pleased with this crack Atlantic train, but we are well satisfied with the equipment on trains running to Sydney, on the *Scotian* as well as the *Maritime Express.* All three trains have new, and, in the case of the *Ocean Limited,* exceptionally fine equipment. The honourable senator from King's (Hon. Mr. McDonald), who frequently travels between Halifax and Montreal, will, I am sure, agree with me when I say that we are very fortunate to have rolling stock of this high quality. To the management of the Canadian National Railways I express appreciation for what they have done, and the hope that they will continue their efforts to furnish the *Maritime Express* with the same kind of equipment which is provided on the *Ocean Limited.*

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Burchill, the bill was referred to the Standing Committee on Transport and Communications.

UNEMPLOYMENT INSURANCE BILL

SECOND READING

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Roebuck for the second reading of Bill 328, an Act respecting unemployment insurance.

Hon. Muriel McQ. Fergusson: Honourable senators, I should like first to congratulate the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) upon the very clear and comprehensive explanation of this bill which he gave yesterday. We realize that it could not have been done so well unless it had been preceded by a great deal of intensive work. Even in the short time that I have had the privilege of sitting in this chamber I have come to realize that we can always expect very clear explanations, and excellent and accurate information, from the honourable senator from Toronto-Trinity.

Hon. Senators: Hear. hear.

Hon. Mrs. Fergusson: This general revision —the first since the Unemployment Insurance Act was passed in 1940, has done a great deal to clarify the legislation. The re-arrangement of the various sections in their proper sequence will make the law more readily understood by employees and employers and should simplify the administration. The Department of Labour is to be congratulated on the clear, well-drafted and easily understood legislation which has been presented in this bill. However, there is one provision to which I object, and which many women had hoped would be dropped from the act at this time of its revision.

The section to which I refer is 67 1(c)(iv), which provides that the commission with the approval of the Governor in Council, may make regulations imposing additional conditions and terms with regard to contributions and benefits in relation to persons who are married women.

The honourable senator from Toronto-Trinity mentioned that the act had been amended five times since it was passed, and he referred to the changes which had been brought about by some of the amendments. He did not mention that among the amendments passed in 1950 was the provision that special regulations may be made regarding married women. Under the authority of this amendment, later in the same year, section 5(a) of the regulations was passed. It provides that women, during the two years immediately following marriage, and before receiving benefits, must fulfil requirements additional to those required of any other employees. Generally, under this regulation,

a married woman, no matter how many benefits she may have acquired through her contributions, will be disqualified from receiving unemployment insurance benefit for the period of two years following her marriage if she was unemployed at the date of marriage, or unless she has worked for sixty days following her first separation from work after her marriage.

Honourable senators, this last clause is considered by many as positively iniquitous, and the committee of the other house which studied the bill recommended that the commission study it with a view to eliminating it.

Hon. Mr. Reid: May I ask what section is being referred to?

Hon. Mrs. Fergusson: It is regulation 5(a), and section 67(1)(c)(iv) of the act.

Honourable senators, this legislation is rank discrimination. If, as was stated by the honourable senator from Toronto-Trinity, this is an insurance scheme, it should be carried on as a business and business practices should be followed.

Is there any insurance company in Canada or elsewhere that would dare to accept premiums from a woman client, and when she becomes eligible for payment refuse to pay on the ground that she has been married? No woman client would buy such insurance and no insurance company would consider offering it. However, unfortunately in the case of the unemployment insurance, the woman has no choice but to pay the premiums, as unemployment insurance is compulsory.

Ever since the passing of these regulations, in 1950, women and women's organizations throughout Canada have protested against this legislation on the ground that it is discriminatory legislation aimed against one class of employees, namely married women. From knowledge gained through contacts with women's organizations, I believe that many representations have been made to the Department of Labour asking for the elimination of this regulation, and since my appointment to this honourable house many representations have been made to me on this point. I feel, in fairness to women, married or single—for some of those now single may eventually be in the other classification—that these protests should be brought to the attention of this house.

According to the Dominion Bureau of Statistics the number of insured persons in the labour force as of April 1, 1954, was 3,317,000, and the number of women in the insured labour force was 849,152, which is about one quarter of the total insured labour force. The number of single women in that force was 561,289, and the number of married women was 287,863.

In a statement prepared by the commission and presented and read before the committee of the other house which was considering this bill, it was stated that the commission does not consider that the regulation discriminates against married women as a class. This may be the opinion of the commission, but it is not the opinion held by a great number of women. The very fact that there is legislation which does disqualify married women, who but for their marriage are eligible for benefits, is discrimination, and no opinions on the matter, whether held by the commission or anyone else, can alter that fact.

The prepared statement to which I have referred sets out individual cases of abuses of the act by married women, and I know that sometimes these do occur. I am of the opinion, because of what I have learned, that these abuses still occur, and that therefore the passing of this discriminatory legislation in 1950, which works hardship on many married women who are *bona fide* applicants, apparently did not have the desired effect and is not the proper way to put a stop to such abuses. If it had done so I might be willing to agree that in this case the end justifies the means, even though I disapprove of the means. In any event, I think quoting such examples is not fair, for I am sure that the files of the commission contain many cases that show abuse of the act by others than married women.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mrs. Fergusson: Although other classes have abused the act they are not picked out for special discriminatory legislation. I have heard many stories of male applicants who have abused the regulations.

Honourable senators, I believe that another approach would do much more to eliminate abuse of the act both by male and female employees. This is a comparatively new act based on a comparatively new social concept, a combination of insurance and social legislation. I believe it savours of both of these and that it is a part of the general trend in legislation of these days towards the command of Christ to "Bear ye one another's burdens". It is intended to provide help for those who become in need through unemployment. Many employees do not understand the basic principle of insurance which underlies the act. No doubt some explanation is now given in schools in social studies, but many in the labour force did not learn this in their school days because there was no such legislation then. Many do

not see the difference between contributions to the Unemployment Insurance Fund and deposits in a bank where one expects and has a right to expect to take out at least as much as one has put in. It has not been made clear enough to the public generally that unemployment insurance should be regarded in the same light as fire or automobile insurance, which gives protection in time of need, and that the protection is what one pays for. If one is fortunate enough not to need the protection, in those cases one certainly does not expect a return of premiums paid.

Abuses of the Unemployment Insurance Act are perpetrated by unthinking persons who do not understand the legislation and they are tolerated by an uninformed public. It is my belief that our Canadian people, male and female are basically honest, and if they understand the principle of this act they will not try to evade the regulations or take unfair advantage which would tend to deplete the fund to the disadvantage of those properly entitled to protection, and, perhaps to their own disadvantage at a later date; nor would an informed public tolerate such abuses.

My belief is strengthened when I recall the experiences of the Wartime Prices and Trade Board during World War II. At that time much more was spent by the Government on educating the public regarding regulations and the need for them than was spent on enforcement of the regulations. This education was carried on through intensive explanatory work, and, when it was understood, the people co-operated and enforcement was comparatively simple. Those who did not co-operate were generally considered unpatriotic, and public sentiment against them prevented infractions of the regulations.

Similar intensive and aggressive educational work regarding unemployment insurance through the Department of Labour, labour unions, men's and women's organizations, schools and employers, would bring about a better understanding of the basic principles of unemployment insurance. Such understanding would build up a new public attitude under which those who scheme to evade the regulations would not be considered as smart, but as chisellers and as unsocial. I think this would accomplish a great deal more than discriminatory legislation against certain classes, such as that against married women.

In view of the large number of employed women in the labour force who contribute to unemployment insurance—which, I would remind honourable senators, in April 1954 was about one-quarter of the force insured—it is surely only reasonable to expect that there should be a woman on the Unemployment Insurance Commission and on the Advisory Committee. The honourable senator from Toronto-Trinity mentioned these, and he also referred to the National Employment Committee. I am glad to say that a woman is already serving on that committee, and that there are women on the Regional and Local Advisory Committees, which were set up under section 99 of the present act and will be under section 21 of the bill. Appointments to the commission and the advisory committee were recommended by the committee of the other house which studied this bill, and I earnestly request that the committee of this house which studies this bill will make similar recommendations.

Hon. Senators: Hear, hear.

Hon. Arthur W. Roebuck: Honourable senators—

The Hon. the Acting Speaker: If the honourable senator speaks now, he will close the debate.

Hon. Mr. Roebuck: I have very little to add to the long and tedious speech I made yesterday.

Hon. Mr. Macdonald: Not tedious.

Hon. Mr. Roebuck: Well, I thought it was pretty long. I thank the honourable senator from Fredericton (Hon. Mrs. Fergusson) for her kind references to my remarks, and I wish to compliment her on the excellent speech she has just delivered. I am sure she has a good deal of knowledge of the subject-matter and of the act. She spoke about discrimination against women, who make up one-quarter of the working force insured under the act. I think I speak for all male members of this house when I say that there is no intention on our part, at all events, to discriminate unjustly against women. It is possible to discriminate justly as well as unjustly—to discriminate in favour of women as well as against them.

Hon. Mr. Macdonald: Would that be justly or unjustly?

Hon. Mr. Roebuck: I think it would be very just to discriminate in their favour.

The honourable senator from Fredericton has, I think, admitted that there is need for care in the handling of this act and with respect to the large sums of money paid out on behalf of both men and women. I agree with her that both men and women are basically honest. I remember a sign put up, in a broker's office, I think, which read, "All men are honest, but keep your hand on your pocket." One does not need to consider everybody a cheat and a liar because

one takes due precautions to protect one's property and rights and interests.

In this particular instance, the only reason I know for special references to women is the experience of the commission in dealing with women who enter into the holy bonds of matrimony and then apply to the commission for the unholy purpose of getting money to which they are not entitled. Women have been known to get married and at the same time make claims upon the Unemployment Insurance fund on the ground of unemployment—and certainly marriage is not unemployment. I understand that a great deal of that deception has been practised, and it may have resulted in the necessity for special regulations. The regulations that have been in existence up to the present time are now being extensively revised, and a lot of work is being spent on that task. Recommendations similar to those made by the honourable senator from Fredericton this afternoon, as well as those made by the Industrial Relations Committee of the House of Commons after studying the bill, will be seriously considered by the commissioners, and I expect those recommendations will be given effect to in the new regulations.

If this bill receives second reading, I shall move that it be referred to the Standing Committee on Immigration and Labour; and I can assure the house that the members of the commission and officials will attend the meetings of the committee and may be questioned on points about the regulations now in existence, as well as those that it is proposed to put into existence after this bill has been passed. I am inclined to think that after the commissioners and officials have been heard, honourable senators will be fully satisfied that the discrimination against married women in the bill is not an unjust discrimination and that no injustice is intended against women as such.

I should like to concur in the suggestion of my honourable friend that there be a woman member of the commission. However, this house has not the appointment of the commissioners.

Hon. Mrs. Fergusson: Could we not make that recommendation?

Hon. Mr. Roebuck: There are now three very capable commissioners on the board, whose span of life shows no signs of terminating. It is unlikely that there will be a new appointment for some time. But I hope that those in authority will remember the suggestion made by the honourable senator from Fredericton, and that when appointments are being made consideration will be given to the right of the women of Canada, who comprise one quarter of the labour force, to be represented on the commission.

I have nothing further to say, honourable senators, except to thank you for the patience with which you listened to my explanation of the bill yesterday afternoon.

Hon. Mrs. Fergusson: Did I understand the honourable senator to say yesterday that one of the commissioners is now approaching seventy years of age?

Hon. Mr. Roebuck: Yes, but seventy is not old these days.

Hon. Mr. Haig: Not as far as senators are concerned.

Hon. Mr. Roebuck: I also mentioned that that particular member of the commission was carrying on with all his old-time vigour and keenness.

The motion was agreed to and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Roebuck, the bill was referred to the Standing Committee on Immigration and Labour.

The Senate adjourned until Monday, June 27, at 8 p.m.

APPENDIX

REPORT OF SPECIAL COMMITTEE ON TRAFFIC IN NARCOTIC DRUGS

(Presented by Hon. Mr. Reid. See pp. 672-3.)

THURSDAY, June 23, 1955.

The Special Committee of the Senate on the Traffic in Narcotic Drugs in Canada begs leave to present the following as its final report.

PART I—GENERAL

On February 24, 1955, the following resolution was adopted in the Senate:

1. That a Special Committee of the Senate be appointed to inquire into and report upon the traffic in narcotic drugs in Canada and problems related thereto.

2. That the said Committee be composed of the Honourable Senators Baird, Burchill, Gershaw, Grant, Hayden, Hawkins, Hodges, Horner, Howden, Hugessen, Leger, McIntyre, Quinn, Reid, Stambaugh, Turgeon, Vaillancourt, Veniot and Woodrow.

3. That the committee be empowered to send for persons, papers and records.

4. 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.

On March 2, 1955, the following motion was passed, namely, that the committee be authorized to print 800 copies in English and 200 in French, of the proceedings, and that Rule No. 100 be suspended in relation to the said printing.

On March 2, 1955, it was resolved that the Honourable Senator Reid be elected Chairman of the committee, and that a steering committee be appointed, the members of which shall be selected by the Chairman. It was further resolved that the quorum of the committee be reduced to seven members.

The original membership of the committee was changed on March 9 by the substitution of Honourable Senator Kinley for Honourable Senator McDonald, and on March 22 by adding to the committee Honourable Senators Beaubien, King and McKeen.

The composition of the committee was then, and has remained, as follows:

The Honourable Tom Reid, Chairman. The Honourable Senators: Baird, Beaubien, Burchill, Gershaw, Grant, Hayden, Hawkins, Hodges, Horner, Howden, Hugessen, King, Kinley, Leger, McIntyre, McKeen, Quinn, Reid, Stambaugh, Turgeon, Vaillancourt, Veniot, Woodrow. 23 members—Quorum 7.

The members of the steering committee are Honourable Senators Burchill, Gershaw, Hayden, Horner and Reid.

On March 9, 1955, the committee held a meeting, at which it was resolved to hear witnesses before the Easter adjournment, and it was further resolved that the committee recommend that it be empowered to retain the services of counsel, and the services of Mr. A. H. Lieff, Q.C., of Ottawa, were retained.

In order to cover all foreseeable phases of the inquiry the Chairman held numerous conferences with individuals and with the steering committee, when it was resolved that the scope of the inquiry be as comprehensive as possible. To this end the committee decided to hear evidence on all the ramifications of the drug problem including views of the addicts and of society in general. Because of the alarming proportions of the problem in British Columbia, and the amount of publicity given to that area of the problem it was resolved to hold sessions of the committee in the City of Vancouver. It was felt that by so doing the committee could bring before it all persons considered to be vitally interested and most closely concerned with the problem. Likewise an opportunity would be afforded to all others in British Columbia who wished to testify before the committee.

For similar reasons it was decided to hold sessions of the committee in the cities of Toronto and Montreal. By holding sessions in these three cities it was possible to have described, at first hand, the challenging character and extent of the problem and by so doing it was possible to conclude the sessions of the committee during the present session of Parliament.

It was also resolved to interview a number of addicts and to visit one or more institutions in which addicts were confined.

The investigation by the committee was directed to ascertaining the nature and extent of the narcotic drug problem in Canada and the gathering of such information as would enable the committee to recommend possible solutions to the problem and necessary changes in the law.

On March 15, 1955, the committee held its first public hearing at the city of Ottawa, and further public hearings were held at Ottawa on March 22, 30, May 11, 17, 20, 25, 27, 30 and June 7. Public hearings were held

at Vancouver on April 18, 19 and 20, with hearings in camera on the 21st and 22nd. Public hearings were held at Toronto on May 20 and at Montreal on May 27.

These were the first occasions on which any committee of the Senate of Canada had ever held meetings in centres other than Ottawa.

Invitations to make representations to the committee were extended to Attorneys General and Ministers of Health of all provinces and with the exception of the province of British Columbia, all indicated they had no representations to make.

Similar invitations were sent to the Mayors of the cities of Montreal, Toronto, Winnipeg, Calgary, Edmonton, Vancouver and Victoria. Replies in the negative were received from Winnipeg, Calgary and Victoria.

The committee held seventeen meetings all of which, with the exception of two, were open to the public. The two closed meetings were devoted entirely to hearing the representations of narcotic drug addicts, at the R.C.M.P. Barracks in Vancouver, and at Oakalla Prison Farm in Burnaby, British Columbia. Twenty-one addicts and relatives or friends of addicts were heard at the R.C.M.P. Barracks, and at Oakalla Prison Farm Warden Christie convened a meeting of some 150 addicts in the chapel of the prison. During the latter meeting addicts made representations to the whole committee.

Portions of several committee meetings were closed to the public and were devoted exclusively to matters of procedure and the preparation of the committee report.

A request was made to have the sessions held in Vancouver televised. It was deemed advisable, however, not to grant such request.

Evidence was adduced from government sources, including federal, provincial, and municipal authorities; from organizations and individuals; a list and classification of the witnesses is set out in Schedule 1 to this report. Representations in the form of briefs, submissions and letters were received from a number of individuals and organizations. All of these representations were carefully considered and analyzed.

Valuable assistance was rendered to the committee by the Mayors and municipal administrations of the cities of Vancouver, Toronto, and Montreal and by the Honourable R. W. Bonner, Q.C., Attorney-General of British Columbia. Special mention should be made of valuable assistance rendered by Mr. John A. Hinds, Assistant Chief Clerk of Committees, and Mr. Robert E. Curran, Q.C., Counsel for the Department of National Health and Welfare.

Definition of Drug Addiction

For the purposes of the inquiry the committee decided to adopt the definition of drug addiction approved by World Health Organization of the United Nations. It is as follows:

Drug addiction is a state of periodic or chronic intoxication, detrimental to the individual and to society, produced by the repeated consumption of a drug (natural or synthetic). Its characteristics include:

1. An overpowering desire or need (compulsion) to continue taking the drug and to obtain it by any means;
2. A tendency to increase the dose;
3. A physical (psychological) and sometimes a physical dependence on the effects of the drug.

Legislation

The Canadian legislation dealing with narcotic drugs is contained in the Opium and Narcotic Drug Act, R.S.C. 1952, C. 201, as amended by R.S.C. 1952, C. 325, S. 73, 1953-54, C. 38, and the regulations thereunder, (as made and established by Order in Council P.C. 1954-1212, effective September 15, 1954).

The purpose of the legislation is, firstly, to make narcotic drugs available for medical and scientific purposes through trade and professional channels, and secondly the enforcement side.

By administrative arrangement the R.C.M.P. are responsible for the enforcement on the criminal side of the legislation, and the Department of National Health and Welfare, Division of Narcotic Control, is concerned with the importation and legal distribution of drugs in Canada. The officers of the Department of National Health and Welfare work closely with the R.C.M.P.

The committee desires to express its appreciation to the Honourable Paul Martin, Minister of National Health and Welfare, for his assistance in outlining to the committee the narcotic drug problem in Canada and for the co-operation given by him and by the officers of his department.

The committee was favourably impressed with the efficiency of the administration of the Opium and Narcotic Drug Act by the Division of Narcotic Control of the Department of National Health and Welfare, headed by Mr. K. C. Hossick.

The committee would also like to pay tribute to the Royal Canadian Mounted Police for the efficient manner in which they assist in the enforcement of the Opium and Narcotic Drug Act and for their co-operation and assistance to the committee.

International Control

Canada has played an important role in international control and is a signatory to all international conventions designed to limit

to medical and scientific uses narcotic substances. The conventions, agreements and protocols under which Canada participates in international control are listed in the evidence. Canadian legislation conforms in all respects with the requirements of the conventions and our international commitments, and from the evidence the committee concurs with the statement of the Minister of National Health and Welfare that the Canadian legislation is as realistic and effective as the legislation of any country. Canada, as a member of the United Nations, has, in keeping with other countries, members of the United Nations organization, agreed to make the legal importations of heroin illegal. The prohibition of heroin came into effect in Canada January 1, 1955.

Traffic

The evidence indicates that while Canada maintains excellent domestic control of licit narcotic drugs, international controls have not completely stopped the illicit flow of drugs into Canada.

The availability of drugs and the ease with which quantities of heroin can be secreted and transported makes it almost impossible to completely prevent smuggling of narcotic drugs into Canada across the long Canadian border. Some of the difficulties in denying entrance to illicit drugs have been explained to the committee by officers of the R.C.M.P. and the evidence of Assistant Commissioner G. B. McClellan and Inspector J. J. Atherton is of special interest. It is the opinion of the committee there exists in Canada an illicit drug traffic of which, at the present time, about one half is centred in British Columbia.

The illicit traffic seems to follow a complicated but well defined pattern. The traffic commences with the trafficker-importer who sells to a trafficker-wholesaler, who in turn sells to a trafficker-distributer. This is the hierarchy of the traffic and few if any of this class of distributer are addicts. The distributer then sells to:

1. The peddler or pusher who is not an addict

2. The peddler or pusher who is an addict and who sells drugs to other addicts.

The Minister of National Health and Welfare and the Commissioner of the R.C.M.P. pointed out the extent of profit in the illicit drug trade. By way of illustration, an ounce of heroin has a legal value of approximately $12. An ounce contains 437½ grains, an average dose being ¼ grain, or a total of 1750 doses to the ounce. Almost invariably the drug will be heavily diluted or adulterated, thus multiplying 1750 doses to a much greater number. With a dose or capsule selling for $3 to $5 in Vancouver, and as high as $20 in Edmonton, the profits are truly enormous.

The profit motive needs no further comment. It is significant therefore that much of the evidence heard by the Committee urged the elimination of the profit motive in the sale of drugs.

Suggestions from witnesses for the accomplishment of this objective ranged from that of the legal supply of free drugs to the total segregation of all criminal addicts and the provision of the death penalty for important traffickers.

Extent of Addiction

Addicts in Canada have been classified as medical, professional and criminal. The latter has been defined in Canada as one who purchases his supply of drugs in the illicit market. It is this group that has given cause for the greatest concern.

Appendices A. to C. to the evidence of the Minister of National Health and Welfare respectively set forth a breakdown of the total addict population in Canada by classes; the criminal addict population by sex and age groups, and by occupation.

These figures indicate that at the present time there are in Canada 515 medical addicts, 333 professional addicts and 2,364 criminal addicts, totalling 3,212. Of the 2,364 criminal addicts, 1,101 are located in British Columbia.

Commissioner Nicholson, in discussing the results of a study made of 2,009 criminal addicts, stated that only 341 of this number were first convicted under the Opium and Narcotic Drug Act, 1,220 were first convicted first for some other offence, and the balance of 478 were addicts with criminal records other than narcotic drug convictions. As was explained by the Commissioner, of the 2,009 cases studied, 1,668 involved people who were very probably criminals before they were addicts.

The committee is satisfied that there is no juvenile or teenage addiction problem in Canada. Of 2,364 known criminal addicts only twenty-six are under the age of twenty. These were not attending school when they became involved in the drug traffic and were already known to the police for juvenile delinquency.

Drugs of Addiction

The Minister of National Health and Welfare put on the record the drugs of addiction. "Narcotic drugs" are listed in the schedule to the Opium and Narcotic Drug Act. Reference to the schedule at the end of the act will give the schedule of drugs which the department

regards as problems. The drugs so listed come either from natural sources or synthetic.

The natural drugs come from opium, coca leaf or *cannabis sativa* commonly called hemp or marihuana. Opium produces morphine, heroin and codeine the principal drugs in use. Coca leaf produces cocaine and hemp produces cannabis sativa. Of all these drugs heroin is the one that is the most commonly employed for addiction in Canada.

Marihuana is not a drug commonly used for addiction in Canada, but it is used in the United States and also in the United Kingdom by addicts.

No problem exists in Canada at present in regard to this particular drug. A few isolated seizures have been made but these have been from visitors to this country or in one or two instances from Canadians who have developed the addiction while being in other countries.

The question of barbiturates was discussed. They are not narcotic drugs. They are covered in so far as use is concerned under the Food and Drugs Act.

The committee is of the opinion that the present strict control of these drugs should be continued and that a careful watch be kept of any unwarranted increase in their use, in order to prevent the abuse of such barbiturates.

Enforcement

The R.C.M.P. maintains drug squads at those centres where attention is indicated, reinforced as necessary by men from general duty and other specialist details. Most major municipal police forces maintain special Narcotic Drug Squads which work closely with the R.C.M.P. The R.C.M.P. concentrates particularly on the investigation of traffickers.

The committee finds that police co-operation is relatively good in most cities of Canada. Much of the co-operation depends on the personalities involved. Continued co-operation at all levels of enforcement by all police bodies with the R.C.M.P. appears to be essential and, where necessary, directives to this effect are urged.

The statement of Vancouver Chief of Police, Walter Mulligan, that sixty percent of the major crimes in Vancouver could be traced to narcotic drugs was contradicted by other responsible witnesses who testified that drug addicts seldom, if ever, engage in major or violent crime.

The statement made that shoplifting by addicts was responsible for most of the thefts from stores in Vancouver, amounting, it was stated, to millions of dollars annually, was not borne out by the evidence. The Hudson's Bay Company, a large department store chain, which operates six stores in Western Canada, advised the committee that they have no way of knowing the exact amount of their losses due to actual shoplifting, but they did report that stock shortages in Vancouver due to clerical errors, internal theft, as well as shoplifting, are not any higher than the average pertaining in their six stores.

Treatment Proposals

Suggestions for treatment ranged all the way from the legal supply of drugs to the total segregation of all criminal addicts. The committee considered proposals to alleviate the drug problem that was submitted to it. These proposals included such matters as (a) the removal and segregation of all convicted addicts to an institution, far removed from any area of general population, preferably on an island, for long periods of time, coupled with some system of parole, where rehabilitation was indicated; (b) establishment of a treatment centre far removed from cities, with provision for compulsory confinement or isolation and control of an addict over a number of years, such an institution should emphasize mental care, complete rehabilitation and training for useful occupation; (c) provision for withdrawal treatment in general hospitals, establishment of a rehabilitation residence for men, foster home care for women; (d) narcotic clinics; (e) the British system; (f) community action; (g) education; (h) group therapy, such as is carried on by Alcoholics Anonymous and Narcotics Anonymous.

The committee in making special reference to certain of these proposals also commends for careful study the evidence of those witnesses who spoke on the question of the treatment of drug addicts.

Narcotic Clinics

The committee heard considerable evidence with respect to narcotic clinics and ambulatory treatment. The vast preponderance of responsible evidence on this subject, both oral and written, leads the committee to conclude that the establishment of such clinics or the provision of any other legalized supply of drugs for the purpose merely of supporting addiction would be a retrograde step. The committee is therefore strongly of the opinion that the narcotic drug problem cannot be solved by the creation of government clinics where addicts could obtain their supplies.

The committee unanimously rejects any proposal designed to provide legal supplies of drugs to criminal addicts. The committee was supported in this decision by evidence that the Narcotic Drug Commission of the

United Nations at its tenth session has resolved that "in the treatment of drug addiction methods of ambulatory treatment (including the so-called clinic method) are not advisable."

British System

The committee heard frequent reference to the so-called "British System" and various witnesses urged its adoption in Canada. Consequently the committee arranged to obtain firsthand information about the law pertaining to narcotic drugs in the United Kingdom. It was privileged to hear a comprehensive statement from J. H. Walker, United Kingdom Delegate to the United Nations Narcotic Commission. Mr. Walker explained the law relating to dangerous drugs in detail. He stated that dangerous (narcotic) drugs in the United Kingdom are subject to a wide degree of control of the exacting standards demanded by the international agreements to which the United Kingdom, in common with Canada, is a party. He also told the committee that the indiscriminate administration of narcotic drugs to addicts is not now, and never has been, a feature of United Kingdom policy. A perusal of Mr. Walker's evidence would be most valuable to anyone interested in the British system.

The committee was also privileged to hear evidence on this subject from Dr. A. W. MacLeod, Assistant Director, Montreal Hygiene Institute and Assistant Professor of Psychiatry, McGill University. Dr. MacLeod had experience in the treatment of drug addicts in Britain gained while he was assistant director of an in-patient psychiatric unit attached to one of the training hospitals at London University. He stated that the dangerous drug inspectorate of the British Home Office was strongly opposed to any line of action that would allow a known addict to continue his addiction.

From the evidence it appears that there never has been a serious drug problem in the United Kingdom, and that the situation there is not comparable with that of Canada.

French System

The committee regrets that Mr. Charles Vaille, the Chairman of the United Nations Narcotic Commission and the French delegate to that commission, was unable to appear before the committee. His co-operation in submitting a brief in explanation of the French System is greatly appreciated.

Education

The committee considered the question of education against the use of narcotic drugs and is of the opinion that while educational programs may usefully be established for professional groups, for parent-teacher associations, and for adult groups generally, such programs should not be used where they would arouse undue curiosity on the part of impressionable persons or those of tender years. The committee's view is supported by the Narcotic Committee of the United Nations who recommended against any such educational program. Lecture material especially prepared by the Division of Narcotic Control and containing information respecting the economic and social factors of drug addiction has been presented regularly to medical and pharmaceutical associations, schools of nursing, and undergraduate societies in colleges of medicine, pharmacy and nursing. This form of education should be continued.

The committee recommends the improvement and expansion of mental health programs in our schools in the hope that variations from acceptable behaviour may be detected and treated before the opportunity for addiction to drugs has been presented.

Training Personnel

The committee was gratified to hear evidence with respect to the high quality of narcotic drug research carried on by the Department of National Health and Welfare. Some of such research has attracted international attention. It may well be that Canada may become a narcotic drug research centre for students from other countries.

The committee is of the opinion that the Government of Canada consider the possibility of making available bursaries or scholarships for the purpose of training medical, probation and rehabilitation personnel at institutions wherever such training is available.

Narcotics Anonymous and Alcoholics Anonymous

The committee heard evidence that group therapy was of considerable advantage in the treatment of drug addicts. Two organizations which provide opportunities for group therapy are Alcoholics Anonymous and Narcotics Anonymous. Because there are many common factors in drug addiction as well as in alcoholism, both Alcoholics Anonymous and Narcotics Anonymous hold some promise for the rehabilitation of drug addicts. Both of these organizations aim to develop in the individual a desire to be cured.

Alcoholics Anonymous has been operating with commendable success for some time and beginnings have been made to establish

chapters of Narcotics Anonymous. Of particular interest in this connection was the evidence of Dr. A. W. MacLeod of the John Howard Society of the Province of Quebec, and Dr. L. P. Gendreau, Deputy Commissioner of Penitentiaries.

One of the difficulties encountered in the establishment of Narcotics Anonymous was the difficulty in finding a sufficient number of addicts who were abstinent from the use of drugs for a sufficient length of time to provide a nucleus for successful group therapy. The committee desires to encourage those engaged in this work and to express the hope that their efforts will meet with success.

Community Action

Any successful program for the prevention and treatment of drug addiction will require concerted community social action to remove from our cities those areas in which drugs are available, to provide adequate opportunity for youth and the emotional social atmosphere which follows general rehabilitation efforts on behalf of treated drug addicts. There is an urgent need for communities to make concerted all-out efforts to eradicate conditions that breed drug addiction.

By the same token such groups as P.T.A., church groups, welfare councils, schools, hospitals, police, recreational bodies and employers and the public generally, will need to use their joint and several skills to readjust the lives of former addicts in order to again fit them into an ordered society. The importance of this is emphasized in the recommendations that are made in this report for a treatment program.

Research in British Columbia

The committee took special notice of the research now being carried on at the University of British Columbia, under the direction of Dr. Geo. H. Stevenson. The committee wishes to express its thanks to Dr. Stevenson for his efforts and for much important information given to the committee on the subject of narcotic drug addiction.

PART 2

CONCLUSIONS AND RECOMMENDATIONS

Objectives

A solution of the narcotic drug problem involves the elimination of drug addiction, the suppression of the drug traffic and the prevention of an increase in the drug addict population.

Involved in these objectives is, of course, the protection of society at large against the evils of narcotic drugs.

Size of Problem

As previously stated, the total known drug addict population in Canada is 3,212, of whom 2,364 are criminal addicts. Of the 2,364 approximately one-half are located in the city of Vancouver. The city of Montreal which is the largest city in Canada, has, a total criminal addict population of under 200 and the city of Toronto an addict population of under 400 with, according to the evidence, a large number of these being inactive or in other words as not having recently come to the attention of the enforcement authorities.

Pattern of Drug Addiction

The committee heard evidence from many expert and qualified witnesses concerning the kind of people who make up the criminal addict population of Canada, something of their background and, in addition, the committee saw a large number of these people. Their sordid pattern of development shows a considerable degree of similarity.

There is frequently evidence of broken homes, poor environment, lack of parental control and discipline, and the absence of religious training. This background leads to social deviation, juvenile delinquency, crime and eventually to drug addiction through association with other drug addicts.

The evidence of medical authorities was to the effect that drug addiction is not a disease in itself. It is a symptom or manifestation of character weaknesses or personality defects in the individual. The addict is usually an emotionally insecure and unstable person who derives support from narcotic drugs.

The committee was gravely concerned to learn that relatively few cases could be authenticated where drug addicts, while out of custody, had been successful is abstaining from the use of drugs for any lengthy period of time.

The complications and difficulties in the successful treatment of drug addiction, having regard to the pattern of development of the addict and his almost invariable criminal tendencies, cannot be too heavily stressed.

Jurisdictional Responsibilities

The committee desires to emphasize that the solution of the problem of addiction, which of itself is of great complexity, is further complicated by the division of federal and provincial constitutional responsibilities.

In viewing the problem, it is necessary to distinguish the measures which the federal government can properly undertake by its legislation and the measures which constitutionally are of provincial concern.

The suppression of the illicit distribution and use of drugs is within the responsibility

of the federal Government. This, amongst other things, is the aim and purpose of the Opium and Narcotic Drug Act which provides for the legal distribution and use of drugs and the protection of society against the evils of the drug traffic and drug addiction.

The treatment of illness is a matter which comes within the responsibility of provincial authorities as, for example, mental illness and tuberculosis. Drug addiction is considered by medical and social authorities to be a form of illness and the treatment of it as such is likewise within the jurisdictional responsibility of the provinces and of the communities therein.

A number of the provinces have recognized this responsibility in terms of special legislation for the treatment of drug addiction. The Provinces of Manitoba and Nova Scotia, as far back as the middle twenties, enacted special legislation entitled "The Narcotic Drug Addicts Act". The Province of Ontario has included in its Mental Hospitals Act and the Province of New Brunswick in its Provincial Hospital Act, provision for the committal and treatment of drug addicts. The Province of British Columbia, however, where the incidence of drug addiction is the highest, has no legislation in this regard and it was stated to the committee that under the general hospital insurance plan in that province drug addiction was not a condition for which hospital treatment was authorized.

None of the provinces in Canada, however, have provided special institutional treatment facilities for drug addiction as such.

Situation in Vancouver, Montreal and Toronto

The addict population in the city of Vancouver was estimated to be from 1,100 to 1,500 and of this number slightly in excess of 300 are currently in jail or penitentiary. The remaining addicts at large in the city, according to the evidence, must purchase drugs once or more daily and in order to obtain the funds to do so engage in petty crime, such as shoplifting, thievery and, in the case of female addicts, in prostitution. These addicts have no gainful employment and support their addiction by vice and petty crime. They must, therefore, violate daily not only the Opium and Narcotic Drug Act in their illegal purchase and possession of drugs, but also the Criminal Code of Canada.

The committee could not help but be disturbed by this large concentration of drug addicts and the apparent freedom with which they are able to congregate in the heart of the city of Vancouver. These people are known to engage in crime, including prostitution, and are without gainful employment of any kind. The committee is not able to understand why the provisions of the Criminal Code dealing with vagrancy, prostitution and living off the avails of prostitution cannot be more effectively invoked to uproot and break up this concentration.

The committee, in emphasizing this aspect of the situation, points out that the enforcement of the Criminal Code in the city of Vancouver is not a responsibility of the R.C.M.P., but is wholly a responsibility of the city police authorities.

The R.C.M.P. are concerned with the enforcement of the Opium and Narcotic Drug Act and in this connection concentrate essentially on the apprehension and conviction of drug traffickers.

The drug addict population, as already pointed out, are primarily criminal, engaged in crime daily apart from the violations of the Opium and Narcotic Drug Act. These people are, therefore, an enforcement responsibility of the city and the municipal authorities and a solution of the problem which they present requires much more than the enforcement of the Opium and Narcotic Drug Act. It requires vigorous police and community action if this evil social condition is to be successfully removed.

In contrast to the situation in the city of Vancouver, the committee was impressed with the comparable drug situation in the cities of Montreal and Toronto. In both of these cities the authorities now report a drug situation of relatively small proportions and one which is apparently under fairly good control.

The committee is of the opinion that more vigorous effective enforcement of all pertinent law holds the answer to much of the problem in the city of Vancouver.

Treatment of Addiction a Provincial Responsibility

After a most careful and exhaustive examination of the evidence and of all the factors involved in treatment, the committee is strongly of the opinion that the recognition of drug addiction as a treatment responsibility, with the provision of facilities therefor by provincial authorities, is long overdue.

The committee in pointing out the responsibility of provincial authorities for treatment, does not minimize the difficulties that are presented nor the fact that a great number of drug addicts offer little or no promise for

successful treatment. These difficulties would not in the opinion of the committee justify the continued failure to provide treatment procedures and facilities.

The drug problem in Canada is essentially confined to the three provinces of Quebec, Ontario and British Columbia, of which the Province of British Columbia has the largest concentration of drug addicts and, therefore, the greatest problem. As was pointed out, there is no legislation nor are there facilities in that province for the treatment of drug addiction.

The Minister of National Health and Welfare in his statement to the committee pointed out that he had gone on record with all of the provinces of Canada in drawing attention to the distinction between federal and provincial responsibilities in the matter of the drug problem. He pointed out that the federal Government had offered to assist in any way that it could, within the limits of its authority and responsibility, in helping to find a solution to the problem of drug addiction.

As evidence of interest in the problem, Mr. Martin stated to the committee that under date of December 3, 1954, he had offered to consider the availability to the Province of British Columbia of the federal Quarantine Station at William Head on Vancouver Island for use by the province as a treatment centre.

He also indicated to the provincial authorities in making such offer that the federal government would be prepared under the National Health Program to see whether or not financial assistance might be given to the renovation of such premises to make them more suitable for use as a treatment centre. No evidence was given to the committee as to whether the offer was acceptable to the province.

The committee makes specific reference to this proposal, because it is apparent that treatment of drug addiction, insofar as the treatment of a drug addict can be effective, depends upon the acceptance by provincial authorities, and particularly the Province of British Columbia, of responsibility for treatment with the provision of whatever facilities and legislative measures are required in that connection.

The evidence of many witnesses recommended the compulsory segregation and isolation of all addicts for long periods of time for the purpose of treatment and possible rehabilitation.

By using its constitutional powers, any province could pass the necessary legislation providing for the committal on a compulsory or voluntary basis, of drug addicts to an appropriate treatment institution in the same manner as is being done now for those in need of treatment for a mental condition.

In considering the various suggestions for treatment, it will be appreciated that the majority of addicts not only have known criminal records, but have, as well, character disorders, or personality disturbances which will require institutional treatment. Evidence about proposed treatment indicated that such treatment should include humane, supported withdrawal, medical treatment, post-discharge control, including long-term probation, coupled with the right of immediate return to the institution in the event of relapse.

It was also submitted that if treatment cannot be provided for all addicts, an effort should be made to treat at least the young ones, or those whose prognosis is good. It appears necessary to segregate young addicts from older addicts.

In commenting upon the responsibility of provincial authorities for the treatment of drug addiction, the committee again stresses the need for community and public support of an addict who has undergone treatment and who desires to re-establish himself in society. It is apparent to the Committee that institutional treatment can do only so much for an addicted person.

The committee draws attention to the evidence of a number of witnesses who strongly advocated the need for follow-up and supervisory facilities for addicts who had undergone treatment, to prevent a return to drugs or to former bad associates or habits.

To make treatment a practical possibility for those addicts who may offer some promise, the committee would hope that provincial agencies, community agencies, voluntary agencies and the public generally, would do everything possible to assist in the acceptance into society of addicts who had been treated, including an opportunity of useful and gainful employment.

The committee, therefore, strongly recommends the provision of suitable treatment facilities for drug addicts, and recommends for careful study by provincial authorities the evidence of those witnesses who discussed treatment, and particularly that of Dr. Harris Isbell who is possibly one of the world's foremost authorities on the subject.

Federal Responsibility

As has been pointed out, the responsibility of the federal government by its legislation is limited to the legal distribution of narcotic drugs for medical and scientific purposes and

the suppression of the illicit use and distribution of those drugs. These measures are necessary for the protection of society.

The committee points out that it is not within the constitutional authority of the federal government to assume responsibility for treatment of drug addicts nor to enact the kind of legislation necessary in that connection. This legislation would need to include the compulsory treatment of addiction, the legal supervision and control over the individual during treatment and the right of control of an individual following treatment to prevent his return to the use of drugs, former associations or habits. These are considered to be matters beyond the competence of the federal government.

According to the evidence of Dr. L. P. Gendreau, Deputy Commissioner of Penitentiaries, there are at the present time 369 criminal addicts in federal penitentiaries. These include both male and female criminal addicts.

It is pointed out that the kind of people who are sentenced to penitentiaries, for the most part, have a long and sordid record of crime behind them. These people are criminals from whom society is entitled to be protected. Their violations of the law coupled with their criminal backgrounds are such as to require their imprisonment for lengthy periods of time. It follows, therefore, that any possibility for treatment of addicts who are sentenced to penitentiaries will offer considerably less hope than would be the case of the early offender or the addict beginner. The best hope of successful treatment of a number of people who eventually come to the attention of the penitentiary authorities would seem to lie in early rehabilitative and corrective measures.

The committee appreciates the difficult problem presented by the kind of criminal addicts who are sentenced to penitentiaries. The committee, however, suggests that the penitentiary authorities might give further consideration to the particular problems presented by criminal addicts in terms of possible segregation, treatment including specialized training and rehabilitation and other measures necessary in view of the special problems which addiction superimposes.

Penalties for Trafficking

As already pointed out, the responsibility of the federal government is essentially concerned with the enforcement of the Opium and Narcotic Drug Act to eliminate the drug traffic and to prevent the spread of the contagion of addiction. It is felt by the committee that vigorous enforcement, more severe penalties and a realistic recognition by judicial and other authorities of the extent and nature of the evil will do much to reduce the incidence of drug addiction in Canada.

The committee notes with interest the evidence of Commissioner Harry J. Anslinger, Commissioner of Narcotics in the United States, before a Special Committee of the United States Senate wherein he pointed out that in areas where low sentences were imposed, the drug problem substantially increased and in areas where there was strict enforcement with heavy sentences the drug problem showed a commensurate decrease.

The Opium and Narcotic Drug Act provides penalties of up to fourteen years imprisonment for trafficking and for possession of drugs for the purpose of trafficking. The act, properly, does not draw a legal distinction between the addict-trafficker and the non-addict-trafficker. The elimination of trafficking in drugs is the goal of enforcement and the attainment of this goal is not assisted by artificial distinctions between motives for trafficking.

The committee heard considerable evidence regarding the heavy profits of the drug trafficker and various suggestions were advanced as to how this profit could be taken out of the traffic.

It is the considered opinion of the committee that the most effective way of taking the profit out of the drug traffic is by making all trafficking, in terms of penalties, a most hazardous and costly undertaking to the trafficker.

The non-addict-trafficker, who is sometimes referred to as the "higher up" must depend upon a large number of agents or distributors to peddle the drugs which he imports but with which he seldom comes into contact. The imposition of heavy compulsory minimum sentences for trafficking is suggested as a deterrent to these hireling peddlers or pushers of the "higher up". If the higher up is not able to find a ready supply of assistants to distribute drugs to the addict population the availability of drugs to addicts may be reduced to a possible minimum.

The committee considers that the penalties for trafficking regardless of purpose, motive or amount irrespective of whether the trafficker is or is not an addict, should be made more severe, with a compulsory lengthy minimum sentence and an increased minimum

for a second or subsequent offence and possibly a maximum of life imprisonment.

In advocating the increase of penalties the committee intends that this should serve as a clear warning to all who are addicted that if they engage in the distribution of drugs in any quantity for any purpose and regardless of their motives, they can expect to be dealt with as traffickers and given heavy penalties. It is the considered view of the committee that this will act as an effective deterrent to a large number of drug addicts who might be tempted to assist in distribution and with their elimination as distributors the problem of the "higher up" in getting rid of his drugs is made more difficult.

The committee in urging severe penalties for all traffickers does not of course minimize the necessity to continue intensive enforcement in an effort to eradicate the "higher up" from this evil market.

The committee recognizes that illicit drugs are in the first instance imported into Canada by trafficker-importers. These trafficker-importers, however, seldom if ever physically carry into Canada the drugs for which they are responsible. This transportation is almost invariably done by agents or hirelings for a financial reward or perhaps for a share in the drugs. The committee strongly recommends the establishment of a special offence with a penalty of the utmost severity for the illicit importation of drugs into Canada. The committee in making this suggestion feels that a severe penalty may act as an effective deterrent to an individual in smuggling drugs into Canada for the profit of a "higher up".

Evidence was given to the committee of the skill and efficiency by which traffickers and distributors endeavour to avoid detection and conviction.

The trafficker-importer as mentioned, seldom has physical possession of the drugs for which he is responsible and he is rarely addicted to their use.

The trafficker-distributors again are seldom addicted and they too, endeavour to avoid physical contact with the drugs that they distribute. The difficulty, therefore, of apprehending the trafficker-importer or the trafficker-distributor in possession of drugs is apparent. The efforts of the enforcement authorities as pointed out by the Commissioner, R.C.M. Police, in apprehending and convicting since 1949, 36 major traffickers who received penalties ranging from two to twenty-eight years' imprisonment is, in the opinion of the committee, worthy of commendation.

The apprehension and conviction of the street peddler is one of difficulty. Enforcement has taught the peddler to be wary of strangers. He uses every device to plant drugs in convenient caches and thus in completing a transaction, avoids the risk of selling to an undercover agent. The committee therefore suggests that special attention be given by the authorities to the possibility of the facilitation of proof of trafficking at all levels, having regard to the skill and cunning displayed by traffickers and distributors, illustrations of which were given by the enforcement authorities.

It is considered by the committee that the evil of trafficking to be eliminated requires the most effective sanctions that can be devised and the provision of such facilities in the matter of proof of trafficking as are necessary to combat the traffic.

The committee heard evidence from one of Canada's most experienced prosecutors under the Opium and Narcotic Drug Act, with respect to the difficulty in getting proper evidence to lay before the court in cases of traffic conspiracy. He cited sections 15 and 18 of the Opium and Narcotic Drug Act which facilitate proof in charges under that Act but stated that these were not available to the Crown in prosecutions of conspiracy to commit an indictable offense under the Opium and Narcotic Drug Act. The committee recommends a study of the act with a view to amending legislation to overcome the difficulty.

At this point it might be stated that in order to strengthen the hands of enforcement agencies, in addition to changes in the Opium and Narcotic Drug Act, amendments are indicated, to the Juvenile Delinquents Act and the Criminal Code of Canada.

The committee recommends consideration of amendments to section 33 (1) of the Juvenile Delinquents Act which would make association of an addict with a juvenile, *prima facie* evidence of contributing to delinquency. It must be borne in mind that the drug addict carries a communicable condition and merely by associating with a non-addicted juvenile is conducting himself in a manner likely to make such child a juvenile delinquent.

Since trafficking has become a mobile industry courts should withdraw driving privileges for long periods of time from all those convicted of offences under section 4 (3) of the Opium and Narcotic Drug Act. To give them authority so to do would require an amendment to section 225 (1) of the

Canadian Criminal Code adding the offences set forth in section 4 (3) of the Opium and Narcotic Drug Act.

In advocating more severe and increased penalties for trafficking with a compulsory minimum, the committee does not do so in criticism of the length of sentences that have ordinarily been meted out to traffickers. The committee does so having regard to the elimination of street distributors and the discouragement of addicts to engage in the trafficking or transporting of drugs. There will thus be a clear and unequivocal warning to all addicts of the consequences which they can expect if they choose for any reason to become involved in the distribution of drugs.

Heavy penalties and intensified enforcement against street drug peddlers are therefore strongly urged, and in this way the committee believes that the heavy profit motive will most effectively be taken out of the drug trafficking.

The committee desires to express its appreciation to all witnesses who appeared before the committee or supplied briefs. Particular mention should be made of Chief Constable W. H. Mulligan, Vancouver, B.C., Chief Constable M. E. Anthony, Edmonton, Alta., Mr. John W. Walker, United Kingdom Delegate to the United Nations Narcotic Commission and Dr. Harris Isbell, Director of Research, United States Public Health Hospital, Lexington, Kentucky, all of whom travelled to Ottawa to appear before the committee in person.

A copy of the committee's Minutes of Proceedings and Evidence is tabled herewith.

All which is respectfully submitted.

TOM REID,
Chairman.

SCHEDULE

Witnesses who appeared before the Senate Special Committee on the Traffic in Narcotic Drugs in Canada.

Allain, G.—Inspector, Chief of Detectives, Montreal.

Anthony, Melville F. E.—Chief Constable, Edmonton.

Atherton, J. J.—Inspector, Division Personnel Officer, "A" Division, R.C.M.P., Ottawa.

Bagnall, Dr. A. W.—Representing B.C. Medical Association, Vancouver.

Beames, R. S.—Casework Supervisor of the John Howard Society of Ontario, Toronto.

Blackburne, Rev. William—Vancouver.

Brakefield, Moore E.—Superintendent "C" Division, R.C.M.P., Montreal.

Chisholm, John—Chief Constable, Toronto.

Christie, Hugh—Warden, Oakalla Prison Farm, Burnaby, B.C.

Cray, Rex—Detective, Vancouver Police Department, Vancouver.

Curran, R. E.—Senior Solicitor, Department of National Health and Welfare, Ottawa.

Davidson, Dr. Allan—Assistant Director, B.C. Mental Health Services, Essondale.

Dohm, T.—His Worship Magistrate, Vancouver.

Douglass, R.—Warden, New Westminster Penitentiary.

Elliott, Dr. George—Assitant Deputy Minister, Department of Health, Victoria.

Foulkes, Dr. James G.—Chairman of the Committee on Prevention of Narcotic Addiction, Vancouver Community Chest.

Gendreau, Dr. L. P.—Deputy Commissioner of Penitentiaries, Department of Justice, Ottawa.

Hall, Dr. J. E.—Welfare Council of Toronto and District, Toronto.

Hobden, Rev. Dr. J. D.—Executive Director of the John Howard Society of British Columbia, Vancouver.

Horton, J. C.—Superintendent of Detectives, Police Department, Vancouver.

Hossick, K. C.—Chief, Narcotic Control Division of Department of National Health and Welfare, Ottawa.

Isbell, Dr. Harris—United States Public Health Service, Addiction Centre, Lexington, Kentucky.

Leggett, T. O.—Acting Director of Police, Montreal.

Leslie, Captain William—Salvation Army, Vancouver.

MacCullie, Mrs. Edna, Vancouver.

MacLean, Dr. J. Ross—Physician, Vancouver.

MacLeod, Dr. A. W.—Assistant Director of the Mental Hygiene Institute, who appeared before the Committee as a member of the Board of Directors of the John Howard Society of Quebec, Incorporated, Montreal.

McClellan, G. B.—Assistant Commissioner, Officer Commanding, "C" Division, R.C.M.P.

Martin, Hon. Paul—Minister of National Health and Welfare, Ottawa.

Matthews, N. L.—Formerly Special Prosecutor, Department of Health, Toronto.

Mead, Clifford—Detective, Vancouver Police Department, Vancouver.

Mulligan, W. H.—Chief Constable, Vancouver.

Mutchmor, Rev. J. R.—Secretary, Board of Evangelism and Social Service, The United Church of Canada, Toronto.

Nicholson, L. H.—Commissioner of R.C.M.P.

Orr, Oscar—Police Magistrate of Vancouver and also a member of the Vancouver Police Commission.

Parker, Miss—Elizabeth Fry Society, Toronto.

Phair, J. T.—Deputy Minister, Department of Health, Toronto.

Price, Harold—Sergeant, R.C.M.P., Vancouver.

Ranta, Dr. L. E.—Chairman of Health Division, Vancouver Community Chest, Vancouver.

Richmond, Dr. R. G. E.—Physician, Oakalla Prison Farm, Burnaby, B.C.

Roberts, Dr. C. A.—Chief, Mental Health Division, Department of National Health and Welfare, Ottawa.

Shiner, E. V.—Assistant Executive Director of the John Howard Society, Montreal.

Steele, Senior Major John—Salvation Army, Vancouver.

Vaille, Charles—Representative of France on the United Nations Narcotic Commission (Brief).

Van Nostrand, Dr. F. H.—Director of Neurology and Psychiatry, Department of Reform Institutions, Toronto.

Varcoe, F. P.—Deputy Minister of Justice, Ottawa.

Walker, John H.—United Kingdom Delegate to the United Nations Narcotics Commission.

Waterston, Colonel E. T.—Secretary for Mens' Social Service, Salvation Army, Toronto.

Wilson, R. S. S.—Formerly Superintendent of R.C.M.P. (Brief).

Winch, E. E.—Member British Columbia Legislature, Vancouver.

Enforcement

Allain, G.—Inspector, Chief of Detectives, Montreal.

Anthony, Melville F. E.—Chief Constable, Edmonton.

Atherton, J. J.—Inspector, Division Personnel Officer, "A" Division, R.C.M.P., Ottawa.

Brakefield-Moore, E.—Superintendent "C" Division, R.C.M.P., Montreal.

Chisholm, John—Chief Constable, Toronto.

Cray, Rex—Detective, Vancouver Police Department, Vancouver.

Dohm, T.—His Worship Magistrate, Vancouver.

Horton, J. C.—Superintendent of Detectives, Police Dept., Vancouver.

Leggett, T. O.—Acting Director of Police, Montreal.

McClellan, G. B.—Assistant Commissioner, Officer Commanding "C" Division, R.C.M.P., Toronto.

Matthews, N. L.—Formerly Special Prosecutor, Department of Health, Toronto.

Mead, Clifford—Detective, Vancouver Police Department, Vancouver.

Mulligan, W. H.—Chief Constable, Vancouver.

Nicholson, L. H.—Commissioner, R.C.M.P., Ottawa.

Orr, Oscar—Police Magistrate of Vancouver, and also a member of the Vancouver Police Commission.

Price, Harold—Sergeant, R.C.M.P., Vancouver.

Foreign

Isbell, Harris—U.S. Public Health Service (See Treatment).

Walker, John H.—United Kingdom Delegate to the United Nations Narcotics Commission.

Vaille, Charles—Representative of France on the United Nations Narcotics Commission.

Government

Curran, R. E.—Senior Solicitor, Department of National Health and Welfare, Ottawa.

Davidson, Dr. Allan—Assistant Director, B.C. Mental Health Services, Essondale.

Elliott, Dr. George—Assistant Deputy Minister, Department of Health, Victoria.

Gendreau, Dr. L. P.—Deputy Commissioner of Penitentiaries, Department of Justice, Ottawa.

Hossick, K. C.—Department of National Health and Welfare. (See Control & Administration), Ottawa.

Martin, Hon. Paul—Minister of National Health and Welfare, Ottawa.

Phair, J. T.—Deputy Minister, Department of Health, Toronto.

Roberts, Dr. C. A.—Department of National Health and Welfare, Chief, Mental Health Division, Ottawa.

Varcoe, F. P.—Deputy Minister of Justice, Ottawa.

Winch, E. E.—M.L.A. Vancouver. (See Rehabilitation).

Health and Welfare

Roberts, Dr. C. A.—Chief, Mental Health Division of the Department of National Health and Welfare, Ottawa.

Narcotics Control and Administration

Hossick, K. C.—Chief, Narcotic Control Division of the Department of National Health and Welfare, Ottawa.

Reform Institutions

Christie, Hugh—Warden, Oakalla Prison Farm, Burnaby, B.C.

Douglass, R.—Warden, New Westminster Penitentiary.

Gendreau, Dr. L. P.—Deputy Commissioner of Penitentiaries, Department of Justice, Ottawa.

Van Nostrand, Dr. F. H.—Director of Neurology and Psychiatry, Department of Reform Institutions, Toronto.

Rehabilitation

Blackburne, Rev. William—Vancouver. (See Religious Groups).

MacCullie, Mrs. Edna—Vancouver.

MacLean, Dr. J. Ross—Physician, Vancouver.

Wilson, R. S. S.—Formerly Superintendent of R.C.M.P. (an Appendix in No. 13).

Winch, E. E.—Vancouver. (See Government).

Religious Groups

Blackburne, Rev. William—Vancouver.

Mutchmor, Rev. J. R.—Secretary, Board of Evangelism and Social Service, The United Church of Canada, Toronto.

Salvation Army—See Welfare Delegations.

Research

Isbell, Dr. Harris—(See treatment)

Richmond, Dr. R. G. E. (See Treatment)

Roberts, Dr. C. A.—(See Government)

Stevenson, Dr. G. H.—Director Drug Addiction Research, University of B.C., Vancouver.

Treatment

Bagnall, Dr. A. W.—Representing B.C. Medical Association, Vancouver.

Isbell, Dr. Harris—U.S. Public Health Service (Addiction Centre) Lexington, Kentucky.

Richmond, Dr. R. G. E.—Physician, Oakalla Prison Farm, Burnaby, B.C.

Welfare Delegations

Catholic Welfare Federation, Montreal.
Elizabeth Fry Society—Miss Parker, Toronto
John Howard Society—
Beames, R. S., Casework Supervisor of the Society of Ontario, Toronto.
Hobden, Rev. Dr. J. D., Executive Director of the Society of B.C., Vancouver.
MacLeod, Dr. A. W., Assistant Director of the Mental Hygiene Institute, Montreal—appeared before Committee as member of the Board of Directors of the Society of Quebec Incorporated.
Shiner, E. V., Assistant Executive Director of the Society, Montreal.

Salvation Army

Leslie, Captain William, Vancouver.
Steele, Senior Major John, Vancouver.
Waterston, Colonel E. T., Secretary for Men's Social Service, Toronto.

Vancouver Community Chest

Foulks, Dr. James G.—Chairman of the Committee on Prevention of Narcotic Addiction.
Ranta, Dr. L. E.—Chairman of Health Division.

Welfare Council of Toronto

Hall, Dr. J. E.

THE SENATE

Monday, June 27, 1955

The Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

ST. LAWRENCE SEAWAY AUTHORITY BILL

FIRST READING

A message was received from the House of Commons with Bill 508, an Act to amend the St. Lawrence Seaway Authority Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

APPROPRIATION BILL NO. 4

FIRST READING

A message was received from the House of Commons with Bill 509, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

The bill was read the first time.

SECOND READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. W. Ross Macdonald: Honourable senators, may I have the consent of the house to move that this bill be read a second time now?

Hon. Mr. Haig: Is this a bill to provide supplementary supply for the month of July only?

Hon. Mr. Macdonald: For the month of July only.

Hon. Mr. Haig: Agreed.

Hon. Mr. Macdonald: Then I move the second reading.

Honourable senators, this is a further interim supply bill, for one-twelfth of the total sums to be spent during the current year, to provide for the requirements for the month of July. Unlike our previous interim supply bills, this one contains no additional appropriations for any special items, and in no instance is the total amount of any item being released.

On the second reading of an interim supply bill it is customary to give an undertaking that passage of the bill will not preclude discussion of the estimates later, and at this time I give the usual undertaking—the same undertaking that I gave on the second reading of the previous interim supply bill.

Hon. John T. Haig: Honourable senators, I received a copy of this interim supply bill four or five days ago; and as the honourable Leader of the Government has just said, it covers only one-twelfth of the estimates, to provide for the month of July.

I understand the House of Commons had hoped, and certainly we had hoped, that we would not have to vote interim supply at this time; but we have no alternative, for it is clear that the session will continue into July.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: With the consent of the house, I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

MUNICIPAL GRANTS BILL

PAYMENTS TO MUNICIPALITIES

Hon. W. Ross Macdonald: Honourable senators, last Thursday, when we were on the second reading of the Municipal Grants Bill the honourable senator from Halifax-Dartmouth (Hon. Mr. Isnor) asked me if I would place on record a statement of the grants paid to various municipalities under the act. I said I would do so on third reading; but as I have received the information I will, with the permission of the house, place it on *Hansard* now, so that it will be before the committee when it meets on Wednesday. Have I the consent of the house to place the statement on *Hansard*?

Hon. Senators: Agreed.

The statement follows:

Calculation of 1954 Grants

		1954 Grant *Actual*
P.E.I.	—Charlottetown	$ 1,861
	Georgetown	222
N.S.	—Halifax	363,706
	Amherst	6,641
	Canso	3,187
	Dartmouth	45,297
	Kentville	6,214
	Parrsboro	1,230
	Pictou	5,395
	Wolfville	2,283

Calculation of 1954 Grants—concluded

		1954 Grant *Actual*
N.B.	—Fredericton	43,318
	Moncton	30,587
	Saint John	80,791
	Lancaster	34,664
	Chatham	9,093
	Newcastle	7,276
Que.	—Hull	86,637
	LaSalle	34,008
	Lauzon	4,195
	Senneville	5,921
Ont.	—Ottawa	1,427,237
	Cobourg	47,105
	Geraldton	31
	Gloucester	6,801
	Kingston	42,323
	Little Current	3,660
	Nepean	20,079
	Prescott	6,544
Man.	—St. James	1,632
	Swan River	608
Sask.	—Prince Albert	6,276
	Fort Qu'Appelle	4,544
	Ituna	293
	Scott	1,473
Alta.	—Calgary	30,180
	Leduc	617
	Strathmore	716
B.C.	—New Westminster	28,362
	Delta	13,274
	Richmond	15,393
	Saanich	2,492
Y.T.	—Whitehorse	9,117
N.W.T.	—Hay River	1,479
	Yellowknife	3,866

PUBLIC BILLS

SUSPENSION OF RULES

Hon. W. Ross Macdonald moved, pursuant to notice of June 22:

That from this day until the end of the present session, Rules 23, 24 and 63 be suspended in so far as they relate to public bills.

He said: Honourable senators, on Wednesday of last week I gave notice that I would move this motion tonight. I understand that it is customary to pass this motion near the end of every session. The present session is, we hope, rapidly drawing to a close, and it may be necessary at times to give a bill more than one reading in one day; but I assure the house that if the motion passes I shall not seek to make use of it unless in the view of the house it is necessary to do so.

The motion was agreed to.

BLIND PERSONS BILL

SECOND READING

Hon. Clarence J. Veniot moved the second reading of Bill 350, an Act to amend the Blind Persons Act.

He said: Honourable senators, the purpose of this amending bill is clearly indicated in the explanatory notes. The amendments to the Blind Persons Act propose to do three things.

First: the age at which blind persons become entitled to an allowance will be lowered from twenty-one years to eighteen years.

Second: the maximum annual incomes allowed recipient blind persons will be increased as follows: for an unmarried recipient without dependents the ceiling will be raised from $840 to $960, an increase of $120 per annum; for an unmarried recipient with a dependent the ceiling will be raised from $1,040 to $1,160, an increase of $120 per annum; for a married recipient living with his sighted spouse the ceiling will be raised from $1,320 to $1,560, an increase of $240 per annum; and for a married recipient living with a blind spouse—that is, where both husband and wife are blind—the ceiling will be raised from $1,440 to $1,680, an increase of $240 per annum.

Third: the age of eligible recipients as defined in agreements between the provinces and the federal Government is lowered from twenty-one to eighteen years.

Honourable senators, this bill received unanimous approval in the House of Commons, and the second reading was followed by the third reading within a few minutes. I have no doubt that this humane bill will receive similar treatment at the hands of the honourable members of this house.

Hon. Senators: Hear, hear.

Hon. John T. Haig: Honourable senators, I am sure we all join with the honourable gentleman from Gloucester (Hon. Mr. Veniot) in support of this legislation. I merely wish to say that the faster the bill can be put through the better we will like it.

Hon. Senators: Hear, hear.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Veniot: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

JUDGES BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 505, an Act to amend the Judges Act, and the judicature provisions of the Yukon Act and the Northwest Territories Act.

He said: Honourable senators, the main purpose of this bill is to increase by the sum

of $2,500 the salaries of judges of the Supreme Court of Canada, the Exchequer Court of Canada, the Superior and County Courts of the provinces and the Territorial Court of the Yukon Territory, as well as that of the new judge who will be appointed to the Territorial Court of the Northwest Territories. I believe I have covered in that statement all the judges who will be affected by this bill.

The bill also provides for an increase in the number of judges in British Columbia by two; that is, by one each for the Court of Appeal and the Supreme Court, Trial Division. If the bill is passed the Court of Appeal will consist of the Chief Justice and six Justices of Appeal; and the Trial Division will consist of the Chief Justice of the Supreme Court and nine judges.

At present, the judge of the Territorial Court of the Yukon Territory is *ex officio* judge of the Territorial Court of the Northwest Territories. Under the bill a new judge will be appointed for the Northwest Territories, and the present judge will perform his duties in the Yukon Territory only.

Hon. Mr. MacKinnon: May I ask the honourable leader where the new judge will reside?

Hon. Mr. Macdonald: I understand that he will reside at Fort Smith, although that is not stated in the bill.

The bill permits increases in the travelling allowances to judges while away from their homes on judicial duties. The act at present provides that a judge may receive by way of living expenses while away from home the sum of $12 a day, if the place is a city, and $8 if the place is not a city. By section 4 of the bill the allowance may be increased in special circumstances prescribed by the Treasury Board, from $12 to $15 in a place that is a city, and from $8 to $12 in a place that is not a city.

As honourable senators well appreciate, it is difficult to find a hotel room in some cities today for less than, say, $9, and in centres smaller than cities at less than $8 a day.

Section 5 of the bill has to do with annuities to judges upon retirement. Under the present act a judge when he is appointed can elect how he will take his pension—namely, two-thirds of his salary—after having served at least ten years and having reached the age of seventy-five years. He can elect to have one-third of his pension payable to his wife, in which event he upon retirement would get two-thirds of his pension. If the judge predeceased his wife she, having become his widow, would continue to get one-third of his pension ; but if he outlived her, he would continue to receive his two-thirds of the pension.

By section 5 of this bill a judge would not make an election with respect to his pension. Upon retirement he would receive two-thirds of his salary by way of pension, and should he predecease his wife she, as his widow, would receive one-third of his two-thirds, namely, two-ninths of his salary.

Hon. Mr. Burchill: Does she receive two-ninths in addition to the one-third?

Hon. Mr. Macdonald: No. The point is that should the wife die first the judge would continue to get the full pension.

Hon. Mr. McDonald: Would the honourable leader tell us how long it has been since the judges have had an increase in salary?

Hon. Mr. Macdonald: I regret that I do not have the date of the last increase before me; however, I know it was some years ago. As honourable senators know, the question of increasing judges' salaries has been before the Government for some time, and after giving the matter full consideration it has placed this bill before Parliament. The measure has passed the House of Commons, and I recommend it to the favourable consideration of this house.

Hon. R. B. Horner: Honourable senators, I regret that I am unable to support this bill to provide increased salaries for judges. In the first place, it is scarcely more than four years since their salaries were increased. Further, I am wondering if the Government leader has his facts clear on the matter of expense allowances to judges. It seems to me that quite recently we passed legislation by which the allowance in cities was increased from $12 to $25 a day.

Hon. Mr. Macdonald: My only authority for saying what I did is the provision contained in section 4 of the bill now before us, which contains the following two new paragraphs dealing with allowances for judges when travelling to places away from their homes:

(i) if that place is a city, twelve dollars, or fifteen dollars in special circumstances prescribed by the Treasury Board, or

(ii) if that place is not a city, eight dollars, or twelve dollars in special circumstances prescribed by the Treasury Board.

Hon. Mr. Horner: I can quite understand, honourable senators, that a bill of this kind may perhaps be a little embarrassing to members of the legal profession, and I wonder whether they would be competent to take an unbiased vote on such a measure.

It is my feeling that this bill has been presented at a most inopportune time; certainly the matter could quite easily have been put over until the next session. Part of the economic picture in Canada today is not at all clear. According to figures from the

Dominion Bureau of Statistics, the income of the farmers this year has declined 7 per cent, and I only wish I had some assurance that their incomes would not drop even more in the year ahead. Further, it is becoming more apparent that industrialists and manufacturers are finding competition in world markets increasingly difficult to meet. I should like to refer to a textile centre where a son of mine is employed today. The management of that industry was facing serious difficulties and eventually called in its employees and placed before them this proposition: either they could accept a 30 cent an hour drop in pay or the plant would have to shut down and they would be laid off. The employees, being anxious to hold on to their jobs and maintain the homes they had bought in that centre, had little alternative but to accept the drop in pay.

We have heard a good deal of comment about the difficulties facing the rubber footwear industry. There seems little hope that it will be able to continue long to pay present wages and at the same time compete with products coming into our market from other countries.

It is for such reasons as these, honourable senators, that I say this bill is presented to Parliament at an inopportune time. To my way of thinking it has a dangerous and an unsettling effect on an economy in which we are attempting to hold the line against inflation. We hear a good many complaints every time labour makes a break and secures a wage boost. Here is an opportunity for the Senate to exercise its sober second thought and permit this measure to stand over until next year.

I may say that I know something about judicial appointments. In my experience I have found that appointment to the Bench is very highly desired by lawyers. It is, indeed, a great honour. However, we are to infer from the remarks of the Minister of Justice during the debate on this bill in the other house that it is difficult to attract to the Bench competent men well learned in the law, because of the large incomes which good lawyers can earn as corporation counsel. Now, honourable senators, we all know very well that there are a few fortunate individuals, who, maybe through special circumstances and ability, are paid big sums as counsel for large corporations, but that is not true of the average lawyer. I know of quite a number of lawyers whose income from their law practice is but a small part of their total income. And when a lawyer becomes a judge there is nothing to prevent him from continuing to own real estate and collect rents, or to receive income from sound investments. We hear and are told that to be appointed a judge a lawyer must have been successful. Well, if he has been successful he has acquired some wealth and has made some investments, from which, as I say, he can continue to draw the income.

Then, honourable senators, there is another point in connection with this whole question of the appointment of judges. When I first went west, the western provinces had no universities, and the members of the legal profession practising in the West all came from eastern universities. But such is not the situation today, nor has it been for many years. Today there are universities in every one of the western provinces and they are turning out a large crop of lawyers every year. As a matter of fact, there are a great many able lawyers, capable of making first-class judges, who I am sorry to say are not earning very large incomes.

Then there is this to be considered. A judge on retirement receives a pension of $10,000 a year, to which he contributes nothing. If he should die, his widow is entitled to a pension of $3,500, again without any contribution whatever. Compare this with the treatment of school teachers. It surely is of very great importance to the welfare of this country that our school teachers be paid a just and sufficient salary. Now out of the salary they do receive, their pension contributions are deducted. If that money were taken and invested wisely they would be paying entirely for their pensions. I say this to contrast their position with that of judges, who do not contribute to their pensions at all.

Further, in nearly every one of the provinces we read of county court judges today being paid a certain amount. However, that amount is not their entire salary. In some of the provinces, I understand, judges are allowed $2,500 extra; in Saskatchewan, for instance they get $1,500 for probate and surrogate court work, over and above their county court salary.

I feel quite keenly, honourable senators, that there is not the slightest reason for the increase proposed in the bill, and I have not been convinced that there is the slightest necessity to raise these salaries in order to secure good and competent men. As a matter of fact, the thought struck me a short while ago that possibly we would have to consider raising the salaries of our policemen, men in important posts on the police force.

A rather unusual argument was advanced in the House of Commons by the now independent member for Moose Jaw-Lake Centre, that judges have to give up friendships and personal associations. That certainly has not been so, according to my observation. I will admit that a judge should not have resort

to certain places, but for the life of me I do not think he is barred from social life in any way. I think that was rather a strained argument.

Honourable senators, I think everyone should consider this matter quite seriously, in view of existing conditions. A great number of our people, and certainly our farm people, are facing a lower income than they formerly enjoyed. Others too are in this position, I fear. Considering the extra money that judges often are enabled to make, and the non-contributory feature of their pension, I think that this chamber should take a serious second look at this piece of legislation. In all sincerity, I feel that in doing so we would be rendering a service to, shall I say the general welfare of our people, and to labour and labour organizations. And may I say here that I certainly believe that if any increase like this is granted we are going to have more and greater demands by labour unions.

Honourable senators, let me say again that I feel that this bill should not be passed at this time. Perhaps in another year it might be wise to pass such a measure, but I do believe it would be very unwise to do so at present. There is no evidence of any shortage of good candidates for the Bench. I am sure that every senator who knows the circumstances in the district where he lives is aware that there is a surplus of able lawyers who would be delighted to accept appointments as judges. So I submit that there is no necessity at all for this salary increase, and in fact it may do great injury.

When the motion is made for third reading I may go so far as to move that the bill be not now read the third time. However, I will consider that later.

Hon. A. K. Hugessen: Honourable senators, I am afraid the honourable senator from Blaine Lake (Hon. Mr. Horner) might not think me competent to discuss this bill, inasmuch as I am a member of the legal profession, but I may assure him that I have no intention or no ambition to go on to the Bench—

Hon. Mr. Horner: No, but you plead before judges.

Hon. Mr. Hugessen: —and so far as I personally am concerned, the provisions of this bill will never affect me in any way. I must say that I disagree with the honourable senator. I think this is a reasonable bill. It is always difficult to assess what the public ought to pay judges for the exceedingly important work which they perform; but, generally speaking, I do not think that it can be said that in this country our judges are overpaid; in fact, I think rather the contrary is the case, and that in past years we have not paid our judges as much as we should have. If one takes Great Britain as an example: away back, I think a hundred and fifty years ago, the High Court judges received salaries of £5,000 a year; and honourable senators will easily realize what that salary must have meant in the early days of the last century, when prices were perhaps one-tenth of what they are today, and there was no such thing as income tax.

It seems to me that under the conditions existing today there should not be any objection to increasing the salaries of judges subject to federal jurisdiction by what might be termed an overall figure of $2,500 each. That addition is, I suggest, justified by the increase in the cost of living which has taken place over the last few years; and on that basis it is probably right to do what this bill seeks to do, and to make a blanket increase of the same amount for each judge, whether he be a judge of a County Court or a Supreme Court, solely on the basis that it costs that judge more to live today than it did four or five years ago. Even with this increase, in my opinion—and here again I must disagree with the honourable senator from Blaine Lake—the remuneration which will be paid to our judges will certainly be no more than sufficient to attract to the Bench the type of men whom it is necessary to obtain if the high quality and the great traditions of our Bench are to be maintained.

I notice that in my own province, Quebec, the judges of the Superior Court other than the Chief Justice are to receive salaries of $16,900. If I remember rightly, when I was called to the Bar—I fear, over forty years ago—the salaries of the judges of our Superior Court were $9,000 a year.

Hon. Mr. Haig: Six thousand.

Hon. Mr. Hugessen: As I recall, it was more than that.

Hon. Mr. Haig: No, the salary was $6,000 a year for judges of the superior courts of Quebec, of Ontario, Manitoba and all the other provinces.

Hon. Mr. Hugessen: If the statement of my honourable friend is correct, that the salary was formerly $6,000, today $16,900 is not much more than the equivalent of what was paid forty years ago. My honourable friend might be right; if he is, perhaps I should say that I think the salaries of the judiciary in those days were insufficient. But I do not think that today a salary of $16,900 for a superior court judge is more than adequate.

Hon. Mr. Macdonald: The $6,000 then paid was not subject to any income tax.

Hon. Mr. Hugessen: As my honourable friend says, of course in those days there was no income tax.

Hon. Mr. Haig: Pardon me for the interruption, but probably I should correct my statement. The date I had in mind was 1911: I know that the amount was $6,000 then.

Hon. Mr. Hugessen: My reference was to 1915 or 1916, when I first came to the Bar. I think it is reasonable to say that the increase in the cost of living justifies an across-the-board increase at this time in the salaries of our judges in the amount of $2,500 a year.

There is only one thing in this measure that worries me a little. Section 8 of the bill, which deals with pensions, provides no increase in the pensions of the judges, and states in effect that for the purpose of calculating the pensions which they will receive in future their salaries shall be deemed to be the salaries that they received before they got this increase. It seems to me to be illogical, if an increase to judges now on the Bench is to be given on the basis of the increase in the cost of living, that there should not be a proportionate increase provided for them when they retire, and for their widows.

Hon. Mr. Turgeon: Does section 8 apply to judges who will be appointed after this proposed amendment has become law?

Hon. Mr. Hugessen: Oh, yes.

Hon. Mr. Turgeon: It applies to them all?

Hon. Mr. Hugessen: I refer my honourable friend to the explanatory note on section 8, which states:

> This clause provides that the increase in salaries under this bill will not result in increased annuities to judges or their wives or widows.

I want to end on a note of inquiry—to ask the honourable Leader of the Government (Hon. Mr. Macdonald) if he will let us know the basis and the reason for section 8.

Generally speaking I must say, interested party though I may be, that I think this measure is justified and, if anything, is overdue.

Hon. Mr. McDonald: Could the honourable senator give us any idea of how this proposed increase corresponds with the salaries for similar judicial positions in the country to the south of us?

Hon. Mr. Hugessen: I understand that recently the salaries of federal judges in the United States have been very substantially increased; that is, to a considerably greater extent than is proposed in this bill. Perhaps the honourable gentleman from Toronto-Trinity (Hon. Mr. Roebuck) would know more about it than I do, but I think the minimum salary of any federal judge in the United States under the new legislation will be of the order of $25,000.

Hon. Mr. Haig: I notice there are sixty-three judges and junior judges of county and district courts in Ontario. Are there any county court judges in Quebec?

Hon. Mr. Hugessen: The number of Superior Court judges in Quebec is a great deal larger than the number of High Court judges in Ontario, but there are no county and district court judges in Quebec.

Hon. Thomas Reid: Honourable senators, the honourable gentleman from Inkerman (Hon. Mr. Hugessen) thinks it is illogical that the salaries of judges are to be increased in keeping with the increase in the cost of living and that there is not to be a proportionate increase in the pensions provided for them when they retire and for their widows. Well, if the Government should see fit to increase the pensions of retired judges or their widows I would come out vigorously on behalf of the great band of civil servants who years ago were placed on superannuation and for whom the increased cost of living has greatly reduced the value of their pensions. In those circumstances I certainly could not sit quietly by and see the Government award retired judges or their widows increased pensions just because judges' salaries are being increased. If that were done it would be a grave injustice to superannuated civil servants who have been pleading for at least ten years to have their pensions increased.

It seems rather strange that this legislation should authorize a blanket increase in the salary of judges, and I think it marks the first time that such an increase is being made. Naturally it has raised some question. I agree with the honourable senator from Blaine Lake (Hon. Mr. Horner) that there has been no dearth of applicants for judgeships in this country. I could tell you the names of six applicants that have been referred to me regarding one recent vacancy on the Bench in British Columbia. It is a great honour to be appointed a judge, and we have never had trouble filling vacancies. And let me say here that I am one who believes that had the indemnities of senators not been increased it would still have been possible to find many leading citizens desirous of being appointed to the Senate just for the honour attached to the appointment.

I notice that provision is made for only fifteen judges and junior judges of county

courts in British Columbia, but for eighteen district court judges in Saskatchewan. Why is this, when Saskatchewan's population is only 842,000 whereas British Columbia's is 1,245,000? I always thought that judges were appointed on a basis of population.

Hon. Mr. Haig: No.

Hon. Mr. Reid: Our population in British Columbia has been increasing at a greater rate than Saskatchewan's, yet we have fewer judges. This arouses my curiosity.

Hon. Mr. Horner: Some judges in Saskatchewan may be acting as diplomats and may not be serving on the Bench at all.

Hon. Arthur W. Roebuck: Honourable senators, I have very little to say on this bill. In the first instance I should like to compliment the honourable gentleman from Blaine Lake (Hon. Mr. Horner) upon the stand that he has taken tonight. It is very easy to be generous with public money. It is not a popular thing, as a rule, to oppose generous expenditures of public money, and those who call them into question when it is their right to do so are performing a public service. However, while I compliment the member from Blaine Lake it does not mean for a moment that I agree with him. I like to be economical, but I think it is more important to be wise than to be merely penurious, and one frequently gets more for his money by paying what an article is worth than by bargaining and chiselling and getting the lowest price possible.

My honourable friend from Blaine Lake spoke about farmers. Well, they have been enjoying a pretty good time in recent years. I was a farmer myself a long time ago and I know what conditions were on farms in Ontario back in the late eighties and early nineties. Farmers were very poor then, but conditions have changed and in recent years many a farmer has been ready to retire on his earnings.

My honourable friend talked about manufacturers. There are some who have been having a hard time just of late. Unfortunately, in Canada we have a number of manufacturing concerns that have no special advantage because of the country in which they carry on their operations. A number of them are doing things that are not indigenous to this land and are living on special privileges which Parliament accords them.

Hon. Mr. Horner: It might be helpful if the honourable senator would name these manufacturers.

Hon. Mr. Roebuck: I am speaking, for instance, of the textile industry. It is not indigenous to Canada. The raw materials are imported into this country, and were it not for the fact that Canadians are ready to pay more than the product is worth on the open market the Canadian textile industry would not survive. But the great majority of manufacturers in recent years have been doing very well indeed, and not a few of them have become extremely wealthy.

My friend spoke about police. I think he was in favour of increasing their salaries. I am glad to be able to say that police salaries in Ontario have been increasing substantially in recent years, and I have had the honour to take part in many arbitrations that have gone on all over the province—arbitrations between police associations and police boards. In almost every instance salaries were raised, so that today we have the skilled policeman receiving wages that at least enable him to live among his neighbours in a self-respecting way. The dividends have been excellent.

My friend suggested that the increase in judges' salaries should be delayed until conditions have improved. One need only read the financial reports to see that many industries are prospering. According to the Minister of Finance, Canada will have a larger national production this year than at any time in history.

My friend from Inkerman (Hon. Mr. Hugessen) referred to the salaries of Superior Court judges. But let us consider the sixty-odd judges of the County and District Courts of the Province of Ontario. Under the provisions of this bill they would be paid $10,500. I can state from personal knowledge that a lawyer of good ability who cannot make $10,500 a year in private practice is unfortunate. I know many young lawyers who have recently graduated from Osgoode Hall and are making at least that amount, and some very much more.

It is not so much a problem of getting men to accept appointments of this kind. Of course, as stated by the honourable senator from New Westminster (Hon. Mr. Reid), people would accept appointments to the Senate if the sessional indemnities had not been increased—and, I suppose, even if no indemnities at all were paid—but no one having any appreciation of the importance of this body would suggest for one moment that public funds should be saved by the abolition of these indemnities. As a matter of fact, the public would not get service from the Senate if that were done. Nor would the public get service from the House of Commons if we reverted to the practice of the old days when only men of independent means represented the people in Parliament.

Somebody could always be found to accept

paid, but surely that is not the test of what should be paid. Is not the better test this, that men who are charged with the responsibility of declaring and administering the law of the land should at least be endowed with a standard of living equal to that of lawyers who stand reasonably high in their profession? I am not suggesting that the salaries of judges should equal the incomes of lawyers who are tops in their profession, for that never was the case. The increase provided in the bill would bring the salaries of judges up to a standard of living approximating only that of the moderately successful lawyer in private practice.

The honourable senator who spoke before me lives in Blaine Lake. I have not had the pleasure of visiting Blaine Lake, but I hope to do so some day, and I am sure that when I do I shall receive a welcome from my friend. I rather fancy that from personal experience he is not in a very good position to compare the cost of living at Blaine Lake with that of, say, my city of Toronto. I know from personal experience that a man in Toronto engaged in important duties such as judging between litigants could not possibly support himself and his family, on less than $10,500 a year. I know from experience what it costs to live in our great cities. And Toronto is not in any special classification; Montreal and other large cities, as well as many smaller communities, are expensive places in which to live, to keep a wife and bring up a family in decency. It is not so much an increase in the cost of living that concerns us, but rather the higher standard of living which men of ability and success now enjoy in Canada. Everywhere we find people spending more freely, enjoying more luxuries, with larger amounts of money passing through their hands than ever before. It is necessary to increase the salaries of our judges so that they may be able to maintain a favourable position among their fellowmen, in keeping with the gradual, steady and persistent improvement in the standard of living. I think that reason justifies the proposed increase in salary more than any other reason.

Just a word or two in conclusion. My friend from Blaine Lake questioned the competence of lawyers to speak in matters of this kind. Well, judges are part of the profession to which I belong. It is possible that I know more about the subject than some who do not belong to that profession, and it might be—

Hon. Mr. McDonald: There are lots of applicants for the position of judge.

Hon. Mr. Roebuck: Don't worry—I am not an applicant.

Hon. Mr. Horner: As a lawyer, you appear before judges.

Hon. Mr. Roebuck: I have done so until lately, but I do not expect to appear much in the future. However, I wonder if my friend realizes the independence with which the Bar addresses the Bench? If he attended our courts he would observe how little grovelling to the judges there is by those who appear before them, and how much plain talk there is, and how honestly the Bar expresses its opinions, whether the Judges like it or not. I hold in my hand right now a brief on behalf of the public of Canada and I can assure my friend that I could not be influenced in the slightest degree against expressing my opinion if I were opposed to this measure. No judge can dictate to me, or ever has done. In saying so, I believe I am speaking for the rest of my fellow members of the Bar as well as for myself.

Honourable senators, I honestly believe that this bill is in the public interest, and I shall vote for it with pleasure.

Hon. John T. Haig: Honourable members, I did not intend to take any part in this discussion, although I realize the nature of the bill and the importance of the discussion probably as well as any other member in the house. This is a very difficult problem. Let me start out by saying that I had been a practising lawyer long before I was summoned to the Senate, in 1935, and I have been in practice ever since. In all my years of practice I have heard of only two lawyers, and they were from Ontario, who at some time in the dim past had voted for the Conservative party and were later appointed judges by a Liberal government. I think that is the situation right across Canada. Fundamentally, it is felt that there must be some reason why only a lawyer who supports the Liberal party in season and out of season can be appointed to the Bench.

Hon. Mr. Hugessen: No, no.

Hon. Mr. Roebuck: Will my friend allow a question? Will he give us the names of the Liberals who were appointed to the Bench under the previous Conservative administration?

Hon. Mr. Haig: Sir John A. Macdonald appointed a good many of them.

Hon. Mr. Roebuck: None that I have heard of.

Hon. Mr. Haig: For argument's sake let us assume that half the lawyers in the country are Conservatives, with perhaps a few C.C.F. and Social Credit supporters thrown in. Nobody from that large body of men ever receives a judgeship under the

Liberal government, and the people of Canada feel there must be some reason for that situation. Because of that feeling, there is hostilitiy from some quarters to this legislation. Certainly, it is not that any of us have any quarrel with the judges, and particularly those of us who are members of the Bar of any one of the provinces. I say to my friend from Blaine Lake (Hon. Mr. Horner) that the lawyers in this house appreciate full well that the independence and freedom of this country depend more on the conduct of judges than on any other class in our communities.

Having been a practising lawyer in Winnipeg for more years than I would like to tell, in the low as well as the high courts, I say without hesitation that I have never found a judge hostile towards me because I was a Conservative and he was at one time a Liberal. And certainly he could not claim not to know where I stood politically, because I was always active and everyone knew my stand. The judges who were once Liberals treated me as fairly as any lawyer who happened to be equally strong in his Liberal persuasions.

I take this opportunity, honourable senators, to say that I think the system of appointment of judges to the Bench requires some change and reorganization. It has been argued that certain lawyers in Ontario have large incomes and cannot be attracted to judgeships. That may also be true of Quebec, which is also a wealthy province. However, it does not apply to the average practising solicitor in my province, because I doubt if there are more than twenty whose earnings reach $20,000 a year. True there are lawyers whose income reaches that figure, but they make it not as practising solicitors, but as directors and managers of companies.

I may say to my honourable friend from New Westminster (Hon. Mr. Reid) that the reason, if there is a reason, for that flat increase in salaries is particularly to take in the judges of the lower courts, and to pay them a salary commensurate with the work they are doing. When the lower court was originally set up—and the honourable senators from Toronto-Trinity (Hon. Mr. Roebuck) and Inkerman (Hon. Mr. Hugessen) will recall the details—its jurisdiction was limited to, I think, $500, but it has now been extended in most provinces to about $1,000. A great many more cases now come before that court, and the present salary range does not compensate those judges for the volume and importance of the work they do.

I come next to the question of pension. I do not agree with what my friend from Inkerman said, that the change provided by the bill is to meet the increased living cost. I am more inclined to agree with the honourable senator from Toronto-Trinity, that the increase is intended to make a judge feel that in our scheme of things we recognize the importance of his work and we want to see that he is properly provided for. Certainly, the motive which would influence me to support this legislation would be a proper recognition of the importance of the work judges do. I say with all humility that only a lawyer who must appear before judges from time to time realizes how important it is that the judge in each instance be a man of integrity and common sense, who loves freedom and fair play and who has pride in the institutions of his country. The lawyer knows that only such a man can fairly adjudicate on the differences of the parties concerned. It is sometimes a little difficult for counsel to quickly place the merits of a case before the Bench, but a keen-minded judge can soon grasp the pertinent points and get a true perspective of the case in hand.

I do not think that this measure touches on the labour question. If that were true, I would not vote for it. I am inclined to follow the thinking of my friend from Blaine Lake (Hon. Mr. Horner). We must not fool ourselves; we are today running into severe world competition in trade. It is all very well for the Minister of Finance to say that we are going to make more money this year and next year. We have only to listen to the views of men from this chamber who have recently travelled abroad, all of whom come back with the same story, that we are facing stiffer competition from Great Britain, Germany, Japan and many of the northern European countries.

To illustrate the effect of competition, let us look at what happened when tenders were called for the building of an electric power line from Vancouver to Victoria. A Vancouver company quoted approximately $4 million, while an English company tendered at $3 million. The reason given for the lower tender was that the British Company would pay $1 million less in wages than would the Canadian company.

Something has been said tonight about farmers' incomes. Let me emphasize the fact that this Government has not let the farmers make all the profit they should. Under the wheat agreement made earlier with Great Britain the Canadian farmers were skinned —that is the only word to use—out of $600 million to which they were entitled. It is all very well for the people of this country to blow their horns and to give themselves credit for the generosity the Government had shown

to the British people, but the cost of such generosity should be borne by the people of Canada as a whole, not by just the farmers.

Now, honourable senators, to come back to my subject. Pardon me for being off the subject a little, Mr. Speaker, but it was because my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck), mentioned the farmer—

Hon. Mr. Roebuck: I did not start it.

Hon. Mr. Haig: No, but you mentioned it.

Hon. Mr. Roebuck: The honourable senator from Blaine Lake (Hon. Mr. Horner) spoke about it first.

Hon. Mr. Haig: The honourable member from Blaine Lake mentioned it and you took him up, and all I have done is follow along.

I propose to vote for the bill, but I hope that when making future appointments this Government will switch its tactics and choose the best men available for the Bench, irrespective of what their politics may be. Speaking for my own province of Manitoba, I cannot name one judge who has been appointed to the Bench in the last twenty years who was not previously a dyed-in-the-wool Liberal.

Hon. Mr. Burchill: May I say something?

Hon. Mr. Haig: Wait until I finish.

In Saskatchewan I think there are some judges who were Conservatives, but in Manitoba there is only one Conservative left, and he was appointed in 1933 by the Right Honourable R. B. Bennett. Judges should be chosen from the Bar as a whole, and their politics should not be a criterion one way or the other. No one can tell me that politics do not influence appointments today. The minute a vacancy occurs in our province the boys at the club all gather around and speculate as to who will be the new judge. But nobody would ever put a Conservative name on the list, for they all know that he would not get the appointment. They put down five or six Liberals, and the procedure is to strike them off one by one until there are three left. I call the attention of the honourable senator from New Westminster to this procedure, for there may be three new appointments to the Bench in his province very soon. I may say that one Conservative, the Honourable Mr. Justice Charles H. Locke, has been appointed to the Supreme Court of Canada.

Hon. Mr. Turgeon: Yes, and he is one of the best judges that we have on that court today. He was one of the ablest lawyers who ever practised in the province of British Columbia; and, in addition, before he went on the Bench, he was one of the hardest-working Conservatives in that province.

Hon. Mr. Haig: Well, he was brought up and trained properly in Manitoba, so that fitted him for the position. His father was a judge in Manitoba.

My honourable friend from New Westminster (Hon. Mr. Reid) said something about appointments to the Senate. I do not know what the proportion is in British Columbia, but the chances of a Manitoban being appointed to the Senate is only one in 27,000. As a matter of fact, it is harder to get into the Senate than it is to get on the Bench. When a person is appointed to this chamber he comes here with his politics, but we do not expect a man to be elevated to the Bench because of his political acumen or experience, or for the work that he has done for a party. The story is told of an American and a Canadian who were discussing the appointment of judges in the respective countries. The Canadian said, "I do not think much of your system of electing judges". To which the American replied, "Well, I don't think there is much difference, because in Canada your judges are first elected and then put on the Bench".

Honourable senators, I want to say in conclusion that I am not hostile to this bill. I am in favour of an increase in salaries for the reasons I have given, but I think that the measure should have contained a declaration by the Minister of Justice, not in the way he replied to the Liberal member from Vancouver-Burrard, but rather to this effect: "In future I will make an absolute choice of the best qualified men in the province concerned for every appointment to the Bench. If he happens to be a Conservative, well and good, but I want the Liberals in this country to know that in my judgment I picked the best man available".

It is all very well for him to say that is done today, but it seems to me that the appointees are always picked from the same party.

My honourable friend from Toronto-Trinity (Hon. Mr. Roebuck) remarked that when the Conservatives were in power they did the same thing. I may tell him that Sir John A. Macdonald did not do that. On one occasion somebody said to Sir John, "You have pretty good judges", and he said, "I always appoint a gentleman to the Bench and if he knows any law so much the better". Now, I think on the Bench today we have both gentlemen and good lawyers, and I do not have any complaint that way at all. But I think that lawyers, whether they be Conservatives,

Social Crediters, C.C.F.'ers or Liberals, should all stand on equal terms when an appointment to the Bench is about to be made, and the man best qualified should have the position. Under that procedure no Senator could get up and say, "In my province during the last twenty years nobody but Liberals have been appointed to the Bench". Otherwise I do not think the Government is playing the game and we are not getting the best Judiciary available to us.

I propose to vote in favour of the bill, but not because the judges need the money to meet the increased cost of living. A judge receiving $14,400 a year or a chief justice at $16,000 does not need any help on that score. But, as my honourable friend from Toronto-Trinity remarked, the judges of the lower courts who are receiving $8,000 a year do need it. The province of Manitoba gives its lower court judges an extra $1,000, and Saskatchewan an extra $1,500 for Surrogate Court work. I think the New Brunswick judges get extra compensation for admiralty work. But by and large $8,000 is a pretty small salary under present day conditions, and in my judgment this bill corrects the situation. I am sure my honourable friend from Toronto-Trinity has never looked at the books of account of the 400-odd lawyers practising in the province of Manitoba or he would never have mentioned the income figures he did. They may receive such incomes in the city of Toronto, but certainly not in the city of Winnipeg. That is one reason why the people in the poorer provinces say that Ontario should contribute more than it does to the upkeep of Canada.

Hon. Mr. Burchill: I would like to say to my honourable friend who has just resumed his seat that the present Chief Justice of New Brunswick was a former Conservative Premier of that province, and he was appointed to his present position by a Liberal Government.

Hon. Mr. Haig: Who is he?

Hon. Mr. Burchill: The Honourable Charles D. Richards.

Hon. Mr. Haig: But he was on the Bench before he was appointed Chief Justice.

Hon. Mr. Burchill: He was appointed Chief Justice over Liberal applicants for the position. I want you to give the Government credit for what it has done.

Hon. Mr. Haig: But he was a trial judge before he was made Chief Justice?

Hon. Mr. Burchill: Yes.

Hon. John J. Connolly: Honourable senators, the introduction of this bill permits a discussion of the position of the Judiciary in this country, and it need not be restricted to a discussion of the proposed increases in judges' salaries. It does seem to me appropriate on this occasion to say something about the Supreme Court of Canada, and I do so particularly because this chamber has had a distinguished record in the ultimate establishment of the Supreme Court of Canada as the highest court of appeal in this country.

The honourable senator from Inkerman (Hon. Mr. Hugessen) made a very remarkable speech in 1949 when he explained the bill which accomplished that purpose, and he, of course, was in a great tradition which consisted also of the Honourable C. H. Cahan, the Right Honourable Ernest Lapointe, and, going back even further, the Honourable Edward Blake, a former Minister of Justice. Since 1949 the Supreme Court of Canada has been our court of last resort. I sometimes wonder whether we as Canadians continue to think of the high purpose and the great hopes that were expressed at the time the status of the court was so established. In my opinion we have, in the members of that court, a remarkable group of Canadians drawn from the country from one coast to the other. The court compels the respect of not only the members of the legal profession but of the people at large. It was constituted and is still constituted of some very remarkable jurists. One thing I have regretted at times is that the lives, the work and the philosophies of these men are not more generally known to the Canadian people. For example, there recently died Sir Lyman Duff, one of the greatest jurists that this country ever produced. His standing was recognized throughout the Commonwealth as well as in his native land; and I would express the hope that some day a competent biography of this great man, revealing something of the workings of his mind, will be available to young Canadians who may aspire to the high position he held and adorned.

As the years go by the Supreme Court of Canada, as our final court of appeal, will be faced with decisions involving great responsibilities and the exercise of high qualities of judgment. I do think that Canadians should do all in their power to strengthen and fortify that Bench, as typical of the judicial institutions of this country, for by establishing it in a position of great prestige and influence all the courts and, generally speaking, the judicial institutions of this country, will be strenghtened. I know that the rule *stare decisis*—the dead hand of precedent—can rest upon a court and in some degree stifle its activities. Precedent can be

a stabilizer, but it can also be a factor which hinders progress. The Supreme Court of Canada must look upon the problems which face it in the light of the conditions in this country, and much in the manner—if I may say so—that was expressed as a hope by the honourable senator from Inkerman in 1949 when he explained amendments to the Supreme Court Act. This does not mean, of course, that the Supreme Court of Canada is to become untouchable.

In that connection, perhaps honourable members may be interested in an opinion which was expressed by Mr. Justice Holmes in a speech he delivered at the Harvard Law School Association of New York in 1913. Speaking of his own court, he said:

> We are very quiet there, but it is the quiet of a storm centre, as we all know. Science has taught the world scepticism and has made it legitimate to put everything to the test of proof. Many beautiful and noble reverences are impaired, but in these days no one can complain if any institution, system, or belief is called upon to justify its continuance in life. Of course we are not excepted and have not escaped. Doubts are expressed that go to our very being . . . But we must take such things philosophically and try to see what we can learn from hatred and distruct and whether behind them there may not be some germ of inarticulate truth.

Hon. Calvert C. Pratt: Honourable senators, as a layman I would like to say a word or two on this subject. I have been a Canadian a little over six years; and I can hardly believe that political influences are operating in connection with the courts of this country. I find it difficult to credit such a statement; at any rate I hope that any influences of this kind will not reach as far as our province. I am sure that so far they have not affected us. We in Newfoundland have not heard any complaints about the calibre of our Bench, and it would astonish me to learn that Canadians generally have any cause for complaint. My thought has always been and it is now that the Bench of Canada ranks high among the world's Judiciary, that it is beyond the reach of undue influence, and that it administers justice irreproachably. I am sorry that references to alleged political appointments were introduced into this debate. I do not think that a question which reflects—as it must, in the way it was put—on the integrity and standing of the Judiciary of Canada should have been raised on this occasion.

However, I agree with the references of the honourable senator from Blaine Lake (Hon. Mr. Horner) to the dangers of increasing costs of production. I believe that a relatively small population such as ours, largely dependent on exports, and faced at times with great difficulties in disposing of its products, is very much exposed to the risk of pricing itself out of the world's markets, and it seems to me that we have arrived at a stage when our policy should be framed to deal with this trend. But I do not for a moment agree that, because of such aspects in our economy, we should deny to our Canadian judges the increases provided in the bill before us. By raising the level of remuneration, the bill would merely correct a situation which affects practically all the Bench of Canada.

I support the bill, particularly as it is four years, I understand, since an adjustment was made. I look at it this way. In order that the Bench may continue to attract men of high quality and standing they must be adequately recompensed. Their earnings must be in line with those of men who are sought for in professional life in Canada. In looking through the proposed salaries it seems to me that their general level is not too high, and I therefore have no hesitation in voting for them.

Hon. W. Ross Macdonald: Honourable senators,—

The Hon. the Acting Speaker: Honourable senators, I would remind the house that if the honourable leader speaks now he will close the debate.

Hon. Mr. Macdonald: There is not a great deal left for me to say. The honourable senators from Inkerman (Hon. Mr. Hugessen), Toronto-Trinity (Hon. Mr. Roebuck), Ottawa West (Hon. Mr. Connolly), St. John's West (Hon. Mr. Pratt), and the honourable Leader Opposite (Hon. Mr. Haig) have clearly set forth why salaries of judges should be increased. While they did not agree in everything they said, they were in general agreement that the salaries should be increased.

It has occurred to me we cannot put on a dollar-and-cent-basis the services that judges render to our country. A judgeship is an honourable position and men seek to fill it because of that. It has been suggested tonight that people could be found who would be glad to serve in the Senate without remuneration; but no one has suggested that this should be done. I have no doubt there are members of the Bar who would accept positions on the Bench even if the present salary were lowered. But we must be fair to our Judiciary, a number of whose members have served for years, and by approving this increase I think we are being fair. Actually, the increase the judges will receive under this legislation is far out of line with the increases that have been received by many people in other walks of life.

I agree with what the honourable gentleman from Toronto-Trinity said about the

judges of the County Court of the County of York. I understand none of them receive anything in addition to their salary of $8,000. After paying income tax, a judge with a family must have quite a difficult time getting along in Toronto while maintaining his position in the community as a judge. He will not have too easy a task even on a salary of $10,500.

The honourable Leader of the Opposition pointed out that judges are appointed by the Minister of Justice, who at present happens to support the Liberal party. My honourable friend did not suggest—and I would bring this to the attention of the honourable gentleman from St. John's West (Hon. Mr. Pratt)—that any political influence would be used by an appointee to the Bench, and he said that he had never been unfairly treated by any judge just because he happened to be of a different political persuasion. I think this illustrates that our system of making judicial appointments must be a fairly good one. The honourable Leader of the Opposition referred to the United States system. He did not suggest we should follow it, and I would be strongly opposed to filling judgeships by a system of popular election. It is interesting to note that the Minister of Justice, in speaking in the House of Commons the other day, referred to a statement which he had made some time ago to the effect that from November 15, 1948, to June 27, 1951, out of sixty-eight appointments there were only two former defeated federal candidates. That is a pretty good record, and it certainly does not bear out the statement that defeated political candidates are appointed to the Bench. I do not deny that defeated candidates have been appointed, but I do not think, for instance, there is one defeated Liberal candidate serving on the Supreme Court of Ontario at the present time.

Hon. Mr. Roebuck: Yes; Chief Justice McRuer.

Hon. Mr. Macdonald: Oh, yes.

Hon. Mr. Haig: And Mr. Justice Gibson.

Hon. Mr. Macdonald: No. He was a member of Parliament but he was never defeated. I am sure we all agree that Chief Justice McRuer is a very competent and excellent judge and that no one could exert political influence over him.

I mention these things to show that our system is a fair and good one, and in looking over the history of our Judiciary I feel the present system of appointments has proved to be satisfactory.

During the debate some questions were asked of me, but I think most of them have already been answered. The honourable senator from New Westminster (Hon. Mr. Reid) asked why there are more judges in Saskatchewan than in British Columbia. Well, I take it that at some time the province of Saskatchewan requested the appointment of additional judges. If a province requests an additional judge the Government usually makes the appointment. The question of the distance of travel may be a factor. For instance, in the province of Saskatchewan distances are great and that province may have felt that it needed more judges for that reason; it was not a matter of comparing the numbers of judges there with the number in British Columbia.

The Leader of the Opposition stated correctly the reason why a blanket increase is provided for, and I think honourable senators consider that is a fair basis on which to make the increase.

I could read to the house the salaries paid to judges in the United Kingdom, but I do not think I should take time to do so. I need only say that salaries of judges in that country are much higher than in Canada.

I think the only question which I have not answered is with regard to pensions. I believe it was the honourable senator from Inkerman (Hon. Mr. Hugessen) who asked why it is proposed that the pensions be based on the present salaries, without the increase. The judges do not contribute to the pension fund, and although the bill provides for an increased salary, the Government felt that the pension basis was fair and did not require an increase. Therefore, under this bill, although a judge will receive an increase in salary of $2,500, his pension will be two-thirds of his former salary. The purpose of this bill is to be fair to the judges, and we feel that by giving them a reasonable pension, in any event, they are being dealt with fairly.

Hon. Mr. Horner: May I ask the honourable leader a question? Has he any knowledge of the total number of judges in the United Kingdom as compared with the number in Canada?

Hon. Mr. Macdonald: I have not that information at hand, and I do not know if I could get it. However, I can say that the population of the United Kingdom is between 45 and 50 million, and that in Canada it is only 15 million, and, therefore, I think there would be many more judges in the United Kingdom than in Canada.

Hon. Mr. Horner: My understanding is that there are more judges in Canada than in the United Kingdom.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: Next sitting.

RADIO BILL

COMMITTEE AMENDMENT CONCURRED IN

The Senate proceeded to consideration of the amendment made by the Standing Committee on Transportation and Communications to Bill 260, an Act to amend the Radio Act.

Hon. A. K. Hugessen, Chairman of the committee, moved that the amendment be concurred in.

He said: Honourable senators, I think perhaps I should give a short word of explanation as to the amendment to this bill suggested by the Committee on Transport and Communications.

The bill came to us quite a long time ago. Section 2 gave us a good deal of trouble, in that it seemed to us to be very broad in its provisions and to create quite an infringement upon the liberty of the ordinary subject. The section, in effect, said that every person who, having become acquainted with any radio communication not intended for public use or information, makes use of such communication, is guilty of an offence and is liable to a penalty of $500 or to imprisonment for six months, or both. That seemed to be quite a substantial infringement on the liberties of the public, and we felt that we needed full information as to the reasons why a provision of this kind was necessary in the Radio Act. It took three lengthy meetings of the committee before the information could be obtained. Finally, after consultation with the Minister of Transport, his department produced a lengthy memorandum of the reasons why this section was necessary, and it also drafted a new section to take the place of the original section 2 of the bill. The committee met again last week, and after considering this memorandum—which I had circulated to the members of the committee—we reached the conclusion, first of all, that a provision of this kind, under the circumstances, was necessary, and, secondly, that the amended section 2 was very much better than the section as it had first been submitted to us.

Briefly, the reason why it is necessary to provide for secrecy of private radio communications is more or less the same reason why a man is entitled to secrecy when he sends a telegram or when he uses the long distance telephone. The development of modern science has been such that now, in a great many instances, instead of using a wire for communication the air is used, and a person who has obtained from the proper authorities the right to a private airwave is entitled to the secrecy of the communications he makes over that airwave.

We were told that this section was introduced as a result of Canada having become a party to an international agreement, and that all the parties to it undertook that they would preserve the secrecy of private radio communications. In the memorandum of which I speak, we were given copies of similar legislation enacted in the United Kingdom and in the United States. In the long run, we were finally satisfied that this was justified. As I have said the new section 2 is much better than the one originally submitted to us—it is much clearer and more explicit, and indicates the rights of the public a great deal better than the original section 2. For instance, the amendment makes it quite clear that it is no offence for a person to make use of information obtained from a public broadcasting station. Further, it makes clear that the minister may make regulations in respect of certain private communications which are intended to be made public and would cover such matters as a distress signal from an airplane or a ship.

Therefore, all that the section now contemplates is that a person who has a short-wave receiving set may pick up private messages which the ordinary receiving set would not get, and while there is nothing to prevent him from listening to such private messages he cannot make use of or divulge them. Incidentally, the law in England makes it an offence even to listen under these circumstances, whether or not the information is used or divulged to any other person.

Perhaps I should add at this time something I said at the close of our last committee meeting, that I do not think any department of government ought to come before committees of this house with proposals which infringe the liberties of the subject, unless it is fully prepared to substantiate to the very limit that such infringements are necessary.

Hon. Senators: Hear, hear.

Hon. Mr. Turgeon: Will the honourable senator read section 2 as it is amended?

Hon. Mr. Macdonald: It is already part of the record.

Hon. Mr. Hugessen: Subsection 2 of that section as amended reads:

> Except as provided in the regulations made by the minister under this act or in the regulations made under the Canada Shipping Act, every person who, having become acquainted with any radio communication transmitted otherwise than by a

broadcasting station, makes use of such communication or divulges it to any person is guilty of an offence . . .

Hon. Arthur W. Roebuck: Honourable senators, may I say a few words before the report is adopted? To begin with, I should like to congratulate the committee on what they have done. When this bill came to the house it received rather severe criticism. I recall making an observation to the effect that a person who heard some private information over a public broadcasting station and divulged it to somebody else was within his rights in doing so; but under this bill as it was introduced he would be open to prosecution. I felt that prosecution should be directed to those persons who allowed such secrets to be broadcast, rather than to those who received them. Therefore, I congratulate the committee upon having eliminated any reference to broadcast from public stations, for that is as it should be.

The prohibition is now confined to private messages which in their very nature are secret messages. The long distance telephone, for instance, carries great masses of conversation through the air, and it is quite within the realm of possibility that an amateur who has a little money to spend could tap those conversations. Under this bill he may do so, but if he uses the information he thus receives and is caught he is open to prosecution.

But, honourable senators, I do not think the committee by its amendment has gone quite far enough. The honourable member for Inkerman (Hon. Mr. Hugessen) has referred to certain exceptions, such as distress signals from either the air or the sea, and there may be some others. But this bill in association with the act which it amends places in the hands of probably the Governor in Council the right to make regulations with respect to exceptions which must be made. My point is that this is a criminal statute and is in effect criminal law; therefore, I think the exceptions should be in the act rather than regulations. As we all know, regulations are made behind closed doors and are not subjected to public discussion in a deliberative assembly, such as this or the other place, where there is the clash of thought and the opportunity for public expression which is so valuable and essential in our democratic system.

By this measure we are giving the executive power to decide what under the criminal law will be prohibited and what may be allowed. I understand that the regulations are either in the process of drafting or already have been drafted, and could quite easily be included in this measure. It must be noted that if the exceptions are in the form of regulations we do not have the ready access to them that we would have if they were in the act. Certainly no one can say that the regulations are omitted from the statute because they are long; goodness knows, the Criminal Code is long enough. I can illustrate my point by asking this question: Who would suggest that we in one sentence should legislate against sin, and then allow the executive to define what sin is? That, in effect, is what we are doing by this bill. We are leaving to the executive the right to define what is the law.

Hon. Mr. Hugessen: My honourable friend is perhaps a little unfair in his example. It would perhaps be more accurate to say that we are saying that sin is a crime, but we are allowing the executive to make certain exceptions to the crime, not to add to it.

Hon. Mr. Roebuck: It is practically the same thing. We are saying in the statute that a certain thing is a crime, but we are allowing the executive to change the definition.

Hon. Mr. Hugessen: To limit it.

Hon. Mr. Macdonald: To reduce it.

Hon. Mr. Roebuck: And to change it rather materially in the sense that if I go to the statute to find what the law is, I am misinformed unless I go also to the regulations made in private and not published in the statute. As I have said, very few people will know anything about the regulations; in effect, only those in the department concerned will know about them. Why should the regulations not be in the statute? What is to be gained by leaving them out? I can tell you what is to be gained by putting them in: Everybody will know what is in fact the criminal law with respect to this particular offence.

The Hon. the Acting Speaker: Honourable senators, the question is on the adoption of the amendment. Is it your pleasure to concur in the amendment?

Hon. Mr. Roebuck: On division.

The motion was agreed to and the amendment was concurred in, on division.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed, on division.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Tuesday, June 28, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

THE ROYAL ASSENT

NOTICE

The Hon. the Acting Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable Patrick Kerwin, Chief Justice of Canada, in his capacity of Administrator of the Government of Canada, would proceed to the Senate Chamber this day at 5.45 p.m., for the purpose of giving the Royal Assent to certain bills.

FISHERIES IMPROVEMENT LOANS BILL

FIRST READING

A message was received from the House of Commons with Bill 452, an Act respecting loans to assist fishermen engaged in a primary fishing enterprise.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Godbout: Next sitting.

PUBLIC OFFICIALS SALARIES BILL

FIRST READING

A message was received from the House of Commons with Bill 507, an Act to amend the Income Tax Act, the Railway Act and the Tariff Board Act in respect of salaries of certain public officials.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Godbout: Next sitting.

CANADIAN NATIONAL RAILWAYS BILL

REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the committee's report on Bill 351.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (351) intituled: "An Act respecting Canadian National Railways", have in obedience to the order of reference of June 23, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

CANADIAN NATIONAL RAILWAYS REFUNDING BILL

REPORT OF COMMITTEE

Hon. Mr. Hugessen presented the report of the Standing Committee on Transport and Communications on Bill 450.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (450) intituled: "An Act respecting Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations", have in obedience to the order of reference of June 23, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

CANADIAN NATIONAL RAILWAYS FINANCING AND GUARANTEE BILL

REPORT OF COMMITTEE

Hon. A. K. Hugessen presented the report of the Standing Committee on Transport and Communications on Bill 451.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (451) intituled: "An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System during the calendar year 1955, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company", have

in obedience to the order of reference of June 23, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: I move that the bill be read the third time now.

The motion was agreed to, and the bill was read the third time, and passed.

JUDGES BILL

MOTION FOR THIRD READING POSTPONED

Hon. A. K. Hugessen moved the third reading of Bill 505, an Act to amend the Judges Act, and the judicature provisions of the Yukon Act and the Northwest Territories Act.

Hon. Mr. Horner: Honourable senators, if it is possible I would like third reading of this bill to be postponed until tomorrow. I have a reason for making that request. The Chairman of the Finance Committee (Hon. Mr. Crerar) is expected to be here tomorrow, and I feel it is important that he should be present for the third reading of the bill.

Hon. Mr. Hugessen: I had not understood that the honourable gentleman wished the third reading to be postponed. In fact, I thought he was going to speak this afternoon. However, in the circumstances, senatorial courtesy would require that third reading be postponed. I would, therefore, with leave, withdraw the motion and ask that the bill be placed on the Order Paper for third reading tomorrow.

The Hon. the Acting Speaker: The order stands.

INTERNATIONAL RIVER IMPROVEMENTS BILL

SECOND READING

Hon. A. K. Hugessen moved the second reading of Bill 3, an Act respecting the construction, operation and maintenance of international river improvements.

He said: Honourable senators, Bill No. 3, as its number shows, was one of the first bills introduced in the House of Commons at the beginning of this session. It has come to us quite late in the session, for reasons of which, I am sure, honourable senators are aware. Though in terms it is of general import and significance, it does have particular and topical application to one situation now existing in the province of British Columbia, namely, the proposed development of the Columbia River and its tributaries. The bill was debated at considerable length in the House of Commons on second reading, and was then referred to the Standing Committee on External Affairs. That committee held a large number of sittings and heard much evidence, all of which has been printed and circulated to honourable members. The principal evidence on the bill was given by representatives of the Government of British Columbia, who had a number of representations to make and who were particularly interested, in view of the fact which I have already mentioned, that primarily the bill will affect the development of the Columbia River in that province. A good deal of evidence was given by General McNaughton who, as honourable senators know, is the head of the Canadian section of the International Joint Commission.

I have read all that evidence, honourable senators, and I must say that it is extremely interesting, particularly the evidence given by General McNaughton and the views which he gave of the possible future development of an enormous natural resource on that part of the Columbia River which is situated in Canada. Obviously, at this moment it would be out of place for me to canvass that evidence. All that I am called upon to do is endeavour to explain to the house the general principle of this bill, and that I shall now try to do.

If the bill is examined, I think it will be found that its principle is quite simple, easily understandable and extremely logical. In a word, the bill is designed to give the federal Government a measure of control over international river improvements. In order to understand the bill it is necessary to know its definitions. The first to which I wish to refer the house is that of an "international river", which will be found in section 2. There "international river" is defined as:

> Water flowing from any place in Canada to any place outside Canada.

In other words, a river flowing from Canada to some other country. The definition does not include for instance, the St. Lawrence River and the St. John River, which do not flow from Canada into any other country, but which form a large part of the boundary between Canada and the United States. Those rivers are what are called boundary waters, and they and their development are governed by the treaty made on January 11, 1909, between Canada and the United States with respect to boundary waters between the two countries. As honourable senators know, under that treaty there has been set up an International Joint Commission consisting of representatives of the two countries and, as

I have said, General McNaughton is the head of the Canadian section of that commission.

I should just like to repeat the definition of "international river", as "water flowing from any place in Canada to any place outside Canada". Obviously, for geographical reasons, the only country into which water could flow from Canada is the United States.

Hon. Mr. Reid: What about waters flowing from the United States into Canada?

Hon. Mr. Hugessen: The bill does not apply to them.

The next term defined is "international river improvement":

"International river improvement" means a dam, obstruction, canal, reservoir or other work the purpose or effect of which is

(i) to increase, decrease or alter the natural flow of an international river, and

(ii) to interfere with, alter or affect the actual or potential use of the international river outside Canada.

Now, bearing these definitions in mind I think honourable senators will readily see why it is desirable, indeed why it is even essential, for the dominion Government to be able to exercise some control. These international river improvements when constructed and in operation may affect rights downstream in the United States—rights of individuals, of private corporations, and of public authorities, such as the Bonneville Power Administration; and indeed rights of some of the states of the Union into whose territory the waters of these rivers flow.

These matters thus become of international scope, and under the British North America Act the federal Government is alone competent to act on behalf of Canada. It is true that for the most part, if not entirely, the physical ownership of the Canadian sections of these international rivers concerned is vested in the provinces through which they flow. The provinces can deal with the regulation and development of those rivers within the respective provincial limits, but they are incompetent to deal with international matters and with the extraterritorial rights which may be involved. For instance, a number of most interesting questions are apt to arise, such as the beneficial result which will obtain in the United States from storage of the upper waters of the Columbia River within Canada, and what consideration should be payable by those in the United States who derive such advantages from the storage works carried out by and in Canada.

The province of British Columbia, for example, is totally unable to make any treaty or agreement of any kind with, let us say, the States of Oregon or Washington and therefore it is necessary for the dominion Government which, as I say, is the only authority in this country having power to deal without outside states, to become a party to any of these contemplated developments.

That is the basic principle which underlies this bill.

If honourable senators will examine the text of the bill they will realize the extent of federal control that is proposed. In future no international river improvement may be constructed, operated or maintained unless a licence has been obtained under this act from the Governor in Council. Appropriate penalties are provided for failure to obtain such a licence, penalties going even so far as to provide for confiscation to the Crown of any work constructed without a licence.

The Governor in Council is authorized under this bill to make regulations, "for the purpose of developing and utilizing the water resources of Canada in the national interest".

Certain international river improvements are exempted from the operation of the bill. The first class of these to which I should refer is works on boundary waters. As I have already explained, works on boundary waters are governed by the Canada-United States Treaty of 1909. A second class of works exempted falls within the region of minor works for irrigation and other similar purposes within a province. It appears that on quite a number of these international rivers in the provinces of British Columbia and Saskatchewan, farmers and others have made little irrigation works or drainage systems and so on which have no practical effect upon the flow of the rivers into the United States; and the Government of Saskatchewan made representations to the External Affairs Committee of the other house, as a result of which the exception was inserted which will be found in section 7(c):

7. This act does not apply in respect of an international river improvement

(c) constructed, operated or maintained solely for domestic, sanitary or irrigation purposes or other similar consumptive uses.

In the context of this bill provincial rights are of course very important because, as I said, the provinces own the title to those parts of the bed and water powers in the rivers which flow through the provinces concerned. The bill deals with the provincial rights in two ways. First, it declares that Her Majesty in the right of a province is bound by this act. In other words, a province cannot do anything in contravention of this act, should it be passed. Secondly, the bill provides that international river improvements shall continue to be subject to the laws

of the province in which they are situated, except only to the extent to which such laws may be repugnant to the act.

I should emphasize, honourable senators, that this bill does not take away or purport to take away any property rights of the provinces, nor does it interfere with or purport to interfere with provincial legislation with respect to rivers and river improvements, either legislation now in existence or such as may be passed in the future, except and only in so far as such legislation may be repugnant to this measure. In effect, all that the bill does is to bring in the dominion Government as another party whose intervention is essential for the proper development of rivers flowing from Canada to the United States, in so far as this development will affect international rights and international obligations.

One thing, I think, is quite obvious. For the proper development of these rivers in Canada and in order to mesh in provincial rights and local requirements in Canada with international rights and international obligations, the closest co-operation will be required between the federal authorities and the provincial authorities concerned. I hope—indeed I will go further and express the confident belief—that that co-operation will occur as and when the occasion may require. After all, honourable senators, we are all Canadians, and whether we happen to wear our federal hat or our provincial hat we are vitally interested in the proper development of these great natural resources with which we have been endowed by a beneficient Providence.

I have explained the basic principle of this bill, and how it is proposed to bring that principle into practical effect. At this stage, on the second reading of the bill, it is unnecessary and I think it would be improper for me to say any more. As I have already pointed out, the bill if enacted, will have particular application at this time to the possible diversion of the Columbia River and its tributaries, in British Columbia. The story is complicated and fascinating. For details of it I would refer honourable senators to the printed evidence given before the House of Commons Standing Committee on External Affairs, and particularly, the evidence of General McNaughton, who is one of the outstanding public servants of this country.

Hon. Mr. Haig: The honourable senator dealt with rivers which flow out of Canada. What about rivers which flow into Canada?

Hon. Mr. Hugessen: This bill does not purport to deal with rivers which flow into Canada.

Hon. Mr. Haig: It does not affect them at all?

Hon. Mr. Hugessen: No. By its definition it is confined to international rivers; and "international river" is defined as "water flowing from any place in Canada to any place outside Canada".

Hon. Thomas Reid: Honourable senators, in rising to say a few words on this bill, may I make it clear that it is not my intention to be critical either of the bill or of any of its provisions. Like every other British Columbian, since the project first became known, through General McNaughton, after a supposed agreement by the Province of British Columbia with certain interests in the state of Washington to utilize the waters of the Columbia for power development, particularly in the United States, I have taken quite a keen interest in the matter. I, too, have read all the evidence very carefully. I have gone one step further, however. On June 3, the International Pacific Salmon Fisheries Commission, of which I am the chairman, held a meeting here with General McNaughton, not to discuss the power developments of the river but to explain in general the possible condition, as we saw it, which faces the sockeye salmon industry of the Fraser River.

Our commission was greatly concerned when the proposal was made known to divert the waters of the Columbia River into the Fraser during the four low-level periods of that river, namely, the months of November to February inclusive. The suggestion put forward by General McNaughton is, I think, a fairly logical one. The waters on this side of the boundary are Canadian; and I realize, as everyone else does who has studied the matter, that if advantage is not soon taken of the water power now available on the Columbia River we may lose it for all time. Hence a project to put the dam at a place called Mica Creek, has been proposed, and I understand that with that and other projects upwards of two million horsepower can be developed. The statement has been made that some 15 million acre-feet will be held behind the dam at Mica Creek, and surplus water will be diverted, during the four months I have mentioned, from that point through the construction of a fifteen-mile tunnel. When the announcement was first made, there were many who thought that the project of diverting the waters of the Columbia by building a tunnel fifteen miles long was nothing but a dream, but the more the matter was discussed, and the more that was heard from General McNaughton about it, the more people—and I among them—were convinced of the feasibility of the scheme. As a matter of fact, the

amount of hydro-electric power which is developed is not dependent so much on the quantity of water as on what is known as the head of water. The statement is made that probably as much power can be developed from the Columbia River as from the St. Lawrence, and although one is inclined to view this estimate with scepticism, when one regards the volume of water and the length of the Columbia as compared with the mighty St. Lawrence, it is to be remembered that at the point of diversion the Columbia River water is about 4,000 feet above sea level, so that the velocity of the descending water is very great.

In the commission's presentation to General McNaughton we pointed out what we believed to be great dangers in the scheme, because it goes further than to propose a diversion of water, and recommends, for usage near Vancouver, the building of a series of low-level dams on the Fraser River to utilize the waters of the Columbia, augmented in the Fraser River during the low four-month period, but of course, using the Fraser River when the waters of that river are high. In this respect the proposed project both disturbed and alarmed us. For the past seventeen years our engineers and biologists have been studying the sockeye salmon in the Fraser River, and with their aid we have accumulated a great fund of information. On a number of occasions I have pointed out the difficulties which are suffered by the salmon as a result of dams. In other places, particularly in the state of Washington, fishways have been constructed where the spawning sockeye salmon can be taken up over the dam. In this connection, we learned our lesson from the Columbia River when it was discovered that there was no way to bring safely over the dams the little fingerlings heading to the sea.

I do not mind telling honourable senators—although we do not care to boast about it, lest a wrong interpretation be placed upon our remarks—that we have been concerned, as an organization investigating this matter scientifically and in a practical way, to see if we could devise some electrical appliance which might divert the little fingerlings before they reach the dam, and guide them down some canal. We are not alone in the matter of this experimentation. Quite a number of countries are endeavouring to find the answer, but the outlook for a successful solution in the near future is not too bright. In fact, it may never be found. We have been afraid to say a great deal about our own experiments in case the power development interests might use the argument "Oh, well, let's go ahead and build dams; they have now solved the problem of bringing fingerlings over dams". But we have not.

General McNaughton has spoken about dams of 200 feet in height. That may not seem very high, but experiments in the United States with a 180 foot dam showed an 8 per cent mortality of fingerlings going over the dam and 30 per cent mortality when they go through the turbines. It can be readily realized that construction of four dams on the Fraser River, that height or of 200 feet, might result in the eventual extinction of sockeye salmon in the Fraser.

I am not going to be too critical of companies which want to develop power, but invariably I have found that they are much more interested in developing water power for electrical energy than in protecting fish for food purposes. I have pointed out to those interested in the aluminum and other power industries that, in view of the growing world population and the increasing shortage of protein foods, they had better take another look at food and not ignore the great sockeye salmon industry of British Columbia, which last year was worth some $22 million. It may interest honourable senators to know that in 1913, the year the great disaster struck Hell's Gate, when millions of tons of rock fell into the canyon, the sockeye salmon industry of the Fraser River had reached a peak production of 2½ million cases. This meant that some 30 million sockeye salmon had actually been caught that year and canned. However, the disaster took its toll on the 10 million salmon heading back up the river to spawn. Incidentally, the sockeye salmon is the only species of fish that must reach the spawning beds where they were born before they themselves can spawn. If they are frustrated in this attempt they will die without spawning.

The full impact of the Hell's Gate disaster was not known until four years after the event, which marked the first year of the four-year cycle following the disaster when the salmon returned to their spawning bed. In 1917 the production had dropped to approximately 425,000 cases. After a long series of inquiries and representations to the United States Government an international treaty was signed. I would point out that although the salmon are born in British Columbia rivers and lakes they later head out to sea; and in the fourth year, in returning to the Fraser River they first enter United States waters, where they are caught by American fishermen. In 1937 a treaty was signed between Canada and the United States. I may say that I am the only surviving one of the original members of the International Pacific Salmon Fisheries Commission, and

at the present time I have the honour to be its chairman. At a cost of over $1 million, shared equally by the Governments of Canada and the United States, a fishway was built at Hell's Gate to take the sockeye salmon through that point of the river. We have three fishways there now and I think they are the finest in the world. I say that without fear of successful contradiction. Incidentally, I might explain that there is a fish ladder and a fishway, the former having steps. I remember that when I appeared before a meeting of United States Government officials some years ago I was told by a senator: "Don't talk to me about salmon. You are trying to tell me that fish go up ladders." He visualized the fish ladder as being straight up and down.

Last year some two million sockeye salmon went through these fishways, but we have found that delays can be dangerous and therefore we are perturbed and anxious about the proposal to divert the waters of the Columbia River to Fraser and to build four dams on the Fraser River. It is our understanding, based on scientific fact, that every obstacle placed in the way of the fish is to their detriment, and that with the construction of four dams they will never be able to reach their spawning beds. It must be borne in mind that the sockeye salmon do not eat after they reach fresh water, and some of them have to travel as far as 650 miles without food. They use up their own fat as energy, and they have only so much of it. Our scientists have warned us that the construction of dams of any height on the Fraser River may result in wiping out the sockeye salmon. I would point out, too, that we still have a long way to go in our rehabilitation program to reach the 1913 production of 2½ million cases; but we have been hopeful that, with the solving of the Hell's Gate problem and the seeding of barren areas in the interior, the supply of sockeye salmon would be built up to its former greatness.

Hon. Mr. Euler: To what extent has the construction of fishways helped in the restoration of the sockeye salmon supply in British Columbia?

Hon. Mr. Reid: There are about five areas in the interior of British Columbia that produce large runs, and two of them are now producing at near to their 1913 capacity. It was estimated by provincial authorities that 2 million sockeye salmon went into the Quesnel area to spawn in days gone past. When we took over we found in one year only six went in, and until lately the highest number found in any one year was 100. However, owing to the work of our scientists, last year 600,000 sockeye salmon went into that area to spawn. This shows that we are beginning to develop the barren areas, and we hope the development will proceed rapidly. I am very hopeful that before very long we shall bring production up to the 1913 level.

Hon. Mr. Burchill: Will the honourable senator permit a question?

Hon. Mr. Reid: Yes.

Hon. Mr. Burchill: Are there not other salmon rivers upon which fish ladders are being used very successfully?

Hon. Mr. Reid: Our only experience of them has been in the state of Washington, and mostly on the Columbia River, which used to be a great sockeye salmon river. The effect of the dams on the Columbia river wiped out the salmon that went into the interior of British Columbia, with the result that the fishery on the Columbia is gradually going down and down, even though Washington and United States authorities have built fish ladders for the salmon up over the dams. The fact that fingerlings are dying on their way to the sea has brought about a diminution year by year, and we predict and believe that it will not be long before there is little or no sockeye salmon industry on the Columbia River. With that example before us, naturally we are watching every move that is made to build power dams on the Fraser River, which we believe would wipe out the great sockeye salmon industry on that river.

Someone may ask, "What are you going to do with the Columbia River at Mica Creek Dam?" Well, I think we have just as competent engineers on our commission as there are on any other commission—I say that with pardonable pride—and they have advised us that at Mica Creek Dam the electric power should and could be developed.

General McNaughton spoke about sending power into the province of Alberta from Mica Creek Dam, which he says is a distance of 350 miles, and thus raising that province from what has always been a farming or wheat-growing province to an industrial province. One of our engineers said to us, "Why not develop all the power there and carry it down into the Fraser valley, which is only 50 miles farther?" He also reminded us that in Sweden and other countries of Europe power is carried longer distances than 350 miles. That is not against this bill. I am passing on the suggestion, as coming from our staff, that investigation be made to see if power could not be developed at Mica Creek Dam on the Canadian side and utilized in the Fraser valley and in Alberta, because there is ample water to develop all the power required.

I felt that on this occasion I could not sit idly by without warning both governments, and also the people of British Columbia, that although it is very nice to talk about power development after all, you cannot eat aluminum and other metals, and a shortage of food may well become a very serious matter. As a matter of fact, although British Columbia has thousands and thousands of acres of undeveloped land—some of which, of course, will never be developed—the province does not produce enough meat to supply its people at the present time, and will always have to import meat supplies. Experts who have studied the situation say that in time there may be a shortage of protein foods on the North American continent owing to the rapid growth of population and also because many areas of agricultural land are becoming impoverished.

I have one more word to say, and it has to do with a matter of further worry to us. After the statement made by General McNaughton earlier in the year became known, it was said for the record: "Oh, don't worry about that, this project is never going to be carried out"—that is, the delivering of waters from the Columbia River to the Fraser River. But as General McNaughton's arguments developed and as time went on it became evident that it was not entirely a pipe dream, or some kind of a proposal put forward just for the purpose of holding something back or against the Americans, but that it was becoming a reality. May I say here that I take off my hat to General McNaughton; I respect him for his knowledge and for the confidence he has gained because of his work on the International Joint Commission. I was, however, a little perturbed when I heard that the head of the B.C. Electric Company was here in Ottawa in discussion with General McNaughton, the very day we had all the discussion with him. I had a quarrel with the Alcan interests. The Alcan Company at first did not want the site on the Nechako, but wanted a site called Chilco. I had to get very rough at that time, and make a direct challenge to the then Premier of the province to debate the matter publicly. I raised my voice so loudly that the Alcan Company left Chilco and developed where they are now. I am not unmindful of the fact that the B.C. Electric—which as well as Alcan has received some of British Columbia's heritages in power—did a very surprising thing two years ago, when the Social Credit party first came into office, and before it got so friendly—and I say that advisedly—with the power interests and the big business people. The Social Credit government, in its first year in office, passed a bill which required that power companies, before building a dam on any of the rivers, must first consult with the fisheries department of the provincial government and place the plans before it. But, honourable senators, who do you think protested? I cannot understand why Alcan, which has received as great a British heritage in this country as any company has ever received, would protest that bill, but it did, and so also did the B.C. Electric. I was suspicious of the B.C. Electric, because I know that it is out to grab all the available power sites it can. I predict that it will not be long before an application is made for a prominent site on the Fraser River, and if the B.C. Electric succeeds in getting that it will then control the whole of the Fraser River, in so far as future power development is concerned.

I make no apology for bringing these matters to the attention of honourable senators. As Chairman of our commission I feel that I have a duty to perform. I have fought these greedy power interests all along. I am not against power development, but I think that power could be developed without destroying the sockeye salmon on the Fraser River. I believe that both the dominion and provincial Governments should look forward to all the power that it is possible to develop for Alberta and British Columbia, and that the distance is not too great to carry power from Mica Creek Dam to the Fraser Valley. If instead they turn the waters of the Columbia River into the Fraser River, and rights are given to companies to construct dams for power in the Fraser valley, my opinion is that the great salmon industry of the Fraser River will disappear. Bear in mind, honourable senators, that once we bring the Fraser River back to what it was in 1913, at present day prices the catch of salmon will be worth $65 million in the market. Let us be very careful, therefore when making decisions with regard to the developing and utilizing of our water resources for power.

Honourable senators, I want to assure the honourable member who sponsored this bill (Hon. Mr. Hugessen) that I am heartily in favour of his assertion that we should utilize our water resources for Canadians on this side of the line.

Hon. Senators: Hear, hear.

Hon. R. B. Horner: Honourable senators, I do not think the honourable senator who has just spoken is at all alarmed about the possibility of the waters of the Columbia River being turned through the mountains to empty into the Fraser River. In my opinion atomic power will be in general use in this country long before that happens. The waters of the Columbia River have been running into the

United States for a long time, and unless we come to war with that country and defeat it we cannot hope to be able to turn the waters of the Columbia into the Fraser for our sole use.

However, this bill will serve its main purpose, which was to prevent the attainment of the objects of the Government of British Columbia. And, of course, in the eyes of my honourable friend from New Westminster (Hon. Mr. Reid), anything that Government attempts is a crime and an iniquity; and, anything that is done to prevent the success of its objects would be all right with him. This bill should be taken by other provinces as a warning that the federal Government intends to keep full control over such waters as are dealt with in the bill.

As to the question of the loss of the fisheries as a food, I would point to what is now taking place in the province of Ontario, where immense areas of productive land are being sacrificed to make way for additional power.

Those are all the remarks I wish to make, honourable senators. In closing, I repeat that the bill was introduced for a specific purpose, and it will no doubt accomplish that end.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: Unless it is the wish of some honourable senators to have the bill go to committee,—

Hon. Mr. Haig: Next sitting.

Hon. Mr. Hugessen: Next sitting.

PRAIRIE FARM ASSISTANCE BILL

SECOND READING

Hon. F. W. Gershaw moved the second reading of Bill 481, an Act to amend the Prairie Farm Assistance Act.

He said: Honourable senators, the act which this bill would amend was passed in 1939, and was an attempt to give some relief in those municipalities which had suffered large-scale crop failure. The act was not intended to give relief to individual farmers, because relief of that nature was then and still is the responsibility of the municipalities. The act made provision that where a farmer's yield was less than four bushels per acre he would get $2.50 an acre for half his cultivated acreage, up to 200 acres, or a maximum of $500. If his yield was between four and eight bushels per acre, he received a bonus of $1.50 for half his cultivated acreage, up to 200 acres, or a total of $300.

The bill before us would extend the scope of the act to some extent. Its purpose is to amend the definition of "cultivated land" to include land which could not be seeded or summer-fallowed in the year of the award owing to natural causes beyond the control of the farmer, and in those circumstances to qualify him for the bonus. For instance, large areas of land have been so flooded that a farmer could not seed or summer-fallow it; thus, he would become eligible for the award. Or, it might be that a spring or early summer would be so dry that to seed or summer-fallow the land would cause it to blow away.

Generally speaking, the word "eligible" applies to land which would be entitled to the award, and "ineligible land" is that which does not qualify. Under the present act contiguous sections of six or more in number in an eligible township with a crop of more than ten bushels per acre, would be excluded from benefits under the act; on the other hand, if there are a number of sections, not less than six, in an eligible township, where the yield is less than eight bushels per acre, they would qualify for the bonus.

The question of consideration of the sections contiguous to townships has proved very complicated and difficult to administer. It often happened that a farmer found that his neighbours on three sides would get the bonus while he would not. He would be very discouraged and bitter about it, and it was difficult to explain to him why he was in that position. This bill would change the present arrangement regarding contiguous sections by providing for blocks of sections which are excluded from payment in eligible townships and similar blocks which are brought into payment in ineligible townships, to be rectangular instead of irregular in shape. Under such a provision every farmer within the rectangle would either qualify for the bonus or not qualify; thus there would be removed any cause for grief because of different treatment within a relatively small area.

The land as a general rule is surveyed into townships, sections, ranges and so on, but all the areas are not square. For instance, there are river lots, which are long and narrow. In the early days these were taken up by settlers who, for reasons of protection and neighbourliness, wanted to live near the river front, and their land extended back from the river as far as they could see daylight under a pony standing on level land. Therefore it is necessary to provide an amendment to arrange the wording with respect to the river lots so as to qualify them for the benefit of the bonus.

As I have said, honourable senators, the act has been in operation since 1939. It has been a great blessing to many deserving people, but it has resulted in a considerable amount of bitterness, bickering and heartache. There are three reasons for this. In the first place, the rainfall does not stop at the municipal or township lines. It has happened that one man in an eligible township would get a bonus when he had a yield of ten or even fifteen bushels per acre, when at the same time a man in an ineligible township or a block of sections that was not eligible, who had little or no crop at all, received no bonus.

Secondly, if land is owned and cultivated by a loan company, a postmaster, a professional man, or a merchant, in each case the levy of one per cent per bushel on all grain sold would be paid, yet the owner would not be eligible for the bonus because farming was not his chief occupation. Thirdly, there are areas where a crop failure never occurs, but the people nevertheless pay the levy year by year.

All of these things prove conclusively that the only fair way of dealing with the problem is on an individual basis, so that every farmer in Canada who has paid his premium and who suffers crop failure will be eligible for the bonus.

Hon. Mr. Euler: May I ask the honourable senator a question? He speaks of the levy that is paid by various farmers into this fund out of which the bonus is paid. Does that levy completely cover the amounts expended?

Hon. Mr. Gershaw: No, it does not, but I will come to that in just a minute. It has not paid half of the expenditures.

As I say, the fair way to administer the benefits would be on an individual basis, so that these irregularities I speak of would not occur. But, then, to put it on an individual basis would mean crop insurance, a matter that is definitely ultra vires of the dominion Government. It is like hail insurance. A few years ago the dominion Government considered instituting a program of hail insurance, and when it was found to be ultra vires of the Government each of the three provinces concerned arranged for its own coverage.

In the matter of prairie farm assistance the Province of Saskatchewan considered the whole question of crop insurance, and seems to have decided against it. The Province of Manitoba went so far as to set up a commission to investigate such a plan. That commission came to Ottawa and studied the records of what areas had good crops and what areas had poor crops, and arranged to zone the whole area for the purpose of fixing premiums. The commission then travelled to the United States, where there is a crop insurance program in force, and studied their methods. But up to the present a crop insurance plan has not been put into operation.

Now, honourable senators, in late years crops have been fairly good and the one per cent levy has reached or exceeded the amount paid out; but since the act was passed, in 1939, the dominion Government has received $86 million and has paid out $177 million.

Manitoba is in a different position from the other provinces, having paid in $13 million and received back $8 million. All the amounts are given on page 5057 of the House of Commons *Hansard*. Saskatchewan has paid in $48 million and has received $126 million, and Alberta has paid in $24 million and received in return $42 million. The Peace River block in British Columbia has collected $364,000, a relatively small amount.

I feel that this measure will be a step forward and will help a great many people who have worked hard and through no fault of their own have met with disaster.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Gershaw, the bill was referred to the Standing Committee on Natural Resources.

NARCOTIC DRUG TRAFFIC

REPORT OF COMMITTEE CONSIDERED—DEBATE ADJOURNED

The Senate proceeded to consideration of the final report of the Special Committee appointed to inquire into and report upon the traffic in Narcotic drugs.

Hon. Thomas Reid, Chairman of the committee, moved that the report be concurred in.

He said: Honourable senators, in rising to move the adoption of this report I believe it is advisable to touch briefly on some of the salient points outlined in the report and later to mention briefly the work of the committee itself.

The committee was set up on March 2, and at its first meeting I was unanimously appointed chairman. I wish at this time to place on the record my appreciation of the confidence which this important committee placed in me.

When it became known that the committee intended to hold meetings in the city of Vancouver, there were misgivings in certain

quarters about the committee's action, some newspapers even referring to it as a joy ride. This was perhaps understandable, of course, for it was the first time in our parliamentary history that a committee of the Senate had ever held sessions outside of Ottawa. But there were certain good reasons for the committee's decision to visit Vancouver. To my mind two, at least, were very important.

First is the fact that 50 per cent of all drug addicts are located or resident in and around Vancouver. It was due principally to the serious conditions which have arisen in that city, with so large a congregation of drug addicts, that this special committee was set up. It is my own opinion had the drug problem been no greater in Vancouver than in either Toronto or Montreal, it might not have commanded the attention it did, either by the Government or by the citizens in and around the lower mainland of British Columbia.

The second reason was a desire to avoid unnecessary public expenses. When it became known in Vancouver that a special committee of the Senate had been set up to investigate the narcotic drug problem, the mayor of that city forwarded a list of certain doctors, psychiatrists and others, some fifteen persons in all, who he believed would be qualified to give evidence before our committee. These witnesses could perhaps all have been asked to appear before the committee here in Ottawa, but in view of the cost of air travel for such an array of witnesses, and as well the fact that only those witnesses who came to Ottawa would have been heard, while others would have been precluded from giving evidence, I think honourable senators will agree that it was a wise decision to go out to Vancouver where the greatest problem existed. When one considers how well the report has been received, the decision to go out to Vancouver has been amply justified.

As a matter of record, the committee, in a period of five full days at Vancouver, heard a total of 32 witnesses, instead of 15; and besides, it visited Oakalla prison and interviewed 150 addicts, two of whom were females. We also held a full day's session at the Royal Canadian Mounted Police Barracks in Vancouver, interviewing certain drug addicts, as well as relatives of drug addicts. The decision made to hold these latter sessions *in camera*, with the press excluded, and not to allow the committee proceedings to be televised, will, I feel, have the approval of all honourable senators, and I trust of the public as well.

As mentioned, the decision to hold sessions in Vancouver and, later, in Montreal and Toronto, was, I believe, a wise one, because it enabled the committee to obtain first-hand information and so to be in a position to appraise the entire problem more effectively than it could have done had it remained in Ottawa.

In all some twenty meetings were held, thirteen of which were open to the public, two were in camera, and one consisted of a tour of the Bureau of Narcotic Control, under the able administration of Mr. K. C. Hossick, who is Canada's representative on the United Nations Narcotic Drug Commission.

Incidentally, may I remark that we in Canada are prone to rather excessive humility at times, particularly when we compare our ways of handling things with those of the United States. In this connection, while in Washington I was talking with Senator Daniels, head of the United States Senate Judiciary Subcommittee on Narcotics. He had received some information from Mr. Robert E. Curran, the leading counsel of the Department of National Health and Welfare here, and he made the frank admission, "Senator Reid, I think you are further ahead in the control of illegal traffic in narcotic drugs than are we in the United States, and I am going to advise our authorities to visit your country and find out how you are handling affairs there." Perhaps this is an appropriate time to place on the record this splendid tribute.

In all, a total of 64 witnesses were heard, as well as a group of 150 addicts who were interviewed *en masse* at Oakalla Prison Farm. The witnesses included United States, British and Canadian drug addiction experts, doctors, psychiatrists, federal, provincial and municipal government officials and enforcement officers, church and welfare organization representatives, addicts, and so-styled reformed addicts, as well as many private citizens.

A large volume of mail in the form of briefs, recommendations and letters of encouragement was also received. Briefs considered to be of general interest were printed as appendices to the proceedings. I doubt whether, when the time came to draft our report, we could have obtained any witnesses who could have given the committee any further evidence.

The committee's day-to-day proceedings were printed in 15 parts, and authority has been obtained to print in blue book form all the evidence and final recommendations. This blue book will remain, I believe, for many years to come as a book of reference on the traffic in narcotic drugs in Canada.

A word about the report itself, and also one or two matters not so far touched on but

which I believe should be mentioned before the report is adopted. May I say that I hope all honourable senators have read that report?

The chief recommendations are briefly as follows:

It is suggested that the provincial Government undertake treatment looking to the possible cure and rehabilitation of the drug addicts who come under their jurisdiction, and that the federal authorities in penitentiaries give consideration to the segregation, treatment and specialized training, looking to possible cure and rehabilitation, of all criminal addicts sent to penitentiaries.

Many views were expressed to us, both in the press and by witnesses, and one of the opinions most frequently presented, having regard to the great number of drug addicts on the Pacific coast, was that the climate may have something to do with it. I do not think that any members of the committee—certainly not myself—were impressed with the suggestion that the climate is the cause of the congregation of drug addicts at the coast; and in that regard I think it well to point out that the evidence given by Mr. H. J. Anslinger, of the United States Bureau of Narcotics, shows that the states of Washington, Oregon and California contain fewer drug addicts than, for instance, the cities of New York and Chicago. As a matter of fact the incidence of drug addiction in the city of Seattle, immediately south of Vancouver, also in Los Angeles and in San Francisco, is very light. There are only two hundred criminal drug addicts in the entire state of Washington.

One other statement frequently heard throughout the investigation was, "Take the profit out of drugs and there will be no drug problem."

Your committee recognized the importance and significance of the suggestion and kept it particularly in mind when making recommendations. After a careful analysis of all the evidence submitted, the committee recommend heavier minimum sentences for all who are caught selling narcotic drugs, whether these persons are drug addicts or non-addicts; and they are of the opinion that these offenders should be classified as traffickers and given severe minimum sentences.

In recommending the establishment of a special offence with a penalty of the utmost severity for the illicit importation of narcotic drugs, the committee feel that a severe penalty may act as an effective deterrent to those higher-ups who are engaged in this evil trade.

A few witnesses—but only a few—advocated narcotic drug clinics where addicts could obtain their supplies of drugs either at nominal cost or under an arrangement similar to the British system, and they endeavoured to bolster up their suggestion with the bare statement that Great Britain has practically no narcotic drug problem. So far as I know, no mention has been made by these witnesses of the fact that under the British system narcotic drugs are not given to an addict to allow him to continue his addiction as such, as was advocated in British Columbia, especially by drug addicts themselves, who naturally are in favour of being provided with all the narcotic drugs they require.

Before I pass to the next point, may I draw the attention of honourable senators generally, and in particular members of the committee, to some information from Great Britain which came to my hand only this morning. We felt when Mr. Walker, the British representative, was with us that we had not heard all the story about the handling of narcotics in Britain. I hold in my hand an article which appeared in *The Sunday Chronicle*, a newspaper published in Manchester, from which I will read only two paragraphs:

> Drug addicts entitled to free dope supplies are flourishing in the most wicked black market Britain has ever known.
>
> I have discovered in the night haunts of London's Soho that because of blackmail and fear of violence heroin supplied on National Health prescriptions is being sold at £1 a pill.

Evidence received by our committee showed, I believe, that the same consequences followed when clinics were set up in the United States; and from these statements from Great Britain it would appear that drug addicts are getting supplies from doctors and selling them in illegitimate trade.

Should criticism arise about the tabling of the final report during the present session of Parliament, it should be borne in mind first that the committee heard all the evidence it was possible to hear without repetitious utterances; secondly, that the acute situation in Vancouver, alone, demands urgent, though nevertheless careful investigation, looking towards a prompt and speedy solution.

Just a word or two regarding the committee itself. I think every member of the committee right at the start of the inquiry realized the magnitude and the seriousness of the problem we had been instructed to investigate. Later, as our inquiry proceeded, all were agreed that a change should be made in the treatment of drug addicts and that simply throwing them into jail was no solution of the problem. It was with this thought in mind that the committee recommended humane treatment looking to a possible cure and rehabilitation of the drug

addict. It is indeed gratifying therefore to hear that the Honourable Mr. Bonner, Attorney General of British Columbia, has publicly stated he is ready and willing to accept the committee's recommendation as to treatment. Personally it is now my hope and expectation that the federal Government, as soon as possible, will make all the necessary changes to implement the recommendations made in the report, which we believe to be their responsibility, including not only imposing minimum sentences for all drug traffickers, wherever found, but also severe minimum sentences up to life for those caught importing narcotic drugs.

As Chairman of the Special Committee I would be remiss in my duty if I did not express appreciation to all honourable senators who took an active part in the deliberations of our inquiry. Particularly am I pleased—yes, and somewhat proud too, as Chairman—of the splendid showing the committee made not only in Vancouver, but also in Montreal and Toronto. When it is remembered that the committee sat a total of 110 hours, and that out of 23 members the average attendance was eleven members, it should refute any statement made that all the Senate does is to sit three days a week for a short time each day.

It is my sincere hope also that what has been accomplished by the members of the Special Committee appointed to investigate the narcotic drug problem may be an intimation to the Government to give more inquiries of this nature to the Senate rather than to set up so many Royal Commissions. There is, I realize, a place for Royal Commissions, but, generally, speaking, senators —and especially those who have served the people in municipal, provincial or federal governments—have more practical experience in public and national affairs and are closer to the thinking of the people generally than are many of the persons appointed to Royal Commissions. I am not overlooking the fact there are striking exceptions to this statement.

Before moving the adoption of the report, I want to thank again all the members of the committee for the support they gave me as their Chairman. It is my opinion that they all enjoyed the work. I know I did. Thanks to the keen interest taken by the members and the co-operation given by them, all our deliberations were fairly harmonious.

Finally, on behalf of the committee I want to thank those of the staff and others who so ably assisted in all our deliberations. Special mention should be made of the Clerk of the Committee, Mr. John A. Hinds, whose loyalty and services, particularly to myself, were invaluable. Thanks should also go to our able Counsel, Mr. A. H. Lieff, Q.C., whose indefatigable services rendered were a great asset particularly to myself as chairman. The experienced and competent services rendered by Mr. Robert Curran, Legal Adviser of the Department of National Health and Welfare, should not be overlooked. The submission of his evidence following a visit to the United States, particularly to Lexington, was an excellent and worth-while contribution.

Finally, I want to thank Commissioner C. W. Harvison, Director of Operations and Criminal Investigations, Royal Canadian Mounted Police. His untiring interest and efforts on behalf of the committee while in Vancouver were deeply appreciated by all members.

Honourable senators, I move the adoption of the report.

(*Translation*):

Hon. Cyrille Vaillancourt: Honourable senators, as a member of the Narcotics Committee, may I be allowed to congratulate the honourable senator from New Westminster (Hon. Mr. Reid) upon his excellent report. We are all proud of having had such a devoted and clear-sighted chairman.

I wish to extend to the senator not only my personal thanks, but also those of the addicts who, tomorrow, will owe their rehabilitation to the work of our committee as well as to the co-operation of all parties concerned. Our whole country is grateful to him. We not only want to cure, but we wish more especially to prevent, so that Canada may become stronger, morally, spiritually and physically.

(*Text*):

On behalf of the members of the Special Committee on the Traffic in Narcotic Drugs, I wish to compliment the honourable senator from New Westminster upon the splendid work he did as Chairman of our committee. He has rendered a most useful service to the people of Canada. The committee's report embodies, among other things, recommendations for the treatment of drug addicts and for their general welfare. The work done by the committee will also help to improve the prosperity of the country, and will be of benefit morally, spiritually and physically to all Canadians.

Hon. R. B. Horner: Honourable senators, as one of those who attended the committee meetings in Vancouver I should like to say something about the value to Canada of the work done by the committee. I would also

like to refer to an editorial that appeared in yesterday's edition of the Ottawa *Citizen*, which criticized some of our committee's recommendations, including the one that the schools ignore the drug traffic. The editorial urged that, although rejected by our committee, the idea of clinics where addicts could get drugs cheaply under supervision and within a rehabilitation program should be further investigated, and it suggested that this would be an effective way to take the profit out of the drug traffic.

Addicts interviewed by the committee at Oakalla Prison claimed that if they were given a certain dosage they could perform useful work. However, I think the present system of sending violators to jails where they cannot get drugs acts as a deterrent. If the Government attempted to set up a clinic or permitted doctors to give out dosages at a nominal fee, where would the whole thing end? What would deter young people from acquiring the habit? Addicts themselves told us they never induce another person to take drugs. On the other hand, we had very direct evidence that it is chiefly by association with addicts that the habit is formed.

In any event, we learned that a number of addicts are scattered throughout Canada. For that reason, I feel that it might be worth while for the federal Government to consider the establishment of an institution similar to that in Lexington, Kentucky, with a large acreage in nice surroundings, where livestock could be kept. In a great many cases, apparently, husbands and wives both become addicts. Such couples could live normal lives and find something useful to do in an institution of the type I have in mind. Investigation has shown that many young addicts have never done any useful type of work.

I notice that the committee's report states that many addicts come from broken homes. I objected when it was added that many came from a poor environment, and no doubt where the standard of living was very low. Honourable senators, as I see it, the greater number come from homes where there is too much idleness and where there is no useful work to be done. I recall that some sixty years ago a great number of boys from the Barnardo's Homes and similar institutions in the Old Country, were taken into private homes up and down the Ottawa Valley on both sides of the river. Some of them became mayors and members of parliament, while others went to the west and became prominent in various communities. A woman who appeared before our committee got very heated over the whole subject, and said, "What would you do with a fifteen year old boy or girl who went astray?" Well, I suggested the old woodshed and the strap. The boys of whom I am speaking, many of whom went on the farm and into lumber camps when they were about thirteen years of age, were not idle for one minute. In spite of the fact that they received no affection, not one of them that I heard of became an addict or got into any trouble at all. At least, they were trained to work. I suggest that idleness is one of the chief causes of drug addiction. The men I saw in Oakalla were potentially fine looking men who should be filling responsible positions.

So many of these young addicts—and I say this for the benefit of boys and girls—are too ready to blame the police for not getting a break, and say that they are ready to withdraw from the drug habit and work but that the police notify their employers. They have many other excuses to offer. In answer to that, I say that, regardless of circumstances in the home or anywhere else, any boy or girl with the spark within himself or herself can overcome the drug habit. It is almost impossible for any government, provincial or federal to help addicts unless they themselves are determined to lead a different type of life. I think of the old song that was very popular at the turn of the century:

> Whether you rise, or whether you fall,
> As life you are travelling through;
> Whether you gather respect or gather contempt,
> All will depend upon you.

I am inclined to think that a person brought up in poor circumstances has an advantage over one who had all the comforts of life, and that the poor man's son needs a better personality in order to survive than the rich man's son does. Perhaps the poor boy has an easier task in making a success of life.

Many doctors and others appeared before our committee. I was interested in Magistrate Orr, of Vancouver, who told us that in his experience alcoholism was the cause of more crime than drugs were. I thought that was a startling statement to make. He said that it only takes a month or so to become a drug addict but about three years to become an alcoholic. Honourable senators, I think that Alcoholics Anonymous, Narcotics Anonymous and similar associations are doing a very good work and that every encouragement should be given to them.

I do not think there is anything further I need say. It has been an interesting experience and a privilege for me to serve on the committee, and I am sure that all who served did so with a desire to help their fellow-men. At times I feel critical of people who allow themselves to become addicted to

drugs but perhaps one should not judge them. However, I believe that there is hope for any man or woman who has the spark and willingness to fight the habit. I believe it is possible for any addict to cure himself, if he desires to do so and is willing to work. Of course, a change of environment is absolutely necessary in order that he can be kept healthy and be given a fair chance to fight this curse.

Hon. Senators: Hear, hear.

On motion of Hon. Mr. Howden, the debate was adjourned.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

His Excellency the Administrator having come and being seated upon the Throne, and the House of Commons having been summoned and being come with their Speaker, His Excellency was pleased to give the Royal Assent to the following bills:

An Act for the relief of Franga Beryl Harker Stinson.

An Act for the relief of Enid Gertrude Brooks Bray.

An Act for the relief of Shirley Pollack Nadler.

An Act for the relief of Isidore Hoffman.

An Act for the relief of Ethel Dworkin Abrams.

An Act for the relief of Michael Moses Scullion.

An Act for the relief of Clifford Joseph Linehan.

An Act for the relief of Irene Furlong Walters.

An Act for the relief of Joyce Davies Javallas.

An Act for the relief of Freida Schecter Lupovitch.

An Act for the relief of Gertie Tryansky Katz.

An Act for the relief of Olive Gertrude Meredith Bateman.

An Act for the relief of David Sandler.

An Act for the relief of Marcel Deslauriers.

An Act for the relief of Delmar Ross Andreis.

An Act for the relief of Elizabeth Blanche Nelson Mallozzi.

An Act for the relief of Glennice Maude Hunter Garayt.

An Act for the relief of Irene Jessie Hillson Towes.

An Act for the relief of Vivian Ruth Law Alarie.

An Act for the relief of Joseph Antonio Campeol.

An Act for the relief of Mary Matilda Getto Paquin.

An Act for the relief of Ruth Nourse Tomlinson Wilson.

An Act for the relief of Joseph Henri Marcel Giguere.

An Act for the relief of Edith Isabella Bond Brown.

An Act for the relief of Yolande Joos Thompson.

An Act for the relief of Norva Florence Lemon Farley.

An Act for the relief of Freda Marie Johnston Storey.

An Act for the relief of Jack Beattie Thompson.

An Act for the relief of Florence Mary Ann Meakin O'Ranski.

An Act for the relief of Theophile Kulczycki.

An Act for the relief of William Michael Grayburn.

An Act for the relief of Katharine Leitner Bouchard Frankenburg.

An Act for the relief of Clara Gaetan Milot Fullerton.

An Act for the relief of Lily Shenker Silverton.

An Act for the relief of Alsye May Lissemore Masterson.

An Act for the relief of Sylvia Knelman Wiseman.

An Act for the relief of Sara Beiss Stein.

An Act for the relief of Veronica Vera Bordenuik Reidt.

An Act for the relief of George Gerald Melville Scally.

An Act for the relief of Joseph William James Tanney.

An Act for the relief of Aline Mailloux Simoneau.

An Act for the relief of Margaret Violet Oswald Nicol MacIver.

An Act for the relief of Irving Umansky.

An Act for the relief of Veronica Forrester Rose Kennedy.

An Act for the relief of Marie Therese Jeannette Mainville Froment.

An Act for the relief of Goldie Moscovitch Katz.

An Act for the relief of Yvette Cayer Lefebvre.

An Act for the relief of Regina Weiner Strelezky Distelman.

An Act for the relief of Marie-Louise Ashby Tremblay.

An Act for the relief of Lorna Greenberg Buium.

An Act for the relief of Myrtle Ada Lewin Derbridge.

An Act for the relief of Georges Etienne Barry.

An Act for the relief of Eileen Bayliss Roberts.

An Act for the relief of Ernest Augustus Lepage.

An Act for the relief of Rosaire Jacques Rene Tetrault.

An Act for the relief of Phyllis Lucy Stiles Beal.

An Act for the relief of Margaret Durning Mullins.

An Act for the relief of Mary Elizabeth Lorraine Callard Ramsay.

An Act for the relief of Ann Mary Allward Spighi.

An Act for the relief of Anne Rynski Vincent.

An Act for the relief of Dora Helen Simmons Glancy.

An Act for the relief of Joseph Louis Armand Carrier.

An Act for the relief of Marie Merilda Longval Roy.

An Act for the relief of Charles Edouard Thibodeau.

An Act for the relief of Rose Bowman Fox.

An Act for the relief of Marguerite Gladys Letitia Mathers Grimsdale.

An Act for the relief of Jennie Switzman Rashcovsky.

An Act for the relief of Charles Ryerson Stewart.

An Act for the relief of Hilda Emmalin Christensen Taylor.

An Act for the relief of Glendon Joseph Lynes.

An Act for the relief of Kenneth Rae Story.

An Act for the relief of Joseph Marcel Plourde.

An Act for the relief of Mayo Arthur Perrin Harrigan.

An Act to incorporate Petroleum Transmission Company.

An Act respecting The Commercial Travellers' Association of Canada.

An Act to incorporate S & M Pipeline Limited.

An Act to incorporate Yukon Pipelines Limited.

An Act to amend the Government Employees Compensation Act.

An Act to amend the Prisons and Reformatories Act.

An Act respecting the Boundary between the Provinces of Alberta and British Columbia.

An Act to amend the Veterans Benefit Act, 1954.

An Act respecting the New Westminster Harbour Commissioners.

An Act to amend the Customs Act.

An Act to Implement a Convention on Great Lakes Fisheries between Canada and the United States.

An Act to incorporate Stanmount Pipe Line Company.

An Act respecting The Dominion of Canada General Insurance Company.

An Act to incorporate Gillespie Mortgage Corporation.

An Act respecting Westcoast Transmission Company Limited.

An Act to incorporate Trans-Prairie Pipelines of Canada, Ltd.

An Act to incorporate Trans-Border Pipeline Company Ltd.

An Act to amend the National Parks Act and to establish a National Park in the Province of Newfoundland.

An Act respecting Equitable Fire Insurance Company of Canada.

An Act to incorporate The Canadian Union Conference Corporation of Seventh-day Adventists.

An Act to incorporate Consolidated Pipe Lines Company.

An Act to incorporate Baudette and Rainy River Municipal Bridge Company.

An Act respecting the Inspection of Meat and Meat Products Entering into International and Interprovincial Trade.

An Act to establish National Standards for Agricultural Products and to Regulate International and Interprovincial Trade in Agricultural Products.

An Act to amend the Prairie Farm Rehabilitation Act.

An Act respecting the Canadian Forces.

An Act to amend the Railway Act.

An Act to approve an agreement between The Toronto Harbour Commissioners, The Toronto Terminals Railway Company, Canadian National Railway Company and Canadian Pacific Railway Company.

An Act to amend the Library of Parliament Act.

An Act to amend the Blind Persons Act.

An Act respecting Canadian National Railways.

An Act respecting Canadian National Railways and to provide for the refunding of matured, maturing and callable financial obligations.

An Act to provide for the provision of moneys to meet certain capital expenditures of the Canadian National Railways System during the calendar year 1955, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

The House of Commons withdrew.

His Excellency the Administrator was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, June 29, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

MUNICIPAL GRANTS BILL

REPORT OF COMMITTEE

Hon. W. D. Euler presented the report of the Standing Committee on Banking and Commerce on Bill 258.

The report was read by the clerk assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (258) intituled: "An Act to amend the Municipal Grants Act", have in obedience to the order of reference of June 23, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Euler: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

CRIMINAL CODE

SECOND REPORT OF JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW

Hon. John A. McDonald: Honourable senators, I beg to present the second report of the Special Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries.

The Hon. the Acting Speaker: Ordered that the report lie on the Table.

Hon. Mr. McDonald: I move that the report be printed as an appendix to the *Debates of the Senate* of this day. If that motion is passed we can dispense with the reading of the report at this time.

The motion was agreed to.

For text of the report see Appendix to today's Hansard *pp. 744-5.*

JUDGES BILL

THIRD READING

Hon. W. Ross Macdonald moved the third reading of Bill 505, an Act to amend the Judges Act, and the judicature provisions of the Yukon Act and the Northwest Territories Act.

Hon. R. B. Horner: Honourable senators, I offered some opposition to this bill when it was before the house for second reading. I notice that in addition to increasing the salaries of judges across the board it authorizes the appointment of judges for the Northwest Territories and the Yukon.

Hon. Mr. Macdonald: No; the bill amends the Northwest Territories Act to provide a judge for the Territorial Court. It also provides for the appointment of two additional judges for British Columbia.

Hon. Mr. Horner: But one for the Yukon Territory?

Hon. Mr. Haig: No, there is a judge for the Yukon now.

Hon. Mr. Macdonald: Yes, there is a judge for the Yukon now, and he is *ex officio* a judge for the Northwest Territories. This bill provides for a separate judge for the Northwest Territories.

Hon. Mr. Horner: Possibly that provision is needed and a saving of expense may be effected on account of the long travelling distances, to Aklavik, the Mackenzie District delta, and other points which I imagine would be served by the new appointee. So possibly I would have no objection to that.

For the benefit of honourable senators who were not present on second reading of this bill and who perhaps were not interested in reading the debate, I want to repeat a few remarks which I made then. I said that I thought this was a particularly inopportune time to bring in a bill of this kind, because I think we must face the fact that if we are to continue to exist as an exporting nation the time is coming, and may occur before this year has ended, when lower wages will have to be paid. I regret very much that that may be so. According to the Bureau of Statistics there has been a decline in farm income of seven per cent, and I feel certain that there will be a further decline. The final payment to the producers in Western Canada this year was a mere six cents a bushel. It is because of the great importance I attach to the feelings of the ordinary people in the country that I think this measure is unwise at the present time.

I also stated during the debate on second reading that a bill of this kind might perhaps be embarrassing to members of the legal profession, and I wondered whether they would be able to take an unbiased view of such a measure. On each and every occasion when there is any discussion on a matter affecting

judges every member of Parliament who is a lawyer seems to feel it is his bounden duty to come to the aid of the judges. Now, to my way of thinking that is not a sign of what I would call a robust democracy.

In the debate on second reading the hon ourable senator from Toronto-Trinity (Hon Mr. Roebuck) spoke of the need for increased salaries to judges because of the cost of living at the standard which they are perhaps expected to maintain. In his remarks he suggested that living costs in Blaine Lake were much lower than in Toronto. May I tell him that we in Western Canada no longer sleep in the hay nor live in sod huts, and that the cost of living in Blaine Lake at a standard which we as human beings require is higher than in Toronto.

Hon. Mr. Roebuck: What about the cost of rent in Blaine Lake?

Hon. Mr. Horner: The rent for a house in Blaine Lake with services comparable to those supplied in Toronto is higher than in Toronto.

Hon. Mr. Roebuck: Then I am glad I do not live in Blaine Lake.

Hon. Mr. Horner: And what about the higher cost of automobiles in the west? As I say, we do not sleep in the hay now, and if we can help it we do not want to go back to that level of living.

My honourable friend also suggested that the farmers in Western Canada today are well off. Amazing as it may seem, the fact is that some have done quite well. But if my friend would take the trouble to look up the record of unpaid taxes on Prairie farms he would get a much more accurate picture. We have just come through one year of partial crop failure, and now we are headed for another.

I say to honourable senators that we must never lose sight of the process through which the Western farmer must go in his attempt to make ends meet. Farming in that section of the country is not as it is in Ontario, where the farmer has a continuing revenue from grazing stock and other sources. For instance, each year half of our land is not seeded but is kept in what we call a "blacked" state, in an effort to conserve the moisture that we need for the next year's crop. To do this in a rainy season may cost the farmer $8 per acre, and he receives absolutely no return from that land. And if it happens that he has a crop failure the year after that in which the land was "blacked", he has lost the use of it for two years. In Western Canada we are going to considerable expense in building high schools. As a result taxes have increased to the point where in many areas the rate is now $1 an acre. When one thinks back to the days when in that great section of the country the land with all its fertility was sold for $1 an acre, one realizes how very high this tax is.

Hon. Mr. Roebuck: But what is the land worth today?

Hon. Mr. Horner: I answer my friend by asking him what will it be worth if we get a few dry years and the top soil blows away?

Hon. Mr. Roebuck: Certainly the land is worth more than $1 an acre today.

Hon. Mr. Horner: Some of it is, but if the fertility blows out of it, it may not be worth that much.

My point is that if a farmer has to pay a tax rate of $1 an acre, or perhaps even $2, he soon finds himself in the position of buying his land the second time. I would remind my friend that while Marilyn Bell, a resident of Ontario, swam across Lake Ontario, it does not follow that all Ontarions can do so. Likewise, while it is true that a few Western farmers have managed to carry on their operations so successfully that they have made some profit for themselves and have even paid income tax, by and large that is not the position of Western farmers today.

However, in discussing the measure before the house, we must not forget that judges are human beings and are entitled to some of the good things of life. In a dispatch from Quebec, in the morning press comment was made on the fact that the colleges in that province are turning out three times as many lawyers as geologists. In spite of the fact that the greater need is for geologists to develop the country and industry, the colleges are graduating lawyers in abundance. And I might say that all Canadian universities are doing the same thing. The honourable senator from Toronto-Trinity said that many young lawyers in Ontario have incomes of $10,500 a year. Well, I would like him to show me the young man who, unless he is in some particularly fortunate circumstance, is earning $10,000 a year in the practice of law. There is certainly no young man in Western Canada doing that. There are many of them quite able lawyers, who, if they do not have some sort of a side-line, such as real estate, cannot make a living practising law.

We have heard a lot of argument to the effect that it will be impossible to find suitable men for appointment to the Bench unless the judges' salaries are raised. To my mind, that simply is not a fact. And even if the salaries are increased there will still be judges who make mistakes, just as there always have been. They are only human.

As a result of their mistakes there will be many appeals and costly litigation. An outstanding appeal that I might mention was the one that was taken to the Privy Council from a Supreme Court judgment which ruled that women were not persons within the meaning of a section of the British North America Act. Well, if the judges' salaries are increased judgments will still be reversed, just as that one was.

Honourable senators, so far as the Senate is concerned I think that the present is an excellent occasion on which to demonstrate our independence. There was some boasting in this chamber not long ago about who were the great independents here. I think this is a wonderful opportunity for them to demonstrate their independence in what I consider to be a first-class cause.

The honourable senator from Toronto-Trinity told us that the Minister of Finance predicted Canada would have a larger national production this year than at any time in her history. I only hope that he is not entirely too optimistic, but I am afraid that he is. The newspapers this morning carried a dispatch to the effect that 800 textile workers are meeting for the purpose of considering a proposed reduction in wages in order to enable their industry to carry on. I want to draw attention to what I consider was a very strange remark by the honourable senator from Toronto-Trinity, that the textile industry should be let go to the wall, that it does not belong to this country—

Hon. Mr. Roebuck: I did not use that phrase.

Hon. Mr. Horner: You said the textile industry was not indigenous to this country.

Hon. Mr. Roebuck: That is right.

Hon. Mr. Horner: All right. Then why not go on and say that because we have to keep our cattle in the barn during the winter, when snow is on the ground, we should import our beef cattle from Argentine, New Zealand and Australia? A similar case could be made out in favour of importation of butter. And what about nylon and rayon? We have a surplus of wood pulp in this country, but the honourable senator might go so far as to state that Canada should not be producing these materials either.

Honourable senators, as I see it a serious problem that we are facing today is the high cost of labour in the various articles that we manufacture. We have raw materials in abundance, but, as I said earlier, the cost of labour is a matter that this country is going to have to deal with if we are to continue to sell our products abroad.

An Hon. Senator: Are you in favour of free trade?

Hon. Mr. Horner: Surely I am in favour of free trade.

The press today contains an article by a professor pointing out the devious methods that this Government is applying, through the application of dumping regulations and so on, which have the effect of a tariff, and he said that the Government should come out frankly and call it a tariff for protection purposes. He is complaining on that score.

Let me repeat: in view of the economic situation that we are facing today—and I emphasize that the situation is becoming increasingly difficult for farmers—I think this is a very inopportune time to bring this legislation forward. I therefore wish to move an amendment in the following words:

That Bill 505 be not read a third time this day, but this day six months.

In moving that amendment, honourable senators, I have done my duty as I see it.

The Hon. the Acting Speaker: Is there a seconder for the amendment?

Hon. Mr. Horner: Is that necessary?

The Hon. the Acting Speaker: Yes.

As there is no seconder, I declare the amendment out of order.

Honourable senators, the question is on the motion for third reading of Bill 505, an Act to amend the Judges Act, and the judicature provisions of the Yukon Act and the Northwest Territories Act. Is it your pleasure to adopt the motion?

Hon. Mr. Horner: On division.

Hon. Mr. Roebuck: Honourable senators, I do not think any reply is necessary when the honourable gentleman cannot find a seconder, but I rise to compliment him. I did so when this same bill was before us on a previous occasion. I said then and I say now that it is difficult to oppose public expenditures and very easy to be generous with other people's money. The honourable gentleman has taken the stand that he believes to be sound, but with which all the rest of us disagree, and I compliment him.

Hon. Mr. Horner: I am not so sure whether you all do disagree.

Hon. Mr. Roebuck: I do not compliment him, however, on the remarks he has made about those who have favoured this bill, imputing motives of cowardice or self-interest or something of that kind because we of the legal profession, who know something about the matter, have advocated the payment of these increased salaries. He suggests that

our action is not robust democracy. He seems to think that when he, as a farmer, advocates the cause of the farmers, that is robust democracy. Then why should it be otherwise when the profession of which one knows something happens to be the law? I do not congratulate him on his reasoning in this matter, nor for calling into question the *bona fides* of those of the legal profession who have expressed themselves and who will vote in favour of this bill. Neither do I agree with his statement that, because of competition from abroad, we are pricing ourselves out of the international market through high wages.

Hon. Mr. Horner: It is so.

Hon. Mr. Roebuck: My friend says it is so. Well, one can imagine wages so high that it would be difficult for us to sell some of our products. But this is a country with a high standard of living, not only for those who earn wages but for those who run farms. There are no other farmers in the world whose standard of living is as high as that of the Canadian farmers. Far be it from me to say that that standard should be reduced to enable them to compete more effectively in foreign markets. As a matter of fact we have been very successful in meeting competition in days gone by. The honourable senator talks about high wages, but for some reason—and I have noticed this on a number of occasions—he never speaks about high land values, although there has been a quiet admission that some Western lands for which the farmers once paid a dollar an acre are not selling for any such low figure today. Indeed, one notes all over Canada increases in land values which, particularly around the great cities, have reached fantastic figures. If any restrictions are necessary to enable us to compete more effectively it is in the direction of land values, not in wages, that the first reduction should take place.

Hon. Mr. Horner: Tut, tut.

Hon. Mr. Roebuck: My friend says "Tut, tut". I suppose he regards it as robust democracy to be on the side of the land speculator and the land hog, not on the side of the worker who earns wages. My thought is that the first thing we should do is investigate the exorbitant prices, of which I could give many examples, charged for the mere privilege of doing something, rather than attempt a reduction of the wages of those who do do something.

I predict that we shall carry this bill almost unanimously, and that there is no justifiable imputation against anybody who votes to pay a decent salary to the men who are doing a most important job in our communities.

Hon. Thomas Vien: Honourable senators, among the many things of which the people of Great Britain and Canada can be rightly proud, is the very high character of their Judiciary. No country in the world can boast of judges who hold a higher place in the estimation of their people. In Canada we should endeavour to maintain the dignity of our Judiciary; Canadian citizens, in every walk of life, entrust their lives, their properties, their liberties to the keeping of the men who are called to the Bench. Canadians will be a free, a democratic and a happy people only as long as they may look up with pride to their judges; only as long as these judges continue to discharge their duties as honourably and conscientiously as they have done in the past, and are doing now. Members of our Judiciary are selected from members of the Bar who possess the best professional qualifications. To begin with, they must have been actively engaged in the practice of law for at least ten years. They are chosen by the Minister of Justice—an executive who, at all times since Confederation, has been an eminent jurist—who exercises a wise discretion in the selection of the men who are called to the Bench.

How could we expect eminent lawyers to accept appointment to the Bench unless they are assured, not of adequate or complete compensation, but at least of reasonable compensation for what they have to give up? It would be most unfortunate for us all if the choice of appointees had to be limited to men who are unable to make a living in their profession and who seek judgeship. Let us give the Minister a free hand to select judges from among men who have made a success of their professional practice, men who would make a financial sacrifice if they accepted appointment. This proposed increase in the salaries of judges looms large only in the eyes of those who do not stop to consider the question under all its aspects. For instance, how much of the $2,500 increase would remain in the hands of the judge and how much would go back to the Crown? The Crown gives with one hand and takes back with the other. High Court judges are now receiving $14,400; if this bill is passed, they will get $16,900, and that would put them into a higher income tax bracket.

Hon. Mr. Roebuck: About one-third of their entire salary goes in taxation.

Hon. Mr. Vien: Let us consider what an ordinary man, who is industrious and sober, can make in his trade or commerce or chosen

profession, by contrast with the eleven or twelve thousand dollars net which is left to the judge. We do not expect a judge to live as a pauper; we expect him to maintain his family and himself on a dignified level. He cannot live in the slums, nor can he dress shabbily. Furthermore, a man is usually called to the Bench at a time in life when his children, if he has any, are attending universities or other expensive institutions of education. A judge has to incur certain necessary expenses and has to maintain a fairly high standard of living. I daresay that all reasonable citizens, when considering the net salary left to a judge after he has paid his income taxes, will applaud us for having voted this measure. Indeed, many will deplore that compensation to judges will not be higher than that fixed by this bill.

Honourable senators, I believe this measure will help to keep our Judiciary at its present high standard and, for that reason, I shall very gladly vote for it.

The motion was agreed to, and the bill was read the third time, and passed, on division.

INTERNATIONAL RIVER IMPROVEMENTS BILL

THIRD READING

Hon. W. Ross Macdonald moved the third reading of Bill 3, an Act respecting the construction, operation and maintenance of international river improvements.

The motion was agreed to, and the bill was read the third time, and passed.

CANADA ELECTIONS BILL

SECOND READING

Hon. William H. Golding moved the second reading of Bill 415, an Act to amend the Canada Elections Act.

He said: Honourable senators, in moving the second reading of Bill 415, an Act to amend the Canada Elections Act, I should give the house something of its background and a few of the reasons why it is before us at this time.

I may say that on February 25 last reference was made by the House of Commons to their Standing Committee on Privileges and Elections, as follows:

That the Standing Committee on Privileges and Elections be instructed to study the several amendments to the Canada Elections Act, and amendments thereto, suggested by the Chief Electoral Officer, to study the said act, to suggest to the house such amendments as the committee may deem advisable and that the committee be also empowered to inquire into the different methods of effecting the adjustment of representation;

It will be noticed that this is a double-barrel reference, the first part authorizing the study of amendments to the Canada Elections Act, and the second part empowering the committee to inquire into different methods of effecting the adjustment of representation. I shall have something to say about this later on.

The committee held its first meeting on Tuesday, March 8, having before it on that date certain amendments proposed by the Department of the Secretary of State, the Chief Electoral Officer and some twenty-nine individuals and groups, including two judges.

All these people had evidently taken sufficient interest in this problem to write to the committee offering suggested amendments to our Elections Act. It is surely a healthy sign to have so many of our citizens interested in legislation of this kind. I am sure the committee deeply appreciated having their recommendations, for they must have been a great help in reaching the conclusions on the task which had been assigned to the committee.

Honourable senators will find a complete list of these recommendations and the names of those making them in the No. 1 copy of the committees Minutes of Proceedings and Evidence, dated March 8, 1955. I have here a list of the names and I believe they should be put in our records. I feel that those who have shown such interest in the Elections Act should be recognized in the Senate's records as well as in those of the Standing Committee on Privileges and Elections of the other place. Therefore, with leave of the Senate, I would ask that this list be placed on *Hansard*.

The Hon. the Acting Speaker: Has the honourable senator the unanimous consent of the house to have this list placed on *Hansard*?

Hon. Senators: Agreed.

The list is as follows:

1. Jean-François Pouliot, M.P., Rivière-du-Loup, P.Q.
2. United Electrical, Radio and Machine Workers of America, Toronto, Ontario.
3. Trades and Labour Congress of Canada.
4. Harvey Caulfield, Mount Forest, Ontario.
5. Canadian Teachers' Federation, Ottawa, Ontario.
6. Maurice C. Punshon, Toronto, Ontario.
7. Egan Chambers, Mount Royal, P.Q.
8. His Honour Judge Forsyth, Toronto, Ontario.
9. M. A. Myren, Portage-la-Prairie, Manitoba.
10. Robert Fair, M.P., Ottawa, Ontario.
11. United-Automobile-Aircraft-Agricultural Implement Workers of America (UAW-CIO) Local 439, Toronto, Ontario.
12. Manitoba Summer School, University of Manitoba.
13. Summer Session Students' Association of the University of British Columbia.
14. His Honour Judge Morley, Owen Sound, Ontario.

15. T. C. Anderson, Canadian National Steamships.
16. Provincial Normal School, Tuxedo, Manitoba.
17. F. H. Tanner, East Gore, N.S.
18. Graham P. Smith, Calgary, Alta.
19. A. A. Meadows, Guelph, Ontario.
20. PAC-CCL Political Action Committee, Toronto, Ontario.
21. J. P. Doherty, Provost, Alta.
22. Federation Women's Institutes of Canada, Unionville, Ont.
23. The Canadian Chamber of Commerce, Montreal, P.Q.
24. Robert Hewitt, Westmount, P.Q.
25. Leonora Starr, Newmarket, Ontario.
26. Major Gen. G. R. Pearkes, Ottawa, Ontario.
27. J. P. Doherty, Provost, Alta.
28. Donald H. Doherty, Secretary, District No. 4 Council, International Chemical Workers' Union, Toronto, Ontario.
29. Michael Engel, Montreal, P.Q.

Hon. Mr. Golding: The Standing Committee on Privileges and Elections held a number of meetings—I believe twelve, to be exact—and a perusal of the Minutes clearly indicates they gave careful detailed study to the subject matter assigned to them. I have read these Minutes, and as far as I am concerned they show that the committee did an excellent job.

On April 29 the committee submitted their second report, which included a draft bill. That draft bill embodied the conclusions reached by the committee, as the present bill does.

While the committee reported their conclusions so far as the first phase of their reference was concerned, that of making amendments to our Elections Act, they felt that they had neither the time nor the factual data to deal with the second phase of their reference, namely, to inquire into the different methods of effecting the adjustment of representations. They requested that this part of their inquiry should be left over for another session and this has been done. Therefore, the present bill deals with amendments made to the Elections Act by the committee and approved by the House of Commons after long and careful study.

This bill deals with the position of the Chief Electoral Officer. He will now be given the full status of a deputy minister, and his remuneration will be increased from his present salary of $12,000 to $13,500.

Hon. Mr. Roebuck: Is that Mr. Castonguay?

Hon. Mr. Golding: Yes. I believe this change has general approval, for in reading the discussions on this problem it is a great source of satisfaction to find so many members from the different political parties speaking so highly of the ability and the efficiency of the Chief Electoral Officer.

While this bill does seem to be quite lengthy, I am sure if we analyse it carefully we will find it is not a controversial bill at all. It simply makes amendments to keep pace with changing times, and, of course, to meet the request of the department and the Chief Electoral Officer, who finds in the operation of the act that some amendments are really necessary.

While some of the proposed changes are important, for the most part they are technical and remedial.

When the act was being studied by the Standing Committee on Privileges and Elections, the committee agreed to extend the time for nomination day to 21 days before the date of an election, instead of the present 14 days, in all districts other than those listed in Schedule 4 of the Elections Act.

The districts in Schedule 4 are as follows:—

Ontario: Cochrane, Kenora-Rainy River, and Port Arthur.

Quebec: Chapleau and Saguenay.

Newfoundland: Bonavista - Twillingate, Burin-Burgeo, Grand Falls-White Bay, Humber-St. George's and Trinity-Conception.

Manitoba: Churchill.

Saskatchewan: Mackenzie, Meadow Lake, Melfort, and Prince Albert.

Alberta: Athabaska, Jasper-Edson, and Peace River.

British Columbia: Cariboo and Skeena.

Yukon and Northwest Territories: Yukon-Mackenzie River.

In the districts I have just named under Schedule 4, the time for nomination day will remain as it is, namely, 28 days before the day of election.

When this bill was considered by the Committee of the Whole in the House of Commons, the change which had been made by the Standing Committee on Privileges and Elections to have nomination day 21 days before the election day was not favourably received. In fact, members from all parties in the house indicated their opposition to such a change. As a result of this opposition, amendments were made to the draft bill resulting in the date for nomination being left as it was, namely, 14 days before the day of the election. This met with general approval by the Committee of the Whole. That simply means that the amendment made in the Standing Committee on Privileges and Elections has been eliminated and is not in the bill at all.

Under this bill it will be permissible for a candidate to spend $2,000 on personal expenses, instead of $1,000 as under our present legislation. There was no opposition to this amendment, as I believe all members fully realize how the costs of elections have gone up. The use of radio, television and other modern appliances has sent the costs to candidates very high.

The bill provides that the wife of a serviceman will be entitled to vote if she is living abroad with her husband where he is stationed.

The bill reduces from eight to two days before an election the period in which a person is not permitted to supply, display, or wear badges, ribbons, flags, etc., indicating which party or candidate he is supporting.

There are many amendments, technical, remedial and consequential, all of which are intended to improve the situation for the electors, the Department of the Secretary of State and our Chief Electoral Officer.

Honourable senators, I would like to emphasize this point: the bill as finally passed by the other place, and as it now stands, met with the general approval of the members. I therefore recommend that the Senate adopt the bill as it is. After all, it is the members of the other house who are affected.

Hon. Mr. Howard: Hear, hear.

Hon. Mr. Golding: We in the Senate are not affected by the bill. The members of the other house reached agreement on the bill as it now stands, and I think we should accept it as it is, and give it second and third readings.

Hon. Senators: Hear, hear.

Hon. Mr. Lambert: Honourable senators, first I wish to compliment my honourable friend who has just taken his seat upon his admirable explanation of the bill. May I ask him a question about the costs of elections, which was an item to be held for future discussion? I recall that some remarks were made when the bill was debated in the House of Commons, particularly by the veteran member for Quebec South. I am just wondering if that phase of the subject is likely to receive any further attention next session.

Hon. Mr. Golding: I think there was considerable discussion on that point, but the committee asked the house to relieve it of proceeding with that part of the inquiry at the present time. The bill, therefore, simply makes amendments to the Elections Act.

Hon. Mr. Roebuck: May I ask the honourable gentleman a question? Did any discussion take place with regard to progress made in the voting system? For instance, the transferable vote in single-member constituencies is a matter that has engaged the thought of Canadian citizens for some considerable time. Was attention given to any proposal of that nature?

Hon. Mr. Golding: That was discussed in committee, but favourable action was not taken.

Hon. Mr. Roebuck: Were any of the parties favourable to it?

Hon. Mr. Golding: The matter was discussed, but it was not pressed. That feature is not embodied in the bill at all.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Golding: Next sitting.

Hon. Mr. Roebuck: Honourable senators, may I be permitted to congratulate the honourable senator from Huron-Perth (Hon. Mr. Golding) on his admirable explanation of this bill, and to say that I agree that it is unnecessary to refer the bill to a committee of this house, since it has been thoroughly studied by a committee of the other house. I understand that it will be placed on the Order Paper for third reading next sitting.

Hon. Mr. Haig: Next sitting.

NARCOTIC DRUG TRAFFIC

REPORT OF COMMITTEE CONCURRED IN

The Senate resumed from yesterday the adjourned debate on the motion of Hon. Mr. Reid for concurrence in the final report of the Special Committee appointed to inquire into and report upon the traffic in narcotic drugs.

Hon. John P. Howden: Honourable senators as the report of the committee was fully placed before the house yesterday by the honourable chairman (Hon. Mr. Reid), it is unnecessary for me at this time to do more than touch on some points which may bear special mention.

Speaking as a member of that committee, I may say that we were early impressed by the testimony received. The narcotic drug evil has been of very dangerous import—a spreading plague like smallpox or cholera or syphilis. On the few former occasions when the Standing Committee on Public Health and Welfare met and discussed the menace of addiction, I voiced the opinion that there was not a hospital or an institution throughout the length and breadth of our land where the unfortunate addicts could receive asylum or would be taken in and treated, and that there was not much hope for them under these circumstances. That statement was true when it was made, though more recently there has been some improvement. Now there is at least occasional asylum for treating them, but rather by way of punishment; and when they are discharged from jail, all too soon they go out, still suffering from the hangover of their

opium spree, sober and agonizingly sorry for it, and bitterly resentful mentally. Small wonder that they immediately seek and find a further supply of the drug, and by peddling, theft and worse means the vicious circle goes on.

Some time after the beginning of the present session of Parliament the honourable senator from New Westminster (Hon. Mr. Reid) discussed the matter very freely and well on the floor of the Senate, for which the members of the Senate and addicts and society at large owe him a debt of gratitude. As an outcome of his speech the Senate decided to investigate the whole matter, and a committee was appointed for that purpose.

We sought and received testimony from many well-informed witnesses. They were by no means in universal agreement. Among our early witnesses were the Chief Constables of Vancouver and Edmonton, who testified as to the very deep and difficult nature of the problem. They were of much the same opinion, namely, that addicts should be apprehended, isolated and the drug withdrawn; that they should be treated intelligently and not unkindly, and not released until there seemed to be little doubt of their being cured temporarily at least; that if and when they broke down again they must be returned to the hospital, treated again, and receive good food and proper exercise, and so on, until they were finally returned to health and wellbeing.

While we were at Vancouver we were surprised to hear some quite prominent people suggest that addicts should be supplied with the drug at no expense from "service stations". This they claimed would freeze out the trafficker, and so overcome the chief source of the trouble. We just could not believe their claim, and we soon learned that whereever free drugs had been supplied the evil worsened by leaps and bounds. So we discarded the suggestion. After obtaining and sifting much evidence, we were bound to decide that the only course was to confine the addicts in an isolated institution where they could have no contact with the outside world, and where their habit could be cured and their health restored under intelligent kindly treatment.

Can this be done? Yes, indeed it can. Such a program is proceeding continuously in the United States, at the Public Health Service Centre of the National Institute of Mental Health, at Lexington, Kentucky, under Dr. Harris Isbell as director. He has been in public health service for twenty years, and for the last eleven of those years he has been in charge of this centre.

Now, honourable senators, what we learned from Dr. Isbell is really the meat of the whole situation. When he commenced his work at Lexington fifteen years ago there were approximately 200,000 addicts in the United States of America, and now, by the best official figures, there are only 60,000. Dr. Isbell is a psychiatrist or research scientist. He knows all the answers and gives them freely. He acts on straight lines and does nothing by guesswork. He has restored to health hundreds of addicts and sent them back into lives of useful activity. He spent a whole morning with us in going over his work, and although he was asked many annoying questions he paused to answer them all without exception and to thresh them out with us. He believes in isolation absolutely, but did not think so much of the island idea.

Here is a method, the only watertight method submitted that has proven its worth. When asked by our legal adviser if he would favour our launching such a program as his, Dr. Isbell said he was much in accord with the idea. We do not have such a great number of addicts—about 3,000 odd—but enough to cause concern. For me, I believe the way has been pointed out and that it is up to us to follow.

Hon. Senators: Hear, hear.

Hon. W. Ross Macdonald: Honourable senators, before the question is put for adoption of the report, I should like to take this opportunity of commending the Chairman (Hon. Mr. Reid) and the members of the Special Committee for their industry and thoroughness in conducting the various phases of this important inquiry. I think it is most gratifying to know that senators of their own free will and accord will give of their time and ability to inquire into a question of this kind.

It will be recalled that during the Easter recess members of this committee voluntarily gave up part of their holiday to hold meetings of the committee for one week in the city of Vancouver. I think that in itself speaks very highly of the spirit in which the committee's work was undertaken and carried through, and it reflects credit upon not only the commitee but the Senate as a whole.

On behalf of those of us who were not on the committee I wish to express grateful appreciation of what the Chairman and members have done in the rendering of splendid service to our country.

Hon. Senators: Hear, hear.

Hon. Arthur W. Roebuck: Honourable senators, I am delighted that the Leader of the Government (Hon. Mr. Macdonald) has expressed himself so well and so forcefully in this connection. It was suggested to me that

some senator who was not on the committee should put on record the gratitude of the house for the services of this committee; but, of course, that has now been done by the Leader of the Government and much better than I could have done it. Still, if I do not presume too far, I would like to say that I fully concur in what he has said, and to add that, like others who were not members of the committee, I have been greatly impressed by its work.

To begin with, the committee attacked a most difficult problem and one to which there appeared to be no obvious answer or real solution; but they gave themselves to the task with energy and determination, and they showed commendable initiative in doing some things that had never been done previously by any committee of this house. I desire to express appreciation particularly of the courage with which they attacked this difficult problem.

They have accomplished a great deal, though it was doubtful whether they could when they started. Through persistent industry and research they accumulated a large fund of information, which will be for countless others as it has been for themselves a source of enlightenment upon a truly serious situation.

I want to say a word, if I may, about the leadership of the Chairman of the committee (Hon. Mr. Reid).

Hon. Mr. Macdonald: Hear, hear.

Hon. Mr. Roebuck: I understand he was a most acceptable chairman to all the rest of the members of the committee.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: I am sure that as years go by the work that has been done by this committee and the report that it has made will be regarded as one of the great achievements of this house.

We are all delighted with what you have done, Mr. Chairman.

Hon. Thomas Reid: Honourable senators,—

The Hon. the Acting Speaker: If the honourable gentleman speaks now, he will close the debate.

Hon. Mr. Reid: It is indeed gratifying to hear the kind words of the honourable Leader of the Government (Hon. Mr. Macdonald) and the honourable senator from Toronto-Trinity, (Hon. Mr. Roebuck). On behalf of the committee, may I express our appreciation of the recognition of the work we have done. And to the honourable senator from St. Boniface (Hon. Mr. Howden), may I extend my appreciation for his kind words regarding myself as chairman.

When we set out on this inquiry we all realized that the problem was a serious one, and many of us had our own ideas about it. But when we began to hear the evidence which was presented—I think I speak on behalf of most of the members at least—many of us changed our views as to the problem itself and its solution.

One of the things that struck me most forcibly was that it was not just a single problem of curing the drug addict. When we were informed by witnesses that 70 per cent of drug addicts had had long criminal careers before they became addicts I tried to reason out what should be done with such persons who had in the past gained their living not by honest toil but in evil ways. If we undertook to cure them of the drug habit, I wondered what would become of them for the rest of their lives. So the problem was a very complex one.

I am very pleased that, according to a press report, the Honourable Mr. Bonner, Attorney General of British Columbia, is going to set up a pilot plan for treatment of drug addicts. However, I want to make one comment. The Attorney General is reported to have said that he expected the committee would recommend some specific form of treatment. But I would remind honourable senators, as well as the Attorney General, that it was not the duty of this committee to recommend a specific method of treatment. I do not think the committee could be in a position to say what steps should be taken looking to a possible cure.

The honourable senator from St. Boniface mentioned what is being done at Lexington, Kentucky. I am going to suggest to the Attorney General of British Columbia that he or some of his officials, and those whom he is placing in charge of his plan, might be well advised to spend some time visiting and inspecting the United States Public Health Service Centre at Lexington, to see how that institution is carrying on and find out also the results of the treatment of drug addicts in the United States.

To the Vancouver newspapers I wish to say a word regarding their recent criticism. But first may I say that the newspapers generally have been very kind in their remarks regarding the work of the committee and speak highly of the report. However, I suppose the newspapers in Vancouver are, figuratively speaking, beginning to lick their wounds, and in the process they are now beginning to be a little critical of the report itself. I can say to them, however—and I hope this message is conveyed to them—that before they make any more criticism they should first of all read the evidence itself,

because every recommendation in the report is based on evidence given before the committee. I predict that if they do read it they will come to much the same conclusions that we came to and will then agree wholeheartedly with our report.

I was pleased that the honourable senator from St. Boniface pointed out that we had turned down the suggestion that free drugs be supplied to addicts in clinics. I do not know why the idea of giving free drugs to addicts still persists. To my mind you might just as well give one or two bottles of whisky daily to an alcoholic. To those who keep on suggesting that clinics for this purpose should be tried out, I wish to say that if they will look over the evidence they will find that out of 13 doctors, including Dr. Isbell, one of the great authorities on drug addiction on the North American continent, only two advocated establishing such clinics. I ask you, were 11 experienced medical men wrong and two lone doctors correct? I hope that this information will be made known to the public, especially to those who are toying with the idea that such clinics would lead to cures. In my opinion, which is based on the evidence, they know not whereof they speak. In our report we have spoken not from our own knowledge, and not from our own experience, but from the wealth of evidence that was placed before us during our inquiry.

Again, on behalf of the committee, I thank honourable senators for their congratulations on the work the committee has done. It helps a great deal to know that our report is appreciated by all members of the Senate.

The motion was agreed to, and the report was concurred in.

The Senate adjourned until tomorrow at 3 p.m.

APPENDIX

REPORT OF JOINT COMMITTEE ON CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

(Presented by Hon. Mr. McDonald. See p. 734.)

The Special Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries begs leave to present the following as its second report.

Establishment of Committee.

On January 14, 1955, the House of Commons resolved to establish a joint committee in effect to resume the studies and continue the inquiries initiated by the corresponding Joint Committee at the previous session of Parliament. On January 26, 1955, the House of Commons appointed its membership to the committee.

On January 25, 1955, the Senate united with the House of Commons in the establishment of the committee and on February 1, 1955, appointed its membership.

Terms of Reference.

The Orders of Reference from both houses, here consolidated, were as follows:

That a joint committee of both houses of Parliament be appointed to inquire into and report upon the questions whether the criminal law of Canada relating to (a) capital punishment, (b) corporal punishment or (c) lotteries should be amended in any respect and, if so, in what manner and to what extent;

That seventeen members of the House of Commons and ten members of the Senate be members of the joint committee on the part of each house; that the quorum of the said committee be nine members thereof; and that Standing Order 65 of the House of Commons be suspended in relation thereto;

That the committee have power to appoint, from among its members, such subcommittees as may be deemed advisable or necessary; to call (send) for persons, papers and records; to sit while both houses are sitting and to report from time to time;

That the Minutes of the Proceedings and the evidence of the Special Joint Committee appointed last session (First Session, Twenty-second Parliament) to inquire into and report upon the foregoing questions, together with all papers and records laid before it, be referred to the said committee;

That the committee have power to print such papers and evidence from day to day as may be ordered by the committee for the use of the committee and of Parliament, and that Standing Order 64 of the House of Commons be suspended in relation thereto; and

That the committee have power to engage the services of counsel.

Membership.

The membership of the committee on appointment was as follows:

The Senate (10): The Honourable Senators Aseltine, Bouffard, Farris, Fergusson, Hayden, Hodges, McDonald, Roebuck, Veniot, and Vien. (On March 1, 1955, the Honourable Senator Tremblay was appointed to the committee in substitution for the Honourable Senator Bouffard).

The House of Commons (17): Miss Bennett, Messrs. Boisvert, Brown (Brantford), Brown (Essex West), Cameron (High Park), Fairey, Garson, Leduc (Verdun), Lusby, Mitchell (London), Montgomery, Murphy (Westmorland), Shaw, Mrs. Shipley, Messrs. Thatcher, Valois, and Winch. (On February 21, 1955, Mr. Johnston (Bow River), was appointed to the committee in substitution for Mr. Shaw, and on March 22, 1955, Mr. Thomas was appointed to the committee in substitution for Mr. Johnston (Bow River)).

Organization and Summary of Meetings.

The committee held its first sitting for preliminary organization on February 2, 1955, when the Honourable Senator Salter A. Hayden and Mr. Don. F. Brown, M.P., the Joint Chairman of last session's Committee, were again elected Joint Chairman. At that meeting, the committee also appointed a subcommittee on Agenda and Procedure and again retained the services of Mr. D. G. Blair, Barrister and Solicitor of Ottawa, as counsel to the committee. At its second meeting, held on February 8, 1955, the committee adopted its general procedure for future meetings. Commencing on February 10, 1955, the committee met approximately twice weekly, except during the Easter recess of Parliament, until May 12, 1955, during which period the committee held 22 sittings devoted almost entirely to taking evidence. The committee of last session held 27 such sittings. All hearings were held in open session, excluding *in camera* hearings for medical evidence on alternative methods of executions, evidence of the executioner on hanging, and evidence taken by counsel from former inmates of penal institutions who had undergone corporal punishment. The evidence of the first two *in camera* hearings has been printed as taken but the evidence of the inmates has only been printed in summarized form. In addition, where the deliberations of the committee related to procedural and administrative matters, portions of those meetings were conducted in private session. After May 12, 1955, the committee held 5 sittings in private session devoted entirely to its methods and procedures of summarizing and analyzing all evidence taken during both sessions, including the question of a report to Parliament. In all, at this session the com-

mittee held 29 meetings and its Subcommittee on Agenda and Procedure met 14 times. The committee of last session held a total of 30 meetings and its subcommittee met 17 times.

Sources of Evidence.

During the course of the inquiries by this and last session's committees, evidence was obtained on all three subjects from the sources listed in an Appendix to your Committee's Minutes of Proceedings and Evidence, No. 21. In addition, miscellaneous representations on all three subjects were received from many individuals and organizations in the form of letters, resolutions, petitions and briefs which were examined and analyzed, along with other reference material obtained through research, for the best possible evidence and for further sources of information.

Your committee very much appreciated this material without which some aspects of its enquiries may have been overlooked or minimized.

At this session your committee printed evidence from 60 individuals and 10 organizations including several of the provincial attorneys general. The committee of last session printed evidence from 40 individuals and 15 organizations including several of the provincial attorneys general.

Approach to and Method of Inquiry.

Your committee and its predecessor recognized early in their proceedings that public opinion was a major factor to be considered in deciding the three issues of capital punishment, corporal punishment and lotteries. It was felt that an extensive and fair coverage of the work of this committee by news agencies would lead to a better informed public opinion and would assist your committee in its approach to its inquiries. The numerous editorials, articles, and broadcasts during the past two years are evidence of the co-operation received. These agencies also assisted immeasurably in bringing to the attention of the public and organized bodies the committee's desire to obtain their views.

The preceding committee had given consideration to the possibility of completing the hearings of evidence on one subject before proceeding to the next or at least limiting each hearing to one subject. However, some witnesses wished to give evidence on all three subjects and others had difficulty in finding time to appear and, accordingly, it was decided to hear evidence in an order that would meet the convenience of witnesses.

Your committee also had considered obtaining authority to hold hearings across Canada and to visit certain institutions. However, the information required was obtained from witnesses who appeared voluntarily and from selected experts called by the committee thereby making it unnecessary to travel beyond the seat of government.

Appreciation of Assistance.

The committee wishes to record its gratitude to those individuals, organizations, agencies and departments of the federal and provincial governments that made oral or written representations or in other ways assisted your committee in its inquiries. In respect to its legal and secretarial assistance, the committee was very fortunate that these duties were again performed by the counsel and clerk who so capably and energetically served last year's committee.

Interim Recommendations.

The evidence for both sessions has been completely summarized but, because of lack of time, your committee has not been able to prepare a comprehensive final report formulating conclusions and making recommendations relating to the many aspects involved in all three questions of capital punishment, corporal punishment, and lotteries.

Your committee accordingly recommends that another joint committee be established early in the next session of Parliament, with the same powers and membership, to complete a final report on the three questions of capital and corporal punishment and lotteries.

A copy of the committee's Minutes of Proceedings and Evidence taken at this session is appended, together with the Minutes of Proceedings and Evidence of last session's corresponding committee which were referred to your committee.

All of which is respectfully submitted.

Salter A. Hayden,
Joint Chairman.

50437—48

THE SENATE

Thursday, June 30, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

EXCISE TAX BILL

FIRST READING

A message was received from the House of Commons with Bill 418, an Act to amend the Excise Tax Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Godbout: Next sitting.

UNEMPLOYMENT INSURANCE BILL

REPORT OF COMMITTEE

Hon. G. Percival Burchill, Acting Chairman of the Standing Committee on Immigration and Labour, presented the report of the committee on Bill 328.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Immigration and Labour, to whom was referred the Bill (328) intituled: "An Act respecting unemployment insurance", have in obedience to the order of reference of June 23, 1955, examined the said bill and now beg leave to report the same without any amendment.

The report was adopted.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Burchill: Next sitting.

PRAIRIE FARM ASSISTANCE BILL

REPORT OF COMMITTEE—AMENDMENTS CONCURRED IN

Hon. Cyrille Vaillancourt, Chairman of the Standing Committee on Natural Resources, presented the committee's report on Bill 481.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Natural Resources, to whom was referred the Bill (481) intituled: "An Act to amend the Prairie Farm Assistance Act", have in obedience to the order of reference of June 28, 1955, examined the said bill and now beg leave to report the same with the following amendments:

1. Page 2, line 11: strike out "of sections"
2. Page 2, line 19: strike out "of sections"
3. Page 2, line 28: strike out "of sections"
4. Page 2, line 30: strike out "of sections".

The Hon. the Acting Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Mr. Haig: Now.

Hon. Mr. Vaillancourt: I move that the amendments be concurred in now.

Hon. Mr. Haig: Honourable members, I want to say a word or two for the benefit of those who are not on the committee. The amendments were made at the request of the Government, because the bill as it came to us from the House of Commons included references to river lots, and to make the wording clear it was necessary to strike out the words "of sections." These amendments which we are now considering will not change the bill in any material way at all. As honourable senators know, the bill provides, among other things, for the granting of assistance to farmers of Western Canada whose crops were damaged or lost in the recent spring floods. I have had a great many letters from people who suffered from floods, and I should like to see them receive some assistance as soon as possible. As the bill has been amended in this house, it will be necessary for it to go back to the other house in order that the amendments may be concurred in there. It is for that reason, honourable senators, that I support the motion that the amendments be concurred in now.

The motion was agreed to and the amendments were concurred in.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

Hon. Mr. Vaillancourt: Honourable senators, I move third reading now.

The motion was agreed to, and the bill, as amended, was read the third time, and passed.

ADJOURNMENT

Hon Mr. Macdonald: Honourable senators, I move that when the Senate adjourns today it stand adjourned until Tuesday, July 5, at 8 o'clock in the evening.

The motion was agreed to.

JOINT COMMITTEE ON LIBRARY

ADDITION TO MEMBERSHIP

Hon. William H. Taylor moved, with leave:

That the name of the Honourable Senator Godbout be added to the list of senators serving on the Joint Committee of both houses on the Library of Parliament; and

That a message be sent to the House of Commons to inform that house accordingly.

The motion was agreed to.

CANADA ELECTIONS BILL

THIRD READING

Hon. William H. Golding moved the third reading of Bill 415, an Act to amend the Canada Elections Act.

The motion was agreed to, and the bill was read the third time, and passed.

CRIMINAL CODE (RACE MEETINGS) BILL

SECOND READING

Hon. Arthur W. Roebuck moved the second reading of Bill 504, an Act to amend the Criminal Code (Race Meetings).

He said: Honourable senators, this is a very simple matter and not a particularly consequential one. As honourable senators know, betting and gaming and so on are prohibited by the Code; but there are certain exceptions, among which is betting on horse races, under certain conditions. I am not going to defend it or attack it. There are good reasons, no doubt, for the exception. For instance, a very large number of good people enjoy watching the ponies run and most of them seem to like—I say this because of the numbers who take part in it—placing a little bet on the side. So far as can be seen, no very great harm seems to have come to our community as a result of that. However, whatever the reasons may be, we are not concerned with them now, but we are concerned with two little points having to do with the administration of this exception. I have in my hand a copy of the Criminal Code, and I direct attention to section 178, subsection (1),(d),(ii), which says:

> . . . no more than eight races or dashes, or four heat races of three heats each, or six heat races of two heats each, shall be held during any twenty-four hour period, . . .

I suppose the purpose of that is to see that these races do not go on interminably. Section 1 of the bill contains a little amendment —and I say "little" advisedly—which looks entirely unobjectionable. One will notice the expression "eight races or dashes". That is to say, races may be of two kinds; they may be running races, or they may be harness races, in which case there may be eight of them in a twenty-four hour period; or four heat races, which I understand to be harness races, of three heats each, or twelve starts; or six heat races of two each, which also means twelve starts. It is proposed to insert the words, "or two dashes and four heat races of two heats each". The reason is that at many small tracks it is inconvenient or perhaps impossible to arrange four running races in one afternoon, and there seems no earthly reason why in the same afternoon there should not be a certain number of running races and a certain number of harness races, rather than have one or the other exclusively. So this amendment adds to the category, two dashes and four heat races of two heats each, which is ten starts. The bill does not add to the number of starts. I do not see how any possible objection can be taken to this amendment, and none has been, so far.

The only other amendment, which is perhaps a little more important but, I think, no more objectionable, is to subsection (3) of section 178 of the Code. This subsection now states:

> No pari-mutuel system of betting shall be used upon any race course unless the system has been approved by and its operation is carried on under the supervision, at the expense of the association, of an officer appointed by the Minister of Agriculture, whose duty it shall be to stop the betting before each race and to see that no further amounts are deposited . . .

Under this provision, the Department of Agriculture has for many years supervised the accounting of the races and has seen to it that so far as possible the system is regularly and honestly carried on. The cost involved under the present act, it will be noticed, is borne by the association. It has been usual to send two officers to each race meeting, certainly to all big meetings, and the charge has been $27 for each officer. That charge, which is the same in respect of the largest and smallest meetings alike, has been a burden to the smaller tracks. Some of them do not make much more than the cost to the association for the supervision charges of the dominion Government. As a consequence, there have been protests. In fact, a number of the smaller tracks have been neglecting entirely to have the supervision that is required, and the department has been asked to prosecute. But prosecutions are not the best way to administer business of this kind. It is far better to make the law desirable to the parties affected than to cram it down their throats. So a new system has been suggested, and this is provided for in the bill. Instead of a flat charge being made to all tracks, big and small, the Department of Agriculture will collect from the associations one-half of one per cent of the amounts bet. This will yield a larger revenue than the department has been securing, but the charge will be a fair one, for it will be in proportion to the numbers of people attending the meetings and the amount of bets made. The bill provides for this new system by dropping the words "at the expense of the association" from subsection (3) and adding:

> and the person or association conducting a race meeting shall pay to the Receiver General of Canada one-half of one per cent of the total amount

of bets, made through the agency of a pari-mutuel system operated under such supervision, on any race run at such meeting.

Honourable senators will no doubt wish to know what that amounts to in actual figures. May I put on *Hansard* a brief statement of the amounts involved?

1953	Running Races	Trotting Races	Totals
Amounts wagered	$77,795,588	$4,715,537	$85,512,125
Assessments	7,488,618	460,927	7,949,545
Provincial taxes ..	6,412,104	320,274	6,732,378
1954			
Amounts wagered	81,053,267	2,949,620	84,002,937
Assessments	7,819,309	289,383	8,108,622
Provincial taxes ..	6,132,787	202,753	6,335,540

½% of $84,002,937 = $420,000.

I would point out that it is the provinces which make money out of racing, not the dominion government, although Parliament carries the legislative responsibility.

Hon. Mr. Macdonald: Has the honourable senator any information as to the "take" of the various provinces?

Hon. Mr. Roebuck: I have the percentages which the provinces levied on the race meetings held within their respective provincial jurisdictions. They are as follows:

Quebec	5½ per cent
Prince Edward Island	5 per cent
Ontario	7 per cent
Manitoba	10 per cent
Saskatchewan	5 per cent
Alberta	5 per cent
British Columbia	12 per cent

It can be seen that some of the provinces are doing pretty well.

The next point which I think is of interest is the cost of the work of supervision to the Department of Agriculture. This work is both extensive and important, for we are all interested in the common honesty of every big institution of this kind and we do not want a bad reputation to be made anywhere. Everybody has complete confidence in the way the supervision is carried on under supervision of the dominion Government; and therefore even the larger tracks are in favour of this change, although it means that they will pay more revenue into the federal treasury.

The charge of $27 per day does not pay the cost of the supervision even at the big tracks. It has been estimated that at least $40 per day per man would be required, and that even that rate would pay for only supervision such as is now being given. The Minister of Agriculture estimated that in 1954 the charges for the particular division carrying the work, together with administrative costs, ran as high as $257,000. The amount actually collected was very much less. The total revenue for 1954, on a basis of $27 per day per man engaged, was only $52,210.50.

Fifty men are connected with this operation all across Canada. They are not full-time employees, but are engaged only while race meetings are in progress. It is necessary that they be thoroughly trained in their duties, and last year a class was held in the West—I think at Calgary—for this purpose. So far, most of the work has been done by the Royal Canadian Mounted Police. I am told that if there was complete supervision and the men were properly trained, the training alone would cost as much as the entire revenue now derived from these tracks. The charge as to cost shown on the books of the particular division is only $53,000—just a little more than the revenue—but it includes, only the amount of the salaries paid to the men doing the work, and does not take into account the cost of administration.

As shown by the statement I placed on *Hansard*, one half of one per cent on the amount wagered in 1954—$84 million—will give the department a revenue of $420,000, which is a good deal more than the actual cost this year, but it will not be much higher than the actual cost when complete and proper supervision is given to all tracks, large and small, throughout Canada.

I see no possible objection to the measure, because there is no real change in principle. In future, those who enjoy the protection of the supervision will pay the cost, but it will be on a fairer basis, and the regularity with which this work is carried on all over the province will improve the situation generally.

In conclusion, may I say that although some people may object to the method of financing, running races have a real value to the country, for the race track produces light horses, with the result that a large number of high-class horses are available as sires throughout the entire dominion. These sires have no doubt greatly improved the quality of light horses needed particularly for farms. The farm horse of today is a light horse, not a heavy horse—the heavy work being done by tractors.

Honourable senators, I bespeak the support of this house for this measure.

Hon. Mr. Burchill: Honourable senators, the honourable member from Toronto-Trinity (Hon. Mr. Roebuck), as I understood him, described dashes as running races, and heat races as harness races. I do not think the legislation was designed to distinguish between running races and harness races. In modern practice we have got away from the old style of three heats, or the best three in five, in a harness race. Except in special

cases, nearly all races are known as dashes, whether they are harness or running races.

Hon. Mr. Roebuck: My friend may be much more familiar with racing than I am. When the Minister of Agriculture spoke on this matter he confessed that he knew very little about it, and I must confess the same. However, I certainly was under the impression—and I got the information from very good sources—that what was meant in the bill by dashes was running races. I may be wrong, and I accept correction if my friend is sure of—

Hon. Mr. Burchill: I am not sure, but I know that today harness racing is designated as dashes.

Hon. Mr. Roebuck: I am unable to make a definite statement on the point.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Roebuck: Next sitting.

FISHERIES IMPROVEMENT LOANS BILL

MOTION FOR SECOND READING—DEBATE ADJOURNED

Hon. John J. Kinley moved the second reading of Bill 452, an Act respecting loans to assist fishermen engaged in a primary fishing enterprise.

He said: Honourable senators, Bill 452, an Act respecting loans to assist fishermen engaged in a primary fishing enterprise, comes to us from the Commons, and its short title is the Fisheries Improvement Loans Act. The purpose of the bill is to increase the availability of intermediate credit to *bona fide* fishermen in a primary fishery enterprise. A *bona fide* fisherman is described as one whose principal occupation is participation in a primary fishing industry. This bill is fashioned after the Farm Improvement Loans Act. In speaking about the bill, on the resolution in the Commons, the Minister of Fisheries said that in the four years when he was the Parliamentary Assistant to the Minister of Finance he twice sponsored the Farm Improvement Loans Act in that house. The act did not become very well known for some time, and in the first year only $3 million was lent under it, but in recent years the amount lent annually has been almost $100 million. He was impressed by the usefulness of the legislation, and when he became Minister of Fisheries he thought it would be a good idea to have similar legislation passed in order to enable fishermen to get the same type of intermediate credit from the chartered banks at reasonable rates because of a government guarantee to the banks against losses. The present Minister of Fisheries has brought forward a number of fine pieces of legislation designed to aid the fisheries, and for so doing he deserves commendation, especially from my part of the country. In attempting to draft this Fisheries Improvement Loans Bill he found that there were certain obstacles. For example, the type of fisherman who most needed the assistance that would be granted under the bill is the so-called shore fisherman, who has a small boat, which it is almost impossible to insure at reasonable rates. He operates alone or with the assistance of his family, and he is subject to loss through storms and other misfortunes. One day he may be quite well off, and the next day he may be worth very little. In these circumstances he finds it difficult to get insurance coverage on his boats and equipment, and as a result the Minister brought forward and Parliament approved the Fisherman's Indemnity Fund, through which, for a premium of 1 per cent, the fisherman could get his boat and gear insured to the extent of 60 per cent of its value, up to a total of $7,500.

The next step by way of legislation for the assistance of the shore fishermen is the bill which we now have before us, which is for the purpose of guaranteeing to the lender repayment of loans made to fishermen. Sections 3 and 6 of the bill are the enabling sections. Section 3 provides that the loans may not exceed $4,000, that they will bear interest at the rate of 5 per cent and be for a period of not more than eight years. There can be no other charges against the loan except for insurance purposes. The guarantee is available on loans made by the lenders within a three-year period from the passage of this legislation.

The principal need for such financial assistance is for improvement to boats, engines, gear and equipment of the shore fishermen. The maximum amount of the loan readily indicates that it is of little use to any other than shore fishermen. A loan of $4,000 would not go very far in building, for instance, a deep-sea fisheries boat, or in the repair or refitting of it. The bill excludes electronic equipment from those items for which loans may be made. As honourable senators know, electronics are used extensively in deep-sea fishing for depth sounding and that sort of thing, and the equipment is quite costly.

The only criticism the bill received in the other place was that the maximum of $4,000 was too low and was inadequate for the

purpose. However, it was pointed out by the minister that the fishermen had the benefit of insurance coverage to the extent of 60 per cent on a total of $7,500, and that the maximum loan of $4,000 fitted in with that insurance coverage, and in that respect would be a safe loan.

Throughout the Maritime Provinces there are provincial loan boards which lend large amounts to fishermen. However, as they require the borrower to put up one-third of the cost of the project, and as even the smallest deep-sea fishing boat costs in excess of $100,000, it is more difficult for the fishermen to take advantage of this source of financing. Further, it might be pointed out that the federal Government, through the Department of Fisheries, pays to owners of larger boats of a certain size a subsidy of $165 a ton. Honourable senators will readily see that the deep-sea fishermen are being looked after in another way.

The total amount of the loans that may be made under the bill, within three years, is $20,000,000, of which the Government guarantees to pay any losses suffered by a lender up to 15 per cent of the first $500,000, and 10 per cent of all additional loans made by that lender. Fifteen per cent of $500,000 amounts to $75,000, which would be taken up by the guarantee before the lender would suffer any loss. Such losses are not the experience of the industry, so the lender is practically assured that his transaction will not be unprofitable.

As the bill was originally drafted, it defined "lender" as a bank, but when the bill was in its resolution stage in the other house so much general interest in its provisions was shown all across Canada, and especially in the Maritime areas, that the Government saw fit to consider including credit unions in the definition of "lender". In fact, the pressure in the Commons for such an amendment was so strong that the Prime Minister called the Minister of Fisheries to his seat and suggested that the matter be referred to a committee with a view to seeing what could be done to provide for the inclusion of credit unions as lenders under this legislation. The bill went to committee, where it was subsequently amended by the inclusion of credit unions of various kinds as qualified lenders; and of the $20,000,000 allotted for total loans, $10,000,000 was allocated to the chartered banks and $10,000,000 to the credit unions.

The Canadian Fisherman's Loan Act, which was passed in 1935, and is Chapter 52 of the Statutes of Canada of that year, provides some financial assistance for fishermen, but it has proved too complicated for general use. It requires that loans be secured by a mortgage on the homes of fishermen, and there are other objectionable features. As a result only $40,000 of the amount provided in that legislation was ever taken up, and today only eight loans are outstanding. Section 13 of the bill repeals this legislation.

The addition of credit unions as qualified lenders is an interesting feature of this bill. It is the first time that these financial institutions have been recognized on government guaranteed loans. However, the bill as amended received the unanimous consent of the other house, and the tenor of the debate throughout was that this is highly salutary legislation.

In passing, I might mention that while the measure was in committee two young men, one from New Brunswick and the other from Nova Scotia, representing credit unions, appeared before the committee and informed its members that the credit unions had already lent to the fishermen in Nova Scotia some $40 million, and in New Brunswick $34 million. What appeals to me about the credit union movement is that it was initiated during a depression. It was an effort amongst the people in the eastern sections of Canada, especially in Nova Scotia, and sponsored largely by the St. Francis Xavier University, with a view to helping people to help themselves. The operations of the various credit unions have been watched over carefully and they have become quite successful. I am agreeably surprised that these institutions are willing to take on loans at 5 per cent. However, they are subject to the same rules and regulations as are the chartered banks, and with the security that this legislation offers they are willing to reach out into a new field. I wish them every success.

The Minister of Finance will keep flexible control over this legislation, in virtue of sections 4 and 5 of the bill, in which he is given the power to terminate and to restore his liability to a lender with respect to guaranteed loans.

I look back on the development of the fishing industry in my own county, where it has been eminently successful and always in the forefront on the east coast. I attribute that success to the fact that we always operated under a co-operative system in that area. But it was a peculiar co-operative system. Honourable senators probably know that down east we have the term "highliner". In the old days of the fishing industry all fish caught were counted and every man was paid accordingly. That system has been carried on throughout the industry, and today each

fisherman receives a share from the catch. In the production end, there is the keenest of competition.

There is another kind of co-operation, namely overall co-operation between all classes for the benefit of the industry, the effect of it being that we all stand and work together. The whole arrangement makes for effective progress and efficiency in the fishing industry. Down in Lunenburg we like that kind of co-operation.

In the debate on this bill in the House of Commons some members, referring to the way the fishermen obtain funds to carry on, said that it is hard for them to borrow money, that they must be financed by the merchants and other people. That is so, but it was further suggested that there was a bit of feudal bondage in the set-up—I suppose because the members thought the fishermen was not really dealing at arm's length with the merchant. There might possibly be something in that, but the merchant likely has his troubles too. But so far as Lunenburg is concerned, we have never had any trouble with our merchants. Shares in a fishing vessel were taken up by the fishermen, the merchant and citizens in general. Even as a youth I bought shares in vessels, and I still hold some. Everybody wanted to get a share in a vessel, because the return was good. I remember we used to endorse notes, one person for the other, and in that way we could go to the bank and borrow money to buy shares in a fishing boat. The merchants and owners were most anxious to get a good skipper for a ship because so much depended upon him. In order to obtain the best possible skipper, they would help him to finance the purchase of a big share in the catch and in the ship, and he would be sure to do his utmost to have a profitable year for the ship. In that way we had splendid co-operation all around.

We are proud of our West India and fish merchants in Lunenburg, first of all because they know the business and share in this co-operation. Our merchant companies have survived, some for over 100 years. They have most valuable foreign connections, they find our markets, and they have been and are a bulwark of the town's industry. A point that I would like to stress is that most of the merchants in Lunenburg started their lives in the bow of a fishing dory—it can truly be said of them that they started at the very bottom of the ladder and worked their way up. When they went into business for themselves they had the great advantage that comes from practical experience, as fishermen, and that is one reason why we have such a splendid economy.

As honourable senators know, the Report of the Rowell-Sirois Royal Commission on Dominion-Provincial Relations contains a glamorous account of the golden age in the Maritime Provinces, when wooden sailing ships carried our commerce far and wide. The fading of that golden age led to the decline of some of our ports, but Lunenburg survived and carried on with sailing ships in the fishing industry. We built ships, and sailed them; we caught fish, and carried the catch to the markets in our own ships; and we brought back the money or the products of other countries. In this way we continued to prosper.

This leads me to say a word about the banks. As honourable senators know, most of the banks in this country started in the Maritime provinces. The Royal Bank of Canada was started there, and it was known first as the Merchants Bank of Halifax. The Bank of Montreal took over the Peoples Bank of Halifax, and the Canadian Bank of Commerce took over the Halifax Banking Company. The Bank of Nova Scotia, which for many years had its head office at Halifax, is now one of the biggest institutions of this country. Our banks are doing a splendid job, and we believe that they will assist in great developments under this bill. Personally, I am glad that the co-operative credit institutions also are included as lenders under this measure. In time, they too may become great bankers. This measure stirred up a lot of interest in the other house. The remarks on it there were all favourable, the only criticism having been that the maximum amount of the loan may not be large enough. But, honourable senators, this is only a start. In time and in the light of experience we shall be able to make any necessary changes. The measure is a good one, and we are glad to have this assistance for the fisheries.

The bill will come into force when it is proclaimed. The Minister of Finance is the minister referred to in the bill. There are sections dealing with such matters as interpretation and penalties, and these can be dealt with in committee, where I hope there will be a full discussion. However, I believe other members in this house wish to speak on the motion for second reading.

All in all, I believe the bill represents a great step toward providing needed assistance to fishermen, especially the shore fishermen. They are the small men in the fishing industry, but they are numerous. I believe that legislation of this kind is salutary and a credit to the Department of Finance, and I am glad to support it.

Hon. Mr. Lambert: May I ask the honourable senator if he can say how many people would be directly affected by this legislation?

Hon. Mr. Kinley: Well, that is a question! The legislation would benefit fishermen in Newfoundland, Nova Scotia, New Brunswick, Prince Edward Island, part of the province of Quebec, and British Columbia, besides lake fishermen. I would not like to say how many would be affected. It might be 100,000.

Hon. Mr. Lambert: As far as Nova Scotia is concerned, could you say how many would be affected?

Hon. Mr. Kinley: I would not even like to say that. There might be upwards of 15,000 people.

Hon. John A. McDonald: Honourable senators, I would like to congratulate the honourable member for Queen's-Lunenburg (Hon. Mr. Kinley) upon his very clear and interesting explanation of the bill.

I want to take this opportunity of commending the Government for this legislation, and, especially, the amendment which was made in committee and which, as the honourable senator from Queen's-Lunenburg has said, will extend to the credit unions the same privilege as the banks have in the loaning of money. Truly, the growth of the co-operative movement and of credit unions, especially since the early thirties, has been a great achievement. I can remember, when I was in office at Halifax, meeting some of the pioneers of this movement, who were looking for what assistance we could give them. Some of those who were connected with the organization gave more than they could afford to give in order to get co-operatives started. One day, when a clergyman came in, I may not have been as discreet as I should have been, because I glanced at his waistcoat, and noticed that the silk was worn down to the canvas. Seeing that I was looking at it, he said: "I am sorry, but these are the best clothes I have. I used everything I could get to support my co-operatives".

I could tell some very interesting stories about how these clergymen, especially those who had received their training in St. Francis Xavier University, went into our communities during the depression, when most of the people were on relief, and by using what little credit they had they would buy, let us say, perhaps, a second-hand sawmill, and then take the villagers into the woods to cut wood, first for the co-operative store, then for the school, and also for the improvement of their churches. In several communities, by this means, people were taken off direct relief. The men went fishing and caught lobsters, which were canned by their women in the factory; the children who could be spared went into the fields to pick blackberries, wild cranberries or foxberries, which were canned, and the produce was taken to the Montreal markets and sold. By such means many of the people were able to dispense with relief.

The record of this work is very impressive, and I shall never tire of singing the praises of some of these wonderful men. I might instance Doctor—or as we used to call him, "Jimmy"— Tompkins; the Reverend Father Macpherson, another great leader; Monsignor Coady, who is still with us and who gave inspiring leadership; and A. B. Macdonald, who has passed on. They served their people well, especially in connection with credit union activities.

It is a pleasure to support this legislation. I might say that it was with great satisfaction that, when listening to the debate in the other place, I noticed that representatives of all four political parties rose one after the other and commended the Government for having introduced this bill. I hope it will receive its second and third readings within a very short time.

Hon. Cyrille Vaillancourt moved the adjournment of the debate.

He said: Honourable senators, before the debate is adjourned I would like to express my astonishment that the Canadian Press and the British United Press have failed to give credit to the *caisse populaire* of Quebec for its work on behalf of the fishing industry. Credit unions, which have done splendid work in the Maritime Provinces and in British Columbia, were organized 23 years ago, but it is 55 years since the *caisse populaire* of Quebec began its operations. The total assests of all the credit unions in Canada are $450 million, 80 per cent of which is held by the *caisse populaire* of the province of Quebec. The *caisse populaire* is not exactly the same as the credit union, because the union is organized on a community basis and the *caisse populaire* works on a parish plan. For thirty years we have extended loans to fishermen on the Gaspe coast, the Magdalen Islands and the Labrador coast, and millions on millions of dollars have been loaned with no guarantee except the moral integrity of the fishermen. That moral guarantee is, I think, of the first importance.

On motion of Hon. Mr. Vaillancourt, the debate was adjourned.

The Senate adjourned until Tuesday, July 5, at 8 p.m.

THE SENATE

Tuesday, July 5, 1955

Then Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

INCOME TAX BILL

FIRST READING

A message was received from the House of Commons with Bill 417, an Act to amend the Income Tax Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: Next sitting.

PRIVATE BILL

CANADIAN PREMIER LIFE INSURANCE COMPANY—COMMONS AMENDMENTS CONCURRED IN

A message was received from the House of Commons returning Bill W-14, an Act to incorporate Canadian Premier Life Insurance Company, and acquainting the Senate that they have passed this bill with certain amendments, to which they desire the concurrence of the Senate.

The amendments were read by the Clerk Assistant as follows:

1. Page 1, lines 17 and 18: Delete the words "Première Canadienne" and substitute therefor the words "Canadian Premier".
2. In the French version, change the title to read: "Loi constituant en corporation La Compagnie d'Assurance-vie Canadian Premier".

The Hon. the Acting Speaker: Honourable senators, when shall these amendments be taken into consideration?

Hon. Mr. Haig: With the consent of the house, I move that the amendments be concurred in now.

The motion was agreed to, and the amendments were concurred in.

UNEMPLOYMENT INSURANCE BILL

THIRD READING

Hon. Arthur W. Roebuck moved the third reading of Bill 328, an Act respecting unemployment insurance.

Hon. G. Percival Burchill: Honourable senators, before this bill receives third reading and passes, I should like to make a few observations on it. It is a measure which deals with a very important subject, one which affects in a vital way the social and economic life of the whole nation.

I can think of few achievements which mark Canada's advance along the road of progress which have helped to maintain the standard of living and have brought security to more homes in this land of ours than has unemployment insurance.

Hon. Senators: Hear, hear.

Hon. Mr. Burchill: It is a necessary auxiliary to our industrial machine, and while an experiment fifteen years ago it is now accepted by all of us as one of the pillars of the state, although I do not think some of us realize what an important function it performs or how much spending money it puts in circulation and makes available to the consuming public. The report of the commission speaks for itself and shows that during last year upwards of $257 million was disbursed in unemployment benefits throughout Canada.

But, honourable senators, unemployment insurance is performing another important role. It is acting indirectly as a stabilizer of prices in world markets in so far as our Canadian natural products affect world markets, and I think the time has come when the prices of our Canadian products have become quite a factor in determining the level of world markets. Canadian exporters are of course obliged to meet the competition of other countries producing similar goods, and in certain cases because of over-production—world over-production—or for some other reason—I am thinking more particularly of some of our natural products—a sharp drop in prices which we have often experienced in the past has meant a very serious loss to the producer or employer, and consequently lower wages to the employee. Now, of late years, I have noticed that when a surplus of goods brought lower prices there was a strong tendency to withdraw Canadian offers, because, in the first place, there was a loss on the production of these goods; and, in the second place, there was not the pressure on the employer to provide work for his men, even at lower wages, because the Unemployment Insurance Fund was available for the benefits of the workers. With no big surpluses overhanging the market, the situation becomes normal more quickly, and in that respect unemployment insurance has acted as a stabilizer of world prices. I have noticed that, with no goods being offered in Canada, the situation righted itself much more quickly than by the older method. I will concede that the new system represents another departure from the ancient law of

supply and demand, and it may be termed artificial, but it is one of those props, whether artificial or not, which nowadays we must have if our Canadian standards of living are to be maintained.

Recently, as a result of labour negotiations between a United States labour union and an American corporation, we heard something regarding a guaranteed annual wage. I wonder whether honourable senators realize that here in Canada we already have a guaranteed annual wage—guaranteed by the national Unemployment Insurance Fund, and amounting at the present time to over $840 million. In the United States unemployment insurance is a matter of state legislation, while in this country it covers the entire nation and is administered by the federal government. I do not know the details of the agreement recently made between a labour union and the Ford Company, but I am informed that the broad principle is similar to that governing our unemployment insurance measure, with this difference, that under the United States agreement the Ford Company will set up their own individual insurance fund, whereas here in Canada they would be assessed and pay into a national fund. I understand that this agreement will require changes and amendments of the present Unemployment Insurance Act of the State of Michigan.

Because unemployment insurance is indispensable, it should be safeguarded by careful administration in order to carry out the original purpose of making it serve as an insurance policy against work stoppages with no pay envelope, and it is our responsibility to give those charged with this administration every possible support in carrying out their task. The intention of the act is very clear, and its plan sound, but in a country like Canada, with its far-flung spaces, involving seasonal activities and the production of natural resources, the work of administration is not always easy; and from time to time, we who represent such regions hear complaints and criticisms of the administration. We are told of cases where the fund is being made use of by people who are drawing benefits under circumstances and conditions which were never contemplated when the legislation was drawn. I can quite understand how these things can happen and I have every sympathy for the local and regional managers who are on the firing-line and charged with making the act work.

It may be that more information or education is needed as to the purport of the act, for I fear that many of our people regard unemployment insurance as a fund from which they can draw out their contributions when requirements as to period of payments have been satisfied. This practice not only places the fund in jeopardy, but our people should realize that the fund is there because the workers of Canada—both capital and labour—made it possible by their spirit of vision, venture and hard work; that that spirit is as essential today to the nation and to the character of our people as it ever was; and that we must never allow it to be replaced by another philosophy or code which seeks security first or is satisfied with the second-rate.

Those of us who are on the committee which studied this bill and heard the members and officials of the commission, were impressed with their statements and with the conscientious manner in which they are endeavouring to do their job, which is such an important one for Canada. However, I came away from the committee feeling that more inspection—much more inspection—was needed in order to strengthen their hands and help the local managers in administering the act. One local manager with whom I discussed the matter stated that when he wished a case investigated and asked for an inspector it would at times be a matter of weeks before the official arrived, owing to pressure of work and the amount of territory which he had to cover. I think this act is too precious and the principle of unemployment insurance too important for us to risk its being taken advantage of or used unworthily for the sake of the extra cost involved in providing a closer check on its administration at the local level.

Hon. Senators: Hear, hear.

Hon. Calvert C. Pratt: Honourable senators, I should like to follow up the last point that has just been made by the honourable member from Northumberland (Hon. Mr. Burchill). First I would say we all agree, I am sure, that unemployment insurance is of great importance to this nation. The value of its stabilizing effect and the place it fills in the social life of our people cannot be overestimated.

However, my reason for rising now is that I wish to acquaint the house with a thought which I expressed when this bill was discussed in committee the other day. At that time I asked how inspection of individual applications was carried out. I assumed, and I think quite rightly, that inspection of individual cases is not carried out very thoroughly, because of lack of facilities or lack of staff to enable inspectors to rotate properly and visit places frequently.

I mentioned in committee some actual cases that came to my notice which, while they were not irregularities, in the meaning of fraudulent acts, were illustrative of what seems to be going on frequently and such as to make the application of the act a laughing stock. I say that quite deliberately. It is most unfortunate that while perhaps 99 per cent of the people who claim unemployment benefits are entitled to them and honestly seek them, the fact is that some people apply with a view to getting something for nothing. The impression one gathers is that there is a lack of adequate inspection facilities. I do not want to confuse "inspection" in this sense with inspection of books and accounts and so forth, but it appears that there is a lack of checking off of individual cases and that as a result abuses creep in. By proper inspection they could be spotted, and the next one could be stopped, and thus prevent a continuous growth of abuses. It must be remembered that the filling out of forms can never tell a whole story, and also that in communities there is a natural reluctance for people to act as informers.

There can be no doubt that the administration of the Unemployment Insurance Act requires a lot of tightening up. I think the act is one of the finest in Canada, and that therefore it needs to be kept at a very high level of fairness and equity. It should not be open to an endless chain of abuses whereby some people may treat opportunities for employment lightly and one person after another make application for benefits to which they are not entitled.

The motion was agreed to, and the bill was read the third time and passed.

CRIMINAL CODE (RACE MEETINGS) BILL

THIRD READING

Hon. Arthur W. Roebuck moved the third reading of Bill 504, an Act to amend the Criminal Code (Race Meetings).

The motion was agreed to, and the bill was read the third time, and passed.

FISHERIES IMPROVEMENT LOANS BILL

SECOND READING

The Senate resumed from Thursday, June 30, the adjourned debate on the motion of Hon. Mr. Kinley for the second reading of Bill 452, an Act respecting loans to assist fishermen engaged in a primary fishing enterprise.

Hon. Cyrille Vaillancourt: Honourable senators, I am pleased to follow two colleagues from Nova Scotia (Hon. Mr. Kinley and Hon. Mr. McDonald) in approving of Bill 452, an Act respecting loans to assist fishermen. However, I would not have approved of the bill but for amendments made to it in the other chamber, not that I considered it as not being good and useful legislation, but because, as drafted, it appeared to me absolutely inoperative. And in fact, without those amendments the bill would have been inoperative, since there are no banks, or almost none, in fishing centres, whereas *caisses populaires* and credit unions have been organized in these areas for many years. Credit unions have been making loans to fishermen for over 20 years, and *caisses populaires* for 35 to 40 years.

Honourable senators will notice that I refer to *caisses populaires* and credit unions. The fact is that *caisses populaires* have been organized in Canada for 55 years, while credit unions began to develop some 20 or 25 years ago. I must emphasize that both do not operate in the same way: Credit unions operate on the occupational plan; *caisses populaires* are founded and organized on the parochial plan. Moreover, *caisses populaires* lend their money, to a great extent, on mortgages, but credit unions do not lend much in this way.

However, *caisses populaires* and credit unions have the same object and aim, namely, to help people of the working classes; and both organizations have done really wonderful jobs. In Prince Edward Island, credit unions have lent, since their organization, nearly $6 million; in Nova Scotia, $37 million; in New Brunswick, from $32 to $33 million; in the province of Quebec, *caisses populaires* have lent over $700 million; in British Columbia, credit unions have made loans of about $90 million. Savings (shares included) in credit unions in Prince Edward Island, Nova Scotia and New Brunswick total about $40 million; in *caisses populaires* in the province of Quebec, savings total $375 million.

The $700 million lent by *caisses populaires* in the province of Quebec is not all that has been lent, but millions and millions of dollars have been lent on the Gaspe peninsula, and on the Magdalen Islands; and on the north shore *caisses populaires* have three men engaged in the work of supervising loans to fishermen. Our *caisses populaires* cannot hope to receive big returns from money lent to fishermen, but all our members are very happy to be of service to the fishermen because we realize they contribute greatly to the general prosperity of the country. By putting our growing funds to use in a co-operative way we are able to help all of the people in the country. We cannot draw any line between fishermen,

farmers and people in other occuptions; the farmers must buy certain of their goods from the manufacturers, and the fishermen must make purchases from the merchants, and they all work together. So we in turn are happy to have this opportunity of being of service to the fishermen who, as I have said, contribute greatly to our general prosperity.

The development of credit unions in the Maritimes is due, to a large extent, to the wonderful work done by the university at Antigonish. We pay tribute to this university, especially for its educational work. That university was the first to organize study clubs for the advancement of credit unions, and educational institutions in other provinces have taken their inspiration from the development at Antigonish. I am pleased to say that when that university started its credit union movement, it came to Quebec to study our organization there and to learn our procedure.

Fishermen have in the past been able to meet and solve their financial difficulties, both before and during the crisis, to a large extent by the help received from *caisses populaires* and credit unions. In this respect I speak especially for the province of Quebec and the Maritimes. In Quebec legislation which provides loans to fishermen was introduced by the provincial government and is operated by *caisses populaires,* and for many years these co-operative lending societies have helped fishermen by loans amounting to many millions of dollars. I understand that with the co-operation of credit unions similar conditions exist in the Maritime provinces.

I would have deplored the bill now before us if it had failed to recognize the wonderful, efficient, necessary and urgent work being done by *caisses populaires* and credit unions. There, I wish to thank the Prime Minister —and I am aware of his personal intervention —for his part in allowing the amendments which permit co-operative lending societies to participate in loans to fishermen.

I should like to pay tribute to those who for so many years have devoted themselves to the organization of the economic relief of the labouring classes by founding savings and credit co-operatives. I would mention first, Commander Alphonse Desjardins, who in 1900 founded his first *caisse populaire* in my city of Levis. I wish also to pay sincere tribute to those who immediately supported him, namely: Canon Grondin, Father Turmel, Canon Rochette, Mr. J. A. K. Laflamme and others. And I would pay homage to men from other provinces who have given outstanding help: Monsignor Coady, Father Tompkins, and as well to A. B. Macdonald, Martin Legere, and others. I name these men with full knowledge of the facts, for I myself have been in the co-operative movement for 49 years, and have witnessed its development almost since its birth.

I do not wish, however, to give the impression that I am ill-disposed towards banks. They do a very considerable and necessary work, but they are organized especially to lend to commerce. On the other hand, *caisses populaires* and credit unions have as their aim to help people of the labouring classes, and these societies have been organized wherever people are willing to help themselves and one another. *Caisses populaires* and credit unions are in a position to exercise more effective control over loans than are banks. The co-operatives know their borrowers, and they have their moral guarantee—which is most essential today—and other necessary information which the banks cannot have. These things may be said to constitute 80 per cent of the guarantees behind loans.

Moreover, *caisses populaires* in making loans to fishermen, carry insurance in the event of the death of the borrower and also against losses from fire or disaster at sea.

I believe this bill, as it is now worded, will be very useful, and will be another effective piece of legislation brought in by our Government. I hope that it will be referred to a committee, where I would have certain remarks to make. For example, section 8 gives certain powers to the banks to take security by way of a mortgage on real or personal, movable or immovable property. *Caisses populaires* and credit unions may take security on mortgages, but the law does not allow them to take good security on movable property. I am hopeful that something can be done to improve this situation.

In conclusion, honourable senators, may I say that this bill provides real social legislation in every sense of the term.

Hon. A. Neil McLean: Honourable senators, because one of my chief concerns in life is the fishing industry generally and the welfare of "those who go down to the sea in ships", I should like to take this opportunity of congratulating the Government on its positive approach to the problems of fishermen through the legislation contained in the bill before the house. The purposes of the bill have been clearly explained by the mover of the motion for second reading (Hon. Mr. Kinley), and I do not wish to dwell on its details. It is, however, gratifying to note that legislation for fishermen comparable to that enabling farmers to obtain loans with a minimum of difficulty has now become a reality.

This is all part of the pattern clearly established by the present Government, which reflects not only its concern for the primary producers of this new nation but also for its confidence in the future of these two major industries.

While I shall deal later with the underlying principles and purposes of protecting primary producers, I should like to preface my remarks by reference to the fiscal policy of the Government and the manner in which it encourages development of both business and primary industries. I have given the budget for the coming fiscal year considerable study. I think there is a great deal in it worthy of favourable comment, and the Minister of Finance is to be congratulated upon the careful way in which he has explained the present financial position of Canada and upon the adjustments that have been made throughout the budget, which are bound to stimulate business and industry. 1954 was, on the whole, a year of what might be called mild recession. The national income of Canada from production, which is the basis of our country's prosperity, declined around 2 per cent as compared to 1953, which was less than the decline experienced by our great neighbour to the south. After many years of budget surpluses, our national budget deficit for last year was less than that which we received from our national production covering a period of three or four days, so there is nothing to worry about in this connection. The debt of our country was reduced, during the past year by $200 million, and taxes have been reduced for the current year by around $150 million, which is bound to stimulate expansion and add to our prosperity. It is true that the Minister of Finance has budgeted for a comparatively small deficit for the current year, but with business on the upturn as it is, my prediction is that the budget deficit for the current year will be small indeed, if any at all. In this year's budget there has been a reduction in the main estimates, the first in seven years, which is all to the good, but there has been no curtailment in the planned program of useful and necessary public works.

Referring to our national debt, I might say the real burden of this debt on the taxpayer is the lowest in many years. This has been brought about by two factors, low interest rates and high national income. Carrying charges now represent a smaller portion of the total income of the country than at any time during the last quarter of a century, so one can easily see how important it is to keep our brawn and brain fully employed to keep our national productive income at a maximum.

I think I have laid the foundation, honourable senators, to the point where I am now going to ask the Government to spend some money on research work.

As a primary producer I am very glad to see that moderate increases are proposed in the outlays for research services which in time will provide aid beyond measure toward the development of our natural resources. Even greater expenditures are fully justified, as no moneys spent by any government pay off to a greater extent than those spent on research and conservation work. All our wealth originally comes from the land, sea and forest and it may seem strange that the sea, which is really the greatest storehouse of wealth of them all, has had the least research work directed toward it. Living by the ocean most of my life and living off it, so to speak, I have often marvelled at the great wealth it contains in animal life, minerals, metals, oil, fertilizers, vegetation, etc. We know, for instance, what top soil means to land. Well, in a period of millions of years, billions of tons of top soil have been washed from the land into the sea until it is miles deep in some places. The population of the globe is increasing by about 84,000 people a day, and this rate is bound to increase annually; the time is not far distant when the wealth of the sea will have to be drawn on to a far greater extent than it is now, and at the present time there is an urgent need for a far greater study of the resources of the ocean, especially its animal life. We need such information not only for this generation but for those who will follow us. Greater knowledge about fish life in the sea would be invaluable, for we would then be in a much better position to both increase and conserve the great animal life of the ocean.

I fully realize that a great deal of work has already been done in this connection, with excellent results. One has only to look, for instance, at the fine work that has been accomplished in connection with the sealing industry of the Pacific coast, also the halibut and salmon industries; and I wish to give the honourable senator from New West minister (Hon. Mr. Reid) great credit for his efforts in this connection. However, we must realize that the oceans cover three times as much of our globe as land does, and there is need for far greater ocean research work in the future than has been done in the past. For instance, the great depth of the sea is almost unknown to mankind, but we do know it contains animal life and great mineral wealth.

Federal expenditures for each ton of food produced from the sea amounts to very considerably less than federal expenditures spent in connection with each ton of food produced from the land, so one can realize there is plenty of room for a reasonable expansion program which will give our people more knowledge of the resources of the sea.

I do not need to tell you, honourable senators, that Canada has one of the finest coastlines in the world, and we must never forget it. Newfoundland by coming into confederation added immeasurably to that great coastline. The seas have never been mapped for their vast resources. Even the lowest estimates promise about one hundred times as much food and mineral products as are being harvested from the sea at the present time. At the present time there is said to be only 1,300 ocean scientists in North America. Today seafood forms less than 2 per cent of all foods eaten by mankind throughout the world.

I would now like to call the attention of this honourable house to our Atlantic coast and the scientific progress which has been made there. We have come a long way since the great explorer Samuel de Champlain discovered our Southern New Brunswick coast, but we still have a great deal of necessary work to do regarding scientific research. Champlain spent his first winter in Canada on an island near the mouth of the St. Croix River, and during the winter between scurvy and starvation he lost half his crew, who are buried on the island. The island was covered with evergreen trees, and, had it been known at that time, if the evergreens had been boiled and the juice drunk, an effective remedy for scurvy was right at hand. But more important, there was food right nearby for tens of thousands of people, for it was discovered in later years that the Bay of Fundy was one of the greatest herring-fishing grounds of the world.

During the last half century tens of millions of dollars have been invested by thousands of fishermen and fish packers in the herring industry of Southern New Brunswick, and a very large income is derived from this great natural resource which means the livelihood of many thousands of fishermen, fish packers and boatmen. The honourable Minister of Fisheries has well said that Canadian fishery resources are among the world's most bountiful. It is to his credit that some valuable research is under way to bring still more benefits to Canada by conservation and regulated productivity in the fishing industry. It is the department with the greatest potential field of operations to be concerned with about three-quarters of this planet's surface. But there is urgent need of greater awareness of the magnitude of the expanse to be harvested and of Canadian preparedness to move in with every available resource of modern science.

Herring are vegetarians. These fish are the bread and butter of the ocean. The Bay of Fundy and adjacent shores have always had a great herring industry and I hope always will, but changes in the habits of these fish have been taking place in recent years. Big herring are becoming scarcer and the large schools of sardine herring, which used to arrive in March, have been arriving in late May or June and have been making their first appearance down the Maine Coast instead of along the New Brunswick shoreline. Where these herring schools come from or where they go, no one seems to know. Why they come at times and leave at other times is equally a mystery. It is known, however, that sometimes large schools of "Brit", or baby herring, far too small for canning, visit the bay and thousands of hogsheads are often sold for a pittance to the fish meal people. These small fish remain in the bay for some weeks, then disappear, but we are led to believe those not caught and sold for fish meal come back again in a few months, at which time they are mature and worth several times the amount for canning for human consumption than had they been caught and sold for fish meal when they were small herring. We believe that the netting of large quantities of herring full of spawn, along the New Brunswick shore, for cat and dog food may be unwise and destructive to the industry. Every spawning herring is capable of seeding the coastal waters with 31,000 eggs. Conservation is a manifest need in fisheries as it is in forestry and in wild life.

The Department of Fisheries has a young and aggressive Minister who is doing excellent work for the fisheries and in making an argument for greater and more effective federal research and conservation work in connection with our herring fisheries, I am not overlooking the fine work that has been and is now being done on the coasts of Canada; but expansion of this work is needed.

Wherever Canada is represented at international conferences relating to the fishing industry, the views expressed by members of Canadian biological staffs are highly regarded. Canadian experts in any province of fisheries are deservedly honoured as among the leading authorities.

One practical service, to the national advantage of Canada, would be to develop facilities, equipment and trained workers,

under experienced direction already available, for more intensive research, and conservation work. The need of more scientific information on the migration of herring, one of the most prolific sources of sea food, is an instance in this regard. A great deal more information is needed in the Department of Fisheries about the sardine herring. It should be known where they are spawned and full knowledge is required of their Atlantic feeding grounds. At times they come to feeding places along the Atlantic coast, most notably the Bay of Fundy, when they are young, and leave again; possibly they come back, but no one seems to know where they have been in the meanwhile.

It should be possible to anticipate the year, or years, when the crop of fish will be bountiful; also the year or years when the yield will be poor. In good years extra factories could be put into operation, and a carryover could be financed for the years of scarcity. This information would help to level out the peaks and valleys of production in the fishing industry. It would ensure a steadier continuity of supply to the consuming public. It would put more money into the pockets of the fishermen; the prices paid to the fishermen for fish would be on a better basis. Research workers should keep in close touch with fishermen and packers and benefit from the experience of those who toil from daylight to dark during the fishing season and thus gain practical knowledge.

It would be money well spent and to the national advantage of Canada, to put an extra million dollars or more into the Fisheries estimates for research of this character. In this connection it is well to note that the United States federal Government recently voted three million dollars extra for research for the New England fisheries under the Saltonstall-Kennedy Bill. In this case both parties got together, and by the setting aside of this annual grant the work of the United States in this regard has been doubled. It compares in productive yield with the money spent in Canada's immensely valuable Geological Survey.

Today there is a confusing conflict of opinions about diminishing returns in the Maritime herring fisheries. Some weir men claim that the seiners are depleting the fish. Many believe that the manufacturing of fishmeal, or of cat and dog food, with fish fit for human food, is depleting Canadian fisheries. Winter packing is regarded by some as against the best interests of the fishing industry. A comprehensive survey would surely be warranted to determine whether the fish are so being depleted.

In Bay of Fundy communities, alone, there is no lack of facilities for canning fish. The companies pay out millions of dollars in wages and for the purchase of fish. The markets too can be found for this valuable seafood; but the fishermen cannot always find the fish to be so prepared for the market. More help by the Department of Fisheries in this direction would be of benefit primarily to the fishermen, and generally to the whole community.

As a practical instance of the need of conservation, the disappearance of clam beds should be prevented. Unless immediate, effective measures are instituted, the clam industry will become a thing of the past. It is plainly seen that clams along the shores of the Maritime Provinces cannot survive without a greater measure of conservation.

Within the memory of adult dwellers along the south shore of Nova Scotia, there were prolific beds of this succulent shellfish. In the sands at the mouth of Sable River, or even nearer the villages, as in Lockeport harbour, a school child with a clam hoe could take a bucketful in a few minutes at low tide. The clam chowder served at the Lockeport station restaurant became so popular that the trains would stop to allow passengers to partake of a clam chowder lunch—and, of course, blueberry pie. The trains still stop, but Lockeport clam chowder is no longer on the menu. The clam beds have disappeared. The clam beds of New England, which at one time were worth many millions, have been ruined through lack of conservation. The Indians of North America used clams as a food before the coming of the white man and conserved them, but now the clam beds are a fast vanishing asset.

Surely it would be to the advantage of Canada to save the clam industry from dying out. Vessels are going as far as Grand Manan for clams; but unless there is conservation, the days of that source of supply are numbered. Closed seasons in which this conservation will be put into effect should be instituted, and action should be taken promptly before it is too late. Some of the clam packing plants on the southern shore of New Brunswick have an investment as high as a hundred thousand dollars and are running only part time: their investment will be entirely lost when the clams disappear. The *Christian Science Monitor* stated a year or two ago that clams were once dug in abundance around Boston harbour, but not only are none there now, but clam beds are few and far between throughout all New England, owing to lack of proper conservation laws. Clams are prolific if given a chance, and will bring in as substantial an

income in future years as they have done in the past two hundred years. Clam fishing is one of the oldest branches of the Atlantic fishing industry, but it can only be preserved by the adoption of conservation regulations.

Once again, it should be said there are experts in biological research and conservation on the staff of the Department of Fisheries. It would seem a wise government policy to build up the department substantially around the present expert staff in order to meet the needs of the fishing industry. This would be no mere measure of aid to a local situation; the benefit would be nation-wide, as in government measures to get the best results in agriculture, mining and forestry.

About the time the herring fisheries were discovered in the Bay of Fundy the Swedish towns of Skanor, Bohuslan and Falsterbo were enjoying unheard of prosperity as headquarters of the Baltic herring fisheries. These conditions had lasted for centuries; there seemed to be no end of the silvery wealth-bringing fish. Then quite suddenly the fishery ceased, for the herring withdrew into the North Sea and came no more into the gateways of the Baltic, and Sweden was impoverished. This change in the habits of these herring have never been satisfactorily explained. There are known to be vast floating meadows where fish go to pasture to feed on plankton and other vegetable and animal matter. But whence they come or whither they go is less known to the ordinary fishermen than the pasture lands of the buffalo or the habits of the beaver was known to the red men.

In very recent times a commercial tragedy came upon the sardine industry of California. The New York *Times*, under date of January 24, 1953, reports as follows:

> In a sixteen-year period the sardine business on the Pacific coast has dwindled to almost nothing from a $65,000,000 industry. More than $600,000 a year is being spent in California to find out why.
>
> With only one catch left in the 1952-53 fishing season the total catch for coastal waters now stands at just about 3,000 tons, which is less than four-tenths of 1 per cent of the catch during the record-setting year 1936-37.
>
> During that season the 300 sardine-fishing boats that put into the home ports of San Francisco, Monterey and San Pedro accounted for 723,000 of the 791,000 tons caught on the whole coast. It was traditional that California contributed about 90 per cent of the West Coast total.
>
> The Pacific Northwest, however, has recorded no sardine catch since 1942-49, and now California, for the first time, has come close to being sardineless. Even during the last several post-war years, when northern and central California fishermen were going broke, the southern California fleets continued bringing in fair sized catches. Last year's total for the south was approximately 125,000 tons.

This disappearance of the sardines from Monterey Bay and other California ocean pastures came about too suddenly to be entirely due to "over-fishing". The year-round harvesting of the sardine crop may well have been one contributing factor; but the expenditure of $600,000 now of government money a year to discover other causes, if any, would suggest that the stable door should have been closed before the horse disappeared.

Five agencies are now engaged in research on the California sardine problem; the California Academy of Sciences; the California Department of Fish and Game; Hopkins Marine Station of Stanford University; the U.S. Fish and Wildlife Service; the University of California, Scripps Institute of Oceanography. Whatever the cause of this $65 million loss of annual income in one primary industry, when it is discovered it will surely demonstrate the need to have research and conservation before the event rather than after.

The harvesting of annual crops of fish can surely be made as permanent and increasingly productive as the harvesting of field crops or forest resources. Even as the Douglas firs, the white pines and other commercial trees scatter millions of seeds and need only to be safeguarded against depredators to reproduce, so it is with ocean pastures. The reproductive capacity of fish is prolific indeed.

The killing of wild fowl—ducks, geese or other bird life—to feed cats, would seem to be an offence against nature. There is equal need for awareness of the possible consequences of depleting operations carried on unwisely where scientific information is lacking in connection with our Canadian fisheries. In terms of productive human labour the annual amount contributed to the pool of food production by the fishermen is 47,000 pounds as compared with 34,500 pounds produced by the farmer. Private enterprise in the Canadian fisheries industry is making a substantial contribution to scientific research. The fish packers maintain modern laboratories where handling, preparing and packing seafood are constantly being developed. This private investment in service to the ultimate consumers is expensive, but it does contribute greatly to the high standard of Canadian fish products to the advantage of producer and consumer alike. The oceans are a vast expanse to be explored, however, and oceanography is a field of scientific research away beyond the resources of the laboratories maintained by private enterprise.

Now, we do not want anything to happen to any species of fish on our coast like I mentioned as having happened on the West Coast of United States and in Sweden. Such a thing would be a much worse tragedy if it

occurred on our Maritime coast, for fishing is one of our largest industries and hundreds of thousands of people depend on the sea of our Atlantic coast for their very livelihood. Never in my memory has there been so much worry among fishermen and fish packers in Southern New Brunswick with regard to the future of the herring industry and the clam industry as there is at the present time. We had an example before this honourable house very recently when we were told by our federal fishery officials that the terrible destruction of trout and other fish in our Great Lakes by lamprey eels amounted to many millions of dollars, but thanks to the excellent work of our Department of Fisheries and United States co-operation, we now have every hope that the eels will ultimately be exterminated and the lake trout fisheries restored to normal in due time.

The day has long since passed when any important industry, especially a primary industry, can be operated successfully without the benefit of intense research work. Modern scientific and efficient methods must be applied. The days of any rule-of-thumb or guess system have been numbered. Without scientific research work, an important industry courts disaster; perhaps not this year, but disaster will surely catch up with such an industry in the not too distant future. The United States and Europe are spending many hundreds of millions in research work and they find it is an investment that brings greater returns than any other government expenditure. It is said that in Soviet Russia research laboratories have no budget. They work far into the night, and moneys provided for research have a preference over other expenditures.

Recently an outside company was subsidized by one of the provinces to the extent of several hundred thousand dollars to introduce North Sea methods of catching herring in the waters off Nova Scotia and the Gulf of St. Lawrence. The venture is said to be a gamble. Whether the operations of this outside company will have a further adverse effect on the herring coming into the Bay of Fundy, we do not know, as such data is not now available. If the spawning grounds of the herring, which at present are not charted, are seriously disturbed by draggers and trawlers of this company, that may well further diminish the supply of the larger herring entering the Bay. At one time fishermen in Grand Manan did a large business in kippered herring, but the volume has steadily declined in recent years. So far this year most of the sardine herring packed in New Brunswick have come from the Maine coast, so fishermen and packers alike along the Southern New Brunswick shore are seriously concerned about the changes in the habits of the herring during the last few years. They would like to know the cause of the irregular ways of the fish which are costing them substantial losses in catch.

The greatest untapped source of wealth in food for people everywhere in the world is in the ocean. Canada has far more coastline *per capita* than any other nation I know of. It is practical politics on the part of the Parliament of Canada to build up fisheries research and conservation and perpetuate the harvesting of seafoods. Fish is a concentrated protein diet equal in food value to the finest meats. This high nutritional value of seafoods has been scientifically demonstrated; it is on record in all food research laboratories. In the circumstances, as stated, there is quite a remarkable contrast between annual federal expenditures for the increase of fishing products and those for the increase of products from the land. The fishermen I have known, and they are many, are sturdy citizens and homemakers, resourceful and industrious. They build homes where they can make themselves self-supporting. With so much individual initiative, they are doing their share in contributing to Canada's wealth production.

Charles K. Kettering, of the Sloan Kettering Research Laboratories, whom I think we will all acknowledge as the greatest research scientist of our time, is quoted as saying:

> If there were only a million more youths being taught what it takes to make a research scientist, what an America this would be.

That indicates what Dr. Kettering thinks of research work.

The devoted and highly expert workers in the Department of Fisheries do not need to be persuaded of the possibilities of increased and more stable production through the benefits that will come from more scientific research and conservation work, but they need the interest and practical support of Parliament in the form of liberal estimates to give the nation the full benefit of this great Canadian heritage—our fisheries.

Hon. Gordon B. Isnor: Honourable senators, I confess at once that I am unable to speak on this subject in so scientific a manner as the honourable member from Southern New Brunswick (Hon. Mr. McLean). I am sure that we all listened with great interest to his very fine address on conservation of the fishing industry. Nor am I able to claim such a long association with the credit unions as can my honourable friend from Kennebec (Hon. Mr. Vaillancourt). However, from 1928 until I had the honour of appointment

to this chamber, in 1950, a period of 22 years, I represented fishing districts along the Nova Scotia coast, reaching from Hubbards, on the western side of Halifax, to Ecum Secum, on the extreme east, about 104 miles distant. It was there that I came in contact with the very finest type of our fishermen—honest, hardy, and absolutely reliable. During the depression years, in the thirties, these men hesitated to go on relief, and preferred to fish, eat their home-grown potatoes, and live in a very simple way until conditions improved. On many occasions I visited their small homes on the shore, in such fine places as Peggy's Cove—which artists have made to be perhaps the best known village on the Atlantic coast—Hubbards, West Dover and East Dover, Indian Harbour, Glen Margaret, and in the other direction on the western shore; and, on the eastern shore, such places as Musquodoboit Harbour, and others whose names you would hardly recognize, such as Petpeswick down to Necum Teuch. Here you find hardy fishermen of the finest type. It is that type of individual I have in mind in considering this bill which has been so ably explained by the honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley). I wish to pay a compliment to the Leader of the Government (Hon. Mr. Macdonald) for selecting him to sponsor the bill, because he is an authority on the fishing industry and understands how our fishermen will be benefited by the provisions of the bill.

This proposed legislation could provide fishermen, through loans, with better equipment and the necessary facilities to handle their catch. It could help them in much the same way as the Farm Improvement Loans Act helps farmers to improve their farms. The bill is somewhat similar to that fine piece of legislation introduced after World War II, entitled the Veterans Business and Professional Loans Act, which was of great benefit to young returned soldiers starting up in peacetime careers. I was instrumental in changing one clause of that bill, by recommending that a group of perhaps five, six or seven veterans get together as a co-operative. I am wondering why the bill now before us does not include a provision of that kind, instead of providing for individual loans up to $4,000. Possibly the sponsor of the bill has already considered that aspect and will tell us, when closing the debate, whether it is possible for co-operatives to be formed so that larger amounts than the $4,000 specified in the bill could be borrowed. If the bill should be passed without that provision, I think its future inclusion should be considered.

In this connection, I have in mind the point raised by the honourable senator from Southern New Brunswick (Hon. Mr. McLean), in regard to the clam canning industry. I was pleased to hear him speak of the wonderful clam chowder of Lockporte, which is known from one end of the country to the other. We in Nova Scotia sometimes raise a smile by asking the visiting tourist, "What is a farmer doing when he is digging clams on his own farm—fishing or farming?" We create interest in the fishing industry, particularly the clam industry, by raising that question.

Like the honourable member from Kennebec, and others, I am quite familiar with St. Francis Xavier University's credit unions movement; they have done wonderful work. I recall that in 1943 the Reverend Dr. Coady appeared before a committee—I believe it was the Reconstruction and Rehabilitation Committee—and outlined the work of that university in regard to credits from 1932 onward. He stated that the Maritime Provinces, with a population of roughly 1,300,000, have 40,000 people engaged in and entirely dependent on fishing for a livelihood; and there are about 25,000 steel workers and coal miners. It will be seen, therefore, that fishing is an important industry in the Maritimes. This bill which will allow the individual fisherman to borrow as much as $4,000 to carry on his occupation is a measure which will be well received by all people. Speaking not in a political sense at all, I think the Government is to be congratulated on this fine, helpful piece of legislation.

As honourable senators were told by the honourable gentleman who explained the bill, it provides for loans in the aggregate of $20 million within a three-year period. According to the measure as originally drafted, the loans were to be handled entirely through the banks. We are well aware of the efficiency with which the banks have handled loans on housing developments, under authority which was only recently extended to them. It is perhaps of passing interest to note the encouraging extent to which these loans have been taken up. If my memory serves me correctly, in the very brief period in which the banks have enjoyed this authority some 23,000 individual loans on houses have been made. It may be said that when the measure affecting loans on houses was before Parliament we wondered whether the banks would be able to handle this type of business as efficiently as it had been done by certain other lending institutions.

When the bill now before us was discussed in the House of Commons and in a committee of that house, members from the Maritimes and elsewhere were instrumental in having it amended to include credit unions. I give credit particularly to the Nova Scotian member for Inverness-Richmond, Mr. Allan MacEachen, who at one time was on the staff of St. Francis Xavier University and is very familiar with the work of credit unions. He placed before the house strong reasons why these societies should be included as lending sources under this bill. Personally, I was very pleased to see the bill amended to place them on the same basis as the banks in this respect.

As honourable senators know, loans under this measure are to be made at 5 per cent, which is a reasonable return. From the evidence given before the committee of the other house, it would appear that the credit unions have been lending at 6 per cent. Now it will be up to them to lend to the fishermen at 5 per cent, and the same rate will be charged by the banks.

In my view the credit unions will be of greater service to the fishermen than the banks—and they have a very high reputation in the lending field; because the banks are not always located in small villages, and they are not in as close touch with the fishermen and their needs as are the credit unions. I was impressed with the statement by my honourable friend from Kennebec that the credit unions rely greatly on the moral guarantee of the borrower. I venture to say that 95 or perhaps 100 per cent of loans are made on that basis.

Before concluding my remarks I should like to pay a special tribute to the persons who came from all across Canada, and particularly from Nova Scotia, to appear before the Banking and Commerce Committee of the other house to place the case of the credit unions before it. The Credit Union League of Antigonish presented a fine brief in which they showed that they now have 222 credit unions with a membership of 52,000; that the unions have savings amounting to $3 million, and have lent a total of $40 million. Further they show a rate of loss which would be envied by many finance companies operating with greater facilities and highly trained personnel. I believe experience has shown that any lending institution which lends a fisherman $4,000 can be almost 100 per cent sure that he will repay it. I am sure my honourable friend from Kennebec will confirm me in saying that the loss on loans made by credit unions has been almost nil.

Hon. Mr. Vaillancourt: The loss has been one-fortieth of one per cent.

Hon. Mr. Isnor: That is remarkable. We in business get credit information from three or four sources before we grant credits, and even then we count ourselves lucky if our losses amount to only five-eighths of one per cent.

Mr. Speaker would be justified in calling me out of order if I made reference to government assistance which is to be given in another form to the fishermen. But in view of the fact that the honourable senator from Queen's-Lunenburg made reference to it, perhaps I might also do so. I refer to the 50 per cent salt fish benefit assistance for which the supplementary estimates provide $500,000.

In conclusion, I am pleased to join with those who have expressed their appreciation to the Government for this fine piece of legislation. I am sure everyone recognizes the need which this bill will serve, and the fine type of people who will benefit from it. I trust that the house will give it unanimous support.

Hon. Calvert C. Pratt: Honourable senators, I do not intend to detain the house for long, but I wish to say something about this measure particularly with respect to its application to Newfoundland.

First, I agree with the bill as far as it goes; it can do good work where it is applicable. It will have its benefits only in relation to the amount of use to which it will be put, and that use will be governed largely by the conditions in various parts of the country. It will have some benefits for all fishing populations, but for the province of Newfoundland it certainly will not be nearly as beneficial as previous speakers have said it will be for the other provinces concerned.

In the first place, honourable senators, it is based on the Farm Improvement Loans Act which provides for a maximum loan of $4,000. That does not fit very well into the Newfoundland picture. To the small inshore fishing boats of comparatively low value it may apply, but it certainly is not applicable to off-shore boats which are coming more into use and run in value considerably in excess of that provided. Those off-shore boats are still far below the value of the deep-sea fishing boats which the honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley) has referred to. There is nothing in between which would apply in this case. It has been mentioned here that the deep-sea fishing boats run in cost as high as $100,000. They are not within the provisions of this bill, and possibly rightly so, because the owners may have other means of financing. As far as what I term off-shore fishing boats are concerned, the maximum

loan of $4,000 is altogether too small. Probably $15,000 or $20,000 might be a more appropriate amount for assistance.

I find that this maximum loan of $4,000 is somehow or other linked with the Government-operated insurance plan, and I cannot understand just why. That insurance plan is a great help to fishermen. This $4,000 maximum loan figure is arrived at, I understand, by the fact that it is not in excess of the insurance coverage, which is 60 per cent of valuation up to $7,500.00. In that way it seems that the amount of the loan is fixed to correspond to the insurance coverage. I do not think that that makes sense. The conditions that apply to insurance on the general run of risks under the Government insurance plan have no application to the needs of the fishermen for loans on specific risks and values.

I was very pleased, as I know we all were, with the very fine explanation given to us by the honourable senator from Queen's-Lunenburg when he moved the second reading of this measure. However, there are a few points that I will refer to. He said that the maximum of $4,000 for loans may be regarded as a starting point and that increased limits will come as experience is gathered. Well, it may be so, but I am afraid that the provisions will not be availed of in Newfoundland sufficiently to gather very useful experience, and I will briefly state the reason why.

The Speech from the Throne at the opening of this session made reference to this legislation, and during the debate on the Address in Reply I had something to say on the matter. At that time I said that, as far as the province of Newfoundland was concerned, with its extended coastline, its scattered population and with the chartered banks located where they are, I did not think that the proposed measure could function broadly enough through the banks. It will, no doubt, function very effectively in certain areas where banks are established. But, Newfoundland, apart from Labrador, has 4,000 to 5,000 miles of coastline. This fact is not realized outside, and I have yet to meet anyone from the other provinces, except perhaps, from the Maritimes, who are aware of this geographical fact. There are a great many other features that people on the mainland do not realize, but no doubt they will learn in time. Newfoundland, with its long coastline and numerous bays and islands, has not means of communication comparable with the other provinces. Everywhere along the coast, however, there are fishing operations. It is difficult to see how the banks can service these risks outside their immediate areas of operation, and I would point out that the need for modernization of equipment is very great and widespread. There are stretches of hundreds and hundreds of miles of coast where there are no banks, and in many of those stretches the need for this assistance is the greatest.

Honourable senators, like the preceding speakers, I am very pleased with the fact that the credit unions have been brought in under the provisions of the bill. I was really amazed at the extent of the operations of these credit unions as described in Nova Scotia, New Brunswick and Quebec. They have undoubtedly been a tremendous factor in the economy of the fishing population and the fishing areas of these provinces, but in Newfoundland unfortunately we have not got such credit unions to take advantage of the provisions of this bill. There are very few, if any, amongst fishermen. So what applies admirably to Nova Scotia, New Brunswick and Quebec has very little application in Newfoundland. I may say in explanation that Newfoundland has been rather unfortunate—and I say unfortunate in the full meaning of the word—in that the co-operative societies have not had the measure of growth in our province that they have had elsewhere. The credit unions are, of course, the offshoots of the co-operative societies. Unfortunately, in the early days of Commission of Government the co-operative movement got off to what appeared to be a fine start, with a great deal of fanfare. There were a lot of wise announcements, but time showed that those wise announcements were followed by very foolish practices. There was too much paternalism. The co-operatives were not allowed, or made, to stand on their own feet and thus grow and gather strength. They did not have leadership at the top. Consequently, the co-operative movement in Newfoundland—I am referring to producers' co-operatives, fishermen's co-operatives and so forth—have not expanded; in fact, they are on the decline. However, in industrial areas there are some consumers' co-operatives which are doing very well.

I might say, however, that the first co-operative society in Newfoundland was started in the days when the co-operative movement in the other provinces was in its infancy. It was established in the north of the island, at St. Anthony, by the late Sir Wilfred Grenfell, and that co-operative movement still carries on there. That is one of many legacies left by that marvellous benefactor of Newfoundland, whom we remember as our Doctor Grenfell.

But what I wish to say here is that while this bill will be of advantage in its aid to

fishermen in some of the provinces, and I approve of it, I fear that as it is now drafted it is not going to be of major benefit to Newfoundland fishermen, and certainly not to the extent that previous speakers have anticipated for the other provinces. I wish just to put on record this remark, that, in order to make the act more applicable and valuable to Newfoundland, it should be the subject of special and constant study. In ten years' time our province may be served by credit unions which will fill such gaps as cannot be occupied by the banks, but we cannot afford to delay action for ten years; the fishing industry of Newfoundland should be able to take advantage of what is certainly a world wide movement to make it easier for the producers—in this case the fishermen—to acquire what they need for greater production. I suggest, therefore, that the Department of Fisheries and the other appropriate federal authorities should be in continuous negotiation with the Newfoundland Fishermen's Federation, with the co-operatives—such as they are—with the provincial Government, with our provincial Fisheries Loan Board, and any other agencies, including the banks, that can assist in working out plans which will be applicable to the industry as a whole in our province. Although the economy of Newfoundland is more diversified today than it was in past years, and diversification is growing, fisheries mean relatively more to Newfoundland than to any other province; and to my mind it is too bad that this bill, through its limitations, both as to the amount provided and the extent of its application, will have so little significance for our fisheries.

Hon. John J. Kinley: Honourable senators,—

The Hon. the Acting Speaker: If the honourable senator from Queen's-Lunenburg (Hon. Mr. Kinley) speaks now, he will close the debate.

Hon. Mr. Kinley: Honourable senators, there is very little I need say about this bill. We have had a splendid discussion, very complimentary in character. The bill was passed unanimously in the other house, and I am sure it will receive the same treatment here. I was much interested in the talk on conservation, by the honourable senator from Southern New Brunswick (Hon. Mr. McLean). It seemed to me as though his thoughts were almost good enough to stand on their own feet and be embodied in a resolution which would give us the opportunity of a splendid discussion on the preservation of our fisheries.

This subject is not merely of national but of international importance. Perhaps it is not realized that Europeans take more fish from the banks adjacent to Canada than do Canadians themselves, including Newfoundlanders. Some months ago I had the pleasure of inspecting a Portuguese fishing fleet in the harbour of Lisbon. It is the finest fishing fleet in the world. The boats were all ready to sail for the banks of Newfoundland. They carry on a very successful industry; they are equipped "to the last minute". I was impressed with the dignified bearing of the labour engaged in Portugal's fishing industry. With them, their occupation ranks as a profession. The would-be fisherman must attend school for years; his apprenticeship is very severe; in consequence his country is in the very forefront of the industry. These people have some concern with the matter of conservation, because the fishing banks are free to the nations of the world.

It may be recalled that some years ago I moved in this house the second reading of a Government bill to make an area division of parts of the sea in relation to certain countries which are most interested in the subject of control. I note that conventions have been held and that the participating nations are trying to establish a shoreline limit of ten miles for the control of fisheries. I believe it is a salutary project, and I hope it will be put in effect. Conservation generally is an international matter and is subject to international control.

I listened with interest to the remarks of the honourable senator from St. John's West (Hon. Mr. Pratt) in connection with this bill. I have been associated with him in business affairs for about thirty years. I remember that when he first came to this country he was interested in the activities of our firm; and I am pleased that he has had such marked success in the industry of his own province. It goes to show that a man of ability can do well even in the older circles of our industrial life. But I suggest that he is a little over-anxious about the capacity of Newfoundland's lending facilities. Newfoundland has a splendid banking system. My honourable friend is a director of one of the banks, and I know that in that capacity his business experience and his advice are most valuable. Business in every corner of Newfoundland is now being served by the banks, and they are doing a splendid job.

It will be remembered that when the subject of loans for housing was being considered by our committee, representatives of the banks showed some reluctance to participate. But the venture has proved so attractive that they are now keenly interested in it; they realize that they have entered a good and productive field. I believe that their

experience will be repeated in this industry, and that as time goes on, the people of Newfoundland will in increasing measure take advantage of this legislation. The provincial Government is spending enormous sums to build up the fishing industry there, and I think the honourable senator from St. John's West will agree with me when I say that the outlook for this industry on the island is very good.

The suggestion has been made that this legislation will not be of much use to the fisherman with the small boat. But that is not my opinion; all that a fisherman has to do in order to get a loan is to comply with the conditions prescribed under the bill. I believe that fishermen in general will take full advantage of these provisions.

The honourable senator from Halifax-Dartmouth (Hon. Mr. Isnor) who is, I believe, interested in the shore fisheries—because the Nova Scotia coastline is long and there are many shore fisheries around Halifax—wanted to know if an association of fishermen could take advantage of the provisions for loans.

Well, a fisherman is described in section 2 (f) of the bill as follows:

"Fisherman" means a person who has a prescribed interest in,

(i) a fishing vessel,

(ii) a weir, or similar fish catching or trapping device, that is affixed to the ground, or

(iii) a proprietory share in a fishing vessel or in a weir or fish catching or trapping device described in subparagraph (ii),

and whose principal occupation is participation in a primary fishing enterprise.

If a fisherman has a proprietary share in a fishing vessel with somebody else, it is only fair to assume that his associate should be entitled to get a loan in connection with his share in the vessel. "Prescribed" means prescribed by regulation.

Under section 3 the purpose of a loan will be, among other things, for overhauling a fishing vessel or its hull, superstructure or engine, the purchase or construction of a shore installation, the purchase or construction of fishing equipment, and the purchase or construction of a fishing vessel. I think honourable senators will find that anything which has not been covered in this debate can be explained in committee. After all, this is a bill which should go to committee. Everybody agrees with it in principle and I trust it will receive unanimous approval on second reading.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Kinley, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, July 6, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

DIVORCE

PROCEDURE—QUESTION OF PRIVILEGE

The Hon. the Acting Speaker informed the Senate that messages had been brought from the House of Commons returning certain divorce bills and acquainting the Senate that the Commons have passed the said bills without amendment.

Hon. John T. Haig: Honourable senators, may I have consent of the house to speak at this time on a question of privilege? I do not intend to enter into any lengthy discussion about divorce at this time. My purpose in rising is to suggest that at the opening of next session members of this house hold a conference on the question of divorce procedure.

Yesterday I sat in the gallery of another place during a debate, and I was very much hurt by the attitude shown by certain honourable gentlemen there with regard to a few divorce bills passed by this house. I do not know the details of the evidence adduced in connection with the particular divorce bills that were under discussion, but I do know that in the courts of our land the trial judge —and in this matter our Divorce Committee corresponds to a trial judge—is always considered the best judge of whether a witness is telling the truth or not in any trial held before him, so much so that the court of appeal will never upset the finding of fact of a trial judge unless it is so repugnant to justice that no other course can be taken.

I have some suggestions to make with regard to our divorce proceedings, not in criticism of the operations of the present Divorce Committee at all, but on the over-all problem of divorce procedure in this house, particularly on the question of how we should handle divorces, in view of the rising criticism in another place. The reason I rise to say these few words at this time is so that between now and the opening of next session honourable senators may spend some time thinking about this problem, and that when they attend the conference which I suggest should be held at the opening of next session they will have made up their minds as to what ought to be done.

Just one more word, honourable senators. I have had nearly fifteen years experience serving on the Senate Divorce Committee, and I know at first hand of the unselfish work done by members of that committee, not for the Senate, but for the people of two provinces. In the criticism that is being levelled at the proceedings of our committee I do not think we are getting a fair deal. As a senator and a lawyer I should like to have the whole matter discussed among ourselves before we strike committees at the next session, so as to determine if any change can be made in our procedure or if any understanding can be arrived at for avoiding these clashes between another place and ourselves on this subject of divorces. I am not citing any particular case. Critics in the other place may be right; but I do not think they are.

I thank the house for permission to make these few remarks. I hope that between now and next January, or whenever Parliament shall reassemble, honourable senators will consider this whole matter and come here prepared to offer suggestions as to how this very, very vexed question can best be handled.

FISHERIES IMPROVEMENT LOANS BILL

REPORT OF COMMITTEE

Hon. G. Percival Burchill, Acting Chairman of the Standing Committee on Banking and Commerce, presented the report of the committee on Bill 452.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (452) intituled: "An Act respecting Loans to assist Fishermen engaged in a Primary Fishing Enterprise", have in obedience to the order of reference of July 5, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Burchill: Honourable senators, I read third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

INTERNATIONAL TRADE

CONGRESS OF INTERNATIONAL CHAMBER OF COMMERCE AT TOKYO—DISCUSSION, INQUIRY AND ANSWER

Hon. Calvert C. Pratt rose in accordance with the following notice:

That he will draw the attention of the Senate to the recent Congress of the International

Chamber of Commerce at Tokyo, Japan, and will inquire of the Government:

1. Will the recently concluded negotiations with Japan under the provisions of the General Agreement on Tariffs and Trade supplement the terms of the trade agreement signed between Canada and Japan in 1954?

2. If this is the case, what are the more important respects in which GATT will supplement the earlier agreement?

3. In the light of the announcement made at the above-mentioned Congress of the formation of the equivalent of an international bank, to be known as The International Finance Corporation, with authorized capital of $100 million, and the fact that in the supplementary estimates for the fiscal year ending March 31, 1956, the Government has provided for the purchase of 3,600 shares in the amount of $3,600,000 in United States currency—

(a) In what areas is it proposed that the International Finance Corporation will operate?

(b) Who is going to run it and how will it be managed?

(c) Is it intended that the capital be used as a revolving fund and, if so, how will this be done?

(d) To what extent is it felt by the Government that this Corporation with the finances available will be able to achieve its purpose?

He said: Honourable senators, having reference to the Notice of Inquiry standing in my name for today, I feel it will be interesting and, I trust, useful to inform this house of the proceedings of the Fifteenth Congress of the International Chamber of Commerce which it was my privilege to attend in May of this year at Tokyo, Japan.

The deliberations were on subjects of paramount importance to all nations and were carried on with a very wide background of practical experience. At the Congress there were 924 delegates from 42 countries. Every continent was represented. It was a most interesting experience to sit in amongst representatives from Iraq and Mexico, Brazil and Viet Nam, Pakistan and Sweden, the Philippines and the Belgian Congo, Australia and Germany, just to mention a few to illustrate how widespread were the homelands of the delegates. It can well be imagined how diverse were the approaches to many of the problems that were brought up for discussion, as well as the complexity of those problems.

Tokyo being the headquarters of this Congress, Japan naturally had the most delegates, with 262 in attendance. The United States came next with 103; India, France and Indonesia had in the 50's, the United Kingdom 36, and Canada 34. This conference was under the chairmanship of the President, Mr. Camille Gutt, who is undoubtedly doing a job worthy of world recognition. During the period of the meetings at Tokyo, the Congress was saddened by the news that the newly-elected President, Mr. George A. Sloan, had died at New York. His death deprived the organization of the very valuable leadership which such an eminent figure in industrial and cultural affairs would have provided.

I think in order to make my comments on this Congress as meaningful as they should be, it will be useful for me to tell you something of the International Chamber of Commerce, which is not nearly as much publicized as its functions and its usefulness in world affairs really warrant. The I.C.C., as it is termed, is a sort of co-ordinating body for the organizations of commerce and finance throughout the world, and, in general, its purpose is to help people do business with one another wherever freedom of trade is a recognized factor. It is about 35 years old, has its permanent headquarters in Paris and, except for the period of the Second World War, has held its international Congress every second year. As the Chairman of the Japanese committee recently put it, its lifetime has been "35 years of wind and rain".

In Canada we have the Canadian Council of the International Chamber of Commerce, very ably led by the President, Mr. R. C. Berkinshaw, C.B.E., LL.D., and the General Manager, Mr. Carl Bergithon. Both of these gentlemen played a very valuable part in the deliberations of the Congress. Our colleague, the Senator from Vancouver (Hon. Mr. McKeen) is, as you know, a member of the Canadian executive body.

Needless to say, the I.C.C. has no administrative powers over its members in the parent countries, directly or through the Congress. Neither can it speak with authority for any country. The organization, however, can provide the facts, build up the case, and give invaluable guidance to those who have the responsibility for the laws, rules and regulations whereby people in various lands can deal most advantageously and equitably with each other. It can be the supporter and the constructive critic and, in fact, the policy builder as occasion demands for the organizations existing for the development of world trade, such as GATT, the international bank for reconstruction and development, and others. How useful it can be in facilitating and expediting international trade depends, to a great extent, on how closely the trade organizations within its orbit have the attention and co-operation of various governments. Because of the wide background of experience possessed by its members, I cannot think of a more useful medium for the gathering of constructive information and exchange of views.

At this Congress 51 resolutions were passed, aimed at lowering barriers and making easier the flow of international trade and finance.

One could be sceptical and lightly pass off the significance of the long list of decisions on matters of wide variety, but separate committees, each in its own specialized field, have wrestled with the problems, sometimes over years, and could speak with particular knowledge.

Before passing on to a summary of some of the matters of interest to us, may I make this further observation about the general usefulness of the I.C.C. It should be remembered, in appraising the value of this organization and its affiliates and component parts throughout the world, that those who compose them are the very ones whose ambition and interest—personal interest, if you like—are in successful and enlarged international trade, whose job it is day by day and hour by hour to wrestle with the problems involved. Theirs is not an academic nor purely administrative experience and interest—theirs is the job of seeing the goods actually made and produced, seeing a value put on them by buying and selling, seeing them paid for and shipped. All the problems of international trade are right in their laps day by day. Of vital concern to them is an extension of trading within and without all countries. The widening of the avenues of distribution for products by increased purchasing power of peoples is of greatest practical concern. Their views on policies to be adopted will differ with circumstances of business and countries, but it is too often overlooked by governments and the general public that the implementation and practical application of the rules, regulations and laws governing international trade fall on those in business who direct commerce in all its branches.

The I.C.C. is the only economic organ which links the international trading bodies and persons of the world in close association, and I would say again that it is my hope that the governments of the various countries will take the deliberations seriously and weave into public policy the results of the experience of those who know the issues involved in world trading, even though they do not know all the answers.

I would ask your permission to digress for a moment from the main subject of this talk to emphasize by illustration the benefit of closer collaboration of government and business in international negotiations on foreign trade. In 1931, being President of the Newfoundland Board of Trade, it was my honour and privilege to accompany, by invitation, a Canadian trade mission to South American Republics on a specially chartered steamer—the *Prince Robert*. The mission consisted of 150 Canadians, with one Newfoundlander holding a watching brief. While it was a trade mission under the auspices of the Canadian Chamber of Commerce and the Canadian Manufacturers' Association, it had official Government recognition through the presence of Sir George Perley, then in the House of Commons, the Honourable C. P. Beaubien and the Honourable H. H. Horsey of the Senate, as well as some administrative officers of Government. Some provinces also had official representatives. A marked feature of that mission, and one which largely contributed to its success, was its constitution of representatives of both business and government. Ordinarily—though, of course, not always—on such visits to foreign countries, delegates of governments meet only delegates of other governments and representatives of industry meet only their counterparts in other countries. What I feel is needed is more frequent association of representatives of government and trade in missions abroad, so that administrators of public policy will learn, at first hand, of the practical difficulties of interchange of goods and business executives will learn of government policies.

In the 1931 *Hansard* of both houses there are extended reports on the mission. I refer to them now for just one purpose: to say that I found there just what I expected to find—a tribute to the fact that the joint nature of the mission produced concrete results on the spot. It was not just an academic or administrative survey of conditions in the South—with hopes aroused and results deferred, as we see in so many cases these days.

I will quote the words used by the late Senator Beaubien in summarizing the benefits of that trade mission:

> First: Good will,
> Second: Concrete accomplishments by active trade contacts,
> Third: Understanding trade difficulties.

I am convinced that frequent trade missions, composed of government delegates in highly responsible posts and business men truly representative of the trade best suited for development between Canada and the countries visited, would have far-reaching benefits.

I shall now bring to your attention some details of the proceedings of the Congress at Tokyo. I shall confine my remarks to matters which may have the greater significance and interest to us in Canada, although I would qualify that by saying there is no practical way in these times of divorcing things of international consequence from those of national concern.

The opening session was addressed by the Prime Minister of Japan, Mr. Ichiro Hatoyama, and the representative of the United Nations, Mr. James Keen, as well as the leading officials of the I.C.C.

As the Congress was held in the East, and for the first time in the East, it was natural that its central theme should be announced as "Asian Problems and World Progress". The I.C.C. Commission on Asian and Far-Eastern affairs which functioned to study and promote economic advancement in the East was composed of delegates from Burma, Ceylon, India, Indonesia, Japan, Pakistan, the Philippines, Thailand and Viet Nam.

The headings of the discussions throughout the Congress may be summarized:

1. *Freer trade for world prosperity.*

The discussion in the general meeting on this all-important subject was presided over by our own Mr. R. E. Berkinshaw, the Chairman of the Canadian Council. Under this heading came trade and tariff policy in the world today, the future of GATT, the new plans for reducing customs tariff and similar matters.

2. *Fair competition—A factor in industrial and commercial progress.*
3. *International co-operation for stability in the world markets for primary products.*
4. *Progress towards a new monetary order.*
5. *Asian development and world economy.*

Within these categories were group discussions by members experienced in the particular fields. Such discussions held outside the general meetings were on many topics, including:

Freedom and progress in ocean transport,

International commercial arbitration,

Administrative obstacles to trade,

Standardization of commerce and banking practices,

Air transport in the service of economic development,

Flag discrimination as applied to shipping,

Public and private investment in economic development,

The International Finance Corporation,

Nuclear power and economic development,

Convertibility of currencies and economic problems in Asian regions,

Need for a balanced pattern of development in agriculture, primary products and industry.

Surely one might say this is a formidable list for a week's congress, but it is well to remember that separate and regional bodies within the organization have made one or other of these topics their special concern over the years.

I will now attempt to give you some specific information and views on certain of these matters, but I can only be expected, I am sure, to touch the fringe of them.

The subject of the use of atomic energy in the industrialization of Asia received outstanding attention both at the Congress and in the press of the East. The discussion was led off by the well-known and eminent industrialist, Mr. John J. Hopkins, Chairman and President of the General Dynamics Corporation and of Canadair Limited. His organization, as honourable senators are aware, is generally regarded as a world leader in the field of promotion of atomic power for industry. In a speech regarded as of far-reaching importance, he emphasized the need for speeding up industrial development in the East. To repeat his words, "Asia will continue to languish indefinitely in economic chains" if it has to depend on the kind of historical development that characterized industrialization in Western countries. How true such a point of view is, can be realized when we think of the increasing knowledge by Eastern people of the outside world by reason of improved facilities for education, communication and travel. This knowledge serves to impress them with the progress of the more advanced countries while, at the same time, it accelerates the dissatisfaction with the depressing and primitive conditions of living in some of their homelands.

Mr. Hopkins advocated the formation of an atomic energy community devoted to the cause of greater industrialization in Eastern countries. The reaction of the Japanese English-speaking press, as well as of the Eastern delegates, as far as one can judge, was that, while cautioning against expectation of speed in that direction, they expressed gratification at the fact that an eminent body of scientists, business and government leaders were concentrating their thoughts on Asian problems in such a constructive way.

At this point I would like to bring to your attention for a brief period some other thoughts on the Asian position in world trade. Although 16 Free Asian countries contain 760 million people, or nearly one-third of the world's population, they now account for a little more than one-tenth of the world's imports and less than one-tenth of the world's exports. I mention this to bring out the fact that their proportionate share of world trade has declined since World War II, notwithstanding that a considerable number of independent countries have come into being in that period and have expressed an active policy of development.

Asian countries have a tremendous variety of raw materials required by the West, but our part of the world cannot continue to regard the East just as a source of supply for our

manufacturing plants. We complain—and with some practical reason—of the low prices entering into competition with our products. The answer of long-range importance—and time is speeding on in this respect—is for the West to encourage the industrialization of the East, so that by the higher standards out there the world trading area and purchasing power will expand, benefiting everybody. Experience has shown that trade cannot be successful on a one-way road. Whether the Western world views it with favour or otherwise, industrialization is not going to be confined to the West. That does not mean that industrialization of the East will necessarily take the pattern of the West. While the people of Japan, for instance, have shown a marked aptitude for industrial processes, that does not indicate that the Eastern populations will or can use to any great extent the streamline methods of Western peoples. The Asian approach to work does require the employment of more people and, certainly, more hours than in the West, for the same volume of turnout; hence for that and other reasons the use of payroll rates alone as the yardstick to measure relative costs is wrong and misleading.

In this connection also I had an interesting sidelight on the differences between the practices of Japanese industries and those of Western countries. In reviewing an official publication of the Japanese Federation of Employers' Associations, I noticed the surprising fact that the basic wages or "take-home pay" of employees is relatively small compared with total payment for employee account. They quoted figures to show that in the years 1948-1951 basic wages, varying of course with years and industry, were as low as 30 per cent and as high as 62 per cent of the total payments made directly to workers and on their behalf. A review of a publication in 1954 by the Labour press of Tokyo conveyed the same impression and also stressed the relatively low per capita labour productivity as a national problem, although inseparable from the problem of overpopulation.

The West may well be expected to hold its lead in industry for generations, if not for centuries, but it will gain far more by having prosperous peoples in the East than by having, as neighbours, impoverished millions. For one thing is certain—geography as a separating factor is finished and all peoples are destined to live in one neighbourhood.

Thought in the Western world, and on the North American continent, in particular, is to my mind too circumscribed by the urge just to protect what we have. What I mean is that we are too "protectionist-minded". Tariffs are frequently used as a protection for wages and costs that are allowed to run up beyond what, in some industries, is economically sound in the world. They are sometimes a cloak for inefficient management and inadequate modernization of methods and, further, they are often a shelter under which are made types and classes of goods which those abroad might make better and thereby provide themselves with the means to buy from us what we can produce more favourably. Do not misunderstand me; there is nothing practical in an overall repudiation by us or by any one country, of tariff protection in the world today, but the evils lie in the excess. We, right at home—and, if I may add, the United States also—should keep ourselves under constant examination to avoid the evils of these excesses.

I mentioned the contribution to the discussions of the Congress by Mr. J. J. Hopkins. I would like also to mention another figure who received outstanding attention. He was Mr. Russell H. Dorr, head of the World Bank, Far-East Section. Incidentally, in meeting him, I had the pleasure of renewing a friendship of many years. Mr. Dorr presented to the Congress the framework of the International Finance Corporation, the plan of operation for which is now before the 56 member nations of the World Bank. The United States, it was announced, has agreed, subject to legislative sanction, to subscribe for $35 million worth of shares in the corporation. The United Kingdom, I believe, has suggested a subscription of $14½ million and Canada's contribution, as shown by the Supplementary Estimates, is $3½ million. Subscriptions range all the way down to $2,000 by the Republic of Panama. We were informed at the Congress that when $75 million has been placed by member countries, the plan will come into effect. The General Assembly of the United Nations on December 11, 1954, endorsed the I.F.C. idea by a vote of 50 in favour with none against, but with 5 abstentions. I have given notice of inquiry concerning certain aspects of our Government's point of view on this investment. The announcement, however, that was made by Mr. Dorr, stated that the objective is to encourage productive private enterprise and to provide capital in ventures where private investment is committed but is inadequate. The fund, it was stated, will not be used where there is public or government investment in a particular project. Also, according to a statement made, it is intended to function in the less-developed areas of the world. It appears to be a very worthy project, but one cannot help feeling that the funds provided are of very modest proportions.

The policy of a return to convertibility of currencies amongst nations received close consideration at the Congress. This matter is of very great importance to Canada as a chief exporting country. The general statements did not minimize the difficulties, nor, indeed, the frustrations where convertibility may fail in practice and be revoked. It seemed to be the general thought that the world situation now is favourable to a show of leadership in this respect by the United Kingdom and certain other countries. It has been officially expressed by the I.C.C. that exchange control, while unavoidable in some instances, is still one of the worst obstacles to advancement of world economy. Governments of the day, while weighing the chances of maintaining stability of currencies—if once free from control—do not give sufficient weight to the possible contribution, by increased competition, to extension of world trade and thus build stability on its own success. International Chamber of Commerce Councils throughout the world were urged to keep the issue prominently before their respective governments. Mr. Anwar Ali of Pakistan, Director of the Middle East Department of the International Monetary Fund, made a notable contribution to the discussion on this particular subject. As we know, the International Monetary Fund has resources equal to around $9 billion, of which $3½ billion is in gold and dollars. The Fund's resources, he pointed out, are available for the encouragement of its members to move effectively towards the establishment of currency convertibility or striving to maintain it. The Fund regards the objective of convertibility on a stable basis as the very foundation of an effective system of multilateral trade. Convertibility is not a favour conferred by one country on another. It must harmonize with national policies, and it is hoped that leaders in countries the world over will become more conscious of what a powerful instrument it can be for achieving internal stability, external balance, increased production in trade and a higher standard of living. The cancellation of control in Canada, freeing of U.S.-Canada dollar transactions, was a progressive example. The step-by-step policy, generally speaking, has been too slow, sometimes over-cautious, sometimes too much influenced by politics to heed even the advice of the best financial authorities. One gathers the impression that forthright leadership in this matter of currency convertibility is lacking in some of the countries that are most favourably placed in respect to their position of accumulated reserves.

Restrictions of freedom of shipping and what is termed "flag discrimination" have been a matter of resolutions by Congress after Congress, but time has seen restrictions getting more onerous. The freedom of the seas is becoming more and more challenged. That freedom is fundamental in movement of traffic, for, after all, the economical and efficient movement of commodities is of much greater importance than just employment on ships—as necessary as this is. According to a brief presented, we learned that there are 16 countries which have bilateral agreements for control of cargo movements and nine of them took unilateral action and dictated use of their own ships where control of cargo was involved. India is one of the leaders in dictating policy of confining cargoes to their own boats. Ocean freights are much higher in some cases, double what they were a short while ago. Controls may have a lot to do with it and may have a material effect on an exporting country such as ours. Canada was not cited as one of the offenders in that respect. It is my opinion, however, that we shall do well to be more closely on our guard than we are, against the limitations imposed by our inland and coastal shipping laws. That, however, is another subject.

Administrative obstacles to trade was the subject of many resolutions calling for correction. It is amazing to see how many trivial—or what appear to be trivial—regulations can obstruct movement of trade. Consular invoices, for instance, are sometimes an outstanding abomination. Some countries seem to aim at paying for Consular Office expenses by a charge for Consular invoices and other documentary requirements, which, actually is a cover for additional protection for their own industries. Valuation of goods for duties other than the purchase price tends to double up on the tariff charges. One country watches another in this matter and there seems to be a race not to be outdone. A bill, I understand, was introduced in the United States Congress in 1954 which would have amended their valuation laws, but action was deferred. One country does a valuation stunt for duties and another just slaps it in the face by similar action, and on it goes. Consequently I think that our provision for the revaluation of textiles last year was of doubtful value from the long range point of view. The I.C.C. holds to the principle that the contract price paid or payable, as proven by invoice, should normally be the basic value on which goods are assessed for Customs purposes. In fact, I feel it is thoroughly sound.

The hindrance to freer trade and greater productivity throughout the world by double taxation as between countries was a prominent issue. For years past, the collaboration

of the I.C.C. with the League of Nations on this subject served as a basis for most of the existing double taxation treaties. The I.C.C. has recently taken a step further in the matter by recommending to the Economic and Social Council of the United Nations, recognition of the principle that the country of origin of profits, rather than the country of residence, should have the sole right to tax the profits made. In this connection, I might add that, in the ensuing discussion, it was emphasized that certain of the less-developed countries are now endeavouring to attract capital by exempting earned income on new industrial undertakings. The thought was freely expressed that such profits should not be taxed in a country where the operation has no connection.

The need for arresting the trend, wherever it is shown, towards economic nationalism was one of the keynotes of the Congress. While it is not always in evidence, the countries which are the farthest advanced industrially should, in their own interests, be the most conscious of the fallacy of hedging themselves in by excessive tariffs and other restrictions. It is a policy plausible but short-sighted, seemingly justifiable but practically wrong and, while it might actually provide present relief, is undeniably loaded with future disaster. It should be remembered that technology is no longer confined to a few countries. The spread of technology is a feature of some of the areas of great populations which we shall all need as trading partners, for the exchange both of raw materials and finished products.

The General Agreement on Tariffs and Trade, or "GATT", as it is termed, came in for extended study and exchange of views. The Canadian delegation introduced to the Congress, a policy statement and resolution supporting the revision and the proposed creation of the new organization for trade co-operation. It called upon all governments to give effective and practical application to the policy with the least possible delay.

The Congress was fortunate in having in attendance Mr. Eric Wyndham White, General Secretary of GATT. I shall not use your time to discuss this subject which is constantly before us in Canada. I think we are fortunate that Canada, through the Government and organized industry, is taking a leading part in that fine instrument for freer trade. As we all know, it is not perfect by any means. It needs to be able to act more quickly in making decisions and readjustments than it does. It does, however, keep the member countries in touch with one another's needs and, undoubtedly, helps maintain the system of multilateral arrangements. I think I can say it was a fairly general view at the Congress that, without GATT or something broader and better to replace it, the world would fall into narrow sections for trading and currency dealings which would be too restrictive to contemplate.

The trade of GATT signatory countries accounts for 80 per cent of world commerce. Canada's trade with those countries is about 90 per cent of our total trade. For GATT or any world organization with similar ideals to perform its function in a far-reaching way, there needs to be a greater realization throughout the world of the mutual advantage of give and take, with not all "give" expected of some and an attitude of all "take" attributed to others. The movement needs more prominence in world thought and understanding so that it will operate on a plane worthy of its concepts.

I should like to make a particular reference to Japan, which was our host country for the Congress. As we know, last year we entered into a Canada-Japan trade treaty. The general substance of that treaty was that Japan agreed not to discriminate against Canada in favour of any other country in the purchase of a list of products such as grains, flour, woodpulp, certain metals and other commodities which rank high in the list of Canadian exports to Japan. I heard complaints in Japan, although not officially, of the unbalanced trade between the two countries.

In 1949 during the occupation, Japan balanced its trade with Canada at $5 million and, in 1950, at about $6 million. After trade had come under Japanese control, our exports in 1953 to that country, amounted to about $118 million, and, our imports from there to about $13½ million. In 1954 they bought from us goods to the value of $96 million and we purchased from them $19 million worth. Japan has been, in very recent years, our second best customer for grain, having bought from us in 1954 about $50 million worth of wheat and $13 million worth of barley. I cannot take the time to go into the details which this particular subject warrants, but I suggest we should be liberal in our outlook and attitude so as to preserve the good will and co-operation of this very valuable trading partner.

And now, honourable senators, here is something which struck home to me very forcibly as a practical example of Japan's foresight in improving its international relations. I was intrigued when I first heard of the Canada-Japan Society. It is a full-time organization functioning actively and composed chiefly of Japanese with Canadian

associations in business and other spheres, as well as some Canadians residing in Japan. I made inquiry and found there are no less than sixteen such societies in Japan. I have listed them for the record:

Afghanistan Society.
Turkey Society.
Italy-Japan Society.
India-Japan Society.
Great Britain-Japan Society.
China-Japan Cultural Society.
Canada-Japan Society.
Australia-New Zealand-Japan Society.
Hungary-Japan Cultural Society.
Brazil-Japan Society.
America-Japan Society.
Argentine-Japan Society.
Israel-Japan Society.
Indonesia-Japan Society.
Philippine-Japan Society.

These societies represent a voluntary movement of citizens in various walks of life designed to cultivate greater understanding and good will in their world contacts. Certainly this is an idea we could well borrow from these resourceful people and use in the cultivation of our relations with them and people of other lands.

I would like to use this occasion to express appreciation of the personal courtesy extended to me by Mr. Yahachi Kawai, the President of the House of Councillors, or, as we would call him, the Speaker of the Senate. It was with great interest that I availed myself of the opportunity of attending at the Upper House of the Diet while it was in session and, after receiving numerous introductions, I could watch—even if I could not understand —the proceedings of their committees.

I feel very sure that all present at the Congress in Tokyo were most impressed with the friendliness and warmth of welcome extended on every hand.

Hon. W. Ross Macdonald: Honourable senators, I am sure we have all listened with great interest to the remarks of the honourable gentleman from St. John's West (Hon. Mr. Pratt). It was not incumbent upon him to deliver this address, but we are indebted to him for telling us something of what took place at the recent very important Congress of the International Chamber of Commerce. The fact that it was held at Tokyo made it memorable in itself. Tokyo must be a most interesting city, and to have gone there was, I am sure, a treat for the honourable senator, which he has now shared with us by telling us of some of the things that he saw and heard there.

The honourable gentleman has also given his views on certain questions which concern fiscal policy, and I have no doubt his address will be read with interest by those in the other house who are responsible for making fiscal policy. All in all, it has been an entertaining and informative address, and we are indeed grateful to him.

On June 22 the honourable senator gave notice as follows:

That he will draw the attention of the Senate to the recent Congress of the International Chamber of Commerce at Tokyo, Japan.

He has now done that, and very well indeed. His notice also stated he would inquire of the Government:

1. Will the recently concluded negotiations with Japan under the provisions of the General Agreement on Tariffs and Trade supplement the terms of the trade agreement signed between Canada and Japan in 1954?

2. If this is the case, what are the more important respects in which GATT will supplement the earlier agreement?

3. In the light of the announcement made at the above mentioned Congress of the formation of the equivalent of an international bank, to be known as The International Finance Corporation, with authorized capital of $100 million, and the fact that in the supplementary estimates for the fiscal year ending March 31, 1956, the Government has provided for the purchase of 3,600 shares in the amount of $3,600,000 in United States currency—

(a) In what areas is it proposed that the International Finance Corporation will operate?
(b) Who is going to run it and how will it be managed?
(c) Is it intended that the capital be used as a revolving fund and, if so, how will this be done?
(d) To what extent is it felt by the Government that this Corporation with the finances available will be able to achieve its purpose?

It happens I have the answers to these questions, and they are as follows:

1. Yes.

2. Both the General Agreement on Tariffs and Trade and the trade agreement between Canada and Japan deal with all important matters in the trading relations between the two countries.

Their articles cover such matters as most-favoured-nation treatment, safeguards respecting the application of import restrictions, and non-discriminatory treatment in the application of domestic regulations and taxes. In addition, the Canada-Japan Agreement provides for non-discriminatory treatment by Japan in the import licensing of a number of important Canadian products.

The GATT supplements the Canada-Japan Trade Agreement in the following ways:

Because it has 34 adherents, the GATT provides for multilateral consultations on trade matters of common interest. It provides the machinery for such consultations and a

permanent staff to assist in preparing appropriate background. This machinery can also be used in matters involving disagreement.

The GATT also deals in more extensive detail with such questions as customs administration, marking regulations, subsidies, security matters and the procedures for negotiation and binding of tariff concessions.

3. (a) The Corporation would be authorized to make investments of its funds in productive enterprises in the territories of its members, particularly the less-developed countries.

3. (b) The IFC will be an international organization affiliated with the International Bank which will provide, in association with local and private investors, risk capital for financing the establishment, improvement and expansion of productive private enterprises in member countries when other sources of funds are not available on reasonable terms. Its members will be members of the International Bank affiliated with the Bank through common membership in their Board of Directors and Board of Governors. The articles provide that the members of the Bank's Board of Executive Directors and their alternates shall exercise *ex officio* the same offices in the IFC if the countries they represent in the Bank become members of the Corporation. The President of the Bank is Chairman of the Board of Directors of the IFC. The President of the IFC is appointed on the recommendation of the Chairman and the concurrence of the Board of Directors of IFC. All powers of the Corporation are vested in the Board of Governors and they may delegate to the Board of Directors authority to take all but certain specified major actions. Each member has 250 votes plus one additional vote for each share of stock held.

IFC is a legal entity separate and distinct from the Bank and its functions must be kept separate and apart from the Bank. However, it is authorized to make use of facilities, personnel and services of the Bank.

3. (c) It is intended that the IFC will provide venture capital but it will not be authorized to invest in capital stock or to assume the responsibility for managing an enterprise in which it has invested. It will not be a holding company retaining its investments on a long term basis, but will dispose of its holdings to private investors as opportunity offers so that it can reinvest its funds in new activities. In this sense, the IFC will be revolving its funds.

3. (d) Experience with the International Bank gives good reason to hope that the new affiliate will be successful in achieving its purpose.

Hon. Mr. Isnor: Honourable senators, I should like to ask the honourable gentleman from St. John's West (Hon. Mr. Pratt) whether Poland is a member of the International Chamber of Commerce. I am interested because we have heard a great deal about the recent sale of some nine million bushels of wheat to Poland. If Poland happens to be a member of the International Chamber of Commerce, perhaps a statement of that fact would help to shorten some discussion which is taking place in the other house at the present time. Also it might help solve the question of whether Poland is a friendly nation.

Hon. Mr. Pratt: I cannot say whether Poland is represented in the I.C.C. organization, but it was not represented at the Congress.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, July 7, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

INTERNAL ECONOMY

SEVENTH REPORT OF COMMITTEE CONCURRED IN

Hon. Norman McL. Paterson, Chairman of the Standing Committee on Internal Economy and Contingent Accounts, presented the committee's seventh report.

The report was read by the Clerk Assistant as follows:

Your committee have examined the expenditures and revenues of the Senate for the fiscal year ending March 31, 1955, and have found them correct.

The Hon. Acting Speaker: Honourable senators, when shall this report be taken into consideration.

Hon. Mr. Paterson: With leave, I move that the report be concurred in now.

The motion was agreed to, and the report was concurred in.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when the Senate adjourns today it stand adjourned until Tuesday, July 12, at 8 o'clock in the evening.

The motion was agreed to.

INCOME TAX BILL

SECOND READING

Hon. John J. Connolly moved the second reading of Bill 417, an Act to amend the Income Tax Act.

He said: Honourable senators, the principle of Bill 417 is a triple one. First, the bill is designed to carry out the budget proposals to reduce the rates of personal income tax and of some corporate income tax by two percentage points, and to provide certain other tax relief and tax adjustment. Secondly, the bill is designed to give effect to Government policy touching the matter of provincial income tax, which was referred to in a statement in the other place on behalf of the Government, by the Prime Minister on January 17 last. Thirdly, the bill is designed to effect certain technical and procedural amendments to the Income Tax Act of a character usually to be expected in a bill of this kind.

Before I deal with the individual sections perhaps I should remind honourable senators that, according to the estimates given by the Minister of Finance in his budget speech on April 5 this year, the tax reductions for the present fiscal year will amount to $85 million on account of personal income taxes, $28 million on account of corporate taxes; and for the full calendar year his estimate was a reduction of $128 million in personal income taxes and some $43 million in corporate income taxes.

Perhaps in passing I might say that these provisions are made effective by section 6 for personal income tax, and by sections 9 and 24 for corporate income tax. I might say also that the recognition of payment on account of provincial income tax is dealt with in section 7 of the bill, and I shall refer to that in more detail later.

Honourable senators, the bill contains 34 sections and, as is customary in financial legislation, some of them are long and involved and most difficult to follow. I do not propose to deal with them all, as some do not require special treatment on the floor of the house. Those with which I shall deal I hope to explain succinctly. If there are matters arising from sections which I propose to leave to the committee stage but which some members might like to discuss here, I shall be prepared to do whatever I can to explain them.

At the conclusion of my remarks I propose to move that the bill be referred to the Standing Committee on Banking and Commerce, where it can receive full and detailed consideration.

Section 1 of the bill is designed to facilitate and encourage access to capital funds by companies requiring them. It provides that the expenses for issuing shares or for borrowing money on bonds or debentures to be issued by a company shall be considered as expenses for the purposes of earning the income of the company. In other words, they will become properly deductible expenses for the company in the course of its operations. The types of expense that are visualized as being covered by this section are: costs of professional fees, printing costs, costs for registering under various securities acts, costs incurred in dealing with stock exchanges, and the like. In passing, may I say that most of these expenses are paid out to people who would pay tax on the money received as income. For example, a lawyer who gets a fee for dealing with this kind of matter would take that fee into his normal

income and pay tax upon it. This is a problem which has been presented to the tax department over the years by the Canadian Tax Foundation, the Canadian Bar Association and the Canadian Institute of Chartered Accountants. At this time, I understand, the problem is receiving the treatment which had been requested.

Section 2 of the bill deals with insurance. As honourable senators are well aware, the annual depreciation on a property is governed by the regulations which have been made under the provisions of the Income Tax Act. Each year a company is entitled to deduct from its income the various proper charges for depreciation on various forms of its property at the various rates prescribed by the regulations. At the present time the act provides that when a building is destroyed by fire, or by some other means, and insurance is recovered by the taxpayer he is required to take the whole of that payment covering the depreciated part of his building into income in the year in which he receives it. By this amendment, which is an alleviating amendment, it is provided that the taxpayer who receives an insurance payment for destroyed property may defer taking the insurance proceeds into the income of his company in the year in which he receives it, if in the following year he devotes that insurance payment to the replacement of the property which had been destroyed. In this way he begins immediately to depreciate the building again without what was considered under the former law to have been some unjust deprivation.

Hon. Mr. Roebuck: May I ask the honourable senator a question? I do not understand that. Is he referring only to the depreciated value of the building, or the whole amount of the insurance which is collected? Must the taxpayer reinvest the full amount of the insurance collected next year in a new building to escape its being taken into income?

Hon. Mr. Connolly: Yes, Senator. To the extent that he does not reinvest proceeds of the insurance, he does not get the advantage of the amendment.

Hon. Mr. Turgeon: If he pays part of it does he get the advantage of the part he pays?

Hon. Mr. Connolly: If he pays part of it, he gets the advantage of the part he pays.

Hon. Mr. Roebuck: In the past, insurance money has not been considered income when paid for a capital asset that has been destroyed.

Hon. Mr. Connolly: I know that is quite true, Senator. But I am talking about the insurance with reference to the depreciated portion of the building.

Hon. Mr. Roebuck: That was the point to which my question was directed. I take it that it is only with respect to the depreciated part of the building that you make these references?

Hon. Mr. Connolly: Yes, indeed, because that is the only part which has been written off against current income from year to year.

Hon. Mr. Roebuck: I understand.

Hon. Mr. Connolly: I am sorry if my answer was not clear.

I should like to refer next to sections 3 and 4 of the bill. Hitherto the Income Tax Act has provided that income from property transferred by a husband to a wife or children remained taxable in the hands of the husband. The bill provides that in the event of the husband's death, or in the event that he ceases to be a resident of Canada, or if he becomes divorced, that income becomes taxable in the hands of the recipient of the income, the wife or the children, as the case may be.

Section 5 deals with a taxpayer with the status of an unmarried person, who is supporting another person who is wholly dependent upon the taxpayer, and who is related to the taxpayer by blood, marriage or adoption, and where the support is being provided in a self-contained domestic establishment. Now, when all of those conditions obtain, the taxpayer providing the maintenance is entitled to the additional $1,000 exemption allowable to a married person. Under the act as it stands today, if such a dependent person receives any support whatever from another person, even if that other person is related to the dependent person, the benefit of the exemption is lost. This amendment provides that several members of the same family can contribute to the support of a dependent person, and the $1,000 exemption will still be available, but as between the members of the family it must be settled as to which one of them will take the exemption. It cannot be divided.

Hon. Mr. Roebuck: And in the case of a disagreement, who would get it?

Hon. Mr. Connolly: In the case of disagreement I think it probably would be disallowed.

Section 6 provides for a 2 per cent reduction in personal income tax from January 1, 1956. Subsection 3 of that section provides for one per cent reduction in personal income tax from January 1, 1955; or, to put it another way, it provides for 2 per cent reduction from July 1, 1955.

I should like to draw the attention of honourable senators to subsection 2 of section 6, which removes, as of January 1, 1955, the 4 per cent surtax from rents received from real estate. As honourable senators know, rental income from real estate hitherto has been classed as investment income—

Hon. Mr. Roebuck: As unearned income.

Hon. Mr. Connolly: —unearned income, and subject to 4 per cent surtax. The reason for the proposed removal of the surtax is that it has always been very difficult to determine whether a person receiving rents was or was not carrying on a business. I think this subsection will remove a serious anomaly in that respect.

Hon. Mr. Roebuck: In a case heard in Montreal it was decided that when the owner managed a building and hired the elevator man, and so on, it was not unearned.

Hon. Mr. Connolly: In that case it was assimilated to a business operation. This amendment makes the procedure abundantly clear, and will simplify it, not only for administration but as well for the taxpayer.

I come next to section 7, which deals with provincial income tax. Perhaps the simplest way to handle this amendment would be to describe the present situation and then to outline what is proposed. At the present time a taxpayer who pays a provincial income tax may deduct from his federal income tax the amount he paid to the province or 5 per cent of his federal tax, whichever is less. It was proposed by the Prime Minister on January 17 of this year—and the House of Commons *Hansard* of that date contains the statement—that for the year 1954 the percentage allowed instead of being 5 per cent will be 10 per cent. The amendment carries this out. In other words, a taxpayer who pays provincial income tax for 1954 may deduct from his federal tax the amount which he paid to the province, or 10 per cent of the federal tax, whichever is less. For 1955 and 1956 the amount paid to the provincial authority becomes completely irrelevant to the issue. If a taxpayer is resident in the province for the entire year of 1955 or 1956 he will be entitled to deduct 10 per cent of his federal income tax.

In cases where either residence or employment in the province which collects provincial tax did not last for an entire year, the 10 per cent deduction will be pro-rated or apportioned.

Hon. Mr. Roebuck: That applies only to those provinces where a provincial income tax is imposed?

Hon. Mr. Connolly: It is only for such provinces, yes. In the second place, it applies only to personal income tax, not to corporate income tax.

Hon. Mr. Macdonald: But if any province in future should impose a provincial income tax, it will apply to that province.

Hon. Mr. Connolly: It is available to every province, but it will apply only to the provinces where a provincial income tax is collected.

Hon. Mr. Roebuck: What provinces are those now?

Hon. Mr. Connolly: The province of Quebec is one. I know of no other.

Hon. Mr. Macdonald: But any province can take advantage of it, if it is an advantage?

Hon. Mr. Connolly: Of course. The statement made by the Prime Minister on January 17 was abundantly clear on that point. This amendment carries out the undertaking which he gave on the floor of the House of Commons at that time; it puts this proposal into the law and it is available for any province imposing a personal income tax.

Section 9 provides for the reduction of two percentage points, from 47 per cent to 45 per cent, to corporations having taxable income in excess of $20,000 per annum, and the amendment becomes effective as of January 1, 1955. Honourable senators are well aware that a few years ago the Income Tax Act began to make a distinction between corporations which earned incomes in excess of $20,000 and those which earned incomes of less than $20,000. For the smaller corporation, the tax rate was 20 per cent. This 20 per cent was made up of 18 per cent income tax and 2 per cent old age security tax. But, for corporations earning over $20,000 a year, the position was this, that on the first $20,000 the corporate tax rate was 20 per cent and on any earnings in excess of $20,000 the rate was 47 per cent. That rate is now being reduced to 45 per cent. There is a provision in this section also which deals with associated companies, but it is a rather technical and involved provision and I think perhaps it might well be left for the committee to look into when this bill is before it.

Section 13 deals with depreciation of capital assets in estates. At the present time a life tenant is entitled to deduct from the income which he receives from an estate the depreciation which has been allowed against the corpus of the estate if he has an interest in that corpus either contingent or absolute. Under the amendment it is now proposed that the life tenant who receives all the income shall be entitled to make a deduction

for any depreciation or capital cost allowance which is made in the year in which he receives his income.

Hon. Mr. Isnor: Would the honourable senator give us an illustration of that?

Hon. Mr. Connolly: Yes. Say Mr. X receives $10,000 a year income from an estate and he is the sole income beneficiary. Say the depreciation allowance at normal rates provided in the regulations under the act amounts to $2,000. Whether Mr. X has an interest in the residue or not, he will be taxable hereafter not on $10,000, but on $8,000 only. That is, he will get the benefit of the depreciation. One of the reasons for the change is that in most provinces trustees are not allowed to accumulate reserves on account of depreciation. The Income Tax Division felt that since trustees could not accumulate reserves for depreciation ultimately to be used for the residuary beneficiaries, after the life interest was over, then why not let the life tenants have the advantage? I think it is a fair proposition, because if the life tenants do not get it, nobody gets it. Now the government is going to collect a little less tax, but it is going to be a little more helpful to life tenants in estates, and a good many of these are people who are left without active support other than the support provided by an estate. The change will help a good many people who are dependent on unearned income.

But, honourable senators, there is one exception to this rule, and that exception applies in the situation where the estate manages a business. This exception arises out of a case which I am sure the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) and perhaps others know about, namely, the John Ross Robertson estate case. In that case the residuary heirs felt that they should be allowed to accumulate whatever benefits would accrue from the establishment of a reserve for depreciation, so as to create a fund to replace the business premises when they had become obsolete. The business in that case was a large Toronto newspaper. In such a case, the benefit of the depreciation on the residue of the estate can be built up in a reserve for the ultimate use of the residuary heirs.

Now, honourable senators, that is a rather complicated situation, or at least I make it rather complicated by my explantion.

Hon. Mr. Roebuck: It is complicated.

Hon. Mr. Connolly: But I feel that when it is looked at it will commend itself to all honourable senators for its fairness.

Section 14 imposes a 20 per cent income tax on investment companies, and the reason for it is a simple one. Canadian taxpayers who receive income by way of dividends from Canadian corporations are entitled to make a 20 per cent deduction from those dividends when filling out their income tax returns. The one exception has been income received by way of dividends from investment companies. That income was not taxed in the hands of the investment companies, except such companies that volunteered to pay the tax. It is now proposed that all investment companies shall be taxed, and from now on the people who receive dividends from such investment companies will be able to make the 20 per cent deduction. That is simpler for the dividend receiver, and simpler to administer.

I am happy to say that section 17 is not a complicated one. It merely provides that capital expenditures undertaken for research are to be allowed from the time they are incurred, and need not be postponed until a later time, as is required under the present legislation.

Section 18 also is simple. An error of one word was made in the French translation, and it is corrected by this amendment.

Section 19 is designed to relieve from double or multiple taxation payments from a profit-sharing plan when, by some rearrangement or reallocation, amounts previously taxed against an employee under the plan are computed in some new payment or new allotment which is made to him. The purpose of this section is that if the employee has been credited with a certain amount and taxed thereon, and in some way, as a result of a reallocation of benefits under the profit-sharing plan, it happens to be credited to him again, it will not be subject a second time to tax.

Section 21 has been inserted in the Income Tax Act annually for a number of years. It provides for a three-year exemption from income tax for a company deriving income from a new mine. It is now proposed, in the interests of encouraging the mining industry, to make this feature of the Act a permanent one. The section also contains a definition by implication, stipulating what is not a mine. I think the committee might well look at that paragraph of the section.

Section 22 is somewhat similar to the one which I last discussed. It deals with exploration and drilling costs for petroleum wells, natural gas wells and mines, and provides that these costs shall not be taxable and shall be deductible for a company which incurs them. This provision in its present form originally came into the act in 1949, and was annually renewed in the interests of encouraging the oil, the gas and the mining business.

It is proposed now that the section shall be a permanent feature of the act. It does not apply to deep test wells.

Section 26 would delight accountants, because it deals with reserves for containers. It has relation to companies which sell products in containers—for instance, oil companies which sell oil in drums. I do not think that it is a provision on which we need spend much time, and I propose to pass over it.

Hon. Mr. Roebuck: Is it applicable to milk bottles?

Hon. Mr. Connolly: Yes, I think so. On second thought, I recall that bottles are specifically excluded.

Section 27 deals with sales of inventories and accounts receivable. A number of court decisions have determined that the sale of the assets of a business, not being in the ordinary course of business, is therefore exempt from income tax, and is considered to be a capital return. It is now proposed that these transactions shall not be dealt with as a capital return but shall be taxable. The method of taxation is not to be merely through the addition of the amount received by a vendor to his other income for the year in which the amount is received. He is given the option of paying a special tax at his average rate for the previous three years. I think this is a section which would bear some further explanation and investigation in committee. I believe I have given the substance of it very faithfully, if not too fully.

Hon. Mr. Isnor: The honourable senator does not mean to say that merchandise sold *en bloc* at any one time is to be taxed on the returns of the previous three years, irrespective of the amount?

Hon. Mr. Connolly: Not when it is done in the ordinary course of business. If the transaction takes place in the ordinary course of business the normal rates will apply. This section has reference only to the sale of complete inventories and accounts receivable on the winding-up of the business.

New section 85G, with reference to mortgage reserves, is a rather interesting one and, I think, helpful. It provides for deduction of a reserve on loans on the security of a mortgage. At the present time the only reserve that can be set up against loans on a mortgage account is a reserve for doubtful debts. This has not been particularly satisfactory. It is now proposed that a maximum reserve of 3 per cent of the outstanding amount due on a mortgage or a group of mortgages may be set up, but not all in one year. The reserve can be set up at the rate of a quarter of one per cent per year, to a maximum of 3 per cent.

Hon. Mr. Macdonald: That provision is for a company, not for an individual?

Hon. Mr. Connolly: I think the individual is also entitled to the benefits of the clause. I cannot read in the section a restriction to a company. Certainly it is available to a company, but the text mentions "a taxpayer whose business includes the lending of money on the security of a mortgage", and an individual could carry on such a business. The provision, I may observe, is something which the committee might well inquire into, because if it is intended to apply only to companies perhaps the wording could be improved.

There is also a provision that at the end of a year, if it is found that the mortgages for which the reserve was set up are paid in full, the amount of the reserve must be added back. The provision seems to be a step forward.

The third point in connection with these sections is that under section 85F of the Income Tax Act a new definition is provided for conducting a business on a cash basis. This is a rule which has been applied in the department for a number of years and is now being put into the law. It applies to farmers and to professions.

Section 29 of the bill provides for a new section in the act. It deals with a situation in which a company that has built up an earned surplus is taken over by another one. As honourable senators know, at the present time dividends paid by one Canadian company to another Canadian company are tax free. It is also known that a company acquiring control of a Canadian company, which latter company has an earned surplus, cannot take that earned surplus tax free. It must pay a 15 per cent tax upon that earned surplus, and that is done under old section 95A of the Income Tax Act, which is now section 105A. Honourable members are familiar with the pattern, because it has been adopted in a great many cases in the last few years. A tax-free surplus is created by paying a 15 per cent tax on the whole or a portion of the earned surplus that it is ultimately proposed to pay out. Then preference shares are issued and the designated tax-paid surplus in question is used to redeem those shares. When the redemption is carried out the money paid into the hands of the preference shareholders, is tax-free money. But there have been some anomalies. In every case where a security dealer or a foreign corporation or a charitable corporation took over one of these companies

having an earned surplus, the tax rate at which they could get that earned surplus out was less than 15 per cent. For example, the security dealer could write off any loss incurred by his business in that investment because he is a dealer in investments. A Canadian company is entitled to pay dividends to a non-resident parent upon payment of a 5 per cent tax. Accordingly, if a foreign corporation took over one of these Canadian companies with an earned surplus it would pay only a 5 per cent tax when it passed the surplus on to its parent. It is now proposed that in the case of a foreign corporation and in the case of a charitable corporation taking over one of these companies with an earned surplus, regardless of how they do it, the tax they will pay on that earned surplus will be 15 per cent when the earned surplus is passed to the parent.

For some reason I cannot explain, when a security dealer takes over such a corporation he is going to have to pay 20 per cent when the earned surplus is paid out. However, that is something that might be cleared up in committee. I inquired about it from officials of the Income Tax Division, but not the Department of Finance, and someone from that department will appear before the committee to explain this anomaly.

The only other section I should like to refer to in detail is section 33, which provides that in a criminal case the signature on a return, certificate, statement or answer made under some provision of the Income Tax Act shall be received as *prima facie* evidence by a court. That does not mean everything in the document makes proof of itself. It simply means that the Crown does not have to prove the signature on the document. It also, of course, leaves room for the accused to be able to controvert the signature if necessary.

Hon. Mr. Roebuck: Is that only in criminal cases?

Hon. Mr. Connolly: I think so, Senator. The section is almost self-explanatory. If the honourable gentleman would care to have me read it I will do so. I think it applies only in a case where a charge has been laid for an offence under the act.

Section 1 of the bill also deals with terminal payments made into a pension fund at certain times on behalf of an employee who severs his employment before normal retiring time.

Section 8 deals with payments under profit-sharing plans. It deals also with payments made in recognition of long service and payments made as death benefits. It allows the tax on such payments to be paid, at the option of the taxpayer, in accordance with a formula that is specifically provided in the section.

Hon. Mr. Isnor: Must that formula be approved by the income tax authorities prior to the date of making the grant?

Hon. Mr. Connolly: No. The formula provided is available to the taxpayer, if he wishes to use it, or he may pay the tax in the normal way.

Section 10 of the bill deals with foreign tax credits as a result of the provision with respect to provincial income tax.

Section 11 repeals section 54(6) of the act, which was obsolete.

Section 15 prohibits a non-resident owned corporation from deriving more than 10 per cent of its income from rents in Canada.

Section 16 excludes from the definition of a foreign business corporation those Canadian companies which derive more than 10 per cent of their income from the leasing or operating of ships or aircraft.

Section 23 provides that Crown corporations are not to be considered associated corporations, and this is related to clause 1(2).

Section 24 deals with the reduction in corporate rates for a special category of companies, namely, electric, gas or steam utility companies.

Section 28 provides for a tax on the premium paid by a company when it acquires or redeems its own shares.

Section 30 deals with a problem that has arisen with reference to timber royalties.

Section 32 removes the tax inequity which has developed in cases where a foreign parent corporation provides borrowing power for its Canadian subsidiary. I have read that section carefully and I think it is a particularly equitable provision.

Section 34 provides that certain business undertakings may have a 53-week fiscal period under certain restrictive conditions provided in the act. It also supplies much needed definitions, including one which assimilates to the position of a parent not only a father-in-law but also a mother-in-law!

Honourable senators, that is the explanation of the bill.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: Honourable senators, may I compliment the honourable gentleman from Ottawa West (Hon. Mr. Connolly), and express a thought which I am sure is in the minds of everyone present. He has described this bill very satisfactorily and with a clarity that is indeed remarkable.

Hon. Mr. Lambert: And with brevity as well.

Hon. Mr. Roebuck: And with brevity as well—which is not to be overlooked on a hot afternoon. We are all grateful to him.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly, the bill was referred to the Standing Committee on Banking and Commerce.

EXCISE TAX BILL

SECOND READING

Hon. John J. Connolly moved the second reading of Bill 418, an Act to amend the Excise Tax Act.

He said: Honourable senators, this bill, which is not long or involved, arises out of terms of the budget resolutions proposed by the Minister of Finance in the House of Commons on April 5 last. I think perhaps the most satisfactory way to deal with the bill is by reference to the budget resolutions, the substance of which is as follows. In the first place, the excise tax on passenger automobiles was reduced from 15 per cent to 10 per cent, effective April 5. Secondly, the excise tax on tires and tubes for automotive vehicles of all kinds was eliminated. Thirdly, the sales tax was repealed on certain commodities, which included wood preservatives for timber, poles or lumber; terrazzo flooring; bituminized fibre pipe; rims for kitchen sinks—and perhaps it is unusual to provide for removal of the tax on the rims, but it so happens that all the rest of the sink is excise tax free; floor tile, and wallpaper; and, finally, vaccine for use in the prevention of polio.

I understand that as a result of the tax reductions provided by this measure on account of sales tax there will be a loss in revenue of $1 million, and therefore $1 million less tax will be paid by Canadians in the calendar year. Canadians will in addition save on the other excise taxes $34 million in the entire year. Of this $34 million, $26 million results from the drop in excise tax from 15 per cent to 10 per cent on automobiles, and $8 million from the elimination of excise tax on tires and tubes.

Honourable senators, I think I have given the explanation of the bill that is required. Frankly, I doubt if it is necessary to refer this bill to a committee, unless any honourable senator requests it. In that case I shall be happy so to move.

Hon. Mr. Roebuck: I suggest that both Bill 417 and Bill 418 be referred to committee.

Hon. Mr. Isnor: In case this bill is not referred to a committee, may I inquire if the honourable senator can tell us whether a new type of ceiling used by many of the builders, by the name of *Marlux*, is included in the tax-free list of articles?

Hon. Mr. Connolly: I can tell the honourable senator that, according to the information supplied to me, wood preservatives, including chemicals for locking sap into the wood are to be exempt. Apparently the application of such preservatives is very common at present, because owing to the tremendous amount of construction going on in the country, many builders find it necessary to use green wood. I understand that the use of these chemicals is for locking or sealing the sap into the wood and to prevent warping. If the product of which the honourable member gave the trade name is a chemical of this nature, it would be included in the excise tax-free list.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

On motion of Hon. Mr. Connolly, the bill was referred to the Standing Committee on Banking and Commerce.

The Senate adjourned until Tuesday, July 12, at 8 p.m.

THE SENATE

Monday, July 11, 1955

The Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

THE ROYAL ASSENT

NOTICE

The Hon. the Acting Speaker informed the Senate that he had received a communication from the Secretary to the Governor General, acquainting him that the Honourable J. W. Estey, a Judge of the Supreme Court of Canada, acting as Deputy of His Excellency the Administrator, would proceed to the Senate Chamber on Monday, the 11th July, at 9.45 p.m. for the purpose of giving the Royal Assent to certain bills.

CUSTOMS TARIFF BILL

FIRST READING

A message was received from the House of Commons with Bill 506, an Act to amend the Customs Tariff.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Macdonald: Next sitting.

BUSINESS OF THE SENATE

On the Orders of the Day:

Hon. Mr. Macdonald: Honourable senators, before the Orders of the Day are proceeded with, may I remind the house that when the Senate adjourned on Thursday last it stood adjourned until tomorrow night, Tuesday, at 8 o'clock. However, after we adjourned the Government deemed it advisable that certain bills should receive the Royal Assent as soon as possible. It was not considered practicable to recall honourable senators to meet on last Friday, and this evening was deemed to be the earliest possible time for a sitting. In accordance with a resolution adopted on March 30 last, which provided for the convening of the Senate, during any adjournment, at a time earlier than that set out in the motion for the adjournment, His Honour the Acting Speaker called honourable senators to assemble this evening. Only two items of legislation appear on the Order Paper and, of course, it was not expected that they would be discussed until Tuesday evening. I propose, therefore, that both items stand until then, in which event the only business before the Senate tonight will be the Royal Assent to certain bills.

Honourable senators, I move that when the Senate rises this evening, it stand adjourned until Tuesday evening, at 8 o'clock.

The motion was agreed to.

The Senate adjourned during pleasure.

At 9.45 p.m. the sitting was resumed.

DEFENCE PRODUCTION BILL

FIRST READING

A message was received from the House of Commons with Bill 256, an Act to amend the Defence Production Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. Mr. Aseltine: Can the Deputy Leader of the Government (Hon. Mr. Godbout) tell us if the bill has been printed and distributed?

Hon. Mr. Godbout: The bill is not yet printed, but it will be tomorrow. I would ask that it be placed on the Order Paper for second reading tomorrow.

Hon. Mr. Aseltine: I have no objection to that. I was merely inquiring if the bill had been printed and distributed.

TRANSPORT BILL

FIRST READING

A message was received from the House of Commons with Bill 449, an Act to amend the Transport Act.

The bill was read the first time.

The Hon. the Acting Speaker: Honourable senators, when shall the bill be read the second time?

Hon. Mr. Godbout: Tomorrow.

The Senate adjourned during pleasure.

THE ROYAL ASSENT

The Honourable J. W. Estey, Deputy of His Excellency the Administrator, having come and being seated at the foot of the Throne, and the House of Commons having

been summoned, and having come with their Speaker, the Honourable the Acting Speaker of the Senate said:

Honourable members of the Senate:
Members of the House of Commons:

I have the honour to inform you that His Excellency the Administrator has been pleased to cause Letters Patent to be issued under his Sign Manual and Signet constituting the Honourable J. W. Estey, a Puisne Judge of the Supreme Court of Canada, his Deputy, to do in His Excellency's name all acts on his part necessary to be done during His Excellency's pleasure.

The Commission was read by the Clerk Assistant.

The Honourable the Deputy Administrator was pleased to give the Royal Assent to the following Bills:

An Act for the relief of Marian Douglas Jodrey Wallace.

An Act for the relief of Elie Chabotar.

An Act for the relief of Evelyn Robert Hurst Watson.

An Act for the relief of Sidney Robert Allen.

An Act for the relief of Cecil Brooks.

An Act for the relief of Jeanne Jacqueline Content Brown.

An Act for the relief of Eugene Theodore Mantha.

An Act for the relief of Marilyn Irene Damer Brophey.

An Act for the relief of Dorothea Josephine Forbes Chaffey.

An Act for the relief of Violet Ruby Baxter Williamson.

An Act for the relief of Nicole Emile Dardano.

An Act for the relief of Ruth Steirman Levine.

An Act for the relief of Pearl Raicek Rutwind.

An Act for the relief of Lorraine Bennet Favreau Williams.

An Act for the relief of Robert Irvin Morrow.

An Act for the relief of Phyllis Lilian Buck Beatty.

An Act for the relief of Barbara Louise Bartlett Broadbent.

An Act for the relief of Ronald Elikum Bessey.

An Act for the relief of Margaret Francis Kennedy Bailie.

An Act for the relief of Anna Cibula Reynolds.

An Act for the relief of Mary McKinnon McEachran Coolon.

An Act for the relief of Joseph Armand Jacques Phaneuf.

An Act for the relief of Julia Hut Lutterman.

An Act for the relief of Evelina Dixon Taylor.

An Act for the relief of Frances Marguerite Beaudin Karibian.

An Act for the relief of Real Perras.

An Act for the relief of Izrael Szer.

An Act for the relief of Mary Madeleine Collings Bell.

An Act for the relief of Joseph Flavien Denis Rheo Baillargeon.

An Act for the relief of Susan Waldman Ruttenberg.

An Act for the relief of Andre Labreche.

An Act for the relief of Beatrice Macdonald Stewart Pasmore.

An Act for the relief of Kathleen Dallas White Barnes.

An Act for the relief of John Tilga.

An Act for the relief of Edwin Albert Verge.

An Act for the relief of Aline Sauve Page.

An Act for the relief of Helen Margaret Robb Woods.

An Act for the relief of Jean Louis Larose.

An Act for the relief of Molly Wineberg Fishman.

An Act for the relief of James McMartin.

An Act for the relief of Charles John Urban.

An Act for the relief of Joseph Adalbert Beaudoin, otherwise known as Georges Beaudoin.

An Act respecting the construction, operation and maintenance of international river improvements.

An Act to amend the Municipal Grants Act.

An Act to amend the Judges Act, and the Judicature provisions of the Yukon Act and the Northwest Territories Act.

An Act to amend the Canada Elections Act.

An Act to incorporate Canadian Premier Life Insurance Company.

An Act to incorporate The Provident Assurance Company.

An Act respecting unemployment insurance.

An Act to amend the Criminal Code (Race Meetings).

An Act respecting loans to assist fishermen engaged in a primary fishing enterprise.

The House of Commons withdrew.

The Honourable the Deputy Administrator was pleased to retire.

The sitting of the Senate was resumed.

The Senate adjourned until tomorrow at 8 p.m.

THE SENATE

Tuesday, July 12, 1955

The Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

RADIO BILL

AMENDMENT CONCURRED IN BY COMMONS

A message was received from the House of Commons returning Bill 260, an Act to amend the Radio Act, and acquainting the Senate that they have agreed to the amendment made by the Senate to this bill, without amendment.

PRAIRIE FARM ASSISTANCE BILL

AMENDMENTS CONCURRED IN BY COMMONS

A message was received from the House of Commons returning Bill 481, an Act to amend the Prairie Farm Assistance Act, and acquainting the Senate that they have agreed to the amendments made by the Senate to this bill, without amendment.

PUBLIC OFFICIALS SALARIES BILL

SECOND READING

Hon. Norman P. Lambert moved the second reading of Bill 507, an Act to amend the Income Tax Act, the Railway Act and the Tariff Board Act in respect of salaries of certain public officials.

He said: Honourable senators, Bill 507 provides for increases in the salaries of the chairmen and other members of three boards, namely, the Income Tax Appeal Board, the Board of Transport Commissioners and the Tariff Board. The explanatory notes set forth the salaries that have been paid for some years past, since they were last increased. The salaries provided for in this bill have a direct relationship to those established by the amendment to the Judges Act which was recently passed in this house.

I might point out that this bill, with its projected amendments to the three acts, represents the fifth in a series of salary increases for federal government officials. First, in 1953 the rank and file of civil servants were given an increase; secondly, in 1954 an increase was granted to the deputy ministers; thirdly, the incomes of senior civil servants, assistant deputies and directors of departments were increased; fourthly, a bill was passed this year increasing the compensation of judges in all the courts; and now lastly, and I understand finally, by this bill it is proposed to increase the salaries of the three boards mentioned.

It should be said that regardless of the salary rates established in the various bills passed, maximum superannuation benefits are based upon an income of $15,000 a year; therefore, where the provisions of this or any other legislation result in an increase of an official salary to more than $15,000, the salary in excess of that amount will have no bearing on the amount of pension payable.

I think it is unnecessary to describe the functions of each of these boards, or the services rendered by the distinguished gentlemen who occupy the positions of chairmen of the boards. If honourable senators wish any explanation as to the standard of salaries established by this measure they can get that information in the appropriate committee of the house by having the head of the Treasury Board, Mr. Deutsch, appear to answer any questions we may wish to ask him. I think it should be pointed out, however, that the Railway Act provides that the Chief Commissioner of the Board of Transport Commissioners shall be paid an annual salary equal to that of the President of the Exchequer Court.

Hon. Mr. Aseltine: That has not been changed?

Hon. Mr. Lambert: No. His status is provided for under the Railway Act, and that is statutory, so this bill has no effect at all on that point. Under the recent amendment to the Judges Act the salary of the President of the Exchequer Court was raised to $18,500, so the salary of the Chief Commissioner of the Transport Board has to be set at that same figure. The other two boards, the Income Tax Appeal Board and the Tariff Board, are regarded as being on the same plane as a court. The salaries of the chairmen of these boards are kept in line with the salaries paid to puisne judges of the Exchequer Court and of the superior courts of the various provinces.

Honourable senators, if any further information is required as to the services rendered by the chairmen and members of these boards, or as to their qualifications, it may be readily obtained in committee.

Hon. Mr. Roebuck: I note that the increases are not equal in all cases, as they were in the Judges Act. Some salaries are being increased by $2,500, and some by only $1,500.

Hon. Mr. Lambert: The increases of $2,500 a year apply to the members of the boards, with some exceptions, including the Chairman of the Tariff Board, Mr McKinnon, whose salary is being fixed at the same amount as

that of the Chairman of the Income Tax Appeal Board. As to Mr. McKinnon—and in making these references I certainly do not intend to be invidious to others—I would point out that he has occupied his present post since 1940, and for fifteen years before that he was associated with the Tariff Board. He is deserving of special appreciation at this time. Since 1948 he has performed judicial functions. It will be remembered that in that year the Tariff Board really became a court. Previously, appeals under the Customs Act and Excise Act were heard by the Board of Customs, but from 1948 onward, they were made to the Tariff Board, the Board of Customs having been eliminated from the machinery of government. Since that time over two hundred cases have been heard by the Tariff Board. Of that number, in only fifteen cases has permission to appeal from the Tariff Board's decision been granted; five of these have proceeded to appeal, and judgments have not yet been handed down. So it may be said that the batting average of the Tariff Board in its quasi-judicial status is very creditable indeed.

I should like to place on record appreciation of the services which over the last thirty years have been rendered by the Chairman of the Tariff Board. In my opinion he represents about the ideal type of civil servant—self-effacing, industrious and able. With some of our distinguished diplomatic heads—Mr. Norman Robertson, now in England, and Mr. Dana Wilgress,—he has served in Washington and at the trade conferences which followed the war and thereby has done much to bring about an improvement in international trade relations. I say this with no invidious reflection on other civil servants, of whose work also I know something.

Hon. Mr. Roebuck: Go ahead.

Hon. Mr. Lambert: I want to pay my tribute to them.

Hon. Mr. Roebuck: The honourable gentleman has made an appropriate reference and paid a well-deserved tribute to Mr. Hector McKinnon. I wonder if he would like to mention some of the others.

Hon. Mr. Lambert: I am glad to do so. The Chairman of the Transport Board, who had a distinguished career as a diplomat and a judge, has had brought before him, particularly during the past three or four years, a great deal of work which the board never had to deal with before. As everyone knows, it was required to pass upon a series of very important cases in connection with railway rates. It has also been engaged on an entirely new class of investigation in relation to gas and oil pipe lines. These cases involved a fund of knowledge and a type of approach which had not been required of former boards.

I have no hesitation in saying that we shall be justified in giving this bill second reading and having it considered further, if necessary, in committee. The increase in salaries follows that granted to the other four groups which I have mentioned. This is the fifth and last. While it is rather risky for anyone to venture an opinion about future increases in salaries, I should think that at the very least we would be entitled to very definite reasons for future increases. The arguments about inflation and the pleas for increasing our standard of living, which have been behind the introduction of most legislation calling for increases in salaries, have reached a point where if anything further is done the authorities will have to start all over at the bottom with the rank and file and work up again. The question which naturally arises in one's mind is this: If deflation occurs will the order be reversed and will the reductions start from the top and move down, or will they start from the bottom and move up, as the increases have? However, until that situation arises I do not think we need worry about it.

Hon. W. M. Aseltine: Honourable senators, I am largely in agreement with what the honourable gentleman from Ottawa (Hon. Mr. Lambert) has just stated, and I should like to take this opportunity to say a few words about the Income Tax Appeal Board, which was established as a direct result of work of the Senate. In 1945, on motion by the honourable senator from Toronto (Hon. Mr. Campbell), a special committee was appointed to conduct an investigation into the provisions and workings of the Income Tax Act and the Excess Profits Tax Act, and in its report the committee recommended the establishment of an Income Tax Appeal Board. The board which was subsequently set up represents one of the most important achievements of the Senate. I am more familiar with its work than with the work of the Tariff Board or the Board of Transport Commissioners. In carrying on my business I find it important to read religiously the decisions of the Income Tax Appeal Board, for they affect most taxpayers in my province. The members of that board do highly important work, and their present salaries are not in line with salaries being paid officials in comparable positions. I therefore have no objection to the salary of the chairman being raised to $16.900, although I do not know how the increase is arrived at. In my opinion $16,900 is certainly not too much to pay the person holding this responsible position.

Hon. Mr. Macdonald: The salary increase is the same as that which has just been given to our judges.

Hon. Mr. Aseltine: It is an increase of $2,500?

Hon. Mr. Macdonald: Yes.

Hon. Mr. Aseltine: Honourable senators who read the decisions of the Income Tax Appeal Board will realize that its members do just as important work as do the judges in our provincial courts and courts of appeal. As I say, I have no objection at all to increasing the salary of the chairman of this board, and I think my remarks can be taken generally as applying to the personnel of the other boards covered by this bill.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall the bill be read the third time?

Hon. Mr. Macdonald: Next sitting.

TRANSPORT BILL

SECOND READING

Hon. G. Peter Campbell moved the second reading of Bill 449, an Act to amend the Transport Act.

He said: Honourable senators, the principle behind this bill is nothing new. The principle of agreed charges was first introduced into Parliament in 1938, when the original Transport Act was brought in. Agreed charges were introduced by reason of the competition which the railways faced from truck transportation in this country. As honourable senators know, the railways have been regulated as to rates whereas trucking companies have not been regulated in this regard. There was some suggestion in 1937 that regulations should be established for all forms of transportation in Canada, but the Government, realizing that such regulations would infringe on provincial rights, did not bring in legislation for this purpose; but in 1938 it introduced the Transport Bill to provide for control of rates in so far as transportation facilities under the jurisdiction of the dominion authorities were concerned.

As I have stated, the railway companies requested the privilege of making agreed charges. For those who are not familiar with the term "agreed charges", I might say that there is a provision contained in the law permitting the railway to go to a shipper and make a special contract at a rate lower than the normal tariff rate for the exclusive right to move that shipper's goods or a portion of them between certain competitive points in Canada. The trucking companies, of course, had that privilege, for they had complete freedom of action to make special deals with shippers to move the whole or any portion of their goods, and it was felt that the railway companies should enjoy the same privilege.

The original legislation is set forth in detail in Part IV of the Transport Act, chapter 271, Revised Statutes of Canada, 1952. That legislation provoked a good deal of discussion, as it was something entirely new to this continent, although similar legislation had been in force in the United Kingdom, and, I think, in France. Great caution was taken, therefore, to see that the railways were restricted and that any shipper or carrier who might be adversely affected by the new procedure could be heard before the Transport Board. The legislation was drafted in such a manner that any party affected could, within thirty days of applying to the board, ask to have the rates changed. The act provided that thirty days' notice must be given by publication in the *Canada Gazette*, so that everyone who might be affected would have an opportunty to know what rates were being imposed. As honourable senators will appreciate, that was a somewhat cumbersome procedure, because it did not enable the railways and the shipper to make a firm agreement which could become effective immediately. It was soon found that a shipper would come forward and intervene in the proceedings and take delaying action, so that often the final decision of the Board of Transport Commissioners was deferred for months, and sometimes over a year. This resulted in only a few agreements being made providing for agreed charges. During the first twelve years the act was in force, I think about forty agreed charges were put into effect by the railways.

In 1954 the Honourable W. F. A. Turgeon was appointed to investigate this particular phase of the Transport Act, and his report was tabled in Parliament in February or March of 1955. The report was carefully prepared, after thorough consideration of evidence given at hearings which took place across Canada, and at which everyone concerned was given an opportunity to make representations. It recommended simplification of this particular legislation dealing with agreed charges; in fact, I think it contained an appendix suggesting specific changes to the act, much like the changes embodied in the present bill. The amendments proposed in this bill are towards simplification of the procedure, and nothing else. Whereas up to the present time, as I have already stated, the agreement could not come into effect until approved by the Board of Transport Commissioners, under the bill the agreement can

come into effect after it has been filed with the board and twenty days have elapsed. So the railways will no longer require approval of the board to make their agreement effective.

In order to protect other shippers, so that there will be no discrimination in favour of one shipper as against another, the amendments provide that any shipper who considers himself aggrieved or discriminated against by reason of the establishment of agreed charges which are less than normal tariff charges, may give notice to the railway that he also wishes to have the advantage of these charges; and provided that his goods are of a similar class and the conditions of transportation are similar in every way, the railways may admit him to the agreement without any further procedure, in which case he also gets the benefit of the reduced rates from the date the original agreement came into effect. If the railways do not approve, there is a procedure by which he may apply to the Board of Transport Commissioners to have a fixed rate established, so far as he is concerned. At the time of such application the usual inquiries are made as to whether he has shipped similar goods under similar conditions, and so forth.

Another slight change enables the water carriers to come in and benefit by agreed charges. In certain cases the movement of goods across Canada is partially by rail and partially by water. Under the present legislation water carriers are not able to come in and benefit by these agreed charges, although they have the right to make a special contract if they wish. The procedure under the bill enables water carriers to join in the railway agreements and thus benefit by the special charges or agreed charges in so far as transportation by water is concerned.

Hon. Mr. Isnor: Were water carriers not excluded under the act in 1938?

Hon. Mr. Campbell: Certain water carriers were included; that is, those carrying package freight.

Hon. Mr. Isnor: But not bulk cargo?

Hon. Mr. Campbell: Under the original act bulk cargo includes grain and grain products, and flour, and ore, and all such things as are generally classed as bulk cargo. Any companies engaged in bulk transportation are specifically excluded from the act, and are not restricted in any way. As a matter of fact, there has been considerable litigation between the railways and the water carriers so far as agreed charges are concerned, but under the present measure it is made a little more flexible and a good deal more simplified, so that all regulated companies engaged in transportation can benefit by the special arrangement.

Hon. Mr. Isnor: As I recall it, they were originally excluded under the act of 1938.

Hon. Mr. Campbell: There was an attempt to include them. I had the privilege of representing the bulk carriers at that time. The matter was very carefully considered and dealt with in the House of Commons and by a committee of that house, and later it resulted in quite an issue before the Transport and Communications Committee of the Senate. The members of that committee approached the problem in a very realistic manner, and after extensive hearings the legislation was changed, very much against the wishes of the minister who had promoted the legislation. I think that was a sound amendment, because it has stood on the statute books ever since and no attempt is being made by these proposed amendments to vary it. It is, in my opinion, another illustration of the importance of the sober second thought of this chamber in dealing with legislation of a commercial character affecting the daily lives of people in Canada and companies engaged in the important public business of transportation.

Hon. Mr. Roebuck: May I ask a question? Does that mean there is competition between the railways on the matter of rates?

Hon. Mr. Campbell: No. The Railway Act still applies to the ordinary tariffs, and the railways will continue to file their tariffs in the usual way. This is merely a special provision enabling them to make separate agreements for the movement of the goods of one or more shippers under special circumstances and conditions.

Hon. Mr. Roebuck: Does that not mean that a shipper can perhaps play one railway off against the other?

Hon. Mr. Campbell: No. I should have mentioned that both railways must join in such an agreement. When this bill was introduced in the other house it provided that both railway companies must be parties to the agreement. By an amendment passed in the other place the bill now provides that the competing rail carrier must consent to the agreement in writing or join in the making of it. For example, the Canadian Pacific Railway Company can make an agreement with a shipper, but it must be consented to by the Canadian National or any other competing railway.

Hon. Mr. Roebuck: If the railways agree on a rate, does the Board of Transport Commissioners have any further authority over it?

Hon. Mr. Campbell: The consent of the Transport Board is not required initially

unless the matter is referred to them as a result of action taken by the minister or the Governor in Council.

Hon. Mr. Roebuck: Or by any of the shippers affected?

Hon. Mr. Campbell: No. Under the present legislation a shipper could intervene before an agreement came into effect. Under the proposed new procedure he no longer will have that right, but he may ask that the rate contained in the agreement apply also to his goods. If the railway does not consent to his request there is a procedure by which he may apply to the board to have the rate fixed. In that respect relief is provided for him, but as a matter of practice it is unlikely that a shipper wishing to ship his goods would be deprived of a rate given to another shipper.

Hon. Mr. Roebuck: Excuse me for asking so many questions. Is there any limitation on the term of these agreements?

Hon. Mr. Campbell: Under the present procedure the Board of Transport Commissions requires a clause to be inserted in the agreements that after the agreement has been in force for a year either party may, after giving notice, terminate it. The bill provides for termination by either party upon notice after the agreement has been in effect for one year. In effect, it is an annual agreement but it may continue beyond that period if no notice is given.

Hon. Mr. Isnor: Would it be fair to say that the only competition is between the railways and the truckers, with respect to agreed charges?

Hon. Mr. Campbell: What does my friend mean by "the only competition"?

Hon. Mr. Isnor: The competition comes from the truckers, does it not?

Hon. Mr. Campbell: That is where the entire competition comes from. The trucking industry is not affected or regulated in any way by this legislation. This measure is necessary because the truckers are able to make special agreements with the shippers, and the railways say that they must be allowed to make similar arrangements.

Hon. Mr. Roebuck: That seems fair enough.

Hon. Mr. Campbell: Perhaps I am taking an undue amount of time to explain this bill, which could be readily explained in committee by someone much more familiar with it.

Hon. Mr. Macdonald: It could not be better explained.

Hon. Mr. Campbell: A further benefit will accrue to the shippers under a proposed amendment which enables American railways to participate in part of a rail movement, by reason not of any action taken by them but of action taken by the Canadian railways. In other words, where it would be more beneficial to move goods in part by Canadian route, thence by an American route and back to the Canadian line, an agreed charge would include that portion of the route over which the goods were carried by an American railway. In that respect the shipper has the alternative of perhaps choosing a more economical route through the United States. It is further provided that American railways cannot enjoy this benefit except in so far as the railways operating in Canada are concerned, and only then between points in Canada. In other words, they cannot have these benefits to operate over part of the American system and also the Canadian system, but are confined to competitive points within Canada.

The new section 33, which was introduced in the other house, sets forth in some detail the basis for dealing with companies with respect to agreed charges which have been in effect for at least three months. It provides that any carrier or body of carriers may complain to the minister that an agreed charge is unjustly discriminatory. In that case if the minister is satisfied that the complaint is a reasonable one he may refer the matter to the Board of Transport Commissioners for investigation. The Governor in Council also has the privilege of referring such a matter to the board, if the public interests are in any way affected.

From my reading of the proposed amendments they seem to me to be a step towards the modification of a new system of rate making which is essential to the operation of railways in Canada if they are to be in a position to compete with trucks and provide adequate transportation facilities for Canadian shippers.

Hon. Mr. Bouffard: Would my honourable friend allow a question? The Railway Act contains a clause providing that no carrier can avoid his responsibility in the course of carrying merchandise, unless approval for doing so has been granted by the board.

Will that clause apply to this legislation in the same way it applies to the act in general?

Hon. Mr. Campbell: I would say very definitely it would, because this is just procedure in so far as rate making is concerned and it could not in any way affect the provision of the Railway Act.

The motion was agreed to, and the bill was read the second time.

REFERRED TO COMMITTEE

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read a third time?

Hon. Mr. Campbell: If it is the wish of the house that the bill be referred to a committee—

Hon. Mr. Macdonald: Honourable senators, certain interests may want to make representations to the house, and they can only do so in committee. Accordingly, I think we should refer the bill to committee.

On motion of Mr. Campbell, the bill was referred to the Standing Committee on Transport and Communications.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Wednesday, July 13, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker in the Chair.

Prayers.

Routine proceedings.

EXCISE TAX BILL

REPORT OF COMMITTEE

Hon. G. Percival Burchill, Acting Chairman of the Standing Committee on Banking and Commerce, presented the committee's report on Bill 418.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (418) intituled: "An Act to amend the Excise Tax Act", have in obedience to the order of reference of July 7, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Burchill: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

INCOME TAX BILL

REPORT OF COMMITTEE

Hon. G. Percival Burchill, Acting Chairman of the Standing Committee on Banking and Commerce, presented the committee's report on Bill 417.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (417) intituled: "An Act to amend the Income Tax Act", have in obedience to the order of reference of July 7, 1955, examined the said bill and now beg leave to report the same without any amendment.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Burchill: I move third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

AUTHORITY TO PRINT COMMITTEE PROCEEDINGS

Hon. Mr. Burchill presented a further report of the Standing Committee on Banking and Commerce on Bill 417.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Banking and Commerce, to whom was referred the Bill (417) intituled: "An Act to amend the Income Tax Act", beg leave to report as follows:

Your committee recommend that they be authorized to print 500 copies in English and 200 copies in French of their proceedings on the said bill, and that Rule 100 be suspended in relation to the said printing.

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Burchill: I move that the report be concurred in now.

The motion was agreed to.

INTERNATIONAL TRADE

REPORT OF COMMITTEE

Hon. A. Neil McLean, Chairman of the Standing Committee on Canadian Trade Relations, presented the committee's report.

The report was read by the Clerk Assistant as follows:

The Standing Committee on Canadian Trade Relations beg leave to report as follows:

1. Pursuant to the order of reference dated February 24 last, whereby your committee was authorized to inquire into and report on the most practical steps toward further implementation of Article 2 of the North Atlantic Treaty, your committee has heard submissions from two leading members of the Food and Agriculture Organization of the United Nations.

2. The submissions made during this session of Parliament as well as during the previous two sessions have made your committee conscious of the widespread interest being shown in other countries, as well as in Canada, in the subject-matter under consideration and a genuine desire on the part of member countries in the North Atlantic Treaty Organization for further integration on an economic basis.

3. Your committee hoped that during this session of Parliament it would have been possible to complete its hearings and submit a final report for the consideration of this honourable house. However, a careful analysis must be made of the submissions by various groups which will involve a concentrated study on the part of a person or persons qualified to assist the committee in the preparation of its recommendations.

4. Your committee, therefore, is desirous that during the next session of Parliament your Canadian Trade Relations Committee be authorized to complete its work under the Order of Reference. Your committee also hopes that the basic work will have been achieved during the intervening period between the sessions and that its final submissions may be made to Parliament at the earliest possible moment during its next session.

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. McLean: With leave, now.

Hon. Mr. Macdonald: Honourable senators, this is the first time I have seen the report. I believe one of the recommendations it contains is that at this session of Parliament the committee should be re-constituted for next session. I doubt if we have the power to do that. I may be wrong.

Hon. Mr. Aseltine: I suggest that the report should stand until tomorrow.

The Hon. the Acting Speaker: The report stands.

PUBLIC OFFICIALS SALARIES BILL

THIRD READING

Hon. Norman P. Lambert moved the third reading of Bill 507, an Act to amend the Income Tax Act, the Railway Act and the Tariff Board Act in respect of salaries of certain public officials.

The motion was agreed to, and the bill was read the third time, and passed.

CUSTOMS TARIFF BILL

SECOND READING

Hon. Paul H. Bouffard moved the second reading of Bill 506, an Act to amend the Customs Tariff.

Hon. Mr. Aseltine: Explain.

Hon. Mr. Bouffard: Honourable senators, the law which applies to the customs tariff at the present time provides very well for an anti-dumping duty, but there is no provision to protect Canadian industry against subsidization of products by foreign countries when such products are imported into Canada. The present customs tariff provides an anti-dumping duty, in section 6. The main purpose of the bill before the house is to enact new section 6A which provides for the imposition of an anti-subsidy duty which, it is intended, shall apply in cases where the anti-dumping duty is not applicable.

The subsidization may take various forms. It may be paid directly or indirectly. Sometimes the final product is subsidized. At other times the material embodied in the final product is subsidized. At still other times it takes the form of government trading losses. Such cases happen when the government of a country buys the product and sells it at a lower price.

Several conditions must exist for the application of the legislation provided by the present act. First: there must be a subsidy in one form or another paid by a government, or there must be a government trading in a product at a loss. Furthermore, such subsidization must cause or threaten to cause a material injury to an established domestic industry, or retard materially the establishment of a domestic industry. Unless these two conditions exist there will be no application of the anti-subsidy legislation or anti-subsidy duty.

The present legislation is necessary to fill a gap. For instance, let us consider that a product is normally sold on the market of the country of origin at $1 apiece. The government of such country decides to pay to the manufacturer a subsidy of 20 cents apiece. Immediately, the local market may fall to 80 cents. In such a case our anti-dumping legislation could not apply, because the price of 80 cents is the market price in the country of origin. In such a case, the Governor in Council may apply the present anti-subsidy duty.

Contrary to the existing anti-dumping legislation, the anti-subsidy duty is not mandatory. It would be impossible to ask the customs officials to make such inquiry as will decide the amount of subsidy paid by foreign government, or inquire as to whether a government sells a product at a price lower than the price of purchase. Neither could we ask the customs officials to decide whether such a subsidy materially injures a domestic industry or retards the establishment of such an industry in Canada. The responsibility for such decision would fall upon the Governor in Council. It is impossible to provide safer means of application of an anti-subsidy duty.

The present legislation is not directed against any particular country and is not to be applied against any particular known shipments. It is a simple closing of a gap to allow the government to face subsidization which is actually paid by many countries to dispose of their surplus or help local industries. Other countries have closed that gap. For instance, the United States levies a special duty on Canadian cheese to offset a subsidy paid by our government to cheese producers. The United Kingdom has recently announced its intention to introduce similar anti-subsidy legislation.

The discretion given to the Governor in Council will be exercised strictly within the limits agreed to under GATT—the General Agreement on Tariffs and Trade—and will not be used lightly or irresponsibly. Canadian businesses will be disappointed if they hope to get new protection by merely showing that foreign subsidization exists. Each case will be examined carefully on its merits, and a thorough inquiry will be made as to the two conditions required by the law before this legislation can be applied, namely, the

existence of a subsidy, and its possibly serious effect on our Canadian industry. However, the government will be able to use the legislation as and when it is deemed appropriate to do so.

Honourable senators, I think that deals with the main part of the bill. The other sections amend Schedules A and B to the Customs Tariff. For instance, section 2 of the bill amends Schedule A as proposed in the budget speech of the Minister of Finance on April 5, 1955. Section 3 is an amendment to Schedule A introduced by the Government on June 2, 1955. Section 4 is an amendment to Schedule B introduced on April 5, 1955, and section 5 is an amendment to Schedule B introduced on June 6, 1955.

I have tried to familiarize myself as much as possible with the details of the changes proposed by the Government in these different schedules. I do not think it is necessary for me to deal with each section, but I shall be pleased to answer any questions as far as possible, if any honourable senator desires the details of any change. I feel that I am in a position to explain any of the sections, and that should avoid the necessity of sending the bill to committee. May I add that there are at least 150 items contained in the schedules, and there are no increases except in one or two cases, and these are the result of re-negotiation in accordance with GATT. All the other items reduce the tariff or redefine the product without making any change in the tariff, but most of them reduce the tariff to some extent.

Hon. Mr. Aseltine: I should like to ask the honourable gentleman a question with regard to the proposed new section 6A. This seems to be a long distance away from free trade, and I should like to know if it is not strictly a protectionist measure.

Hon. Mr. Bouffard: It is not by any means a protectionist measure. It is designed to prevent importation of goods of a class or kind made or produced in Canada which have been subsidized by a foreign government. I do not think anyone would consider it reasonable that a price which a Canadian manufacturer sets for his goods in the local market should have to compete against a subsidy which is paid on the production of these goods in a foreign country. I will cite an example. Let us take a product which is made in England and is selling at $1. The British Government decides that the industry ought to be subsidized and gives a subsidy for export purposes of 50 per cent, which means 50 cents apiece. I do not think honourable senators would consider it just and reasonable that our local industry should have to fight against such a subsidy. The anti-subsidy law applies only where a Canadian industry is materially injured or the establishment of a Canadian industry is retarded unduly. I do not call that protection; I think that is the proper treatment to be accorded to our Canadian manufacturers and traders.

Hon. Mr. Roebuck: Can the honourable senator give us a single instance, in actual fact, of that occurring?

Hon. Mr. Bouffard: I am told by officials of the department that not a single case of that has occurred up to the present time, but they want to be in a position to meet the situation when a foreign government buys or subsidizes a product and then undertakes to dump that product in Canada. That situation would be met by imposing an anti-subsidy duty which would be equivalent to the amount of the loss incurred in the dumping or the subsidy paid by the foreign government. At the present time many foreign governments give, or intend to give, subsidies to their local industries, or are buying on their local market products which they keep for a long time and later dump in other countries at prices below cost. Those are the two situations that have to be met.

Hon. Mr. Pratt: Can the honourable senator state who has the authority to consider these cases and to decide when, where and how, and to which industry and on what product the duty shall be applied?

Hon. Mr. Bouffard: Section 6A, subsection 1, makes that very clear:

> Where in the opinion of the Governor in Council subsidized goods of a class or kind made or produced in Canada have been or may be directly or indirectly imported into Canada, he may declare such goods to be subject to an additional duty on their importation equal to the amount of the subsidy on those goods as determined by him.

So the Governor in Council has a completely free hand. He has to make the inquiry and find out, first, if a subsidy is being paid, and if so the amount of it; and, secondly, if the subsidy hurts a Canadian industry or permits the establishment of a similar industry in Canada. It is only when the department is convinced that it is necessary to do so that an anti-subsidy duty will be imposed.

Hon. Mr. Pratt: It applies only to goods of a class or kind made or produced in Canada?

Hon. Mr. Bouffard: Exactly.

Hon. Mr. Aseltine: May I ask another question of the sponsor of the bill? I have always been of the opinion that we had an adequate anti-dumping duty law in Canada. That being the case, why could the manufacturer of

goods of this kind in Canada not be protected by the imposition of a dumping duty instead of in the way proposed by this measure? It seems to me a back-hand way of accomplishing something that is already provided for in the statutes.

Hon. Mr. Bouffard: If there were provision for it in the statutes I do not think there would be any thought of imposing an anti-subsidy duty, but unfortunately there is no such legislation.

Hon. Mr. Aseltine: I think there is.

Hon. Mr. Bouffard: The dumping duty legislation we have applies only to a product sold in Canada or imported into Canada at a price lower than that at which it is sold on the local market in the country of origin. A product which is manufactured in England to be sold at $1 may be subsidized by the government of that country to the extent of twenty cents. That is applicable to the sale of the goods on the local market as well as on the export market. Consequently, a product which sold in England at $1 previous to the subsidy is then sold in that country at eighty cents. If it is exported to Canada and sold here at eighty cents, or exactly the English market price, the dumping duty law would not apply, because the goods come to Canada to be sold at the same price as on the local market in the country of origin. It is for that reason that Parliament has been asked to approve this anti-subsidy legislation.

May I add a second reason, which did not come to me from any of the officials but is my own thought in the matter. While in some cases there might be a 100 per cent subsidy, the dumping duty cannot exceed 50 per cent of the value of the goods. If a product that was sold in England for a price of $1 was subsidized to the extent of 60 cents and exported to Canada, the 50 per cent dumping duty imposed here would be ineffective.

In my opinion these are the reasons for this proposed legislation.

Hon. Arthur W. Roebuck: Honourable senators, I cannot let the opportunity pass without making some comment with respect to this type of legislation. To say that I am not enthusiastically in favour of it, is rather understating the case. This particular legislation is in fact protective legislation, and my friend from Rosetown (Hon. Mr. Aseltine) is quite right in his observation on it.

In the first place, the problem of dumped and bonused goods is vastly overestimated. There may be some instances of it, but in my experience I have never come in touch with an instance where a foreign manufacturer or government was offering us goods for less than they were worth. As a rule the seller offers his goods for the highest price he can get. This is not an artificial price, but one at which the seller is trying to dispose of goods which may not be very saleable. As I say, the facts upon which this legislation is based are entirely overstated; they are seductive arguments put forth by the protectionists.

My second point is that the seller and the local manufacturer are not the only interested parties. What about the local consumer? He was not even mentioned by the sponsor of the bill. After all, the action taken by the Government prevents the consumer from getting some goods at the lowest possible price, and only the interests of the manufacturer and the trader are taken into consideration. In my opinion, the chief party to the transaction is the man who buys the goods and pays for them. The true purpose of production is not to support the producer and the trader, but rather to benefit the consumer; the producer and the trader are servants of the consumer, but it seems easy to magnify their interests beyond all reason. Until I raised the question, the consumer was not even mentioned. I say it is the right of the consumer to buy his goods on the market at the lowest possible price. That is the philosophy of the free trader and of the Manchester School, to which I belong, and which I have justified on many other occasions.

I make this comment in passing, that I am not in favour of this measure or this type of legislation, which is protective in its character and disregards the interests of the masses, the consumers.

There is nothing to be gained by voting against the measure, because I am quite satisfied that this chamber will pass it. It was part of the budget. Nevertheless, with the exception of two or three rather inconsequential items, I am in favour of the remainder of the bill. I approve of the budget, because it proposed a number of reductions in tariff which will, to a slight degree at least, decrease the cost of living. It favours the production of goods and puts our products in a position to compete with products from abroad. In these respects, to the extent that reduced tariffs are features of the bill, I approve the measure.

Honourable senators, I see no good purpose to be served in referring this bill to a committee. However, I feel compelled to express my views with regard to this legislation, and particularly with regard to that part of the bill which my friend says is its main feature. I do not agree with him in that observation.

Hon. Gordon B. Isnor: Honourable senators, I should first like to compliment the honourable senator from Grandville (Hon. Mr. Bouffard) upon the study he has made of this bill.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Isnor: It is encouraging to hear an honourable senator when explaining a bill say he is prepared to answer any questions which may be asked of him.

I am not sure that I do not agree with the sentiment expressed by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck). I myself am a free trader and I like to see goods put on the market at the lowest price possible. From the consumer's standpoint I believe that is a good principle. Of course, we in the retail business have to contend with competition from the department and so-called chain stores, which feature loss-leader products.

Hon. Mr. Aseltine: I take it you are not in favour of loss leaders.

Hon. Mr. Isnor: The loss leader is to me an instrument made use of by those who are in a financial position to take advantage of a situation, and perhaps to a certain extent it is of advantage to the consumer; however, on the whole I believe it is not a good business practice.

Hon. Mr. Aseltine: I agree.

Hon. Mr. Isnor: May I explain to honourable senators that I rose to ask the honourable senator sponsoring the bill if he would be good enough to turn to Schedule A, on page 8, and look again at tariff item 418, dealing with machinery and apparatus for use in the manufacture of fish meal and other fish products. I may say that I am interested in the fish industry, and I am wondering what effect the proposed change in the tariff would have on the future of the fish meal manufacturing industry. Perhaps the honourable senator would be good enough to explain the proposed change.

Hon. Mr. Aseltine: Honourable senators, I suggest that the sponsor of the bill answer those questions when he closes the debate. I want to say a few words myself before he answers questions.

Hon. Mr. Bouffard: I do not mind.

Hon. Mr. Isnor: That will be satisfactory to me. If the honourable senator from Rosetown (Hon. Mr. Aseltine) has any questions to ask—

Hon. Mr. Aseltine: I was only going to make a few remarks. Have you finished?

Hon. Mr. Isnor: I am always ready to yield the floor to the Acting Leader of the Opposition.

Hon. Mr. Aseltine: Honourable senators, I agree with the honourable gentleman from Halifax-Dartmouth (Hon. Mr. Isnor) that we have had an excellent explanation of this bill. It is one of the best I have heard for some time.

The bill deals with a very difficult subject; tariffs and protectionist measures and dumping duties are always more or less mysterious to the public at large. Like the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), I, too, look at this measure from the standpoint of a consumer. I am afraid that the bill is not going to be very popular in the Prairie Provinces because the people of the West feel that they always have to pay more than they should for the goods they purchase from protected industries in Ontario and Quebec. In other words, Westerners feel they have to pay through the nose for everything they buy, yet when they sell their products of the farms they have to compete in the world market.

I fail to see any need for the bill, because in my opinion the dumping duties as provided for in the present law today cover all cases of the kind referred to by the sponsor of the bill. He has been unable to give us any concrete illustrations of anything that has so far happened which would justify the measure. He said that the Government is afraid something might happen, and it is looking into the future and trying to protect the manufacturers of this country in advance. I do not like that kind of thing at all. I think it is straight protectionism, and if it spreads to any great extent the people of Canada, and particularly those in the West, are going to pay a great deal more for their goods.

Again like the honourable senator from Toronto-Trinity, I am pleased that there have been certain reductions in the tariff. While I do not intend to vote against the bill, I would warn the Government that it should be very careful in bringing into full force and effect the new section 6A.

Hon. A. K. Hugessen: Honourable senators, as a theoretical free trader, like some of my honourable friends on the other side, I do not think I should allow this occasion to pass without associating myself with what has been said by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) and the honourable senator from Dartmouth-Halifax (Hon. Mr. Isnor) with regard to the, shall I say, dislike with which I regard the proposed new section 6A.

I compliment the honourable senator who introduced the measure upon his admirably

lucid exposition, but for myself I should have been much happier if this section had not appeared in the bill.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Hugessen: Because I support what has been said by other honourable senators, that it is or at least that it can be made a vehicle of a rather extreme form of protection, and that it apparently takes into account only the possible interests of manufacturers in this country and disregards the interests of the ultimate consumers who represent, shall we say, perhaps 95 per cent of the people of the country.

I should have liked, as I say, not to see a section of this kind in the bill. The honourable senator who sponsored the bill gave one explanation on which I should like to ask him a question. He said that this extraordinary power conferred upon the Governor in Council would only be used in cases where it was quite clear that there was going to be some really serious damage done to a local Canadian industry. He may be right in that statement, but the bill says nothing of the kind.

Hon. Mr. Bouffard: Yes.

Hon. Mr. Hugessen: As far as I have been able to read it, in the short time at my disposal, the only requirement for action being possible by the Governor in Council under Section 6A is that the goods imported shall be of a kind similar to those manufactured in Canada, regardless of whether importation of subsidized goods might or might not cause any serious damage to a Canadian industry. If we are to have a section of this kind enacted I would much prefer to see a provision formally inserted in the bill to make quite certain that it should not go into effect unless there was a likelihood of very serious damage to our own manufacturers as the result of importation of subsidized goods. Perhaps my honourable and learned friend can make it a little clearer where he finds a provision of that kind in this measure.

Hon. W. Ross Macdonald: Before the sponsor of the bill (Hon. Mr. Bouffard) rises to reply, I should like to join other honourable senators who have spoken, in complimenting him on the very lucid manner in which he has explained this complicated measure.

Views have been expressed as to the effect of the proposed new section 6A with regard to subsidies. I do not think that that section can be interpreted as a protective measure. All of us—for we are all consumers—want the consumer to buy goods at the lowest price possible; but we want to be fair both to the manufacturer and the consumer. The trades unions have declared emphatically that there must not be unfair competition, and it is to prevent what would be unfair competition that this clause is to be inserted in the Customs Tariff Act.

When the tariff schedules were adopted they were fixed at a rate which would represent a percentage of the cost price of the goods: when that cost price was ascertained, the appropriate tariff item was inserted in the Customs Tariff. It is now evident that in many countries the selling price of goods is not the cost price, and that the tariff on such goods when they come into Canada is computed, not on the cost price, but the cost price less a subsidy. Admittedly the result is that the consumer pays a lower price, but it is unfair to our manufacturers, and to the working people they employ, that manufacturers must compete with goods produced in a foreign country and brought in at a price less than the cost at which they were manufactured, upon which cost the tariff is based. So the section in question is included in the bill for the purpose of preventing unfair competition. I think it is a proper section, and that it should be enacted.

Hon. John J. Kinley: Honourable senators, it may be said that this bill is being dealt with here as though it were more or less in the committee stage. However, as it is not going to committee, I should like to say a word or two about it. First, may I compliment the honourable senator who moved the second reading (Hon. Mr. Bouffard) on the splendid explanation he has given us.

I think the bill is a very reasonable one and it may be very useful to our economy under present conditions.

On this occasion I am not to be understood as joining the ranks of either the protectionists or the free-traders. I have heard the leader of the Conservative party in this House—a party whose followers have talked protection all their lives—advocating free trade; and—

Hon. Mr. Aseltine: You are not referring to me?

Hon. Mr. Kinley: Yes.

Hon. Mr. Aseltine: I am not a free-trader. I believe in adequate protection. But I am against this provision; I do not want to go that far.

Hon. Mr. Kinley: I was about to say that the honourable senator who moved the second reading of the bill was defending himself against accusations of protection. I believe in the freest kind of trade which is beneficial to my country, but I am for my own country first, and will not support measures which I believe are detrimental to Canada. I believe

that the theories of the Manchester School, of which we heard this afternoon, are inapplicable today. When we look around and see what is going on in the modern world we must agree that free trade is outmoded. We must also recognize that those measures which we used to associate with protective tariffs are only a small factor in the carrying on of national and international trade. At one time England was the citadel of free trade in the world. But things got to a stage where the British Government not only adopted tariffs, but refused to admit any importations of some goods from overseas. For example, Nova Scotian apples and other Canadian products have been denied entry to what was once a free-trade market. If that sort of thing is not the most vicious kind of protection, I should like to know what is. I remember that years ago, when Canada negotiated a reciprocity agreement with the United States, there was what is called a countervailing clause. In the 1911 election I heard Conservatives going around our province telling the fishermen that if they voted for reciprocity they would imperil their fishing bounty, because the countervailing provision of the agreement would prevent them from shipping fish to the American market from a bonused industry. But we eventually got reciprocity, and the fishermen's bounty continued—which after all was the interest paid by the American Government for fishing privileges.

The sponsor of the bill was quite right in his contention that dumping duties do not meet the present situation, because a dumping duty is dependent upon a declaration by the shipper that the goods he has for sale are sold under like conditions and price in his own country. But where producers are subsidized by the Government they can sell in their own country at a lower price. The proposal before us will prevent the sale in this country of imports produced under unfair and unequal conditions at the place of origin.

References are frequently made to the rights of the consumer. But I believe many people have been misled for a long time by what is called "free trade".

Hon. Mr. Aseltine: Certainly Canada has been fooled.

Hon. Mr. Kinley: The greatest country in the world which has adopted protection is the United States of America. Its whole tariff is built on the principle of protection. Who can say that the United States economy has not been successful and beneficial for the people of that country? Can it be argued that the working man and the consumer have not benefited more substantially than if adequate protection had been denied them? Can anyone with a sense of responsibility condemn our manufacturers? Today they are exposed to the strongest competition in a competitive world; they are fighting for their economic lives in order to survive and to give employment to the people. I believe that industry should be permitted to carry on in circumstances which are reasonable and under conditions which will give it the chance to survive. Some people produce, some others are parasites, and they also are necessary and do well. As we know, the orchid, a beautiful flower, is a parasite. When I hear some people talk, I am inclined to wonder whether they could make good in the competitive struggle which is necessary to success in industry nowadays. I wonder if they realize that those who participate in the struggle for existence in the manufacturing field depend upon the excellence of their product and the degree of productibility, and that they have to face competition both inside and outside the country.

It has been said that farmers are not in favour of protection. Oh, no! They are for protection, all right. I recall legislation under which the export price of our domestic grain was lower than the price Canadians themselves had to pay. In order to help the farming industry Canadians had to pay more for their grain.

Hon. Mr. Aseltine: Our farmers furnished wheat to the rest of Canada at a price of 77 cents a bushel at a time wheat was selling for $2 on the open market.

Hon. Mr. Kinley: I think the man who speaks up for free trade is the one for whom free trade is a protection. We are all for protection. At one time in Prince Edward Island there was a legislator who was very much in favour of free trade. When he came to Ottawa and took a place in the seats of the mighty he was always seeking to have a duty imposed on pork, for he knew that Prince Edward Island produced a considerable amount of it.

We in the Maritimes want an entry into foreign markets for our primary products. Under the Fielding reciprocity treaty we would have enjoyed a preference in the United States for our primary products. At the present time our fish products can enter the United States at a fair duty, but we have to compete for the U.S. market against countries which have a lower standard of living and which pay low wages to labour. Fish dealers in Boston and New York will tell us: "We don't mind buying your exports, because you pay fair wages and you enjoy a high standard of living. We will gladly take your goods, but we don't like having to buy goods

from countries like Denmark and Iceland, which pay low wages and undermine our markets."

We must realize that these conditions prevail, and there is no use in my friends talking about free trade when there is no longer any such thing. Every country in the world is busy putting up barriers to protect its own economy. For instance, everyone knows that Australia and New Zealand have restricted the importation of foreign goods. In the face of such conditions why should people bother to talk about the impossible conditions of free trade?

I come from a free-trade province, and I think our people have been exploited a little on this free-trade shibboleth. We in the Maritimes would be better off if we were placed in a position where we could share in some of the benefits resulting from protections instead of being left out on the fringe of the country and obliged to face the world by ourselves, as we now have to do in our coastal trade.

Trade is purely a scientific matter of arrangement between governments, and it is something which should be given the most careful consideration by those in public life. It is ridiculous for men to make the sweeping statement "I am in favour of free trade," when there is no such thing today. It is outmoded and a thing of the past. We cannot have it unless we achieve certain world conditions which cannot be envisaged at the present time.

For these reasons I say that this is a salutary bill. I commend the honourable member from Grandville (Hon. Mr. Bouffard) who moved its second reading, and I want to say I am enthusiastically in favour of its adoption.

Hon. Mr. Stambaugh: I should like to ask the honourable senator from Queens-Lunenburg (Hon. Mr. Kinley) a question. I understood him to say there was a time recently when Canadians had to pay more for our own wheat than it was sold for on the export market.

Hon. Mr. Kinley: My honourable friend would be right if he deleted the word "recently".

Hon. Mr. Stambaugh: How long ago was it?

Hon. Mr. Kinley: It was quite a while ago, but I was in Parliament at the time.

Hon. Mr. McLean: Do I understand that this bill raises the duty on machinery and apparatus used in the fishing industry?

Hon. Mr. Bouffard: The amendment reduces the duty on this machinery. I would refer the honourable senator to tariff item 418 in Schedule A to the bill. At present, under the British preferential tariff it comes in free; under the most-favoured-nation tariff the duty is 15 per cent; and under the general tariff, 20 per cent. The new rates are free, 10 per cent and 20 per cent.

Hon. Mr. McLean: I believe that most fish machinery originates in the United States. Does the United States come under this?

Hon. Mr. Bouffard: It comes under the 10 per cent rate. There has been a reduction of 5 per cent.

Hon. Mr. McLean: Honourable senators, the honourable gentleman from Queen's-Lunenburg (Hon. Mr. Kinley) spoke about conditions in the United States. It is true that that country imposes rather high tariffs, but at the same time it accepts the currencies of other countries. I know it has put through a bill which will authorize the acceptance of $700 million worth of foreign goods. The United States accepts the pound sterling, the French franc, the Italian lira and other foreign currencies, and in this way it is helping its own trade relations a great deal

Hon. Mr. Kinley: It accepts these currencies at the going rates.

Hon. Mr. McLean: Well, Canada does not even recognize the British pound or the French franc. I notice that recently Japan got a credit in dollars which it paid for in its own currency. The United States accepts these foreign currencies and uses them to buy goods from those same countries, and in this way it is doing its part to extend world trade.

At the present time there is a dollar gap, with some free nations being desperate to obtain dollars. Their purpose in endeavouring to export goods to Canada is to secure Canadian dollars in order to pay for goods they buy from us. These countries can only pay for imports with what they produce from their own land and sea. Their real objective in trying to sell us their goods is to get Canadian dollars, but we are making it more difficult for them to achieve this purpose. It is only natural for these countries to assist their manufacturers in some way or another in getting control of Canadian dollars in order to pay their bills over here. We should not do anything unnecessary to make it more difficult for these people to obtain our dollars, but by refusing to accept their currencies that is just what we are doing.

Hon. Mr. Bouffard: Honourable senators,—

The Hon. the Acting Speaker: Honourable senators, I would point out that if the honourable gentleman from Grandville speaks now he will close the debate.

Hon. Mr. Bouffard: Honourable senators, in answer to the question raised by the honourable gentleman from Halifax-Dartmouth (Hon. Mr. Isnor), I would say that according to tariff item No. 418 of Schedule A to the bill the new rates are: free under the British preferential tariff, 10 per cent under the most-favoured-nation tariff, which is a reduction of 5 per cent, and 20 per cent under the general tariff. The reduction is proposed for the purpose of helping fishermen, as the Government felt that the protection of 10 per cent under the most-favoured-nation tariff was sufficient for manufacturers at the present time.

Hon. Mr. Kinley: Is that in respect of machinery and apparatus for use exclusively in the manufacture of fish meal and so on?

Hon. Mr. Bouffard: Yes. To answer the question put by my honourable friend from Inkerman (Hon. Mr. Hugessen), I will give a very brief resume of what the minister said when he introduced the bill in the House of Commons. He reminded the house that Canada had entered into a contract with other countries—the agreement known as GATT—and that the intention was to respect the obligations under that agreement. If we examine GATT we find that every country may pass anti-subsidy legislation on condition that it be applied only when it causes or threatens material inquiry to an established industry in the territory of a contracting party or materially retards the establishment of domestic industry. The minister stated definitely that this measure would only be applied in accordance with GATT.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Bouffard: Next sitting.

DEFENCE PRODUCTION BILL

SECOND READING

Hon. W. Ross Macdonald moved the second reading of Bill 256, an Act to amend the Defence Production Act.

He said: Honourable senators, the purpose of this bill is to amend the Defence Production Act, in two respects. In the first place, it provides for an increase in the salary of the Minister of Defence Production from $10,000 per annum to $15,000 per annum. At the present time that provision will have no effect, because the bill says he shall be paid this salary "unless he is in receipt of a salary as the minister of another department". At present, as honourable senators know, the Minister of Defence Production, the Right Honourable C. D. Howe, is also Minister of Trade and Commerce, and as such he receives a salary. Therefore he is not eligible to receive the salary provided for by this bill. However, if at any time a minister should hold this portfolio. and not be the minister of another department, he would be paid the salary specified in this bill.

The bill also provides that sections 23 to 31 of the act shall expire on July 31, 1959. Without this amendment the act would expire on July 31, 1956.

Honourable senators will recall that when the original act was passed, in 1951, Canada was engaged in a war in Korea, and the prospect for peace in the world was, to say the least, very uncertain. I am sure we are all thankful that the prospect is brighter today. However, there still are danger clouds, and I think I express the views of all when I say that we must continue to be on guard. This bill gives the minister wide powers in connection with defence projects. His powers, under the terms of this bill, will be extended for three years beyond the present expiry date of the act.

Honourable senators will observe that the bill makes a change with respect to the tabling of regulations. Section 2 provides that every regulation passed under the authority of this act "shall be laid before both Houses of Parliament as soon as may be after it is made." May I emphasize that these regulations must be laid on the table in both Houses of Parliament, the Senate and the House of Commons. Under the Regulations Act, regulations must be laid on the table before Parliament, when it is sitting within fifteen days after they are passed. Under this bill, the new section 41(1) of the Defence Production Act provides that regulations must be laid on the table as soon as possible after they have been passed. So the provision with respect to tabling regulations is more stringent under this bill than under the Regulations Act.

There is also a provision, which will be subsection 2 of the new section 41, that after a regulation has been laid before either house a notice of motion signed by ten members thereof, and made within seven days of the day the regulation was laid before that house, praying that the regulation be revoked or amended, shall be debated at the first convenient opportunity. I would point out that that provision also applies to both the Senate and House of Commons.

Before I sit down I wish to say that, in my opinion, Canada has been extremely fortunate in having as Minister of the

Department of Defence Production a man of the stature and ability of the Right Honourable C. D. Howe.

Some Hon. Senators: Hear, hear.

Hon. Mr. Macdonald: During the war he rendered outstanding service to Canada in a similar capacity, when he held a portfolio of another name. I think an especially fine tribute to Mr. Howe is implied in the fact that he is probably the only statesman who held such a position throughout the war years and still serves his country in a similar position today. He proved himself to be worthy of the office during the war, and we continue to have confidence in him.

I also wish to pay a tribute to the Parliamentary Assistants who have been associated with Mr. Howe, Mr. George James McIlraith, the member for Ottawa West, his Parliamentary Assistant for many years, was faithful and industrious and gave all his time and efforts to the task. Since then, Mr. Howe's Parliamentary Assistant has been Mr. John H. Dickey, who became senior member for Halifax when the honourable gentleman from Halifax-Dartmouth (Hon. Mr. Isnor) was summoned to this house; and Mr. Dickey also has given all of his time and great ability to the duties which fall to his lot in this onerous post.

Honourable senators, I have no hesitation in commending this bill to your favourable consideration.

Hon. Arthur W. Roebuck: Honourable senators, there is little need for debate on this bill at the present time, in view of its history since it was introduced in another place. However, I have a few remarks to make.

When the Defence Production Bill was before this house in 1951 I voted for it. But I stated at that time that I viewed with alarm legislation which gave extraordinary powers to the executive. I have always stood, as my honourable colleagues know, for the freedom of the individual, for fundamental liberties and all such rights. I am an intense Liberal. Nevertheless, I voted for the bill at that time and I had my reasons for doing so.

We were then entering into a war in South Korea, and I expressed the view that if as a nation we were ready to conscript our young men and send them across the sea to fight our battles, we were prepared to take away the freedom of the individual in a most drastic way. One could scarcely imagine a greater interference with the rights of an individual than to take him away from school or his job, and, without his consent or that of his family, put him into uniform and send him to war against an enemy in a far distant country. I said that when we were doing that, or even contemplating it, the owners of supplies or of factories capable of producing war materials had very little to complain of if at the same time we told them that they must participate in the war effort. So we passed legislation which contained such extraordinary powers as those which permitted the minister to say to a manufacturer that he must sell his goods to the country, even though he could get a higher price elsewhere, or that his plant should be under different management. While these powers were extraordinary and of a nature that should not be granted in ordinary peace-time, I thought that under the circumstances the citizens who stayed at home and proposed to make money out of the war had little to complain of by the passage of such a measure. So, I voted for it.

As to the term of the legislation, I expressed the view that five years was too long and that two years would be sufficient, after which time the Government, if it so desired, could come to us and ask for an extension of the powers; and that we could be counted on to extend them if circumstances justified our doing so. However, the measure passed at that time was for a term of five years, which has not yet expired, and the Government has now stated that the extraordinary powers are required for another limited period. I am satisfied to take its word for it, and to vote for the bill as it now stands, realizing of course that the powers are not the kind that I am prepared to give to the executive in ordinary peaceful times. I am satisfied to pass the bill to provide for the extension of the powers for a limited time.

May I say that in my opinion it was never the intention of the administration, at any stage of the consideration of this bill, that these powers should be given in perpetuity. The bill as it was first introduced in the other place contained nothing about permanent powers. True, it abolished the time limit. But I would point out that the Emergency Powers Act was passed without limit as to its life, on the understanding that it would be repealed when it was no longer necessary; and in due season it was repealed. Similarly, even if the time limit in this measure were abolished, the understanding would remain that when the act was no longer necessary it would be repealed. So, let nobody go away with the idea that the administration, or any of us on the Liberal side, at any time had any thought of asking for these powers in perpetuity. As the bill now stands, it is limited in its term and with very good reason, and we can bring up its details at any time in the interval.

My second reason for speaking to this bill at this time is to join with the honourable Leader of the Government (Hon. Mr. Macdonald) in his expression of appreciation of the contributions made by the administrator of this act, the Right Honourable C. D. Howe. A more capable and fairer man would be hard to find. I believe there never has been, nor is there now, anybody in the world who can claim to have spent the enormous sums that have passed through Mr. Howe's hands without the slightest suggestion or suspicion of any of it sticking either to him or to his friends. That record of handling expenditures amounting not to thousands or millions, but to billions of dollars, without a shadow of suspicion, is most remarkable. I have every confidence in him that his record will continue.

But because human life is precarious, I am concerned that a bill of this kind should not provide powers in perpetuity. Perhaps Mr. Howe's successor from our own or some other party might not warrant the trust that we have in Mr. Howe. That is a thought we must bear in mind when we come to vote for this bill as it now stands, with a limit of three years during which it will remain in force. Let us hope, honourable senators, that when the subject comes before us at the end of the next three years—and the time will pass quickly—peace in fact will have been established throughout the world, and that we may then say we are back to normal times and so insist upon the normal type of legislation.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: Next sitting.

The Senate adjourned until tomorrow at 3 p.m.

50437—51

THE SENATE

Thursday, July 14, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

Prayers.

THE LATE SENATOR KING

TRIBUTES TO HIS MEMORY

Hon. W. Ross Macdonald: Honourable senators, before the day's business is proceeded with, I should like to make reference to the passing of our very dear friend and colleague, the late Honourable Senator James H. King.

The late senator had many close friends in this assembly and throughout Canada. I well recall that when I first entered Parliament, in 1935, I was fortunate enough to make his acquaintance, and he helped me greatly during those early days. I understand there are other members of Parliament who recall his many kindnesses and great assistance to them when they came to Ottawa as young men.

Senator King comes from a very distinguished family in respect to public service. His father was the Honourable George Gerald King, and it is interesting to note that he was a member of the House of Commons from 1878 to 1886 and from 1891 to 1896. He was first elected to the House of Commons in 1878; he was defeated in the election of 1886; he was elected again in 1891, and re-elected in 1896, in which year he was summoned to the Senate. He was a member of the Senate in 1922 when his son, the late senator, came to Ottawa to accept the portfolio of Public Works in the federal Cabinet. There may have been other instances of a father and son being members of Parliament at the same time, but I recall only one. The honourable senator from Cariboo (Hon. Mr. Turgeon), who is present today, became a member of the House of Commons when his father was a member of the Senate. Those are two outstanding examples of fathers and sons—

Hon. Mr. Burchill: All from New Brunswick.

Hon. Mr. Macdonald: —who have given so much to the public service of Canada. It is interesting to note that—as we have just been reminded by the honourable gentleman from Northumberland (Hon. Mr. Burchill)—Senator Turgeon and the late Senator King and their fathers were all born in New Brunswick.

Our late colleague Dr. King left new Brunswick and established a medical practice in the south-eastern part of British Columbia, where he was beloved by many. He had a very extensive practice; and no effort was too great for him to make to serve as a doctor the people who lived in that rugged country—and indeed it was rugged when he went there.

I know we all feel very deeply his passing, because he was so close to each one of us.

I think I should put on record a brief statement setting forth the more important events in his life. As I have said, he was born in New Brunswick, at Chipman, on January 18, 1873. He was the son of the late Senator George Gerald King; and his mother's name before marriage was Esther Briggs. After receiving his primary education at Chipman and St. Martin's Academy, in New Brunswick, he entered McGill University, from which he received his medical degree in 1895. His earliest experience in the field of medical practice was at Andover and Saint John, New Brunswick, after which he took up residence in Cranbrook, British Columbia, in 1898, where he continued his medical career and became Canadian Pacific Railway surgeon of the Crowsnest line.

Dr. King's medical career was not limited to his own general local sphere of practice. In fact, it was broad enough to include the Vice-Presidency of the Graduates Society of McGill University in 1908. He attended the Western Congress of Medicine and Surgery at Budapest in 1910. One of the most outstanding accomplishments of his career was as an original founder and Governor of the American Congress of Surgeons at Chicago in 1913. Had Senator King done nothing else for his country, we realize that he rendered a splendid service to Canada in the field of medicine and surgery. In recognition of his unselfish devotion to the welfare of unfortunate people, he was created a Knight of Grace of the Venerable Order of the Hospital of St. John of Jerusalem.

May I refer now to the late Senator King's political career. Before doing so in detail I should like to point out that his record in public life was long and distinguished. For more than half a century he served the people of Canada in parliament, including the Legislature of British Columbia. In 1903, only five years after his arrival in British Columbia, he became the representative for Cranbrook, and he held this seat in the Legislature until 1909. Although unsuccessful in Kootenay, in the federal election of 1911, he returned to the provincial field and was re-elected to the Legislature for Cranbrook in 1916 and 1920, and from 1916 to 1922 he was Minister of Public Works in the governments headed by Mr. Brewster and Mr. Oliver.

In 1922 Dr. King resigned from the Legislature to accept appointment as Minister of Public Works in the government of the Right Honourable William Lyon Mackenzie King. He was elected to the House of Commons in a by-election that year, and was re-elected in the general elections of 1925 and 1926; and in the latter year he was appointed Minister of the Department of Health and Soldiers' Civil Re-establishment. That was a very important department in those days. I do not say it was more important than the present Department of Veterans Affairs, but it was a more or less new venture, and the foreruner of that Department.

Dr. King was summoned to the Senate in 1930 and, as many of you recall, he was appointed Leader of the Government in this house in 1942, and was Speaker of the Senate from 1945 to 1949. Since then he has continued to sit in this chamber as one of our very dear colleagues.

I have outlined two of the outstanding phases of Dr. King's service to his country—his medical and political careers.

His interest in the field of education throughout his long and useful life was recognized by Honorary Doctor of Laws Degrees awarded to him by Acadia University, in 1923, and Ottawa University, in 1924.

Constantly striving in the interests of peace and order in the world, his contribution to Canada's war effort as a member of the Mackenzie King administration was crowned by his participation in the World Security Conference at San Francisco in 1945.

I know we all feel his passing very deeply, because he was so close to each one of us. We have lost a great friend, a great physician, a great statesman and a great gentleman. To his widow I am sure we all join in extending our very deep sympathy.

Hon. W. M. Aseltine: Honourable senators, this is one of those sad occasions when we pay respect to a departed friend and colleague. I wish to join in everything that has been said by the Leader of the Government (Hon. Mr. Macdonald) with respect to Senator King. He has given us such a fine resumé of the life and work of Senator King that very little is left, perhaps, for me to say. I very much regret that the Leader of the Opposition (Hon. Mr. Haig), whom I am replacing today, is not here, because he was much more intimately acquainted with Dr. King than I had been. However, I notified him this morning of the death of our dear senator, and he will write immediately to Mrs. King from Winnipeg.

The Leader of the Government has stated that for more than half a century Senator King was in public life in this country, first as a member of the Legislature of British Columbia, then in the dominion Parliament, as a member of the House of Commons and later as a senator. During all that time his record was second to none. We learned this morning, with very deep regret, of his passing. He was a great Canadian: I consider him to have been one of the foremost citizens of this country. At the time of his death Dr. King was the sixth member of the Senate, according to seniority. I myself am not so far down the list, being ninth. Senator King, of course, was here when I first came to this house. I shall always remember how well he treated us new members, how he helped us in our work, and what a good friend he was to all of us. He was a real gentleman of the old school, and a fine character in every way.

I wish to pay a tribute to Dr. King for the splendid service he rendered as Minister of the Department of Health and Soldiers' Civil Re-Establishment. He was directly responsible for that very fine legislation known as the War Veterans' Allowance Act, and veterans throughout Canada are greatly indebted to him for the benefits they have received over the years. Last year the benefits paid under the act amounted, I think, to approximately $28 million. I repeat that as minister of that department Dr. King rendered splendid service to Canadian veterans.

On behalf of the members on this side of the house, I join with the Leader of the Government in expressing deep sympathy to the widow of our late colleague.

Hon. L. M. Gouin: Honourable senators, I am greatly moved by the tributes paid by the honourable Leader of the Government (Hon. Mr. Ross) and the honourable Acting Leader of the Opposition (Hon. Mr. Aseltine) to the memory of our late colleague.

Dr. King's death is to me a personal loss. It has in truth been said that he was a great friend to all of us. I believe no higher compliment could be paid to this gentleman of the old school, as he was described a few minutes ago, than to mention the quality of friendship which was, so to speak, shining in him. To people in all walks of life in Ottawa, from the lowliest employee in government or hotel to those occupying the most exalted posts, Senator King expressed the same words of kindness and friendship.

I believe that I knew Senator King for more than thirty years. He became a colleague of my father, Sir Lomer Gouin, in Mr. Mackenzie King's first government, in 1922, and I became acquainted with him about that time. When he was made Leader of the Government in this house after the death of

Senator Dandurand, I was closely associated with him; and during the critical years of the war especially, I was in a position to appreciate his great quality as a true Canadian, a broad-minded patriot and a serious and sincere champion of national unity.

Dr. King tried to be of service to everyone he met; he was exceedingly kind, and he liked to remember occasions in family life, such as marriages, births and deaths; and whether they were gay or sad occasions he always did the right thing in a charming way.

The late Dr. King's political career, as it was outlined by the Leader of the Government, was indeed very interesting. He gained experience in politics in his province of adoption, British Columbia, where he became the provincial member for Cranbrook in 1903, more than fifty years ago. He later became Minister of Public Works in that province, and in 1922 he assumed the same portfolio in the federal Government. Four years later he was appointed Minister of the Department of Health and Soldiers' Civil Re-Establishment, the department with which his name will ever be associated. For that post he was admirably qualified by a deep knowledge of people of all classes and of medicine, a profession of which he was an outstanding member.

In the late Dr. King I salute a good citizen, a true and excellent Canadian. Born in New Brunswick, having studied medicine at McGill University and having made his home on the Pacific coast since 1898, he was as familiar with the problems of the Maritimes as with those of Western Canada. And above all, from my point of view, he had the very great merit of understanding, perfectly the good people of Quebec. The late senator was always anxious to render justice to Canadians of all creeds and ethnic origins. Into all his work he carried the splendid qualities of British fair play, a broad tolerance and a truly liberal mind.

With much sadness I pay this last tribute of respect to my dear friend the late Honourable James King, and express to his widow and family my sincere sympathy.

Hon. Gray Turgeon: Honourable senators, I rise to speak at this time with a very tense feeling within me. Never in my life have I had a closer or better friend than the late Senator King, who has just departed from us.

Our late colleague and I worked together since before he entered the federal Parliament through the House of Commons in January, 1922. In all that time I cannot recall a single occasion on which I found in him anything but the deepest feelings of good will and a desire to do right.

When references were made this afternoon to our late friend's service as Minister of Health and Soldiers' Civil Re-Establishment, I recalled a conversation I had with the late Prime Minister Mackenzie King shortly after he had asked Dr. King to accept the portfolio. After saying that the Department of Health and Soldiers' Civil Re-Establishment required as its head a man possessing a clear conception of humanitarianism and good will, and a sincere regard for the welfare of war veterans, the Prime Minister added: "Of all the men I have met I know of no one who possesses the truly humanitarian spirit in greater degree than does Dr. King, and that is why I have asked him to accept this portfolio. I am sure he will do a great deal of good for the returned soldiers, and through them for the various communities in Canada." Honourable senators, I doubt if any prediction regarding a human being ever proved to be better founded than that of the late Prime Minister concerning Dr. King.

As has been said, the late Senator King practised medicine in the Kootenay country, and more particularly in Cranbrook. Anyone who has ever lived in that district will tell you that his whole thought was for his work as a doctor, and for the spreading of human good. He considered cases on the basis of what should be done. He not only cured disease but he helped to create a good friendly co-operative spirit, a good family spirit in the various communities which he entered.

I think the death of Senator King is as serious a loss as could befall this chamber. I am certain that his widow and other relatives will deeply appreciate what has been said by the Leader of the Government (Hon. Mr. Macdonald), the Acting Leader of the Opposition (Hon. Mr. Aseltine), and the senator from De Salaberry (Hon. Mr. Gouin). I wish to associate myself with their expression of sympathy on behalf of the Senate.

Hon. G. Percival Burchill: Honourable senators, in the passing of the late Dr. King the Senate has lost a figure who played a very important part not only in the affairs of this chamber but in the public life of Canada for a great many years. As a friend and admirer I mourn his loss, and as a representative of New Brunswick I pay tribute to his memory with a sense of pride in the fact that he was born in that province. We have long counted him as one of New Brunswick's very distinguished sons.

His long public career has been described by the Leader of the Government (Hon. Mr. Macdonald) and other senators, and I would only add that it is not given to many men to have such a varied and distinguished

career. As a medical practitioner, first in New Brunswick for a short time after his graduation from university, and later in the early days in British Columbia, he was affectionately regarded as a true physician and friend by his patients scattered over large expanses of territory. His medical visits meant hard lonely trips which tested his physical powers. He was much beloved in those early days as a medical pioneer, and he was the chief character in Ralph Connor's widely read book *The Doctor*. Honourable senators, what better tribute could be paid to a man's worth?

Not very long ago, in the course of a conversation, Dr. King told me that he was first approached by Sir Wilfrid Laurier to enter the federal field of politics. At that time his father was a member of this chamber. He hesitated to give up his life as a medical practitioner, which he would have to do if he came to Ottawa as a member of Parliament but eventually he responded to the requests of his fellow citizens. His long career in public life has been described here this afternoon. During more than fifty years he gave himself unreservedly to the administration of the public affairs of this country. As has been said, he held cabinet posts both in Ottawa and in Victoria, seat of the provincial Government of British Columbia; and his able administration of the various departments over which he presided, especially here in Ottawa, has been referred to by the Leader of the Government and others.

He was a gentleman in every sense of the word, always courteous and kind. I shall never forget his kindness to me when I came to Ottawa as a new senator.

His services in this chamber are known to all of us, and we know with what distinction he occupied the various positions he held here. I join with the previous speakers in paying tribute to the memory of one whom we shall all miss, one whose character, integrity and courtesy have done much to dignify and enrich the public life of Canada.

To Mrs. King, his nephew and nieces, I tender my deepest sympathy.

Hon. A. K. Hugessen: Honourable senators, this is a sad occasion. It is not, however, an entirely unexpected occasion because, I think, all of us were aware for some days or weeks past of the critical condition of our friend and colleague Dr. King.

After the speeches that have already been made and the references which have been made to his career and life work, it is hardly necessary for me to repeat what has already been said, and said so well. I think, however, we can summarize it all in words used by the Acting Leader of the Opposition (Hon. Mr. Aseltine) when he said Dr. King was in all respects a good Canadian; a Canadian who devoted his entire active working life to the service of his fellowman; first as a beloved doctor at a time and in a place where medical services were urgently necessary and where the help and the relief of suffering that he was able to administer far outweighed any tangible rewards which he might expect to receive; and secondly, in the political field, at first in his adopted and much loved province of British Columbia, and afterwards in the wider field of federal affairs here in Ottawa.

I repeat, Dr. King was a good Canadian, and when all is said and done the man of whom that can be truly said needs no finer and no more eloquent epitaph.

To those of his family who survive, and particularly to his widow, we express our deepest sympathy. But to them, as to ourselves, we say that for him there is nothing to regret. His illness was mercifully short. He has gone to his last rest, full of years, full of honours, and with the consciousness of a life well lived and lived to the full. No, honourable senators, our regrets are not for him but for ourselves, for our loss of a wise, a kindly and a greatly respected colleague and friend.

(*Translation*):

Hon. Cyrille Vaillancourt: Honourable senators, may I add a few words to the tributes just paid to the memory of our beloved colleague.

When I entered the Senate, in 1944, I called on Dr. King and said to him: "I have known you for a long time, through your father. When my father was a member of the House of Commons, from 1891 to 1896, your father was one of his best friends. Upon my coming here, I wish to call on you. It seems that I am living over again, in my mind's eye, what your father and mine went through together many years ago." And this is what Dr. King replied: "Since your father and mine were such fast friends, so shall we be from now on."

As I was a novice, I went to him for advice and he took pleasure in helping me out, just as he did, indeed, with all his friends.

Today, it is with the deepest respect and, I might even say, with affection, that I offer him the tribute of my appreciation and of my faithful remembrance. To Mrs. King, I express my deepest and most sincere sympathy.

(*Text*):

TRANSPORT BILL

REPORT OF COMMITTEE

Hon. A. K. Hugessen, Chairman of the Standing Committee on Transport and Communications, presented the committee's report on Bill 449.

The report was read by the Clerk Assistant, as follows:

The Standing Committee on Transport and Communications, to whom was referred the Bill (449) intituled: "An Act to amend the Transport Act", have in obedience to the order of reference of July 12, 1955, examined the said bill, and now beg leave to report the same without any amendment.

The report was adopted.

THIRD READING

The Hon. the Acting Speaker:. Honourable senators, when shall this bill be read the third time?

Hon. Mr. Hugessen: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

BUSINESS OF THE SENATE

Hon. Mr. Macdonald: Honourable senators, I move that when the Senate adjourns today it stand adjourned until Wednesday, July 20, at 8 o'clock in the evening.

If honourable senators will look at the Order Paper they will see that there are four items under Orders of the Day, and a motion in the name of the honourable senator from Medicine Hat (Hon. Mr. Gershaw). I anticipate that today we shall dispose of the first two items under Orders of the Day, that is, the third reading of two bills, and also the fourth item, consideration of the report of the Standing Committee on Canadian Trade Relations. That will leave one item only, namely, second reading of an Act to amend the St. Lawrence Seaway Authority Act, on our Order Paper, together with the motion in the name of the honourable senator from Medicine Hat. From inquiries which I have made—and this of course, is pure speculation —it does not appear that the House of Commons will have disposed of the estimates of the various departments which are now receiving consideration there, before the latter part of next week. The business which will remain on our Order Paper after this sitting can probably be disposed of in one day, and at most in two days, and it will then be necessary for us to stay here until we receive the supply bill from the other house. I think that if we resume on Wednesday evening ample time will remain to dispose of our business as well as to consider any legislation from the House of Commons.

The motion was agreed to.

CUSTOMS TARIFF BILL

THIRD READING

Hon. Mr. Macdonald moved the third reading of Bill 506, an Act to amend the Customs Tariff.

The motion was agreed to, and the bill was read the third time, and passed.

DEFENCE PRODUCTION BILL

THIRD READING

Hon. Mr. Macdonald moved the third reading of Bill 256, an Act to amend the Defence Production Act.

The motion was agreed to, and the bill was read the third time, and passed.

INTERNATIONAL TRADE

REPORT OF COMMITTEE AMENDED— CONCURRED IN

The Senate proceeded to consideration of the report of the Standing Committee on Canadian Trade Relations.

Hon. A. Neil McLean: Honourable senators, with unanimous consent I beg leave to move that the report of the Canadian Trade Relations Committee submitted on Wednesday, the 13th of July last, should be amended by striking out paragraph 4 and substituting the following paragraphs:

4. Your committee, therefore, recommends that the Canadian Trade Relations Committee be reconstituted during the next session of Parliament and that it be authorized to continue its work under a similar order of reference.

5. Your committee also hopes that the basic work will have been achieved during the intervening period between the sessions and that its final submission may be made to Parliament at the earliest possible moment during its next session.

This is just a technical change from the latter part of the report I presented yesterday.

Hon. Mr. Roebuck: Honourable senators, before this report is adopted may I say that the new paragraph 4 certainly represents a vast improvement over the paragraph that it proposes to eliminate. The original paragraph 4 really suggests that we authorize continuation of the present committee. which of course we may not have power to do, and certainly should not do. That should be left to the next session. I would point out, however, that the new paragraph is also open to slight objection in that it recommends that the committee should be reconstituted. That is hardly the correct procedure. What should be done at the next session is to appoint a committee anew to carry on this work.

I am not prepared to suggest how this new paragraph 4 should be worded but I do not think it does any harm to call attention to the

proper procedure as I see it, namely, that at the next session a committee should be appointed to carry on this work.

Hon. Mr. Macdonald: That a similar committee be appointed.

Hon. Mr. Roebuck: Yes; that is the true picture. If the mover of the resolution now before the house agrees with me I would suggest he withdraw the word "reconstituted" and substitute the word "appointed".

Hon. Mr. McLean: I am quite willing that the amendment suggested by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) be made.

Hon. Mr. Lambert: May I point out that the exact wording of the resolution presented by the honourable senator from Southern New Brunswick (Hon. Mr. McLean) is:

> Your committee, therefore, recommends that the Canadian Trade Relations Committee be reconstituted during the next session of Parliament and that it be authorized to continue its work under a similar order of reference.

I think that might be reconciled with the definite prospect that next session, if a motion is made to reconstitute the committee and renew the order of reference, the whole question of the personnel of the committee as nominated and of the subject-matter referred to it would then be open for debate. All that is expressed in the report before us is the pious hope that next session the committee should be reappointed to complete the work that it has not been able to finish this session. We can overlook the punctilio of the thing until next session.

The Hon. the Acting Speaker: Honourable senators, the question is on the amendment of the Honourable Senator Roebuck, seconded by the Honourable Senator McLean, that in the proposed new paragraph 4 of the committees report the word "reconstituted" be struck out and the word "appointed" substituted. Is it your pleasure to adopt the amendment?

The amendment was agreed to.

The Hon. the Acting Speaker: Honourable senators, the question is now on the motion of the Honourable Senator McLean, seconded by the Honourable Senator Vaillancourt, that the report be amended by striking out paragraph 4 thereof and substituting therefor the proposed new paragraphs 4 and 5.

The motion was agreed to, and the report was amended.

Hon. Mr. McLean: Honourable senators, I now move adoption of the report as amended.

The motion was agreed to, and the report as amended was adopted.

The Senate adjourned until Wednesday, July 20, at 8 p.m.

THE SENATE

Wednesday, July 20, 1955

The Senate met at 8 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

ST. LAWRENCE SEAWAY AUTHORITY BILL

SECOND READING

Hon. J. Adelard Godbout moved the second reading of Bill 508, an Act to amend the St. Lawrence Seaway Authority Act.

He said: Honourable senators, I do not know whether most of you have read this bill. It is not very complicated; the purpose is to make sure that the St. Lawrence Seaway Authority has the power to expropriate lands on Indian reserves as well as other lands. When the St. Lawrence Seaway Authority was created it was supposed by members of both houses that the act which established it invested the commission with this power, but the law officers have some doubt whether the existing law is applicable to Indian reserves. It is therefore proposed to add, as subsection (5) of section 18 of the act, the following:

For greater certainty it is hereby declared that the Authority, acting under this section, is a corporation empowered to take or to use lands or any interest therein without the consent of the owner, within the meaning of section 35 of the Indian Act.

All that the bill will do is to clarify what the intention was when the Authority was created.

Hon. Mr. Roebuck: What lands are proposed to be taken?

Hon. Mr. Godbout: Lands near Caughnawaga, Quebec, and Cornwall, Ontario.

Hon. Mr. Roebuck: Are these Indian lands?

Hon. Mr. Godbout: Yes.

The motion was agreed to, and the bill was read the second time.

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Godbout: Next sitting.

Hon. Mr. Macdonald: Honourable senators, as there is no other business on the Orders of the Day, I would move that the house do now adjourn.

The motion was agreed to.

The Senate adjourned until tomorrow at 3 p.m.

THE SENATE

Thursday, July 21, 1955

The Senate met at 3 p.m., Hon. Arthur L. Beaubien, Acting Speaker, in the Chair.

INTERNAL ECONOMY

EIGHTH REPORT OF COMMITTEE CONCURRED IN

Hon. Norman McL. Paterson, Chairman of the Standing Committee on Internal Economy and Contingent Accounts, presented the committee's eighth report.

The report was read by the Clerk, as follows:

Your committee recommend that during the coming recess of Parliament the Honourable Senator W. Ross Macdonald, Leader of the Government in the Senate, and two senators to be named by him from time to time, be authorized to act for and on behalf of the Senate in all matters relating to the internal economy of the Senate.

The Hon. the Acting Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. Paterson: With leave, I move that the report be concurred in now.

Hon. Mr. Roebuck: May I ask whether this is the usual practice during a recess?

Hon. Mr. Paterson: It is my understanding that it is. This recommendation was passed at the last meeting of the committee, but was omitted from the committee's report to the Senate. That is why it is being brought before the house at this late stage of the session.

Hon. Mr. Roebuck: May I also inquire whether it is usual to give the committee such wide powers? During the recess three senators would have virtually the same powers as are enjoyed during the session by the Internal Economy Committee itself. Has this been the usual practice?

Hon. Mr. Paterson: It is sometimes necessary to attend to certain things while Parliament is in recess. The committee recommends, as a matter of formality, that the responsibility of attending to them be placed upon three senators.

Hon. Mr. Lambert: May I explain that before prorogation last year a similar subcommittee, composed of the honourable Leader of the Government (Hon. Mr. Macdonald), the honourable senator from Rockcliffe (Hon. Mrs. Wilson) and myself, was appointed to act in connection with certain alterations to the Post Office and other matters. As honourable senators know, when Parliament prorogues all standing committees go out of existence. The proposed subcommittee would preserve a certain amount of order where otherwise there would be chaos.

Hon. Mr. Roebuck: The subcommittee seems to be necessary.

The motion was agreed to, and the report was concurred in.

ADJOURNMENT

Hon. Mr. Macdonald: Honourable senators, I move that when the Senate adjourns today it stand adjourned until Tuesday, July 26, at 3 o'clock in the afternoon.

The motion was agreed to.

PREPAID HEALTH INSURANCE

PRESENT SITUATION IN CANADA—DISCUSSION

Hon. F. W. Gershaw rose in accordance with the following notice:

That he will call the attention of the Senate to the advantages to the public of prepaid health insurance and the present situation with respect to such insurance in Canada.

He said: Honourable senators, having given notice some time ago, I wish at this time to draw to the attention of this honourable house what is being done in Canada regarding national health insurance. This important subject has been discussed frequently in the press, and by organizations at their meetings, and it has often been brought to the attention of this High Court of Parliament. The subject is important because it affects conditions right in the homes of our people, and its neglect results in much sorrow and suffering.

It has sometimes been suggested that doctors throughout the length and breadth of this dominion should be on salary, and that is what is often meant by state medicine. I wish to make it clear at once that such an arrangement would not be acceptable to the Canadian Medical Association. Even if the Association accepted such a plan of state medicine, it would be very difficult to put it into operation with any degree of fairness. Doctors, like other people, differ greatly in their training aptitude, industry, experience and so on. The doctor-patient relationship is a very highly regarded feature. Competition amongst doctors is not altogether a bad thing. In this far flung country of ours country practice differs greatly from city practice.

For all these reasons I feel it would be quite impossible to work out a fair salary scheme for the compensation of doctors by the state. On the other hand, by an arrangement controlled by those who give the service and those who receive it, a fee-for-service schedule could easily be worked out;

and indeed a great many agreements between doctors and patients have been negotiated.

I should like to make it quite clear that the Canadian Medical Association is not in any way a stumbling block to the advancement of any system of national health insurance. Indeed, for many years it has approved the principle of health insurance; and doctors are willing to co-operate in any fair scheme, provided that it allows for the building up and improving of the standards of practice and protects the patient against the unpredictable high cost of medical care.

Honourable senators, I wish to draw your attention to the fact that the Trans-Canada Medical Plans operates in every province of Canada. This is an organization which collects premiums and pays for medical attention when it is required; it is sponsored by the Canadian Medical Association, and doctors everywhere participate in it. Up to the present time the plan has been extended only to group contracts; that is to say, the employees of a garage or any specific industry, a city hall, or any department of government, may pay premiums into the plan at the first of the year and be entitled to prepaid medical attention for the entire year.

The body which co-ordinates all the provincial activities under the Trans-Canada Medical Plans is located at 3246 Bloor Street West, Toronto 18; this office is in effect the headquarters for the operations of the various provinces. The member plans in the various provinces are as follows. In the Maritimes: Maritime Medical Care Incorporated, at Halifax, and Maritime Hospital Service Association, at Moncton. In Quebec: Quebec Hospital Service Association, at Montreal. In Ontario: Physicians' Services Incorporated, at Toronto, and Windsor Medical Services, Incorporated, at Windsor. In Manitoba: Manitoba Medical Service, at Winnipeg. In Saskatchewan: Medical Services Incorporated, at Saskatoon, and Group Medical Services, at Regina. In Alberta: Medical Services (Alberta) Incorporated. In British Columbia: Medical Services Association and B. C. Medical Services Incorporated, both bodies at Vancouver. These are all branches of Trans-Canada Medical Plans and all co-operate with one another.

Now, honourable senators, the idea of providing some measure of health security for all is not new. In the days of the Roman Empire steps were taken to encourage people to set aside a little for a rainy day; that is, to save something while they were in health to carry them over times of disease and disaster so as to avoid their dependence on charity. In 1883 Bismarck introduced a system of national health insurance in Germany. In 1888 a compulsory scheme became operative in Austria, in 1891 in Hungary, and since 1911 in Great Britain and the North of Ireland. There are at present nine or ten countries with voluntary schemes and thirty-two with compulsory schemes. However, the practice in both types is pretty much the same: the doctor answers emergency calls only during the night; in the morning he visits his patients at the hospital or in their homes, and in the afternoon he keeps office hours.

While the doctor is making a contribution towards good health the outstanding contribution is being made by people engaged in research into the causes of diseases and their methods of treatment which will extend and expand the period of health and vigour. This is difficult work. The trail of success winds uphill all the way, but nothing is more striking than the results that have been obtained by medical research. Fifty-five years ago, at the beginning of this century, the average expectancy of life was about fifty years; today it is about seventy years—not only that, but people of a given age today look younger and act younger than did their forefathers at the same age.

Many of us remember the terrible scourges such as diphtheria, scarlet fever, typhoid fever and smallpox, which formerly struck across the world and brought death to a large number of people. These diseases caused great havoc in the country. However, today they are almost completely under control. Even tuberculosis, which for so long was regarded as the captain of the men of death, is largely being controlled. Not long ago a T.B. specialist, looking at the large sanatoria now devoted entirely to the treatment of tubercular cases, commented that with the conquest of tuberculosis these buildings will one day be used as old people's homes.

A word now about poliomyelitis, a disease which always instills fear into the hearts and minds of men and women. It is a dread disease, because sometimes it strikes with such overwhelming violence that a patient dies within a very few days. Sometimes the acute attack passes and the victim gets well, but in many cases a condition is left which lasts permanently. For instance, paralysis may cause deformity or some other disability, with the result that certain attainments are beyond the reach of the child victim forever. Recently, after long research, a serum has been worked out which holds great promise. According to the last reports from Michigan, some 400,000 children were treated; about half of them with doses of the Salk vaccine, and about half with a placebo. As a consequence, according to carefully kept records, the incidence of poliomyelitis was reduced by from 60 to 80 per cent. Vaccination does

not invariably prevent poliomyelitis: although it is efficacious in a great many cases, there have been some failures in connection with its administration. But we in Canada can be particularly proud of the record of the Connaught Laboratories. By care, caution and hard work they have produced a vaccine which has proven as good as any vaccine can be. A great deal of the credit for this result is due to the Minister and officers of the Department of National Health and Welfare, because they have checked and double-checked with the object of making sure that every dose of vaccine given to a child in Canada shall be as perfect as it can be. I know that a few days ago a boy of nine or ten who was vaccinated developed polio. However, the disease did not occur until two months after the date of the vaccination, and clearly was not the result of it, but happened in spite of it. No one has claimed that the serum is 100 per cent effective.

I turn now to another department. All of us are mortals: there is a limit to the length of life; we all die, and are all equal in death: the bodily system breaks down sometimes, somewhere. I once had the privilege of treating a man who was 107 years old. I am sure that I correctly state his age, because his daughter, a woman of about eighty, had carefully recorded it. This little old man was completely blind and deaf: he had to be fed with a spoon and treated like a child. In his case the system was a long time in breaking down. Dr. Osler once said that a man is as young as his arteries. According to statistics, breakdowns of the cardiovascular system rank first among the causes of death. The second cause is cancer. Cancers which are detected early and are in accessible parts of the body can be cured, by X-rays, radium and surgery, but these treatments cannot be applied to the deep cancers, such as cancer of the liver. Cancer is not increasing, but more people are living into the cancer age and more cancers are being discovered. The third cause, which I need not dwell upon, is violent accidents.

Attempts are being made to control all of these three major threats to human life, and these efforts, of course, should be continued. If we are to be worthy of the achievements which have been made in the past, we must hold fast to what is good, and add whatever the light of the knowledge of the age enables us to achieve. Only by so doing can we live up to our obligations and be true custodians.

Turning now to the big factor in this matter, social security—because sickness is, of course, a cause of poverty—social security falls into two divisions; one, social insurance; the other, social assistance. Trans-Canada Medical Plans takes both of these into consideration. Those who have promoted this organization believe that the man or woman who can pay the necessary premiums should pay them, and that the comparatively few people who are unable to do so should receive assistance from some government. Nowadays, thanks to provision for family allowances, old age pensions, old age security, and disability pensions, not many are unable to pay the premiums. The system which is being worked out by the Trans-Canada Medical Plans is not a revolutionary one. It will not be very expensive, and it can be put into operation without much bickering or disagreement. In fact, it is already in effect. In 1954 the premiums collected amounted to $33 million, and $28¾ million was paid out for medical care. About 4·2 per cent of the sums received went into reserve account, and the total cost of operation was about 8·8 per cent. So it can be said that the organization is really a going concern, and that the Canadian people favour it and are taking advantage of it wherever they can. There are now 2,082,828 people in Canada insured through the organization.

Canadians are becoming increasingly anxious to protect themselves against the unpredictable costs of sickness and accidents. That is shown by the following statistics. In 1945, 15 per cent of the population had hospital protection; by 1954 the proportion had risen to 60 per cent. In 1945, 5½ per cent had surgical insurance; in 1954, 33 per cent. In 1945, 2 per cent had medical insurance; in 1954, 27 per cent. Of course, a large part —some 20 per cent—of the hospital protection is sponsored by some government.

What are the reasons for this large growth of protection? The first reason is that people realize and appreciate the value of it. In the second place, during the last year of the war most of us looked forward to times of great happiness in the brave new world which we hoped that the peace would usher in, and national health insurance was one of the advances which were generally anticipated. Thirdly, during the war great numbers of young men and women in the military services got medical attention without receiving any bill for it, and they appreciated that service. And still another reason is that as new skills, new drugs, and other means of combating disease are being worked out, costs have risen, and people want to protect themselves against unpredictably high costs of medical care.

In 1943 the Canadian Medical Association approved the principle of health insurance that would develop the highest standard of health services, preventive and curative. They went further, and set up an organization through which groups could be insured

against the hazards of sickness. In 1947 the association proposed that the plan should be extended to cover all Canada and be made available to every Canadian citizen. At that time provisions were made whereby a contributor who paid a premium in one province could receive medical attention in any other province to which he might move. At present the plan is available to payroll groups only, but efforts are being made to gradually include every individual.

As health is a provincial matter, I should like to outline what has been done in the various provinces. I will deal with Alberta first. For quite a few years groups in that province have insured themselves against sickness and have received prepaid medical care. Recently an agreement was made between Medical Services (Alberta) Incorporated and the provincial Government whereby the Government approved individual protection for sickness and agreed to contribute $7 per person per year for every person covered by the plan. This agreement was to have come into effect in June, but there was a delay because of the recent provincial election. Present plans call for bringing the scheme into operation on October 1. It will be a step forward, for the Government will help to pay for everyone coming under the plan and will meet approximately one-third of the total cost. This is entirely apart from Alberta's present hospital plan, under which if $7 per day is the cost of hospitalization the municipality and the provincial Government each contribute $3, and the patient $1. This plan seems to be working out quite successfully.

Saskatchewan, which has group coverage, approaches its health plans somewhat differently. It has special programs in 58 rural municipalities and 20 towns and villages. Everyone living within these areas must contribute towards medical attention, and the whole scheme comes under the supervision of the provincial Government. The province also has a compulsory hospital protection plan to which everyone must contribute.

In Manitoba, where there is group and some individual coverage, the Municipal Act allows rural municipalities to pay for coverage out of general funds.

In British Columbia the groups which have been insured are smaller in size, so more people can be protected.

Ontario, a highly industrialized province, has group coverage which reaches a great percentage of the people. However, the need for individual coverage in Ontario is recognized.

In Quebec the coverage is limited, but active progress is reported toward extended arrangements.

Efforts are being made to further this scheme in the Maritimes, particularly in Nova Scotia, where a plan of individual enrolment was set up in 1954. Careful records are being kept and the results will be of great interest.

Honourable senators, Trans-Canada Medical Plans is progressing in an orderly way. It has not been encumbered by difficult negotiations or bickering, and it holds out promise of giving protection to a great number of people.

As I stressed before, if we have to have wars then let us have a war against illness and disease, and let us support methods of research and co-operation which will bring rich rewards. Despite the fact that health is a provincial matter, the federal Government has contributed approximately $30 million a year for the purpose of conducting health surveys, constructing hospital buildings and caring for persons afflicted by special diseases. However, under this plan the federal Government could not contribute to one province without contributing to another. We are hopeful that by advertising the plan and pointing out its benefits, more Canadians will get protection—the protection which they and their families need.

Hon. Senators: Hear, hear.

Hon. Cairine R. Wilson: May I ask the honourable gentleman if there is any provision for giving the rural parts of the country more service? I think this has always been a serious problem.

Hon. Mr. Gershaw: Some 47 rural municipalities in Saskatchewan give complete coverage, and if more individuals in the cities would come under the scheme more people in the rural districts would be eligible for its benefits. There is, of course, the difficulty of covering long distances in the rural districts, but that problem is being given careful study.

Hon. John A. McDonald: I have noticed in the press recently that the medical authorities in Great Britain have turned down the use of the Salk vaccine for the control of poliomyelitis. I wonder if the honourable gentleman could give us the reason for that. Is it that Great Britain wishes other countries to experiment with this vaccine first?

Hon. Mr. Gershaw: I have read all the literature about the Salk vaccine. I think the British authorities are being very cautious, and it is possible that they have adopted a policy of "wait and see". There have been

very unfortunate results from some vaccine manufactured in the United States. A great deal more work will have to be done in connection with this vaccine, but there is strong hope that it will be a real factor in controlling that dreadful disease poliomyelitis. I am not in a position to express any opinion, but I can say that a large number of children have been vaccinated with the Salk vaccine in Canada, and we have been particularly fortunate in the results.

Hon. Arthur W. Roebuck: For some twenty years I carried sickness insurance. I always paid my premiums and I never made a claim. When I became 70 years of age the company cancelled my policy. I was informed that that was the practice among all private insurance companies; that is, they would insure you when you did not need protection, and when you did need it they wouldn't give it to you. I protested vigorously. I even invited the insurance agent to play a game of golf to see if he were in any better condition than I. I trounced him thoroughly and then asked him if he thought that I should not be entitled to insurance. But regardless of what the agent thought, his company cancelled my policy. It does seem to me that private insurance companies, by that sort of treatment, have utterly disentitled themselves from the right to carry on this type of insurance. I should like to know whether any age limit is set by the Trans-Canada system that the honourable gentleman has described in so favourable terms, because if insurance is available only when people do not need it, and they are cut off as soon as they do need it, I am not interested. Insurance should carry on as long as the insured lives. I think the actions of the private concerns in the past have been an outrage—absolutely reprehensible.

Hon. Mr. Gershaw: Under a group insurance plan people of 70 years and over, who still carry their cards, continue to be insured, and are not cut off.

Hon. W. Ross Macdonald: Honourable senators, it is not my intention to take part in this debate. I rise only to thank the honourable senator from Medicine Hat (Hon. Mr. Gershaw) for his interesting and informative address. His references to the place of the physician or surgeon in a plan of health insurance or state medicine will no doubt be read with interest by our Minister of National Health and Welfare. In any event, I shall make a point of sending a copy of today's *Hansard* to the minister so that he will have an opportunity to read this address.

While the honourable senator was speaking, it occurred to me that other members of this house who, from time to time, draw attention to matters of great public interest are helping to fulfil one of the functions of the Senate.

Hon. Mr. Roebuck: Hear, hear.

Hon. Mr. Macdonald: Certain honourable members have special knowledge on subjects of vital importance not only to us, but to the people of Canada, and a great service is rendered to the country when they impart their learning and the results of their research. I trust that in forthcoming sessions we shall have the privilege of hearing further addresses from other honourable senators who have special information to communicate.

I am sure I express the thought of all when I extend to the honourable senator from Medicine Hat our grateful appreciation of his excellent address.

Hon. Senators: Hear, hear.

Hon. Mr. Roebuck: May I ask the honourable leader if it would be possible to have a committee of inquiry set up, or some other method devised, to keep this subject under discussion, rather than let it die in the air, so to speak? A committee could call witnesses and information obtained could be circulated abroad to great advantage.

Hon. Mr. Macdonald: It could be a very interesting inquiry, indeed. That, of course, would be a question for the Senate to decide at the coming session.

Hon. G. Percival Burchill: Honourable senators, I was greatly interested in the question asked by the honourable senator from Rockcliffe (Mrs. Wilson), as to whether there is any provision for giving more prepaid health insurance service to rural districts. So far as I am aware, no effort has been made along this line in the rural district in which I live, in New Brunswick. I am wondering if the Canadian Medical Association is the body responsible for all the efforts that are made. Perhaps my honourable friend from Gloucester (Hon. Mr. Veniot), a member of the medical profession, can enlighten me?

Hon. Mr. Gershaw: Honourable senators, the office of Maritime Medical Care Incorporated is at Halifax, and the General Manager is D. C. Macneill. The office of Maritime Hospital Service Association is at Moncton, and the Executive Director is Ruth Cook Wilson. According to information I obtained from Mr. Shillington, Executive Director of Trans-Canada Medical Plans, so far there has not been much activity in New Brunswick, but they are experimenting and have a group set up.

With regard to rural districts under the Alberta scheme, I might say that farmers will

be entitled to medical care when the individual plan comes into operation.

Hon. Norman P. Lambert: May I ask the honourable senator about rural municipal hospitalization in Alberta? Am I right in assuming that the Government of Alberta has for a great number of years supported and subsidized a system of established rural municipal hospitals throughout the province? I can recall an outstanding example of a co-operative plan of medical attention which was in operation in that province in 1912, and I have understood for a long time that Alberta pioneered in rural municipal hospitalization.

Hon. Mr. Gershaw: That is also my impression, and I am pretty close to the situation. Certainly the province has a good system for the building of municipal hospitals, and has shouldered quite a deal of responsibility in connection with them. The Canadian Government has recently contributed toward the building of hospitals, but it was found that the revenue was deficient, on account of the high cost of keeping the hospitals going; so the arrangement which I mentioned earlier is now in operation: that is, the patient pays a dollar a day, and the municipality and the province pay the balance.

Hon. J. Wesley Stambaugh: Honourable senators, I wish to add a word or two with regard to hospitals in rural municipal districts in Alberta. Under the scheme in operation there, a number of sections in a township are included, and a hospital tax is imposed, up to 15 mills. The patients, who are ratepayers, are generally charged a dollar a day for hospitalization, and the balance is paid by grants from both the federal Government and the provincial Government.

ST. LAWRENCE SEAWAY AUTHORITY BILL

THIRD READING

Hon. W. Ross Macdonald moved the third reading of Bill 508, an Act to amend the St. Lawrence Seaway Authority Act.

The motion was agreed to, and the bill was read the third time, and passed.

The Senate adjourned until Tuesday, July 26, at 3 p.m.

THE SENATE

Tuesday, July 26, 1955

The Senate met at 3 p.m., Hon. Cairine R. Wilson, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

POTASH AND PHOSPHORIC ACID

INQUIRY AND ANSWER

Hon. John A. McDonald inquired of the Government, pursuant to notice of July 20:

What progress, if any, has been made in recent months towards making Canada more self-sufficient in its potash and phosphoric acid requirements?

Hon. W. Ross Macdonald: Honourable senators I have received the following answer to the honourable gentleman's inquiry from the Department of Mines and Technical Surveys:

Potash:

We have knowledge of six companies investigating the possibilities of producing potash from the deep deposits in Saskatchewan. One company has an exploratory shaft down to a depth of 1,170 feet, near Unity, and has an additional 2,300 feet to go before reaching the potash. Another company is preparing to sink a shaft to the potash beds near Saskatoon and has signed a contract for a five years' supply of electrical energy. Two other companies are starting drilling campaigns to locate suitable deposits. The remaining two companies have acquired "withdrawal areas" from the Saskatchewan Government but have as yet put down no drill holes or done other work.

Phosphate

One company in Ontario is investigating the possibilities of producing the mineral apatite (a phosphate mineral) as a by-product along with columbium and tatalum from an iron-titanium property near Sudbury. As yet this property is not in production for any mineral.

No deposits of phosphate rock of workable grade have been found in Canada as yet.

Hon. R. B. Horner: Honourable senators, I have visited the salt plant near Unity, where they have a wonderful method of producing salt from depth by pumping brine. They had hoped to use a similar method with potash, and they spent a great deal of money and decided to sink a shaft. The area of the shaft is 13 feet 6 inches, and it has to go to a depth of 3,000 feet or more, as the honourable leader just stated. In order to pass through water and quicksand it is necessary to employ a method of freezing. An American company has bought the rights to a great deal of the land on Patience Lake, 20 or 30 miles east of Saskatoon, and has declared its intention of going ahead. I know for a fact that the University of Saskatchewan holds some thirteen quarter-sections of land on the eastern edge of Saskatoon, and this company has offered $1,000 a quarter-section for the rights to the potash under that land. It is quite evident that all that is required to get potash in any quantity is an economical method of bringing it to the surface.

I read in a recent press dispatch that a firm was considering sinking a shaft in the vicinity of Yorkton. This is a further indication of the strong possibility of getting plenty of potash in the near future.

Hon. Mr. Roebuck: May I ask what other use potash has besides being an ingredient in soap?

Hon. Mr. Horner: It is used in the making of fertilizer. I am sure that is why the honourable senator from King's (Hon. Mr. McDonald) is interested in it. It is my understanding that great deposits of potash are found in Germany, and the particular type of fertilizer made from it is very suitable for certain types of soil. I think I am correct in saying that practically all the potash used in Canada today is imported.

Hon. Mr. Isnor: When is the American company likely to commence producing potash?

Hon. Mr. Horner: It has been said that the company is going to build a railway and start producing immediately. Indeed, I am not sure that it has not already commenced sinking one or two shafts in what it calls test holes. It knows potash is there, and that it is at practically the same depth as at Unity.

Hon. Mr. McDonald: Honourable senators, at the suggestion of the honourable Leader of the Government (Hon. Mr. Macdonald) and with leave of the Senate, I might offer a word of explanation as to why I made the inquiry at this time. But first may I thank the honourable leader and the Department of Mines and Technical Surveys for the information that has just been presented.

I realize that the session is drawing near to a close and the time for obtaining information is short. Last week I gave notice also of an inquiry as to the possibility of marketing Canadian apples in Britain next fall and winter. If it is not possible to get an answer to that question before prorogation, I would appreciate it if the honourable leader would send it on to me as soon as it comes to him. Indications are that this year Canada will have a fair apple crop, and it will be necessary to secure an outside market for a large portion of it. Honourable senators from Nova Scotia and from other parts of the country will remember that last year the fruit growers in the Maritimes were very hard hit by the damage caused by the hurricane which hit that area, destroying 85 per cent of the apple crop shortly before picking time. In the provinces of Quebec, Ontario, British Columbia,

and to a lesser degree in two or three other provinces it is expected that quite a large crop of apples will be gathered this year. It will certainly mean a lot to our fruit growers if surplus apples can be marketed in Great Britain.

I inquired about the fertilizer, honourable senators, with a view to following up a recommendation made—as many of us here will remember—at the conclusion of the inquiry into plant fertilizers by the Standing Committee on Natural Resources in 1947. At that time the members of the committee felt that Canada should become self-supporting in its supply of the main chemicals that enter into the manufacture of fertilizers. As honourable senators know, three main chemicals are needed in the soil to produce maximum crops, in addition, of course, to a number of other mineral elements in lesser degree. The three main elements are, firstly, nitrogen, the basis of nitrogenous fertilizers; secondly, phosphoric acid, the basis of phosphate fertilizers, and made from rock phosphate; and, thirdly, potash, the basis of potassic fertilizers. Canada at the present time is producing its own requirements of nitrates, although some mixtures of nitrates are being imported, but we are hoping that the time is not far distant when it will not be necessary to import any nitrogenous fertilizer. I understand these combinations will soon be manufactured in Canada. As a matter of fact, only one-fifth of the nitrates produced in Canada today are utilized in Canada, the balance being sold to other agricultural areas of the world.

Canada does not produce potash in any great quantity. A little phosphoric acid is produced here, but not very much. As shown in the report, the reason we do not produce much phosphoric acid is that no sufficiently high-grade deposits of rock phosphate have as yet been found in Canada. We are in hopes, though, that some of our prospectors, assisted by the Department of Mines and Technical Surveys, will soon discover deposits of high-grade rock phosphate, and if this is done our requirements of phosphoric acid can be manufactured in Canada. Canada imports something like 500,000 tons of rock phosphate a year, and along with our importations of potash this means an expenditure by Canada of something over $12 million a year. At the time the committee was conducting its inquiry the annual expenditure was about $12 million. As the years go by there is an increasing demand for fertilizers and consequently an increased yearly expenditure for imports.

According to the honourable senator from Blaine Lake (Hon. Mr. Horner), potash is imported from Germany.

Hon. Mr. Horner: And the United States.

Hon. Mr. McDonald: I want to thank the honourable senator for the information he has given us this afternoon. Like the answer to the inquiry, it is encouraging. It shows that efforts are evidently still being made to find some economic method of recovering potash from these Saskatchewan deposits.

Hon. Mr. Roebuck: May I ask the honourable senator a question? I was at Muscle Shoals, Alabama, in recent years and while there I was given to understand that there they are manufacturing both phosphates and nitrates from the air by an electrical process. Are we doing that in Canada at all?

Hon. Mr. McDonald: We are producing some nitrates from the air, but not phosphates.

Hon. Mr. Horner: Pardon me, honourable senators, for rising again. The Consolidated Mining and Smelting Company at Trail, British Columbia, has for years been manufacturing a fertilizer that sells very popularly in the Prairie Provinces. Another mining company, Sherritt Gordon, which formerly shipped its concentrates to Trail, now has a plant in operation near Edmonton in which it expects to produce millions of dollars worth of fertilizers yearly. They are a by-product of the smelting process. For quite a number of years the fumes from the Trail smelters were killing orchards south of the border, and the elimination of the nuisance led to utilization of these vapours in the manufacture of fertilizers. This is a great advantage to both companies. As I understand it, their combined fertilizer products will take care of the needs of the country.

Hon. Mr. Stambaugh: The fertilizer provided from the Trail Smelters is chiefly phosphates and nitrates. But I understand that the addition of potash will make a complete fertilizer.

Hon. Mr. Horner: For certain soils.

Hon. Mr. Stambaugh: Yes.

Hon. Norman P. Lambert: Honourable senators, if the purpose of this inquiry is to obtain further information as to the possibility of Canada supplying more of these materials as well as importing sufficient quantities to meet the demand, it would be important, I think, at this time to indicate the agencies through which they are now distributed. If there is any definite object in mind in bringing this subject to bear on the needs of agriculture in this country, certainly it is apropos to gain some knowledge of the available distributing agencies, because prior to the late war these chemicals became subject to complete control by world-encircling cartels. I believe that once before,

when speaking on the subject, the honourable senator from King's (Hon. Mr. McDonald) made some reference to the difficulty of securing in Nova Scotia, and I think in New Brunswick too, supplies of potash at an economic price for the use of potato growers. It was difficult to obtain adequate supplies from, I think, Windsor, Ontario, where one of these chemical plants was established, at prices which would make potato-growing profitable.

For this reason I suggest that any further inquiry into or discussion of this subject should be conducted in the light of full knowledge of what distributing agencies exist today, in comparison with those which were operating before the last war.

Hon. Mr. McDonald: During the war, of course, it was difficult to get supplies of potash because the sources of supply then were Germany and other far-away countries. But that condition does not exist today. Potash, in fact, is the only fertilizer whose price has gone down somewhat, but because of higher railroad costs this reduction has not benefited the farmers. As honourable senators know, the two plants that were erected at Welland and Calgary during the war by the Department of Defence Production are now in private hands. The plant in British Columbia is bringing in phosphate rock, mostly from Montana, and is using it to manufacture superphosphate. If we could only get a larger supply of these materials at a lower cost our farmers would be able to use a great deal more of it.

There is another point which should be stressed. I wish I could impress upon every farmer that he should make a study of the proper use of commercial fertilizers. Most up-to-date farmers—market gardeners, potato growers and fruit growers—have made such a study, but unfortunately many other farmers are not using fertilizers intelligently. I would hope that our various farm organizations would see to it that Canadian farmers are better educated as to the proper use of fertilizers. Many farmers have not even had an analysis made of their soils and so do not know what fertilizer their land requires. This information is easily obtainable today by taking samples of soil to the nearest chemist or agriculture expert, who will analyse them and tell the farmer exactly what is needed or in what respects his soils are deficient.

PREPAID HEALTH INSURANCE

HOSPITALS IN RURAL MUNICIPAL DISTRICTS IN ALBERTA

Hon. J. Wesley Stambaugh: Honorable senators, I wonder if I might have the consent of the house to offer a brief explanation with respect to a statement I made last Thursday regarding hospitals in rural municipal districts in Alberta. At that time I started out to say that there is a hospital for a number of sections; then I changed the word "sections" to "townships" but the way it reads in *Hansard* indicates that there is a hospital for a number of sections in the townships.

I would explain that the hospital units are composed of a certain number of townships, some units having four or five townships and some as many as twenty. Each hospital unit is complete in itself. Depending on the size of the hospital, there are five to seven members elected to its board, which has full control over the hospitals. For instance, the board hires the nurses and other employees. For revenue purposes the board figures out a budget each year and then asks the municipal district or county, whichever it happens to be, for a certain amount of money. Then the municipal district or county makes an assessment of so many mills on the assessed value of the district. I know some hospital units where the rate is as low as 2 mills on the dollar, and some where it is as high as 15 mills. This means there is no standard tax charge. Neither is there a standard charge for patients. Some hospitals charge ratepayer patients only 75 cents per day; some $1 a day—this is the usual charge—and the highest charge I know of is $1.50 per day.

Both the provincial and federal governments make grants toward the operation of these rural hospitals, and for several years they have also made grants toward the building of new hospitals. If a hospital is built according to certain specifications each government gives a grant of $1,000 per bed.

The cost of operating the average rural municipal hospital is about $7 per patient per day. All ratepayers are members of the hospital unit and are entitled to hospitalization at the rate of $1 per day. If you are not a ratepayer you may become a member of the hospital unit by paying an annual fee, which entitles you to the same privileges as ratepayers have.

FEED GRAIN

LIGHT WEIGHT WHEAT

On the Orders of the Day:

Hon. R. B. Horner: Honourable senators, I should like to make a few remarks which might be useful to farmers and feeders in both Eastern and Western Canada. As you know, last year we had a very good wheat crop until rust reduced the yield and left the wheat thin. Well, some of that wheat is now being weighed out as low as 45 pounds

to the bushel, which is below the weight of wheat used for flour. But we were amazed to find that this wheat possesses the highest feed value of any of our feed grains. This can be fairly conclusively proven by making a test with laying hens. You can put some No. 1 big, plump wheat and some of this rusted light wheat on the ground, and the hens will go for the lighter wheat every time and they will lay better after feeding on it. There is something strange about this fact; perhaps the wheat in its lighter form contains extra protein value. Eastern feeders pay quite a high price for bran, which is a safer feed than wheat, and of course light wheat is safer than heavy wheat as a feed grain. When viewing the part of Ontario I journeyed across yesterday morning the thought came to me that the oats ripening in the fields must be of a light quality, and that Eastern farmers will require some of the light feed from Western Canada that I have been talking about. There is a large supply of it. It is quite safe to use for feed, and it will be useful to mix with oats. I would recommend eastern feeders and dairy farmers to buy Western wheat, whenever they are in need of wheat for feed.

Hon. Mr. Macdonald: Will the wheat you speak of cost less money?

Hon. Mr. Horner: Oh, yes, it will cost less money, but it is good wheat. The price quotations show that some of it grades as low as feed. No. 1 wheat to grade should weigh at least 58 pounds per bushel, Nos. 2 and 3 should weigh 56 pounds. Nothing lighter than 50 pounds per bushel can possibly get any higher grade than No. 5. So considering the price of this light wheat, it is good value. Only last winter I learned that a great many farmers in the West are of the opinion that it is valuable wheat for feed. It is necessary to keep this grain quite dry and to prevent it from becoming heated. I am assured, honourable senators, that a lot of it is threshed in good condition; and except for the small kernels there is nothing wrong with it.

Hon. Mr. McDonald: Since the honourable senator has just returned from the Canadian West, can he tell us what the crop prospects are in that part of the country?

Hon. Mr. Horner: Of course, Western Canada has become hot and dry, except in some sections where rain has fallen. Thousands of gallons of water have been poured on the land in the dry sections, but it is still dry and some of the crops have been damaged. Rain has fallen in the south. I took a trip down through Maple Creek, Cyprus Hills, Medicine Hat and Swift Current, and the scenery was lovely and green and the crops good, in spite of the intense heat without rain. Conditions vary greatly. Where the crops are lush and green, one may return within two or three days and see the same fields entirely different in appearance, as though they belonged to another farm. I would hesitate to predict any bumper crop. The late barley has been attacked by aphids, and destruction by those pests has been pretty widespread. I did not have a chance to examine the barley crop closely, but I could see fields which had received considerable damage. I motored across that beautiful country from Calgary through Red Deer, Stettler and Biggar, and saw some very nice stands of grain, but the weather was hot and dry, and just how long those crops will continue to be good is difficult to estimate. One year I estimated the crop to the exact million of bushels, but I am not going to attempt to estimate this year's yield. It is always someone else, rather than the farmer, who drives around the country and comes back with glowing reports, and I do not think that helps the farmer to get a fair price for his grain. I hesitate to predict a bumper crop; it is going to be less than the estimate.

Hon. Mr. Isnor: What is the estimate?

Hon. Mr. Horner: 550 million bushels.

Hon. Mr. Hawkins: Is that the estimate for wheat?

Hon. Mr. Horner: Yes. The estimators can take their pen and cut off 100 million bushels.

Hon. Mr. Stambaugh: May I ask the honourable member a question? I take it that the rusted wheat he spoke of is all spring wheat, and that none of it would be winter wheat.

Hon. Mr. Horner: It is all spring wheat. I doubt if rust hits winter wheat at all.

Hon. Mr. Stambaugh: It would be good for feed, but hardly successful for seed in this part of the country?

Hon. Mr. Horner: It is quite possible that it could be used for seed, but I would not recommend it.

BUSINESS OF THE SENATE

Hon. Mr. Macdonald: Honourable senators, you will notice that under the heading *Orders of the Day* we have a blank sheet of paper. The only legislation remaining to be dealt with this session is the bill voting money to cover the financial requirements of the Government. That bill can only be presented to us after the Committee of Supply in the House of Commons has dealt with the Estimates, and I do not know just when it will reach the Senate. I have made inquiries and found that today the Committee of Supply

has been considering carefully and expeditiously the items before it and that it may possibly conclude its work some time this evening. I therefore think it would be advisable for the Senate to adjourn during pleasure, to reassemble at the call of the bell, at approximately 8.30 p.m. I so move.

The Senate adjourned during pleasure.

At 8.30 p.m. the sitting was resumed.

Hon. Mr. Macdonald: Honourable senators, this afternoon we adjourned to this hour to try to reach some conclusion as to when the House of Commons might finish its consideration of the estimates. I have learned that the members of that house have agreed to sit after ten o'clock this evening. It is therefore possible that the Committee of Supply may complete its work late tonight or tomorrow morning. It occurs to me that under the circumstances it might be satisfactory to adjourn now until one o'clock tomorrow afternoon. We could arrange to have our lunch before resuming, and if at that time the supply bill has come to us from the Commons we could consider it immediately, with the possibility of prorogation taking place later in the afternoon.

Hon. Mr. Roebuck: May I ask the honourable leader if there is any chance of the Commons finishing its business tonight? In that case we could meet at perhaps 10.30 or 11 o'clock tomorrow morning, to do whatever business is before us and have the rest of the day free. There may be some honourable senators who would like to leave Ottawa in the afternoon.

Hon. Mr. Macdonald: I doubt very much that the Commons will pass the supply bill this evening. I believe the intention is that even if the resolutions are passed and adopted tonight, the bill will not be considered before tomorrow morning. Under those circumstances I would move that we adjourn until tomorrow at 1 p.m.

Hon. Mr. Roebuck: Agreed.

The motion was agreed to.

The Senate adjourned until tomorrow at 1 p.m.

THE SENATE

Wednesday, July 27, 1955

The Senate met at 1 p.m., Hon. Cairine R. Wilson, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

PROROGATION OF PARLIAMENT

NOTICE

The Hon. the Acting Speaker informed the Senate that she had received a communication from the Secretary to the Governor General, acquainting her that the Honourable Patrick Kerwin, Chief Justice of Canada, in his capacity of Administrator of the Government of Canada, would proceed to the Senate Chamber this day at 5 p.m., for the purpose of proroguing the Second Session of the Twenty-Second Parliament.

BUSINESS OF THE SENATE

Hon. Mr. Macdonald: Honourable senators, when the house adjourned yesterday until this hour, it was hoped that the Appropriation Bill would now be before us for consideration. However, the Committee of Supply in the House of Commons has not yet completed its consideration of certain estimates. I am informed that the estimates of the Prime Minister's office are being considered by the committee at the present time, and that there remain the estimates of the Department of Finance. Just how long it will take to deal with these items, honourable senators can guess as well as I can, but I think there is very little doubt that Parliament can be prorogued today. Therefore, I suggest that the Senate rise at this time, to reassemble at the call of the bell, which would not be before three o'clock.

INTERNAL ECONOMY

EIGHTH REPORT OF COMMITTEE

Hon. Arthur Marcotte: Honourable senators, may I be permitted at this point to mention a matter which is of some importance to me?

On July 21 the honourable Chairman of the Standing Committee on Internal Economy and Contingent Accounts (Hon. Mr. Paterson) presented the eighth report of the committee, recommending that the Leader of the Government (Hon. Mr. Macdonald) and two other honourable senators to be named by him act as a subcommittee to handle matters relating to the internal economy of the Senate during the recess. In this connection I have a request to make and, as I have said, the matter is of some importance to me.

I have been here for a number of years and have been known as a friend of everybody. I do not know what will happen during the recess, but in the event of anything occurring that requires the attention of the subcommittee and you appoint two senators to act with you, Mr. Leader, I would like to be one of them. I am asking you to keep me in mind.

Hon. Mr. Macdonald: As I recall the wording of the motion, the Leader of the Government, together with two senators to be named by him from time to time are to act during the recess in all matters which normally would come before the Committee on Internal Economy. The reason why no two senators were named was that matters arise quickly and the committee felt that the Leader should be able to consult with two senators without delay. If from time to time there arises a matter that is not of great urgency I shall be pleased to get in touch with the honourable senator from Ponteix (Hon. Mr. Marcotte). But, when more important matters require prompt action, I think honourable senators will agree that it will be necessary for me to consult with senators who happen to be in Ottawa. However, I shall keep the honourable gentleman in mind.

BRITISH MARKET FOR CANADIAN APPLES

TRADE AND SHIPPING

On the Notice of Inquiry by Hon. Mr. McDonald:

What are the latest developments regarding the possibility of marketing Canadian apples in Britain next fall and winter?

Hon. Mr. Macdonald: Stand.

Hon. R. B. Horner: Honourable senators, may I ask the Leader of the Government why he suggested that this inquiry stand?

Hon. Mr. Macdonald: I may say that I have not been able to get the information requested by the honourable senator from King's (Hon. Mr. McDonald). However, if the information has come to me when the house reassembles this afternoon, I shall present it then.

Hon. Mr. Horner: Would I be in order in making a few remarks on the subject-matter of the inquiry at this time?

Hon. Mr. Macdonald: I am not sure that the honourable gentleman would be in order, but with the unanimous consent of the house he could speak to it.

Hon. Mr. Horner: Honourable senators, I should like to say a few words with regard

to this inquiry by the honourable senator from King's as to the British market for Canadian apples. Of course the old question still is: What goods do we buy from Britain? That is the crux of the whole problem. If we were to purchase more goods from Britain it would be in a position to buy more of our commodities, because it would have the dollars to purchase them with.

Hon. Mr. McDonald: We are buying motor cars and other articles from Britain.

Hon. Mr. Horner: We are buying a good deal more from the United States, with the result that the balance of trade is upset.

I realize that very little opportunity for debate is left, for prorogation will take place shortly. It sometimes seems to me that in this chamber, which contains so many men of great experience and ability, questions of common interest and matters for the general welfare of the Canadian people are not discussed as fully and as often as they might be. It may be that the public expects more consideration from us of the trend and scope of the enormous changes and advances which are taking place nowadays in this country and in the world at large.

Take, for example, one consequence of the enormous increase in the number of automobiles and the extent of our highways: I mean the rise in the accident rate. In many cases, as I have remarked before, the victims are young people, and too often there is no excuse for these casualties. Our highways as a rule are good enough for motoring at a fair rate of speed. Just recently, while driving north from Calgary to Edmonton, I noticed on the highway signs announcing that the speed was strictly limited to sixty miles an hour, and that the road was radar-controlled. Notwithstanding these warnings, while I was travelling at 60 miles an hour several cars shot by me as though I were standing still. The drivers of one fine new Studebaker and an older car seemed to be anxious to outdo each other; and farther on, while coming down an absolutely straight stretch of road, I saw the older car virtually across the road and the new Studebaker almost hidden in the ditch. Fortunately, no one appeared to have been severely injured, but both cars and, I believe, a third one were badly damaged. There is no justification for inviting accidents by maintaining these excessively high speeds. The road was good and entirely clear. That is the sort of thing which is happening all over the country.

Yesterday, when speaking of "rusted wheat", I did not make my meaning quite clear. It is not the wheat which is rusted, though many people in Eastern Canada may have a misconception on this point. What takes place is that the rust affects the straw by making holes in it so that it is not capable of absorbing moisture to properly fill the kernels; so when the wheat forms, it cannot continue to develop. What I was trying to point out is that a bushel of light wheat may contain kernels which have the wheat germ and are therefore more valuable for feed than heavier grain.

I want to mention something which has pleased me greatly. I do not know whether I should take some credit for it, but Lloyd's of London have extended by five days the time limit for insurance on the Hudson Bay-Churchill route. This will particularly benefit us in Saskatchewan. There is every modern method of forecasting weather in the North now, and if it were possible I should like to see the period of this insurance made more flexible to suit our varying seasons. I think that in this year, as in most years, the time limit could be extended by five weeks instead of five days.

Hon. Mr. Isnor: The rate of insurance on the Churchill route is pretty high, is it not?

Hon. Mr. Horner: I understand that during a certain short period the rate is similar to that applying to other ports, but beyond that period the rate is very high. I hasten to point out that the Hudson Bay-Churchill route is one of the safest in the world, and Churchill has the finest harbour, bar none.

Hon. Mr. Isnor. For how long?

Hon. Mr. Horner: Men sailed into Churchill three or four hundred years ago in wooden ships, and certainly without radar. Vessels sailing on the St. Lawrence River require the services of a pilot for about two days, but those plying the Churchill route need a pilot for only about five minutes. So there are no extra costs involved at Churchill. It is a beautiful, sheltered harbour in a perfect setting. No dredging is required in the river mouth, and there is little doubt that a proper icebreaker could make the harbour navigable during the entire year.

The Government is making a wise move in appointing a Royal Commission to inquire into the whole economy of Canada. I hope the inquiry will accomplish a great deal in answering the question whether this country is going to be turned into a purely industrial nation at the expense of agriculture. It is deplorable that all over Canada farms where large families were raised have been abandoned. This is especially so in Eastern Canada. I understand that the Royal Commission will endeavour, among other things, to establish what is the best economic farm unit. Economics involves the question of trade, which is bound up in the fact that, as

pointed out recently by the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck), we endeavour to maintain industry that is not natural to this country. In spite of the drought and other obstacles to growth, with which every agricultural country has to contend, Western Canada still grows the finest grain in the world—there is no doubt of that. Even the United States is anxious to secure the better quality and heavier oats which is grown in our Canadian West.

Honourable senators, I hope the Government will be very careful in its selection of the personnel to be appointed on this Royal Commission. I hope it will not limit appointments to lawyers and judges, but that it will include at least one practical farmer. Recently I read a very interesting article in the *Saturday Evening Post* about a man who made a huge success in clearing land and planting trees for the purpose of obtaining turpentine. He went to work tapping trees and catching the gum when he was only ten years of age, and he became so good at it that he could tap more trees than any man on his father's plantation. At the age of twenty he decided to study law, and later he became a judge, but that did not prevent him from taking a practical viewpoint of things and being a successful businessman. He insisted on giving his sons a good education, but he also required them to tap trees and work in the woods from ten years of age, in the hope that it would make men of them.

Honourable senators, this country is travelling at a great pace, and I hope it will continue to do so, but I am somewhat concerned about its progress in relation to farming. The part of the country I rode over as a boy is now practically all staked for uranium. A lot of people have traded in uranium stocks, and I trust their hopes will be realized. However, I think it would be safer to invest in a little farm land.

I will now go back to the subject I started with, that is buying from Britain and selling to her in return. For the past eight years there has been a so-called cement shortage, and people who have been in a hurry to build have, without justification, been charged two prices for cement, sometimes paying up to $3 a bag. Anyone going up to Churchill would perhaps see some British ships coming in, and notwithstanding the fact their owners would like to bring over a full cargo—for instance, a cargo of cement, costing about 80 cents a bag—some of the ships come in ballasted with water. That is the sad part of the story. Captains of ships have told me that if they could have a cargo both going and coming they would prefer Churchill to any other port in Canada. Now, why could those ships not bring in cement, which is so badly needed here? Of course, Canadian cement companies announce that they can supply our requirements; but whether they can or not they seem to be doing pretty well—I notice that the Canada Cement Company has been paying a nice dividend. I wish my honourable friend from King's (Hon. Mr. McDonald) would do all he can to encourage imports from Britain of cement and other commodities that are scarce here. I might mention that when I was trying to do some building on my ranch I was told that the shortage of cement in Canada accounted for the high price charged in this country for American cement. I have heard it said that in some cases Canadian cement was put into American cement bags so as to obtain the difference in price of a dollar a sack.

These are matters that we in this chamber should give some thought to. I know that I have been out of order in discussing them at this time, but to my mind they are of vital importance to our economic welfare. I am delighted that the Government is setting up a Royal Commission, the first of its kind, to inquire into the whole Canadian economy. I repeat that I hope the Government will exercise care in the selection of its personnel and make sure that men of the right type are appointed.

Thank you, honourable senators, for your patience.

The Senate adjourned during pleasure.

At 5.45 p.m. the sitting was resumed.

BUSINESS OF THE SENATE

Hon. Mr. Macdonald: Honourable senators, earlier today Her Honour the Acting Speaker informed us that His Excellency the Administrator was due to arrive at this Chamber at five o'clock. It was hoped that by that time the Appropriation Bill would have passed the House of Commons and been received in this house. However, the House of Commons has not finished its consideration of certain estimates, and in the circumstances I would suggest that we rise now, to re-assemble at eight o'clock this evening.

The Senate adjourned during pleasure.

At 8 p.m. the sitting was resumed.

Hon. W. Ross Macdonald: Honourable senators, may I be permitted to revert to routine proceedings, to present an answer to an inquiry?

Hon. Senators: Agreed.

BRITISH MARKET FOR CANADIAN APPLES

INQUIRY AND ANSWER

Hon. Mr. Macdonald: Recently, the honourable senator from King's (Hon. Mr. McDonald) inquired of the Government:

What are the latest developments regarding the possibility of marketing Canadian apples in Britain next fall and winter?

I have now received the following answer through the Deputy Minister of Trade and Commerce:

It is anticipated that a decision will be taken by and advice received from the Government of the United Kingdom at an early date relating to the marketing of Canadian apples in the United Kingdom during the forthcoming season. Officers of the Department of Trade and Commerce in London, England, are maintaining close contact with the British authorities and keeping them currently informed of our position.

This information is probably not as complete as some honourable senators would desire, but nevertheless we know that the Department of Trade and Commerce is doing all that is possible to obtain a market for apples in the United Kingdom.

Hon. John A. McDonald: I wish to thank the honourable leader, and through him the appropriate officials of the Department of Trade and Commerce, for securing this information.

Hon. Mr. Macdonald: Honourable senators, may I at this time refer to the remarks—the very interesting remarks—made by the honourable senator from Blaine Lake (Hon. Mr. Horner) this afternoon. I did not speak at that time, as I did not have at hand information which I wanted to give to the house. I agree entirely with my honourable friend that it is advisable that members of the Senate who have special knowledge on certain subjects should give to the Senate, and in that way to the country generally, the advantage of this knowledge. The honourable senator from Blaine Lake was not here last Thursday when the honourable senator from Medicine Hat (Hon. Mr. Gershaw) spoke on prepaid health insurance, a subject on which he has special knowledge. It was a very interesting discussion that we had at that time. I notice the honourable senator from Blaine Lake nods his head. No doubt he has read what took place on that occasion. I hope that next session other senators will give us the advantage of special knowledge which they possess.

ROYAL COMMISSION ON CANADIAN ECONOMY

Hon. Mr. Macdonald: Honourable senators, earlier today the honourable senator from Blaine Lake (Hon. Mr. Horner) referred to the Royal Commission to inquire into the economic potentialities of our country. I might say that the commission has already been set up.

Hon. Mr. Horner: I did not know that.

Hon. Mr. Macdonald: With the consent of the house I should like to place on our records a copy of the Order in Council setting up the commission, listing its powers and generally setting forth the problems which it is to study and report upon. This document could appear in *Hansard* or in our *Minutes of the Proceedings*, as the house desires.

Hon. Mr. Turgeon: Put it on *Hansard*.

For text of Order in Council, see Appendix to today's Hansard, p.825.

Hon. Mr. Macdonald: I now table the Order in Council, P.C. 1955-909, in English and in French.

Hon. Mr. Connolly: Will the honourable leader tell us who the members of the commission are?

Hon. Mr. Macdonald: Yes, I will be be glad to do that. The Chairman of the commission is Walter Lockhart Gordon, of Toronto, Ontario, a chartered accountant; and the other members are: Omer Lussier, of Quebec City, a forestry engineer; Albert Edward Grauer, of Vancouver, British Columbia, President of British Columbia Electric Company Limited; Andrew Stewart, of Edmonton, Alberta, President of the University of Alberta; and Raymond Gushue, President of Memorial University, St. John's, Newfoundland.

I am sure that the report of this commission will be very useful indeed.

Hon. Mr. Roebuck: In general, what is the purpose of the inquiry? What is the commision to study and report on?

Hon. Mr. Macdonald: According to the Order in Council, the commissioners are:

To inquire into and report upon the long-term prospects of the Canadian economy, that is to say, upon the probable economic development of Canada and the problems to which such development appears likely to give rise, and without limiting the generality of the foregoing, to study and report upon

(a) developments in the supply of raw materials and energy sources;

(b) the growth to be expected in the population of Canada and the changes in its distribution;

(c) prospects for growth and change in domestic and external markets for Canadian productions;

(d) trends in productivity and standards of living; and

(e) prospective requirements for industrial and social capital.

I think that sets forth generally what the commission is authorized to make inquiries into.

Hon. Mr. Horner: Certainly the problem is an immense one. I am personally acquainted with one of the commissioners—Dr. Stewart, of the University of Alberta. May I seriously suggest to the Government that more commissioners should be appointed to deal with a task of such magnitude? I would recommend the addition of six competent persons, including agriculturists. I suppose the commission will be required to go into the whole question of the future development of this country; for instance, what type of immigrants should we bring in, and in what numbers, to fill our vacant spaces and to assist in the cultivation of our farms?

I thank the honourable Leader of the Government (Hon. Mr. Macdonald) for the information he has given, and I would press my suggestion that additional persons be appointed to the commission.

Hon. Mr. Hugessen: Including some lawyers?

Hon. Mr. Horner: Possibly a lawyer would not do any harm.

Hon. Mr. Connolly: That is quite a concession.

Hon. Mr. Horner: I hope that the commission will include at least one practical farmer, as well as a lawyer to keep the members in line and ensure that their findings are in strict accordance with law. In my opinion the size of the commission as at present constituted is not adequate to so extensive an inquiry.

Hon. J. Adelard Godbout: Honourable senators, the proper number of commissioners is a matter of opinion. Speaking personally, I never knew of a very big commission which did very much work. It must be remembered that the members of this commission will not be working entirely by themselves, but will be consulting with advisers.

As a farmer myself, I think the agricultural industry is well represented on the commission, both as to numbers and quality. Mr. Omer Lussier, of Quebec, an excellent forestry engineer, is also a farmer; and Dr. Stewart, President of the University of Alberta, is also an agriculturist. About three weeks ago I had the pleasure of meeting Dr. Stewart, when he was presiding over a convention that I attended, at Edmonton; and I understand that he is one of the most highly regarded men in the agricultural field in all Canada.

As to numbers, I certainly think that five members are sufficient to carry on the work of a commission of this type.

Hon. Mr. McDonald: May I ask the honourable leader if he knows what itinerary and meetings have been decided upon by the members of the commission

Hon. Mr. Macdonald: I have no information with respect to that. I understand the commission has held one meeting, but I do not know how it proposes to proceed with its investigation. No doubt the Press will carry this information when it is disclosed by the commission.

BUSINESS OF THE SENATE

Hon. Mr. Macdonald: Honourable senators, the Appropriation Bill has not yet reached us, so there is no business for us to attend to at this time. I do not know just when the bill will come over from the House of Commons, but I trust that honourable members will remain in the building, for I have every reason to believe that Parliament will be prorogued today. I therefore suggest we rise now, to reassemble at the call of the bell.

The Senate adjourned during pleasure.

At 10.05 p.m. the sitting was resumed.

Hon. Mr. Macdonald: Honourable senators, the Committee of Supply in the House of Commons has not yet completed consideration of the estimates, and therefore the Appropriation Bill is not before this house. Under the circumstances, I move, with unanimous consent, that when the Senate rises this evening it stand adjourned until tomorrow at 12 o'clock noon.

The motion was agreed to.

The Senate adjourned until tomorrow at 12 o'clock noon.

APPENDIX

(Referred to by Hon. Mr. Macdonald. p.823)

P.C. 1955-909

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Administrator on the 17th June, 1955.

The Committee of the Privy Council have had before them a report from the Prime Minister stating that it is desirable that the Canadian people should be more fully informed of the long-term economic prospects of Canada, and that it is in the national interest to initiate, examine and publish studies of Canada's economic potentialities, including developments in productive capacity, the growth and distribution of the population, the direction and nature of our internal and external trade, progress in standards of living and expanding requirements for industrial and social capital.

The Committee, therefore, on the recommendation of the Prime Minister, advise that

Walter Lockhart Gordon, Toronto, Ont.
Omer Lussier, Quebec, P.Q.
Albert Edward Grauer, Vancouver, B.C.
Andrew Stewart, Edmonton, Alta., and
Raymond Gushue, St. John's, Nfld.

be appointed commissioners under Part I of the Inquiries Act (Chapter 154 of the Revised Statutes of Canada, 1952) to inquire into and report upon the long-term prospects of the Canadian economy, that is to say, upon the probable economic development of Canada and the problems to which such development appears likely to give rise, and without limiting the generality of the foregoing, to study and report upon

(a) developments in the supply of raw materials and energy sources;
(b) the growth to be expected in the population of Canada and the changes in its distribution;
(c) prospects for growth and change in domestic and external markets for Canadian productions;
(d) trends in productivity and standards of living; and
(e) prospective requirements for industrial and social capital.

The Committee further advise:

1. That the Commissioners be authorized to exercise all the powers conferred on them by section 11 of the Inquiries Act;
2. That the Commissioners adopt such procedure and methods as they may, from time to time, deem expedient for the proper conduct of the inquiry and sit at such times and in such places in Canada as they may decide;
3. That the Commissioners be authorized to engage the services of such counsel, staff, clerks and technical advisers as they may require at rates of remuneration and reimbursement to be approved by the Treasury Board;
4. That the officers and employees of the departments of the Government of Canada render such assistance to the Commission as may be required for the inquiry;
5. That the Commissioners be directed to report to the Governor in Council; and
6. That Walter Lockhart Gordon be Chairman of the Commission and Douglas V. LePan be Secretary and Director of Research.

R. B. Bryce,
Clerk of the Privy Council.

THE SENATE

Thursday, July 28, 1955

The Senate met at 12 o'clock noon, Hon. Cairine R. Wilson, Acting Speaker, in the Chair.

Prayers.

Routine proceedings.

BUSINESS OF THE SENATE

Hon. W. Ross Macdonald: Honourable senators, as Her Honour the Speaker has not yet received the Appropriation Bill from the House of Commons, there is nothing before the Senate for consideration at this time. I hope the bill will reach us early this afternoon, and accordingly I would suggest that we rise now, to reassemble at the call of the bell.

The Senate adjourned during pleasure.

At 12.35 p.m. the sitting was resumed.

APPROPRIATION BILL NO. 5

FIRST READING

A message was received from the House of Commons with Bill 510, an Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

The bill was read the first time.

SECOND READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the second time?

Hon. W. Ross Macdonald: Honourable senators, I move the second reading now.

Though this is the fifth appropriation bill that we have had before us this session, it is only the fourth one voting moneys for the present fiscal year. Appropriation Bill No. 2 provided funds to cover the supplementary expenditures made during the fiscal year 1954-1955. Appropriation Bills Nos. 1, 3 and 4, based on estimates for the current year, were interim supply bills. The first of these, as honourable senators will recall, provided supply for two months, with a few additions to meet expenditures which are greater in the early part of the year than later on; and the other two each provided interim supply for one month.

Section 2 of the bill provides for expenditures amounting to $2,055,741,938.07. Details of these expenditures will be found in Schedule A, which contains the estimates that were tabled in the House of Commons and, subsequently, here. They are in all respects similar to the estimates originally tabled, with the exception of two items—a reduction of $30,000 in vote No. 331, and of $199,999 in vote No. 544. The first reduction is in a grant to the pulp and paper industry, for research; and the second has to do with the Canadian International Trade Fair.

Section 3, providing for a grant of $147,724,276, is based on supplementary estimates which have been tabled and copies of which all honourable senators have received. The items are set forth in Schedule B.

Section 4 authorizes a vote of $500,000, which is a further supplementary estimate towards defraying the several charges and expenses of the public service, details of which are set forth in Schedule C to the bill. This vote is to provide for assistance to producers of salted fish.

The total expenditure authorized by this bill, covering the three items which I have mentioned, is $2,203,966,214.07. The three previous appropriation bills for the current fiscal year which we passed during this session voted a total of $1,036,498,806.93, so the grand total of appropriations for the year is $3,240,465,021.00.

Section 5 of the bill enables the Governor in Council to raise money by loan to the extent of $500 million during the present fiscal year.

Honourable senators, with the brief time at my disposal I feel I have given as satisfactory an explanation as I can of just what this bill contains. I suppose that if we had time it would be desirable to go through all the items, but I would remind the house that during the session we referred the estimates to our Standing Committee on Finance, which was chaired by the honourable senator from Churchill (Hon. Mr. Crerar). He and his committee examined the estimates very carefully and brought in a report to this house, which became the subject of debate. At that time I commended the chairman and the members of the Finance Committee for the splendid work which they had done. I am sure all honourable members studied the estimates and read the report before it was concurred in; so in considering this bill we are not dealing with something which is entirely new.

The bill authorizes quite a large expenditure, but I feel confident that the revenue will be forthcoming. The economy of the country is buoyant. Honourable members will recall that when the budget was brought down there was considerable unemployment

and uncertainty as to what the future held in store for us. The Minister of Finance, however, was quite confident we would weather the temporary storm, and he assured us conditions would improve throughout the country. His forecast was very accurate. I doubt whether employment in Canada has ever been at a higher level, and the future is indeed bright. I feel we can pass this bill giving the Government the power to expend the money, knowing that our economy will remain on a high level. I also feel sure that the money will be wisely spent by a provident Government whose only interest is the welfare of all the people of Canada. I therefore move the second reading of this bill.

Hon. R. B. Horner: Honourable senators, I do not propose to say very much on this occasion. I admire the optimism of the honourable Leader of the Government (Hon. Mr. Macdonald), but at the same time I cannot entirely share his belief that all the money spent by this Government will be wisely spent, having regard to some of the transactions that have taken place so far. However, far be it from me to sound a discouraging note. I hope that the economy of the country will warrant the expenditure of this huge sum of money and that we shall be able to make the payments. May I remind honourable senators, however, that this time of year is the season of full employment, although I notice that some of the automobile manufacturing companies have been laying off a considerable number of employees. I have expressed before my anxiety with regard to the pace at which the national housing scheme has progressed, and I think a similar anxiety is warranted with regard to the manufacture of automobiles. We should concern ourselves with the question of whether there is a saturation point. Unless there is a great flow of new people to this country, I wonder if the expansion can be continued and how secure will be the ownership of all these houses that have been built under the National Housing Act with the help of loans guaranteed by the Government. That will depend primarily on continuous employment of the people who are paying for the houses.

I fear that the farming communities will be faced with the prospect of reduced income next year. Countries which formerly purchased grain from Canada are trying to solve currency and other problems by becoming as self-sufficient as possible, and if they are able to produce more grain for themselves the Canadian economy will inevitably be affected.

Honourable senators, I think we should also be concerned about the inflationary tendencies in this country. Some thirty years ago the value of the dollar was much higher than it is today, and many people would have made better provision for their old age if they had invested in bank shares instead of life insurance.

With regard to Government expenditures, I now express the hope that at the beginning of next session the Leader of the Government will move that the Standing Committee on Finance be authorized to examine the expenditures proposed by the estimates, so that the committee will continue to perform its useful function as in the past, for it is impossible to make a thorough inquiry into the estimates during the last days of the session. I hesitate to refer to the necessity for the committee to study Government expenditures in great detail because I am mindful, for instance, that a big sum of money was expended upon the construction of a large ferry to operate from Sydney, Cape Breton, to Part aux Basques, Newfoundland, and when the ferry was completed it was discovered that there was no room for it to dock at Port aux Basques.

Honourable senators, I do not think I can serve any useful purpose by making further remarks at this time.

Hon. Norman P. Lambert: Honourable senators, at this very late hour in the life of the session one hesitates to say even a few words in relation to the supply bill. However, certain references have been made by my honourable friend the Leader of the Government (Hon. Mr. Macdonald) to the work of the Standing Committee on Finance to which I feel in duty bound to make some allusion even at this time.

The supply bill represents practically half of the budget for the current year; it includes many very substantial amounts involving expenditures which have been the subject of some discussion in the other place. But to say, or to imply, that these and other items of the estimates have been thoroughly examined by our Finance Committee is to take a little too optimistic a view of the committee's work.

My honourable friend the leader knows very well the circumstances under which the Finance Committee performed its functions this year. As its report very eloquently shows, it attempted to consider only three examples of spending, and expressed the hope that it would be possible for the public, through its moral influence, to do much in turning the trend away from excessive spending and toward economy. But far from having any opportunity or disposition to examine closely into the estimates that were published, it was expressly stated by the chairman and members, both when the committee

started and in its report, that it had no intention of making such a general examination. Even if it had done so it would have been to no purpose in reducing the estimates, because they had already been determined and published as the financial policy of the Government for the current year.

I do not intend to try to take the place of the honourable Leader of the Opposition (Hon. Mr. Haig) in making his yearly complaint that these important matters are left until the last hours of the session and thrust in front of us when we have not an adequate opportunity to consider them. I think we all understand the situation and the reason for it. But as a sort of vague hope for the future I should like to say that it might be a good thing to consider the possibility of giving more adequate opportunity to members of Parliament to pass on estimates before they become part of the budget. I have thought of this problem for a long time, and if I may say so I think our system in this respect is defective. Without any apology I would draw attention to the practice that has been established in the neighbouring republic to the south in relation to its budgetary matters.

Hon. Mr. Isnor: Do you think the system prevailing there, in the United States, is satisfactory?

Hon. Mr. Lambert: The system prevailing there of appointing a standing committee on finance in both the Senate and the House of Representatives, to examine into the proposed budget submitted by the Secretary of the Treasury, to summon officials, so as to get their approval or disapproval of items, and finally to report back to the Treasury is, I think, a system which allows the representatives of the people a better opportunity to consider the country's financing than is given under our system.

I am not criticizing the extent of this budget. I know that many items are included in it as a result of demands, and a good many of them have public approval.

Reference has been made to the extent of the examination into the estimates by our Standing Committee on Finance. I believe that if that committee, acting with a similarly constituted committee of the House of Commons, were to work in closer co-operation with the Department of Finance in relation to the budget and the estimates of the year, it could do more satisfactory work than it now does. If such committees had an opportunity of closely examining into the various items of expenditures, took the time necessary to do it thoroughly, and were not crowded out of the picture by some more extemporaneously appointed committees, the results would be more favourable. Certainly that system would at least give us an adequate opportunity of considering the finances of the country before the proposed expenditures came before us in their final form. I think also that the objectives so often expressed in connection with the function of our Finance Committee would be more accurately carried out in encouraging economy and in creating more popular feeling about curtailing expenditures.

Now, honourable senators, I make these references to the Finance Committee because I do not think the Leader of the Government (Hon. Mr. Macdonald) intended to convey the impression that the committee conducted an exhaustive inquiry into all the items in the estimates. I do think, though, that it would be a step forward if in the future our system of examination could be adapted so as to make it possible, with the leadership of the Department of Finance, to examine into the estimates more closely.

Hon. A. K. Hugessen: Honourable senators, perhaps as an example of what the honourable senator from Ottawa (Hon. Mr. Lambert) has just said, there is one item in the estimates which interests me a good deal and I am sure interests every member of this house, an item which the Finance Committee did not have an opportunity to consider and which this house has not so far had any occasion to deal with. I refer to the estimates for the Federal District Commission of Ottawa, item No. 340.

I read with a good deal of interest the statement made by the Prime Minister in the other place yesterday when he introduced the estimates of the Federal District Commission. He referred to the general plan for the development of Ottawa as a national capital, and the attempts that are being made to preserve around the city a green belt which will ensure that the city and its environs will always be a credit to our country. The part of the Prime Minister's statement which particularly interested me had relation to the problem of railway traffic in and around the city, and I noticed that he tabled in the Commons a document entitled "Traffic and Transportation Plan for Ottawa, Canada", prepared by Wilbur Smith and Associates. Also he stated that at the next session of Parliament a joint committee of the two houses will be established, as I understand it, to make a general inquiry into the basic plans for the development of Ottawa and its environs. I wonder whether the honourable Leader of the Government would consider tabling that document here, so that we might have an opportunity to examine it.

As I said, I was particularly interested in the Prime Minister's remarks on the problem of railway traffic in and around Ottawa. Honourable senators will recall that the original Greber plan, produced a number of years ago, envisaged a number of admirable proposals and suggestions, but it included one recommendation with which I have always found myself totally unable to agree, and that was that the railway station, now situated in the middle of the city, should be removed to some place on the other side of the Rideau River, two or three miles away. I gathered from the remarks of the Prime Minister in the other place that that part of the Greber project, at least, is not to be proceeded with at the present time, and I shall be very glad to hear that it has been abandoned. It is proposed, however, as the Prime Minister said, to remove as much as possible of the freight trackage from the centre of the city to the southeastern boundary; and with that change, I think, all of us will be in agreement. But for the life of me I have never been able to see whose advantage would be served, unless it be that of the taxi drivers of Ottawa, by removing the passenger station two or three miles out of the centre of the city. I know of no capital in the world which has its railway passenger station or stations remote from the centre of the city. For example, take Washington, or London, or Paris. There are very good reasons why that is so. Honourable senators who travel to and from Ottawa can readily appreciate that it is an enormous convenience, not only for legislators but for business men who have to visit the capital, that the station at which they arrive shall be close to the government offices. That is the situation which exists here. It is true that for a time there was a good deal of complaint about smoke from trains in the middle of the city, but that condition is in process of being rapidly extinguished through the substitution of diesel engines for steam engines.

The principal object for which I rose was to say that I am delighted to find—assuming it is a fact—that the original proposal to remove the passenger station from its present location has been abandoned, at least for the time being, and I trust that it will be abandoned permanently.

Hon. Gordon B. Isnor: Honourable senators, I rise for the purpose of offering, very briefly, a different view from that expressed by the honourable senator from Ottawa (Hon. Mr. Lambert) as to the system of preparing the budget estimates. For the past twenty-five years or more I have followed the American system very closely, and I am at a loss to understand why the honourable senator from Ottawa, with his long experience, should advocate a change from what, I feel, is regarded by Canadians as a whole, and by the whole of North America, as a system very much superior to that of our neighbours to the south.

Hon. Mr. Lambert: Would my honourable friend indicate his authority for saying that everybody in North America regards our system as superior?

Hon. Mr. Isnor: I did not say that. I said the great majority, the people as a whole.

Hon. Mr. Lambert: I would like some authority for that other than his own.

Hon. Mr. Isnor: I can refer to as good authority as my honourable friend relies on when he expresses an opinion. Honourable senators will no doubt recall that during World War II the United States sent a team of experts to study our financial system, particularly in relation to wartime expenditures. They examined into our system down through the years, and I think it is generally accepted that there has been little if any criticism of it by American financial authorities.

Hon. Mr. Lambert: May I interrupt my honourable friend again? Would he agree that that delegation from the United States studied our monetary policy rather than the machinery of Parliament as related to finance?

Hon. Mr. Isnor: I think perhaps the honourable senator is right in that; but, after all, the effect of our monetary system upon our general expenditures involves the basic principle. That is why I feel that our system—

Hon. Mr. Lambert: I do not want to persist in interrupting my honourable friend, but I should like to clarify a point he is bringing up. I remember quite well the visit of the American financial experts, for I met some of them in conjunction with the late Deputy Minister of Finance, Dr. Clark. The whole purpose of their visit here was to examine into the existing situation in Canada that made it possible for this country to pay a larger measure of the current expenses of the war as it went along than the United States was able to do.

Hon. Mr. Isnor: That is quite right. I did not raise that point at all. My honourable friend is only enlarging the thought I was expressing. I did not think time permitted to go into details. If the policy advocated by the honourable member from Ottawa were put into effect here, and a committee were set up to handle our budget items, we would have the same experience as they have in the United States: large pressure groups would

come into existence and certain demands would be made, and many matters would become public—and this is very important—that are now kept secret until the budget is brought down.

I sincerely hope that we shall continue under our present system as long as we have such experienced advisers as we now have in the Department of Finance. The honourable senator from Ottawa referred to the late Dr. Clark. We are all familiar with the splendid reputation he had and the high esteem in which he was held throughout this country. His advice was widely sought, and not in Canada alone. I think we are equally fortunate in our present advisers.

Hon. Mr. Macdonald: Hear, hear.

Hon. Mr. Isnor: I sincerely trust that the Leader of the Government (Hon. Mr. Macdonald) will not be carried away by the appeal made by the honourable gentleman from Ottawa and suggest to the Government that a change be made in our system.

Just a word now in regard to the report of our Finance Committee. I do not think it was ever intended that the committee should deal with each and every item of the estimates; the purpose was that it should scrutinize the financial accounts of the various departments and then make its report. Of course, the committee called experts as witnesses to explain various items of expenditure. On the whole, the report was well received and covered the ground as well as it could be covered in the time the committee had at its disposal. I believe, however, that the committee could go further and that its recommendations could be broader and more helpful in future sessions.

I was interested in the reference by the Acting Leader of the Opposition (Hon. Mr. Horner) to the expenditure on the ferry between Cape Breton and Newfoundland. We all have our own ideas with regard to certain expenditures. I wish to say, in the most friendly way, that I wonder if the money spent on elevators at Churchill was wisely spent. Maybe it was wasted, because of the little use to which the elevators have been put. I am not going to discuss that, however. I wish to say that on the whole the financial items in the budget were, in my opinion, very well prepared.

I should like to inquire of the Leader of the Government if the $500 million which the bill authorizes to be raised by way of loan is included in the gross total he mentioned, or whether that is another amount to take care of maturing loans? Perhaps he would be good enough to answer that question?

Hon. Mr. Macdonald: The honourable senator refers to the loan of $500 million authorized by section 5 of the bill. That sum would be in addition to the appropriation; that is an amount which the Government is empowered to borrow in the fiscal year if the money is required for public works and general purposes.

Honourable senators, if no one else wishes to speak, I will now close the debate.

The Hon. the Acting Speaker: Honourable senators, if the honourable leader speaks now he will close the debate.

Hon. Mr. Macdonald: Honourable senators, I have just a few words to say at this time. I was glad to hear the Acting Leader of the Opposition (Hon. Mr. Horner) speak; his remarks were restrained. Of course, he did not express the complete confidence in the Government which I did. Nevertheless, I think he can be fairly well assured that the money voted in the estimates will be reasonably and wisely spent. The other evening he spoke of crop conditions in the West, and although he did not make a bold statement as to the possibility of a bumper crop, he did not say that a very poor crop was expected. My information is that this is an uncertain period in which to make a forecast, and that the size of the crop will depend to a large extent on the weather during the next two or three weeks. Let us all hope that Western Canada will be blessed with good weather during that time.

The honourable senator from Ottawa (Hon. Mr. Lambert) referred to my remarks in connection with the study of the estimates by the Finance Committee. I hope I did not give the impression that the committee had examined all the items in detail. If I loosely said so, I am sure that no one took my remarks in this respect at their face value. Honourable senators know that the committee does not have time to make a minute examination of the expenditures, such as is done in the House of Commons. To be very frank, I do not think it would be practical for the Senate to do so. I have heard suggested many plans by which this house could give more consideration to the estimates, but I think the way we handled them this year is about as good as any. The reference of the estimates to the Finance Committee commenced with these words.

That the Standing Committee on Finance be authorized to examine the expenditures

It was full authority to examine the expenditures.

proposed by the estimates laid before Parliament for the fiscal year ending March 31, 1956,

And the following words are important.

in advance of the bills

One of which is the bill now before us.

based on the said estimates reaching the Senate; . . .

Hon. Mr. Lambert: Will my honourable friend give me the date on which that reference first appears in our records?

Hon. Mr. Macdonald: March 16.

Hon. Mr. Lambert: The house commenced to sit early in January, I think.

Hon. Mr. Macdonald: Yes. I do not know what is the point.

Hon. Mr. Lambert: It is a matter of time. My friend says the reference was not made until March 16.

Hon. Mr. Macdonald: But I am not sure when the estimates were tabled.

Hon. Mr. Lambert: My point is that the estimates were not referred to the committee until March 16, and the committee did not commence its work until some time after that date.

Hon. Mr. Macdonald: That is certainly true; it could not sit before it was empowered to do so, and it could not consider the estimates until they were brought down. Just when that was, I am not sure.

Hon. Mr. Lambert: The estimates appear on our desks at the opening of the session, and this committee was discouraged from attempting to look into them until we were well into the session.

Hon. Mr. Macdonald: The members of the Senate know whether they discouraged the committee from examining the estimates. In any event, I did not do so. The fact is that I made the motion by which the estimates were referred to the committee. Also, I would remind honourable senators that the estimates are not tabled on the first day on which Parliament meets. However, I do not want to get into a controversy with my friend from Ottawa, because there is nothing between us. I repeat, if I said the committee examined minutely into all the details of the estimates, I am frank to admit that I did not mean that.

I should like to take this opportunity of again congratulating the members of the Finance Committee on the work they did in their examination of the estimates.

The honourable senator from Inkerman (Hon. Mr. Hugessen) referred to a document which was tabled yesterday in the other house by the Prime Minister with reference to a traffic and transportation plan for Ottawa. I have not the document before me at the moment, but I feel reasonably sure I can get it. Would it meet with the approval of the house if, upon my receiving it, I placed it with the officials who receive documents that are tabled? I do not know whether the honourable senator would like the document to be printed in *Hansard* or the *Minutes of the Proceedings.*

Hon. Mr. Hugessen: No.

Hon. Mr. Macdonald: I shall endeavour to obtain the document, and if I do I shall deliver it to the officials who receive such documents.

Hon. Senators: Agreed.

The Hon. the Acting Speaker: With leave of the Senate, it is ordered that the document entitled "Traffic and Transportation Plan for Ottawa, Canada", prepared by Wilbur Smith and Associates for the City of Ottawa, be obtained and, when received, placed with the Officers of the Senate who receive documents that are tabled.

The motion was agreed to, and the bill was read the second time.

THIRD READING

The Hon. the Acting Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Mr. Macdonald: I move the third reading now.

The motion was agreed to, and the bill was read the third time, and passed.

PROROGATION OF PARLIAMENT

NOTICE

The Hon. the Acting Speaker informed the Senate that she had received a communication from the Secretary to the Governor General acquainting her that the Honourable Patrick Kerwin, Chief Justice of Canada, in his capacity of Administrator of the Government of Canada, would proceed to the Senate Chamber this day at 12.45 p.m. for the purpose of proroguing the Second Session of the Twenty-Second Parliament.

Hon. Mr. Macdonald: Honourable senators, I understand that His Excellency the Administrator has arrived and that prorogation can take place almost immediately.

On motion of Hon. Mr. Macdonald, the Senate adjourned during pleasure.

THE ROYAL ASSENT—SPEECH FROM THE THRONE

His Excellency the Administrator having come and being seated upon the Throne, and the House of Commons having been summoned and being come with their Speaker, His Excellency was pleased to give the Royal Assent to the following bills:

An Act to amend the Radio Act.
An Act to amend the Prairie Farm Assistance Act.
An Act to amend the Income Tax Act.
An Act to amend the Excise Tax Act.
An Act to amend the Income Tax Act, the Railway Act and the Tariff Board Act in respect of salaries of certain public officials.
An Act to amend the Transport Act.
An Act to amend the Customs Tariff.
An Act to amend the Defence Production Act.
An Act to amend the St. Lawrence Seaway Authority Act.
An Act for the relief of Donald John McGillivray.
An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1956.

After which His Excellency the Administrator was pleased to close the Second Session of the Twenty-Second Parliament with the following speech:

Honourable Members of the Senate:

Members of the House of Commons:

Since we first met earlier this year there has been considerable evidence that the policies of the free nations to combine their strength in order to deter any threat from a potential aggressor have been successful. My ministers believe that the more encouraging signs of international harmony are proof of the wisdom of the measures thus taken in co-operation with other democracies. While continuing to support the United Nations and to use all available diplomatic channels for the easing of international tensions, they remain convinced of the necessity of continuing to improve the combined defence power of the North Atlantic Alliance. Towards the fulfilment of this aim you have approved the Paris agreements which ended the occupation of Western Germany and which enabled the German Federal Republic to join the defensive alliance of the West.

During the session several of my ministers met with representatives of the ten provincial Governments to make arrangements for a federal-provincial conference which will take place this autumn.

Meetings between the federal and provincial representatives were held in June for the purpose of determining a plan to share the costs of assistance to unemployed persons in need. The suggestions put forward at these meetings are now being studied by the provincial Governments and the acceptances of three of them have already been received.

In the early months of the session the employment situation gave some concern but more recently the requests for labour have greatly increased and the expanding production, rising exports and prospects of bountiful crops indicate a continuing healthy state of the Canadian economy.

Because the economic well-being of the nation depends to such an extent on a high level of foreign trade, the Government has pursued policies aimed at securing the most favourable export markets for the products of our labour and our land. At the international review of the General Agreement on Tariffs and Trade which took place last fall and winter, Canadian delegates were active in supporting a policy of removing trade restrictions and negotiating improved tariff arrangements.

A substantial revision of the Unemployment Insurance Act has been made in the light of past experience with this legislation. The coverage of the act has been broadened, the periods of entitlement to benefits revised and the amount of both regular and supplementary benefits augmented.

To maintain the high standards of welfare measures in this country you have made amendments to the Blind Persons Act, the War Veterans Allowance Act and the Veterans Benefit Act.

Legislation has been enacted to provide for the inspection of meat and the establishment of standards for other agricultural products.

The amendments made to the Municipal Grants Act increase substantially the amounts to be paid by the Government annually to the municipalities for their services to public buildings.

The various enactments relating to the Canadian National Railways have been consolidated in one statute.

You have passed a measure amending the National Parks Act and making provision for the establishment of a national park in the province of Newfoundland.

Other measures you enacted include: the International River Improvement Act, the Foreign Aircraft Third Party Damage Act, the Canadian Forces Act, 1955, the Great Lakes Fisheries Convention Act and the Exportation of Power and Fluids and Importation of Gas Act.

Amendments have been made to the Criminal Code, the Canada Grain Act, the Railway Act, the Radio Act, the Prairie Farm Rehabilitation Act, the Defence Production Act, the Judges Act, the Canada Elections Act, the

Transport Act, the Fisheries Improvement Loans Act, the Prairie Farm Assistance Act and the St. Lawrence Seaway Authority Act.

A Royal Commission has been set up to inquire into and report upon the prospects for Canada's economic future.

A committee has been appointed to advise upon a uniform system of establishing manufacturers' prices for the application of the sales tax.

Members of the House of Commons:

I thank you for the provision you have made for all the essential services for the current fiscal year.

Honourable Members of the Senate:

Members of the House of Commons:

In taking leave of you at this time I pray that the blessing of Divine Providence may attend you.

50437—53

INDEX TO DEBATES OF THE SENATE

SECOND SESSION, TWENTY-SECOND PARLIAMENT, 1955

Abbreviations:—1r, 2r, 3r,=First, second and third reading. Amdts=Amendments. Com=Committee. Div=Division. M=Motion. Ref.=Referred. Rep=Report. r.a.=Royal Assent.

Acadians, 200th anniversary of expulsion, 479, 500

Address in reply to Speech from the Throne at opening of session
- Motion for, 12; adopted, 201
- Speakers: Hon. Senators Aseltine, 187; Baird, 184; Barbour, 158; Connolly, 168; Duffus, 48; Euler, 176; Fergusson, 146; Gershaw, 58; Haig, 30; Hodges, 12; Horner, 115; Howard, 194; Macdonald, 43; McDonald, 65; McKeen, 160; McIntyre, 141; Pratt, 179; Reid, 134; Ross, 123; Tremblay, 18; Vaillancourt, 154
- Message of thanks from Governor General, 231
- *See* Speech from the Throne

Adenauer, Dr. Konrad, Chancellor of Western Germany—leadership of, 91, 92, 102

Administrator of the Government, Hon. Patrick Kerwin, Chief Justice
- Prorogation of Parliament, 820, 831-2
- Royal Assent, 719, 732, 832
- Deputy of Administrator, Hon. Mr. Justice J. W. Estey
- Royal Assent, 783-4
- *See* Governor General

Aging of population. *See* Older Citizens

Agriculture
- Apple industry in Nova Scotia—losses due to Hurricane "Edna", 65, 66
- Marketing of 1955 crop in Britain, 815
- Beef and butter subsidies—supplementary estimates, 376
- Butter surplus, reduced price to hospitals, etc., 120
- Subsidy on, 376, 380, 389
- Cost of living and agricultural prices, 158
- Export trade, 590, 596-7-8
- Farm income, 156; statistics, 157
- Income tax, amount paid by farmers in various provinces, 188
- Farm loans, 180
- Government guarantee to banks, 180, 186

Agriculture—*Con.*
- Fertilizer, 815-17
- Grain shipments and freight rates, inquiry, 179, 271, 307; answer, 308
- Meat smuggling, 595
- National standards for agricultural products, 589-92, 596-9, 611
- New Brunswick Potato Marketing Board, inquiries and answers, 470, 589
- Prairie Farm Assistance bill, 569. 622, 653, 733
- Red Fife Wheat—proposal to commemorate discovery of, 48-53
- Quality of, 121-2
- Subsidies on feed grains, inquiry, 115; answer, 209
- Sugar beet industry, 623-4
- Western farming, 735
- *See* Canada Agricultural Products Standards bill; Canada Grain bill; Food and Agricultural Organization; Meat Inspection bill; Wheat

Alberta
- Boundary between British Columbia confirmed, 511
- Health insurance, 812
- Rural municipal hospitalization, 814, 817
- *See* Prairie Provinces

Alberta-British Columbia Boundary bill, 1r, 436; 2r, 511; 3r, 515; r. a., 732

Alcohol
- Alcoholics Anonymous and Narcotics Anonymous, 693-4, 731
- Liquor, adulteration of, 122-3; increase in sale of, 243

Aluminum Company of Canada (Alcan), 13
- Development at Kitimat, 14

Appeasement, 183-4

Appropriation bills
- No. 1. 1r, 361; M for 2r postponed, 372; 2-3r, 390; r. a., 398

50437—53½

Appropriation Bills—*Con.*
No. 2. lr, 372; 2r, 373-390, 3r, 390; r.a., 398
No. 3. 1-2r, 547; 3r, 548; r. a., 550
No. 4. 1-2-3r, 704; r. a., 733
No. 5. 1-2r, 826; 3r, 831; r. a., 832

Armistice Commissions, 2

Aseltine, Hon. W. M. (Deputy Leader of the Opposition)
Address in reply to Speech from the Throne, 187-193
Appropriation Bill No. 2, 386
Bread, origin of, in Egypt, 190
British North America Acts Amendment bill, 477
Canadian Forces bill, 604-5
Common-law wife—adultery, 604-5
War marriages and divorce in England, 604
Criminal Code bill—effective date of revised Criminal Code, 254
Customs bill, 572, 579
Customs Tariff bill, 793, 795-6-7
Defence Production bill, 783
Divorce bills, 270, 373
Committee reports, 269, 373
Divorce and Matrimonial Causes bill, 179, 210-20, 260-2, 265-6, 326-7, 329, 344-52
Australia, grounds for divorce in, 215, 348-9
Avoidance of marriage, 215, 351-2
Bill of 1938, 211-12, 344
British Columbia, Divorce Reform League of, 218, 345
Canadian Bar Association resolution, 218, 345
Canadian Legion resolution, 345
Childless marriages, 348
Dissolution of marriage—presumption of death, 215, 219-20, 350-1
English law, 211, 213, 216, 345, 349
Gallup Poll, 219, 345-6
Grounds, proposed for divorce, 213-17, 342, 348, 350-1
Historical background, 210
Letters from citizens, 218, 348
Newspaper article—Question of privilege, 361
New Zealand, grounds for divorce in, 215, 217
Press, quotations from the, 345-7
Quebec and Newfoundland, bill would not apply to, 212-13
Religious denominations of petitioners before Divorce Committee, 349
Statistics, 343, 348-50
Emergency Gold Mining Assistance bill, 412-13
Employment, Canadian statistics, 187

Aseltine Hon. W. M.—*Con.*
Foreign Aircraft Third Party Damage bill, 273, 276-7-8
Insurance, 275
Income tax
Appeal Board—important work of, 786-7
Farmers—amounts paid in various provinces, 188
Arm's-length clauses, 189
King, the Hon. James H., the late—tribute to his memory, 803
Macdonald Brier Canadian Curling Championship at Regina, 187
Meat Inspection bill, 588
Members of Parliament Retiring Allowances bill, 358
National Parks bill, 585
Newfoundland National Park, 585, 613
Waterton Lakes National Park, 586, 612-13
Prisons and Reformatories bill, 481
Saskatchewan, Golden Jubilee of province, 187
Succession Duty Act, 189
Trans-Prairie Pipelines Ltd. bill, 431
Unemployment Insurance bill (No. 328), 658
War Veterans Allowance bill, 392, 394-7
Wheat, 189-93
Different types of—Red Fife, Marquis, Thatcher and Selkirk, 190-1
Early crop reports harm grain trade, 192
Importance of to Canadian economy, 189-90
Italy, harvesting method in, 190
Markets—British, Japanese and Oriental, 193
Palliser Triangle, 190
Prices, 192-3, 797
Quota system, 191-2
Rust, 191-2
Storage, quantity in, 192-3
Story of wheat is story of civilization, 189
Wilson, Hon. Cairine R., congratulations on 25th anniversary as member of Senate, 255
Yukon bill—suggested amalgamation of Yukon and Northwest Territories with four western provinces, 422

Atlantic Union Committee Award to Hon. Mr. Robertson (Speaker), 65

Atomic bomb
Preventive of war, 95
Unsuccessful attempts at international control of, 89

Atomic energy
Atomic-powered submarine, 115
Atomic power in Canada, 725
Canada's program, 175
Development for peaceful purposes, 48
Industrialization of Asia, 770

Atomic war, 177-8

Auditor General—increase in salary, 352-3

Australia
Compulsory voting legislation—increased exercise of franchise, 69
Divorce, grounds for, in, 215, 348-9

Automobiles
Excise tax reduced on automobiles, tires and tubes, 782
See Highway accidents and traffic

Aviation
Canadian Pacific Air Lines—polar route, 134
Foreign Aircraft Third Party Damage bill, 4, 271-8
Gander airport, 614
International Civil Aviation Organization, 3

Aylesworth, Sir Allen, the late, on Senate accomplishments and outlook, 508

Baird, Hon. A. B.
Address in reply to Speech from the Throne, 184
Appeasement, 184
Canada's defence program, 184
Divorce and Matrimonial Causes bill, 280-1
Changing conditions, 281
"Divorce evidence", 281
Formosa, President Eisenhower's policy in regard to, 184
National Parks bill, 584-7
Approved by Alberta, 585
Broder Island withdrawn from St. Lawrence Islands National Park, 585
Hospital services within parks, 585
Newfoundland National Park, to be established, 584, 586
Water, use of in parks, 585
Waterton Lakes National Park, exchange of land with Blood Band of Indians, 584-5

Banking and Commerce Committee
Appointment, 12; quorum, 57; reports, 75, 209, 257, 307, 337, 369, 403, 459-60, 483, 526, 555, 580, 583, 594, 611, 624, 657, 734, 767, 791
Addition to membership, 338

Banks, Canadian
Lenders under Fisheries Improvement Loans bill, 750-1, 763-4
Newfoundland branches, 180, 764
Origin of many banks in Maritimes, 751

Barbour, Hon. George H.
Address in reply to Speech from the Throne, 158-60
Divorce and Matrimonial Causes bill, 242-3, 291
Desertion, suggested amendment to Criminal Code, 243
Divorce statistics, 242
Liquor, excessive use of, cause of broken homes, 242-3
Question of privilege, 310
Highway accidents, 159-60
Prince Edward Island
Charlottetown Centennial, 160
Ferry service, 159
Longevity and employment in, 160
Transportation problems, 159
St. Laurent, Right Hon. Mr. (Prime Minister), given Freedom of City of London, 159
Unemployment—bank deposits, 159

Baudette and Rainy River Municipal Bridge Company bill (Hon. Mr. Paterson). 1r, 555; 2r, 565; ref to com, 568; rep of com-3r, 583; r.a., 733

Beaubien, Hon. A. L. (Chief Government Whip)
Acting Speaker, 105, 203, 246, 657, 672, 704, 719, 734, 746, 753, 767, 776, 783, 785, 791, 802, 808, 809
Divorce bills from Commons, 767
Royal Assent, notice of, 719, 783
Committees
Appointment, 42; report of Committee of Selection concurred in, 42
Banking and Commerce—addition to membership, 338
Transport and Communications, addition to membership, 338
Criminal Code, Joint committee on certain questions of criminal law—change in Senate membership, 232
Divorce and Matrimonial Causes bill, 219, 292-3
Finance Committee, addition to membership, 320
International Trade—report of committee, 807
Joint Committees on Library, Printing and Restaurant—Messages to Commons, 42-3

Beaubien, Hon. A. L.—*Con.*
Narcotic Drug Traffic Committee
Additions to membership, 319
Manitoba representation on, 226
Senate, adjournment, 398
Tourist Traffic Committee—addition to membership, 232; change in membership, 282
War Veterans Allowance bill, 393
Winnipeg and St. Boniface Harbour Commissioners bill, 239, 241

Beauregard, Hon. Elie, P. C., the late—tributes to his memory, 4-10

Bell, Marilyn
Attacked by lamprey on Lake Ontario swim, 562

Bennett, Right Hon. Viscount, the late
Appointment of judge in Manitoba, 713
Prairie Farm Rehabilitation Act sponsored by, 622
Public demand for greater expenditures—quoted on, 668, 670
Royal commission on grain trade (1931), 363

Berkinshaw, R. C., President, Canadian Council, International Chamber of Commerce, 768

Bills (Divorce). *See* Divorce bills pp. 888 to 895

Bills (Private)
Baudette and Rainy River Municipal Bridge Company (Hon. Mr. Paterson). 1r, 555; 2r, 565; ref to com, 568; rep to com-3r, 583; r.a., 733
Bonaventure and Gaspé Telephone Company (Hon. Mr. Bouffard), 1r, 203; 2r-ref to com, 221; rep of com-amdts concurred in, 237; further admts concurred in, 237; 3r, 241; Commons admts concurred in, 361; r.a., 398
Caledonian-Canadian Insurance Company (Hon. Mr. Farris). 1r, 209; 2r-ref to com, 233; rep of com-3r, 257; r.a., 426
Canadian Premier Life Insurance Company (Dominion General Life Insurance Company)—(Hon. Mr. Hayden). 1r, 540; 2r-ref to com, 554; rep of com-amdts concurred in-3r, 583; Commons amdts concurred in, 753; r.a., 784
Canadian Union Conference Corporation of Seventh-day Adventists (Hon. Mr. Roebuck). 1r, 415; 2r, 442; ref to com, 444; rep of com, 484; com amdt concurred in-3r. 503; r.a., 733

Bills (Private)—*Con.*
Commercial Travellers' Association of Canada (Hon. Mr. Hayden). 1r, 405; 2r, 429; ref to com, 430; rep of com-3r, 459; r.a., 732
Consolidated Pipe Lines Company (Hon. Mr. Hayden). 1r, 515; 2r, 548; ref to com, 549; rep of com-3r, 555; r.a., 733
Dominion of Canada General Insurance Company (Hon. Mr. Campbell). 1r, 415; 2r, 440; ref to com, 441; rep of com-3r, 483; r.a., 733
Equitable Fire Insurance Company of Canada (Hon. Mr. Vaillancourt). 1r, 415; 2r-ref to com, 432; rep of com-3r, 460; r.a., 733
Fredericton & Grand Lake Coal & Railway Company (Hon. Mr. Veniot). 1r, 320; 2r, 353; ref to com, 354; rep of com, 369, 372; 3r, 373; r.a., 426
Gerling General Insurance Company of Canada (Hon. Mr. Connolly). 1r, 64; 2r-ref to com, 109
Gillespie Mortgage Corporation (Hon. Mrs. Hodges). 1r, 427; 2r, 457; ref to com, 458; rep of com, 483; com amdt concurred in-3r, 503; r.a., 733
Huron and Erie Mortgage Corporation (Hon. Mr. Euler). 1r, 27; 2r, 53; ref to com, 54; rep of com-3r, 75; r.a., 360
London and Port Stanley Railway Company (Hon. Mr. Taylor). 1r, 204; 2r, 226; ref to com, 227; rep of com-amdt concurred in, 237; 3r, 238; r.a., 398
Petroleum Transmission Company (Hon. Mr. Lambert). 1r, 399; 2r, 428; ref to com, 429; rep of com-3r, 459; r.a., 732
Plains Eastern Pipe Lines Ltd.—refund of fees, 238
Provident Assurance Company (Hon. Mr. Vaillancourt). 1r, 569; 2r, 581; ref to com, 582; rep of com-3r, 594; r.a., 784
Roman Catholic Episcopal Corporation of Pembroke (Hon. Mr. Bishop). 1r, 167; 2r, 184; ref to com, 185; rep of com-3r, 209; r.a., 360; refund of fees, 406
Royal Architectural Institute of Canada (Hon. Mr. Farris). 1r, 209; 2r, 233; ref to com, 234; rep of com-3r, 257; r.a., 426
S & M Pipeline Limited (Hon. Mr. Stambaugh). 1r, 391; 2r, 423; ref to com, 424; rep of com-3r, 460; Commons amdt, 551; concurred in, 559; r.a., 732
St. Mary's River Bridge Company (Hon. Mr. Farquhar). 1r, 238; 2r, 253; ref to com, 254; rep of com, 307; com amdts concurred in-3r, 336; r.a., 426

Bills (Private)—*Con.*

Sharp & Dohme (Canada) Ltd. (Hon. Mr. Connolly). 1r, 355; 2r, 366; ref to com, 368; rep of com-com amdts concurred in-3r, 403; r.a., 426

Stanmount Pipe Line Company (Hon. Mr. Euler). 1r, 405; 2r, 439; ref to com, 440; rep of com-3r, 502; r.a., 733

Trans-Border Pipeline Company Ltd. (Hon. Mr. Bouffard). 1r, 415; 2r, 444; ref to com, 445; rep of com, 483; com-amdt concurred in-3r, 514; Commons amdt, 589; concurred in, 610; r.a., 733

Trans-Prairie Pipelines, Ltd. (Hon. Mr. Crerar). 1r, 406; 2r, 430; ref to com, 432; rep of com-3r, 459; Commons amdts, 569; concurred in, 599; r. a., 733

Victoria Insurance Company of Canada (Hon. Mr. Farris). 1r, 209; 2r-ref to com, 233; rep of com, 307; 3r, 320; r. a., 426

Westcoast Transmission Company Limited (Hon. Mr. Farris). 1r, 470; 2r, 511; ref to com. 513; rep of com, 526; 3r. 541; r. a., 733

Westspur Pipe Line Company (Hon. Mr. MacKinnon). 1r, 295; 2r-ref to com, 318; rep of com, 338; 3r, 356; Commons amdt, 483; concurred in, 513; r. a., 549

Yukon Pipelines Limited (Hon. Mr. Reid). 1r, 415; 2r, 432; ref to com, 434; rep of com-3r, 459; Commons amdt, 551; concurred in, 559; r. a., 732

Bills (Public)

Alberta-British Columbia Boundary. 1r, 436; 2r, 511; 3r, 515; r. a., 733

Appropriation

No. 1. 1r, 361; M for 2r postponed, 372; 2-3r, 390; r. a., 398

No. 2. 1r, 372; 2r, 373-90; 3r, 390; r. a., 398

No. 3. 1-2r, 547; 3r, 548; r. a., 550

No. 4. 1-2-3r, 704; r. a., 733

No. 5. 1-2r, 826; 3r, 831; r. a., 832

Blind Persons. 1r, 594; 2-3r, 705; r. a., 733

British North America Acts Amendment bill. 1r, 361; M for 2r postponed, 423; M for 2r, 447, 461, 474, 484, 502, 515; M for 2r negatived (div), 526, 540

Canada Agricultural Products Standards. 1r, 552; M for 2r, 589; 2r, 596; ref to com, 599; rep of com-amdts concurred in, 611; 3r, 612; amdts concurred in by Commons, 644; r. a., 733

Canada Elections. 1r, 663; 2r, 738; 3r, 747; r. a., 784

Canada Grain. 1r, 337; 2r, 361; ref to com, 366; rep of com-3r, 372; r. a., 398

Bills (Public)—*Con.*

Canada-Ireland Income Tax Agreement. 1r, 282; 2r, 332; ref to com, 335; rep of com-3r, 369; r. a., 398

Canada-Ireland Succession Duty Agreement. 1r, 282; 2r-ref to com, 335; rep of com-3r, 369; r. a., 398

Canadian Forces. 1r, 405; 2r, 541; ref to com, 547; rep of com, 555; report referred back to committee, 600; rep of com-3r, 657; r. a., 733

Canadian National Railways. 1r, 644; 2r, 682; ref to com, 683; rep of com-3r, 719; r. a., 733

Canadian National Railways Financing and Guarantee. 1r, 594; 2r, 684; ref to com, 686; rep of com, 719; 3r, 720; r. a., 733

Canadian National Railways Refunding. 1r, 594; 2r-ref to com, 684; rep of com-3r, 719; r. a., 733

Criminal Code. 1r, 241; 2r, 254; 3r, 258; r. a., 360

Criminal Code (Race Meetings). 1r, 663; 2r, 747; 3r, 755; r. a., 784

Customs. 1r, 555; 2r, 570; ref to com, 579; rep of com-3r, 580; r. a., 733

Customs Tariff. 1r, 783; 2r, 792; 3r, 806; r. a., 832

Defence Production. 1r, 783; 2r, 799; 3r, 806; r. a., 832

Divorce and Matrimonial Causes. 1r, 179; 2r, 210, 227, 234, 242, 246, 258, 278, 284, 298, 321; M for 2r negatived (div), 338; newspaper article—question of privilege, 361

Emergency Gold Mining Assistance. 1r, 337; 2r, 406; ref to com, 414; rep of com-3r, 459; r. a., 549

Excise Tax. 1r, 746; 2r-ref to com, 782; rep of com-3r, 791; r.a., 832

Exportation of Power and Fluids and Importation of Gas. 1r, 231; 2r, 316; ref to com, 318; rep of com-amdts concurred in, 337; 3r, 355; amdts concurred in by Commons, 399; r. a., 426

Financial Administration, 1r, 319; 2r, 352; 3r, 356; r.a., 360

Fisheries Improvement Loans. 1r, 719; M for 2r, 749; 2r, 755; ref to com, 766; rep of com-3r, 767; r. a., 784

Foreign Aircraft Third Party Damage. 1r, 4; 2r, 271; 3r, 284; r. a., 426

Government Employees Compensation. 1r, 515; 2r, 556; ref to com, 559; rep of com-3r, 561; r. a., 732

Great Lakes Fisheries Convention. 1r, 515; 2r, 561; ref to com, 565; rep of com-3r, 580; r. a., 733

Bills (Public)—*Con.*

Historic Sites and Monuments. 1r, 405; 2r, 478, 499, 508; 3r, 515; r. a., 550

Income Tax. 1r, 753; 2r, 776; ref to com, 782; rep of com-3r, 791; authority to print com proceedings, 791; r. a., 832

International River Improvements. 1r, 594; 2r, 720; 3r, 738; r. a., 784

Judges. 1r, 672; 2r, 705; M for 3r postponed, 720; 3r, 734; r. a., 784

Library of Parliament. 1r, 4; 2r, 204; M for 3r, 207; M for 3r stands, 226; 3r (div), 238; question of privilege—report by British United Press regarding staff, 208; r.a., 733

Meat Inspection. 1r, 552; 2r, 587; ref to com, 588; rep of com, 594; com amdts concurred in-3r, 624; amdts concurred in by Commons, 644; r. a., 733

Members of Parliament Retiring Allowances. 1r, 319; 2r, 357; ref to com, 359; rep of com-3r, 369; r. a., 398

Municipal Grants. 1r, 611; M for 2r, 655; 2r, 673; ref to com, 682; rep of com-3r, 734; r. a., 784

National Harbours Board. 1r, 246; 2r, 331; 3r, 338; r. a., 360

National Parks. 1r, 405; 2r, 584; ref to com, 587; rep of com-3r, 612; r. a., 733

New Westminster Harbour Commissioners Loan. 1r, 405; 2r, 580; 3r, 581; r. a., 732

Northwest Territories. 1r, 397; 2r, 415; ref to com, 421; rep of com-3r, 427; r. a., 549

Prairie Farm Assistance. 1r, 657; 2r, 726; ref to com, 727; rep of com-amdts concurred in-3r, 746; amdts concurred in by Commons, 785; r. a., 832

Prairie Farm Rehabilitation. 1r, 569; 2r, 622; 3r, 653; r. a., 733

Precious Metals Marking. 1r, 4; 2r, 356; ref to com, 357; rep of com-3r, 369; r. a., 549

Prisons and Reformatories. 1r, 436; 2r, 480; 3r, 484; r. a., 732

Public Officials Salaries. 1r, 719; 2r, 785; 3r, 792; r. a., 832

Public Service Superannuation. 1r, 337; 2r, 399; ref to com, 402; rep of com-3r, 403; r. a., 426

Radio. 1r, 405; 2r, 437; ref to com, 439; rep of com, 672; com amdt concurred in, 717; 3r, 718; amdt concurred in by Commons, 785; r. a., 832

Railway. 1r, 502; 2r, 615; ref to com, 621; rep of com-3r, 672; r. a., 733

Railways (*pro forma*). 1r, 3

Representation. 1r, 295; 2r, 335; 3r, 338; r. a., 360

St. Lawrence Seaway Authority. 1r, 704; 2r, 808; 3r, 814; r. a., 832

Bills (Public)—*Con.*

Territorial Lands. 1r, 4; 2r, 320; ref to com, 321; rep of com-3r, 355; r. a., 426

Toronto Harbour Railway Tracks Agreement. 1r, 470; 2r, 654; ref to com, 655; rep of com-3r, 672; r. a., 733

Transport, 1r, 783; 2r, 787; ref to com, 790; rep of com-3r, 806; r. a., 832

Unemployment Insurance (No. 6). 1-2r, 27; 3r, 29; r. a., 29

Unemployment Insurance (No. 328). 1r, 594; M for 2r, 657; 2r, 686; ref to com, 689; rep of com, 746; 3r, 753; r. a., 784

Veterans Benefit. 1r, 470; 2r, 552; ref to com, 553; rep of com, 555; 3r, 570; r. a., 733

War Veterans Allowance. 1-2r, 391; 3r, 397; r. a., 398

Winnipeg and St. Boniface Harbour Commissioners. 1r, 4; 2r, 239; 3r, 241; r. a., 360

Yukon. 1r, 398; 2r, 421; ref to com, 423; rep of com-3r, 427; r. a., 549

Bishop, Hon. Charles L.

Private bills—extension of time for filing petitions, 257, 427

Rainy River Bridge—substitution of petition, report of committee, 427, 446

Roman Catholic Episcopal Corporation of Pembroke bill, 167, 184, 209

Corporation enabled to give guarantee to religious organizations, institutions and schools, 184

Refund of fees, 406

Blais, Hon. Aristide

Fafard, Hon. J. Fernand, the late, tribute to his memory, 471-3

Blind persons allowances, 3, 16, 21, 136; age of eligibility lowered and income ceilings raised, 705

Blind Persons bill. 1r, 594; 2-3r, 705; r. a., 733

Bonaventure and Gaspé Telephone Company bill (Hon. Mr. Bouffard), 1r, 203; 2r-ref to com, 221; rep of com-amdts concurred in, 237; further amdts concurred in, 237; 3r, 241; Commons amdts concurred in, 361; r. a., 398

Borden, Sir Robert L., the late—stand taken at Versailles Peace Conference, 529

Bouffard, Hon. Paul H.

Bonaventure and Gaspe Telephone Company bill, 203, 221, 237

Authority to increase capital stock, 221, 241

Bouffard, Hon. Paul H.—*Con.*
Canadian Forces bill, 545
Canadian Union Conference Corporation of Seventh-day Adventists—rep of com, 484
Customs Tariff bill, 792-4, 798-9
Dumping duty, 794
Fishermen, aid to, 799
GATT, 792-3, 799
Anti-subsidy duty, 792-3
Divorce and Matrimonial Causes bill, 258-68
Annulment, 259; grounds for, proposed, 267-8
Canadian Bar Association, 263
Divorce
Effects of in England and France, 260; United States, 261-2; Russia, 262; on birth rate, 263; on family life and children, 262
Grounds, proposed, for, 263-5
Presumption of death, 266; unconstitutional, 267
Quebec and Newfoundland affected through courts, 259
Social standpoint, 258-63
Fafard, Hon. J. Fernand, the late, tribute to his memory, 474
Railway bill, 789
Royal Architectural Institute of Canada bill, 257
Trans-Border Pipeline Company Ltd. bill—Commons amendment—pipeline to be entirely within Canada, 610

Bradette, Hon. Joseph A.
Emergency Gold Mining Assistance bill, 406-12
Gold mines—high cost of production, 406
Investing public, 412
Management and labour, negotiations between, 411
Ontario Government committee report on gold mining industry, 410-11
Ore blocking, 409-10
Price of gold, 407-9
United States market, 408
Rate of assistance and part of production to which it is applied, 407
Silicosis, 408-9
Workmen's Compensation Board report, 408
Control of disease; statistics, 409
Subsidies, 407; cost of present subsidy, 411
Value of industry to Canadian economy, 411
Feed grains, freight subsidy beneficial, 384
Germany, Federal Republic of, accession to North Atlantic Treaty, 88-93
Atomic and hydrogen bombs, 89
Disarmament, 89

Bradette, Hon. Joseph A.—*Con.*
France, military losses, 90; political situation in—communists, 90
Great Britain, leadership of, 91
Hoover, Herbert, Ex-President of United States, quotation from Bonn speech, 92
Unification of Germany, 92
United Nations—world government, 89
Hurtubise, Hon. Joseph Raoul, the late, tribute to his memory, 112
Northwest Territories bill, 417

British Columbia
Annacis Island—Causeway from New Westminster to, 581; industrial project of Duke of Westminster's Estate, 581
Boundary between Alberta confirmed, 511
Columbia River project, 12, 116-17, 127-9, 722-6
Fisheries—halibut and salmon—regulation of, 565
Floods—expenditure on dyking, 654
Fraser River Basin Board—inquiry and answer, 673
Health insurance, 810-12
Industrial development, 13-15
Population—over-65 age group, 16-18
Unemployment, 16
See Alberta-British Columbia Boundary bill

British Commonwealth of Nations
Canada's influence in, 530
Prime Ministers' Conference, 2, 107, 179
See Great Britain

British Empire and Commonwealth Games
Duke of Edinburgh, present at, 1
Financial deficit, 135-6
Outstanding success—fostered much good will, 135
Televised by Canadian Broadcasting Corporation, inquiry, 58; answer, 111

British market for Canadian apples, inquiry, 820; answer, 823

British North America Acts Amendment bill. 1r, 361; M for 2r postponed, 423; M for 2r, 447, 461, 474, 484, 502, 515; M for 2r negatived (div), 526, 540
Speakers: Hon. Senators Campbell, 495; Connolly, 521; Crerar, 450; Euler, 361, 423, 447, 534; Farris, 464; Golding, 508; Haig, 453; Hayden, 474; Horner, 530; Howden, 457; Hugessen, 489; King, 453; Kinley, 485; Lambert, 502; Macdonald, 515; Reid, 455; Roebuck, 461; Ross, 521; Turgeon, 526
See Senate, Vacancies

Brussels Treaty, 79, 80-3-4

Buchanan, Hon. W. A., the late, tributes to his memory, 4-10

Budget Speech, accommodation for senators in Commons Gallery, 372, 402

Burchill, Hon. G. Percival
Beauregard, Hon. Elie, the late, tribute to his memory, 10
Buchanan, Hon. W. A., the late, tribute to his memory, 10
Canada Agricultural Products Standards bill, 612
Canadian National Railways Financing and Guarantee bill, 684-5
Capital expenditures, additions and betterments, branch line construction, etc, 684-5
Canadian National Railways Refunding bill, 684
Criminal Code (Race Meetings) bill—running races and harness races, 748
Divorce and Matrimonial Causes bill, 214, 243, 268-9
Experience in Canada, United States and England, statistics, 269
Further study of question needed, 269
Historical background, 268
No substantial public demand for change in law, 269
Estimates, report of Finance Committee, 668-9
Public demand for greater expenditures, 668; Viscount Bennett quoted on, 668
Excise Tax bill—rep of com—3r, 791
Fisheries Improvement Loans bill—rep of com—3r, 767
Health Insurance, Prepaid—rural districts in New Brunswick, 813
Income Tax bill—rep of com—3r—authority to print com proceedings, 791
Judges bill—non-political appointment, 714
King, Hon. James H., the late, tribute to his memory, 804
Representation bill, 335-6
Northumberland constituency, New Brunswick, name changed to Northumberland-Miramichi, 336
Toronto Harbour Commissioners bill, 655
Unemployment Insurance bill, 746, 753
Abuses—more inspection needed, 754
Guaranteed annual wage, 754
Unemployment insurance stabilizer of world prices, 753

Burns, Robert—196th Anniversay of birth, 64

Caisses Populaires
Amounts loaned in provinces by *caisses populaires* and credit unions, 755
Assets of, 752

Caisses Populaires—Con.
Fishing industry, work on behalf of, 752, 755-6
Founders, tribute to, 756
La Caisse Populaire of Quebec—welcome to members in Senate gallery, 461
Loss on loans, 763
Moral guarantee, 756, 763
St. Francis Xavier University, organizational work, 750, 752, 756, 762
See Credit Unions

Caledonian-Canadian Insurance Company bill (Hon. Mr. Farris). 1r, 209; ref to com, 233; rep of com—3r, 257

Campbell, Hon. G. Peter
Baudette and Rainy River Municipal Bridge Company bill, 555
Dominion of Canada General Insurance Company bill, 415, 440-1
Senate, Vacancies—British North America Acts Amendment bill, 477, 495-9
Constitutional aspect, 498
Principle of bill, 495
Purpose of Senate to represent all sections of country, 496
Responsibility to public, 496
Senate work, special examples, 496; Shipping bill, 497; Income War Tax bill, 497-8
Toronto Harbour Railway Tracks Agreement bill, 654
Trans-Border Pipeline Company Ltd. bill, 415, 444-5
Transport bill, 787-90
Agreed charges, simplification of procedure, 787, 790
Agreement by both railways, necessary, 788
American railways operating in Canada, 789
Shipper may apply to Transport Board to have rate fixed, 789

Canada Agricultural Products Standards bill. 1r, 552; 2r, 589, 596; ref to com, 599; rep of com-amdts concurred in, 611; 3r, 612; amdts concurred in by Commons, 644; r.a., 733

Canada Gazette—publication costs, 387, 390

Canada Elections bill. 1r, 663; 2r, 738; 3r, 747; r.a., 784

Canada Grain bill. 1r, 337; 2r, 361; ref to com, 366; rep of com-3r, 372; r.a., 398

Canada-Ireland Income Tax Agreement bill. 1r, 282; 2r, 332; ref to com, 335; rep of com-3r, 369; r.a., 398

Canada-Ireland Succession Duty Agreement bill. 1r, 282; 2r-ref to com, 335; rep of com-3r, 369; r.a., 398

Canadian Bar Association, resolution *in re* divorce law, 218-19, 263, 269, 292-3, 312, 341, 343, 345

Canadian Broadcasting Corporation
British Empire Games, televising of—inquiry, 58; answer, 111
Revenue derived therefrom, 136

Canadian Economy, Royal Commission on, 821, 823-5, 833

Canadian Forces bill, 1r, 405; 2r, 541; ref to com, 547; rep of com, 555; ref back to com, 600; rep of com-3r, 657; r.a., 733

Canadian Legion
Canada's divorce law, resolution *in re,* 345
Veterans Benefit bill—representations *re* unemployment insurance, 553-4

Canadian Medical Association
Opposed to state medicine, 809
Sponsor of Trans-Canada Medical Plans, 810

Canadian National Railways
Auditors, George A. Touche & Co., 684-5
Capital expenditures: additions and betterments, branch line construction, new equipment, 684-5
Gordon, Donald, President
Evidence before committees, *in re*
Capital revision, write-offs, 374, 685
Competition with Canadian Pacific Railway, 375
Sale of four hotels, 375, 379, 382
Labour costs, two lines of approach to reduction of, 141
Hotels
New hotel at Montreal, 377-9; inquiry, 167; answer, 194
Sale of four, 374-5, 379, 382, 685-6
Loss of expected revenue, 375
Motor vehicles, authority to operate, 682-3
Officers and employees may act as directors of partially owned companies, 682
Price Edward Island, ferry and transportation service, 159
Rolling stock, Halifax to Montreal, improved, 686
Securities, refund and guarantee of, 684-5
Short lines, railway may construct without reference to Parliament, 682
Supplementary estimates, 374

Canadian National Railways—*Con.*
Taxes, 376
Telecommunication system, authority to operate, 682
Toronto harbour railway tracks, agreement *in re,* 654-5
Write-offs
Capital debts, 374, 685
Hotels, 685-6
See Appropriation Bill No. 2; Railways; Transport bill

Canadian National Railways bill (To consolidate various statutes). 1r, 664; 2r, 682; ref to com, 683; rep of com, 3r, 719; r.a., 733

Canadian National Railways Financing and Guarantee bill. 1r, 594; 2r, 684; ref to com, 686; rep of com, 719; 3r, 720; r.a., 733

Canadian National Railways Refunding bill. 1r, 594; 2r-ref to com, 684; rep of com-3r, 719; r.a. 733

Canadian Pacific Air Lines—Polar route, 134

Canadian Pacific Railway Company
Competition with Canadian National Railways, 374
Fredericton and Grand Lake Coal and Railway Company—ownership transferred, 354
St. Mary River Bridge Company bill, 336
Taxes, 376
Toronto harbour railway tracks, agreement *in re,* 654-5
See Appropriation bill No. 2; Railways; Transport bill

Canadian Premier Life Insurance Company bill (Dominion General Life Insurance Company bill) (Hon. Mr. Hayden). 1r, 540; 2r-ref to com, 554; rep of com, amdts concurred in-3r, 583; Commons amdts concurred in, 752; r.a., 784

Canadian Press, story of the, 9, 10

Canadian Trade Relations Committee
Appointment, 56; quorum, 57; M for power to conduct inquiry into international trade, 203; agreed to, 222; M for authority to print procedings, 447; agreed to, 469; rep of com, 791; amended and concurred in, 806

Canadian Union Conference Corporation of Seventh-day Adventists bill (Hon. Mr. Roebuck). 1r, 415; 2r, 442; ref to com, 444; rep of com, 484; com amdt concurred in-3r, 503; r.a., 733

Canadian Welfare Council—Committee on aging, 151-2

Charlottetown, P.E.I., Centennial, 160, 187

Chignecto Canal, long-delayed project, 142-3

China. *See* Formosa

Churches. *See* Canadian Union Conference Corporation of Seventh-day Adventists bill; Roman Catholic Espiscopal Corporation of Pembroke bill

Churchill, port of, 117-18, 615, 821-2
- Cargoes from Great Britain, 822
- Customs office required, 118
- Insurance time limit extended, 821
- Railway from Flin Flon, 118
- Salvaging operations, ocean-going vessel needed for, 615

Churchill, Right Hon. Sir Winston
- Leadership of, 91
- Originator of NATO idea, 105. *See* 77, 107, 144
- Yalta Treaty, opposed to, 104

Civil Service
- Accidents, claims in respect of, 556
- Civilian employees, Department of National Defence, 665, 669
- Civil servants, increase in number of, 663, 665, 669-70
  - Efficiency of, 669
- Commission, proposed investigation into administration of, 57
- Compensation in event of accidents or disease, 556-9
- Number of employees, Government departments and Crown corporations, 1935-55, 629
- Salary increases, 625; future increases, 786
- Superannuation
  - Actuarial position of fund, 400
  - Former civil servants now on pension, 400
  - Newfoundland—benefits extended to former employees of, 400
  - Permanent and temporary employees; contributions by, 400
  - Retired civil servants, 709

See Government Employees Compensation bill; Public Officials Salaries bill; Public Service Superannuation bill

Civil Service Administration Committee—appointment, 56; quorum, 57; report, 57

Colombo Plan, 2, 66, 67, 163, 164, 175

Columbia River Dam, 12-14, 115-16, 136-9
- General McNaughton's report, 137-9, 720, 722
- Kaiser Dam, 13, 115, 116, 136-9
- Potential water power, 137
- Salmon fisheries, effect on, 137-9, 722-5
- United States and Canada Treaty, effect on, 138

See International River Improvements bill

Commercial Travellers' Association of Canada bill (Hon. Mr. Hayden). 1r, 405; 2r, 429; ref to com, 430; rep of com-3r, 459; r.a., 732

Committees
- Appointment of, 3, 12, 42-3, 55, 70, 74, 145
- Quorums reduced, 57
- Report of Committee of Selection, 12; concurred in, 42, 55
- Sittings, 458
- (For individual committees, *see* items under their names)

Commonwealth Prime Ministers, Conference of, London, 2, 107, 159, 179

Communism, 155-6
- Canadian communists opposed to German rearmament, 83, 103
- Narcotics and, 155
- Not stopped by wars, 177
- Revolt in East Germany, 101
- Russian aggression and domination—Czechoslovakia and Poland, 100

Connolly, Hon. John J.
- Address in reply to Speech from the Throne, 168-176
- Atomic energy program, Canada's, 175
- British North America Acts Amendment bill. *See* Senate Vacancies below
- Canadian Forces bill, 541-7, 603-4
  - Defence Services Pension Act amendments
    - Common-law wife, 545-6, 603-4
      - Similar provision in other acts, 604
    - Pension regulations, 546-7
  - National Defence Act amendments
    - Civilians with Forces abroad subject to Canadian civil courts, 545

Connolly, Hon. John J.—*Con*
Court Martial Appeal Board, 544
Judge Advocate General, 543
Minister may correct illegal finding and order new trial, 544
Reinstatement, 541-2
Suspended sentences, 544
Commercial Travellers' Association of Canada bill, 429
Consolidated Pipe Lines Company bill, 548-9
Customs bill, 571
Defence
Armed services, strength of, 173
Canada's policy, 169
Defence of North America—radar stations, 173
Defence Research Board, 175
Distribution of "defence dollar", 174-5
Expenditures, 169, 170, 172-6
NATO commitment, 173
Divorce and Matrimonial Causes bill, 249-53
Children and family life, effect of divorce upon, 250-2
Divorce Committee, work of, 250
Statistics, Canada and other countries, 251
Natural law, 250, 252
Relationship between number of divorces and liberality of laws, 251
Dominion General Life Insurance Company bill—rep of com-3r, 583
Excise Tax bill-reduction and repeal of certain taxes, 782
Feed grains—freight subsidy should be discontinued, 380
Foreign Aircraft Third Party Damage bill—courts, 276
Gerling General Insurance Company of Canada bill, 64, 109
Income Tax bill, 776-81
Additional exemption for single person supporting a dependant, 777
Corporations with taxable income in excess of $20,000, 778
Deductible expenses, companies, 776
Depreciation of capital assets in estates, 778-9
Earned surplus, 780-1
Investment companies, 779
Mines, new, 3-year exemption, 779
Personal income tax reduction, 776-8
Profit-sharing plan, 779, 781
Provincial income tax, 776, 778
Tax reductions, 776-81
Judges bill, 714-15
Supreme Court of Canada, 714
Sir Lyman Duff, Right Hon., the late, 714

Connolly, Hon. John J.—*Con.*
NATO—Canadian commitment, 173
Change in emphasis in planning, 173
Public Service Superannuation bill, 399-402
Actuarial position of fund, 400-1
Armed forces and Royal Canadian Mounted Police, 401
Newfoundland civil servants, 400-1
Sessional employees of Senate and House of Commons, 400
Temporary employees, 400
Royal Commission on Canadian Economy, 823
Senate, Vacancies—British North America Acts Amendment bill, 521-5, 550
Bill would not be enforceable, 523-4
Cabinet ascendancy, 522
Constitutional amendment should be approached with great caution, 524-5
Euler, Hon. Mr., withdrawal of statement, 550
Senate, method of appointment to, 522
Summons under present Act should be issued "within reasonable time", 522
Sharp & Dohme (Canada) Ltd. bill, 355, 366-8, 403

Consolidated Pipe Lines Company bill. 1r, 515; 2r, 548; ref to com, 549; rep of com-3r, 555; r.a., 733

Consumer prices and inflation, 627
Consumer expenditure, 643
Consumer price index for Canada, 1945-55, 643

Cost of living, 119
Agricultural prices and, 158

Credit buying, 34

Credit unions
Assets of, 752
Development of in Maritimes, 752, 756, 762-3
Founders, tributes to, 750, 752, 756
Lenders under Fisheries Improvement Loans bill, 750-2, 755-6, 764
Loss on loans, 763
Moral guarantee, 756, 763
St. Francis Xavier University, organizational work, 750, 752, 756, 762
See Caisses populaires

Crerar, Hon. T. A., P.C.
Appropriation bill No. 2, 379-81
British North America Acts Amendment bill. *See* Senate, Vacancies, below

Crerar, Hon. T. A., P.C.—*Con.*
Canada Grain bill, 361-5
Commissioners, increase in salary, 363; appointment of additional Assistant Commissioner, 363
Commissions, appointment of, 364
History of development of Act, 362-4
McKenzie, D. G., Chief Commissioner, tribute to, 364
Surplus grain, disposal of, 363
Canadian Forces bill, 541
Canadian National Railways bill, 682
Consolidates various legislative acts into one statute, 682
Officers and employees may act as directors of partially owned companies, 682
Railway may construct short lines without reference to Parliament, 682; operate motor vehicles, 682-3; telecommunication system, 682
Canadian National Railways hotels, 379
Dominion of Canada General Insurance Company bill—rep of com-3r, 483
Estimates, the
Committee on Finance, estimates referred to, 296; rep of com-authority to print proceedings, 337, 614
Final rep of com, 614, 625; exhibits, 629; report concurred in, 663-7, 670-1
Final report
Civil servants, increase in number of, 663-4, 670
Civil Service administration, 664
Department of National Defence, civilian employees, 665-6
Distribution of report, 671
Gross national product and relationship to Canadian economy, 666
Public buildings in Ottawa, cost of construction—Printing Bureau, 665
Public demands responsible for high government expenditures, 670-1
Statistical services of Government, 666
Feed grains, freight subsidy should be discontinued, 380
Foreign Aircraft Third Party Damage bill—no explanation of convention, 275-6
Germany, Federal Republic of, accession to North Atlantic Treaty, 99-103; documents, 58, 62-3
Adenauer, Chancellor Konrad, 102
Communist aggression and domination—Czechoslovakia and Poland, 100
Rearming of Germany, 101; limitations, 102
Russia, 100-1
United Nations, efforts to ban atomic warfare, 100

Crerar, Hon. T. A., P.C.—*Con.*
United States, aid to Europe, Marshall Plan, 101
War and German people, 99
Yalta Conference, obligations not honoured by Russia, 100
Gillespie Mortgage Corporation bill, rep of com, 483; 3r, 514
Historic Sites and Monuments bill, 479-80
Hurricane "Hazel", 380
Indians, welfare of, 380
Narcotic drug traffic, 225
National Parks bill, 613
NATO, 58, 63, 101
Northwest Territories bill, 418-19
Council, 418
Sessional indemnities, 419
Senate
Rules, suspension of *in re* public bills—delay in receiving legislation from Commons, 371
Vacancies—British North America Acts Amendment bill, 450-3
Criticism of Senate, 450-2
Freedom, dangers to cause of, 451, 453
Method of appointment to Senate, 452-3
Prime Minister, tribute to, 450; problem of filling vacancies, 450
Role and importance of Senate, 450-2
Territorial representation, 453
Subsidies—feed grains and butter, 380
Trans-Border Pipeline Company, Ltd. bill, rep of com, 483; 3r, 514
Trans-Prairie Pipelines, Ltd. bill, 406, 430-2, 569, 599-600

Crime comics and salacious literature, 155-6

Criminal Code bill. 1r, 241; 2r, 254; 3r, 258; r.a., 360
See Northwest Territories bill, 416

Criminal Code (Race Meetings) bill. 1r, 663; 2r, 747; 3r, 755; r.a., 784

Criminal Code—Joint Committee on certain questions of criminal law
Appointment of, 42, 70
Members: House of Commons, 110, 208, 355; Senate, 70-4, 232
Quorum, 110
Reports:
First—evidence from an executioner, 436
Second, 734, 744
Approach to and method of inquiry, 745
Interim recommendations, 745
Organization and summary of meetings, 744

Crowsnest Pass Agreement (on freight rates), 385

Curling, Canadian Championship Playoffs
Tributes to competing teams, 282-4

Currencies, convertibility of
Congress of International Chamber of Commerce at Tokyo, 772
Currency conditions in United States, 798

Customs
Anti-subsidy duty, 792-3, 796
Dumping, 736, 794
Obstacle to trade, 772
Smuggling, 595
See Customs bill; Customs Tariff bill

Customs bill. 1r, 555; 2r, 570; ref to com, 579; rep of com-3r, 580

Customs Tariff bill. 1r, 783; 2r, 792; 3r, 806; r.a., 832

Cyprus
Suez Canal and Great Britain, 199

Czechoslovakia—Benes and Masaryk, 100

Daigle, Hon. Armand
Fafard, Hon. J. Fernand, the late, tribute to his memory, 473

Dandurand, Right Hon. Raoul, P.C., the late—quoted on independence of Senate, 507

David Fife Memorial—Proposal to commemorate discovery of Red Fife Wheat, 48-53

Davies, Hon. W. Rupert
Appropriation Bill No. 2—supplementary estimates for *Canada Gazette*, 387
Beauregard, Hon. Elie, the late, tribute to his memory, 9
Buchanan, Hon. W. A., the late, tribute to his memory, 9
Canada-Ireland Tax Agreement bill, 333
Divorce and Matrimonial causes bill, 278-80, 302
Amendments suggested, 280
Bill long overdue, 279
Public demand for more liberal divorce laws, 279
England, income tax on Canadians resident in, 334
Foreign Aircraft Third Party Damage bill, 278

Davies, Hon. W. Rupert—*Con.*
Radio bill, 437-9
Radio communications, penalty for unlawful interception of, 437
Television antennae, control of erection of, 437
Sharp & Dohme (Canada) Ltd. bill, 367
Territorial Lands bill, 320-1
Trans-Border Pipeline Company, Ltd. bill, 445
War Veterans Allowance bill, 392, 394, 396-7

Defence
Armed Forces—Public Service Superannuation bill, 401
Canada's policy of, 169
Canadian Forces bill, 405, 541-7
Civilian employees, Department of National Defence, 665, 669
"Defence dollar", distribution of, 174-5
Defence Research Board, 175
Defence Services Pension Act amendments
Common-law wife, 545-6, 601-10
England, marriages in, and divorce, 603-4, 606-7
Pension regulations, 546-7
Expenditures, 169, 170, 172-6
National Defence Act amendments
Act virtually Criminal Code for three armed services, 547
Civilians with forces abroad subject to Canadian civil courts, 545
Court Martial Appeal Board, 544
Judge Advocate General, 543-4
Minister may correct illegal finding; may order new trial, 544
Reinstatement, 541-2
Suspended sentences, 544
Northwest Territories, use of, 416
Radar stations, 173
Taxation and, 155
Three Services, strength of, 173
See Canadian Forces bill; Veterans Benefit bill

Defence Production bill. 1r, 783; 2r, 799; 3r, 806; r.a., 832

Defence Production, Department of
Minister—salary, 799; wide powers, 799-800
Right Hon. C. D. Howe, tributes to, 799-801

Disabled Persons Act—All provinces participating in program, 2

Disarmament
Canadian resolution at United Nations, 2
Will follow, not precede, peace, 89

Divisions—recorded votes. *See* Senate

Divorce
Annulment of marriage, 259, 627, 285-6
Archibald petition, refund of fees, 370
Australia, grounds for divorce in, 348-9
Avoidance of marriage—epilepsy, proposed ground for, 229, 244
Bills: *See* Divorce Bills, pp. 888 to 895
Canadian Bar Association resolution, 218-9, 263, 269, 292-3, 312, 341, 343, 345
Canadian law, historical background, 210, 268, 285
Canadian Legion resolution, 345
Cancer on body social (conditions leading to divorce), 249, 289, 303, 330
Committee
Appointment, 12; quorum, 23; authorized to sit during Senate adjournments and to appoint subcommittees, 23-6
Procedure and work, 648-53, 767
Criticism of—by radio, 650-3; in Commons, 648-9, 767; challenge to Commons to do divorce work if not satisfied with that of Senate, 648-9; conference on procedure early next session suggested, 649, 767
Reports, 23, 30, 53, 64, 75, 94, 110, 114-15, 127, 130, 144-5, 152, 165, 203, 220-2, 231, 236, 240, 246, 282, 319, 353, 370, 373, 399, 436, 458, 474, 501, 526, 549, 552, 559, 569, 581, 589, 614, 644, 656
Services, appreciation of—members, 645-6; staff, 647
Statistics, 94, 203, 399, 644
Delorme case, 652
Dissolution of marriage—presumption of death, 215, 219-20, 266-7, 292, 302, 316, 341
Domicile, 247-8
Effects of divorce in England, 326; France, 260; United States, 261-2, 269; Russia, 252, 262
English law, 214-16, 265, 325, 327, 343, 345, 349
Evidence, printing of, 127-9; typewritten copy, 128
Family life and children, effect of divorce on, 250, 262-3, 266, 304, 339, 348
Fees for printing and translation costs increased, 26
Gallup poll, 219, 245
Grounds, proposed:
Cruelty, 213-15, 228, 246, 265, 280, 290-1, 302
Desertion, 215-17, 229, 247, 264, 280, 286-90, 301, 315, 341-2, 348
Insanity, incurable, 214, 229, 235-6, 244, 264-5, 280, 302
Hart case—radio broadcast—Question of privilege, 650-3
Increase in divorce, 243, 249-53, 269, 303, 314, 326, 349
L'Esperance case, 651

Divorce—*Con.*
National Council of Women, resolution *in re* desertion and presumption of death, 316
New Zealand, grounds for divorce in, 217
Petitions
Extension of time for filing, 257, 427
Withdrawn, refund of fees, 26
Procedure—Queston of privilege, 767
Quebec and Newfoundland, 212, 219, 259, 265, 293, 304, 314-15
Statistics, 242, 251-2, 262, 269, 281, 343, 348-9

Divorce and Matrimonial Causes bill. 1r, 179; M for 2r, 210-20, 227-9, 234-6, 242-5, 246-53, 258-69, 278-81, 284-94, 298-306, 321-31; M for 2r negatived (div), 338-52
Speakers: Hon. Senators Aseltine, 210, 344; Baird, 280; Barbour, 242; Bouffard, 258; Burchill, 268; Connolly, 249; Davies, 278; Euler, 313; Farris, 284; Fergusson, 325; Gershaw, 227; Haig, 338; Hodges, 234; Horner, 305; Howard, 248; Howden, 244; Lambert, 245; McIntyre, 243; Reid, 321; Roebuck, 298; Ross, 246; Wilson, 315

Dominion General Life Insurance Company bill. *See* Canadian Premier Life Insurance Company bill

Dominion of Canada General Insurance Company bill (Hon. Mr. Campbell). 1r, 415; 2r, 440; ref to com, 441; rep of com-3r, 483; r. a., 733

Dominion-Provincial Agreements (Tax)
Correspondence between the Prime Minister and the Premier of Quebec, respecting provincial tax, 30, 36

Duff, Right Hon. Sir Lyman P., the late (Former Chief Justice of Canada), 256, 714

Duffus, Hon. J. J.
David Fife Memorial—proposal to commemorate discovery of Red Fife Wheat, 48-53
Discovery revolutionized world wheat farming, 49
Effect on development of Prairie Provinces and national prosperity, 50
Memorial Society and project, 51-2
Fafard, Hon. J. Fernand, the late, tribute to his memory, 471
Senate—work of, 133

Duke of Edinburgh—British Empire and Commonwealth Games, 1

Dulles, Hon. John Foster, United States Secretary of State—Visit to Parliament Buildings, 307

Dupuis, Hon. Vincent
Canada-Ireland Tax Agreement bill, 334
Canadian Forces bill, 542
Customs bill—delegation of powers to ministers and departmental officials, 579
Divorce and Matrimonial Causes bill, 347
Foreign Aircraft Third Party Damage bill, 272
National Parks bill—Newfoundland National Park, 586
Prince Albert National Park—Lake Waskesiu, 587
Northwest Territories bill
Hudson's Bay Company, 417
Indians, 421

Eden, Right Hon. Sir Anthony
Influence and leadership of, 91
Paris Agreements, 85

Eisenhower, General Dwight D., President of the United States
Address to Parliament in 1953, televised, 68
Far East policy, 182-4

Elections
Apathy and indifference of electorate, 67-9, 451-3
Australia, results of compulsory voting legislation, 68-9
Chief Electoral Officer, status and salary, 739
Costs, 67-9, 739-40
Personal expenses of candidates, 739
Northwest Territories Council, members elected in 1954 and votes cast, 417
Public affairs—need for greater interest in, 68-70
Transferable vote, 740
Voters in last federal election
National average, 68
Provincial percentages, 68
Yukon Council, members elected in 1952 and votes cast, 422
See Canada Elections bill; Northwest Territories bill; Representation bill; Yukon bill

Electric power
See Exportation of Power and Fluids and Importation of Gas bill; St. Lawrence Seaway

Emergency Gold Mining Assistance bill. 1r, 337; 2r, 406; ref to com, 414; rep of com-3r, 459; r.a., 549

Employment, 832
Longevity and employment, 147-8, 160
Statistics, 44, 119, 133, 187

Equitable Fire Insurance Company of Canada bill (Hon. Mr. Vaillancourt). 1r, 415; 2r-ref to com, 432; rep of com-3r, 460; r.a., 733

Eskimos
Resident in Northwest Territories, 419-20
Survival of party in Northland, 70

Estimates, The
Committee on Finance, reference to, 295; authority to print proceedings, 337, 614
Final report of committee, 614, 625; exhibits, 629; concurred in, 663-71; distribution of, 671
Civil servants, increase in number of 663-4, 670; decreases and increases in various departments, 664
Civil Service administration, 664
Department of National Defence, civilian employees, 665-6, 669
Gross national product and relationship to Canadian economy, 666
Provinces, payments to, 670
Public buildings in Ottawa, cost of construction, 665
Printing Bureau, 665, 669
Summary of Government expenditures by departments, 668; suggested division of expenditures into two classes, 670
Statistical services of Government, 666
Committee on Finance, 1943, 131
Doubt as to wisdom of discussing Estimates prior to Budget Speech, 131

Euler, Hon. W. D., P.C.
Address in reply to Speech from the Throne, 176-8
Appropriation bill No. 2, 374-6, 381-2, 384-5
Atomic war, 177-8
Baudette and Rainy River Municipal Bridge Company bill, 569
British North America Acts Amendment bill—*See* Senate Vacancies, below
Canadian Union Conference Corporation of Seventh-day Adventists bill, 444
Communism, not stopped by war, 177
Criminal Code—Senate membership on Joint Committee on certain questions of Criminal Law, 70-3
Customs bill, 575

Euler, Hon. W. D. P.C.—*Con.*
Divorce Committee—suggestion that senators from Quebec and Newfoundland constitute membership, 650
Divorce and Matrimonial Causes bill, 212-13, 247, 259, 261, 301, 313-15, 343-4, 348
Divorce, a corrective, 313; laws antiquated, 313
Increase in divorce, chief reasons for, 314
Quebec and Newfoundland, one section of bill would discriminate against, 314-15
Dominion of Canada General Insurance Company bill, 440-1
Formosa
China's position, 177
United States policy, 176-8
War, risk of, 176-8
Germany, Federal Republic of, accession to North Atlantic Treaty, 95-9
German Canadians, 97
NATO influence in preventing war, 95
Propaganda, effect of, 97
Rearmament—German people now fear war, 96
Russia—co-existence with, 98
Unification of Germany, 98
United States and Russia, 99
World government would be great boon, 99
Yalta Treaty—alienation of Germany territory, 96
Huron and Erie Mortgage Corporation bill, 27, 53, 75
Municipal Grants bill—rep of com-3r, 734
Prairie Farm Assistance bill, 727
Senate Vacancies—British North America Acts Amendment bill, 361, 423, 447-50, 494, 517-21, 523, 534-40
Bill not a criticism of Prime Minister or Government, 448, 539
Constitutional aspects, 539-40
Efficiency of Senate would be increased if vacancies filled, 449, 538-9
House of Commons Act, precedent in amendment of, 447-8
Moral force of proposed amendment, 536, 539
Parts of country now unrepresented in Senate, 539
Political reason for vacancies, 536-7
Resolution suggested by Hon. Mr. Farris, 536
Senate reform, 448
Time limit for filling vacancies, 447, 449, 535-6, 538
Vacancies—at present, 447, 449, 538-9; previous accumulations, 449, 476
Withdrawal of statement, 550

Euler, Hon. W. D. P.C.—*Con.*
Stanmount Pipe Line Company bill, 439-40
Construction of pipe line to connect with Interprovincial Pipe Line, 439
Proposed route would save construction costs, 439
Subsidies—unsound practice, 385
Unemployment Insurance bill (No. 328), 660-1
United States
Influence on Canada, 176
Policy regarding Formosa, 176-8
Victoria Insurance Company of Canada bill, 307
Yukon Pipelines Limited bill—reference to committee, 435

European Defence Community (EDC), 1, 77, 107
France's position, 78, 85

Exchequer Court. *See* Judges bill

Excise tax, repealed or reduced on certain commodities, 782

Excise Tax bill. 1r, 746; 2r-ref to com, 780; rep of com-3r, 791; r.a., 832

Exportation of Power and Fluids and Importation of Gas bill. 1r, 231; 2r, 316; ref to com, 318; rep of com-amdts concurred in, 337; 3r, 355; amdts concurred in by Commons, 399; r.a., 426

Fafard, Hon. J. Fernand, the late—tributes to his memory, 470-4

Farm income, 156, 707-8, 712, 734-5
Income tax paid by farmers in various provinces, 188
Income Tax bill—business on cash basis, 780
Statistics, 157

Farm loans
Govenrment guarantee to banks, 180, 186
See Prairie Farm Assistance bill; Prairie Farm Rehabilitation bill

Farquhar, Hon. Thomas
St. Mary's River Bridge Company bill, 238, 253, 336
Important international border crossing, 253
Motor traffic, increase in, 253

Farris, Hon. J. W. deB.
British North America Acts Amendment bill. *See* Senate, Vacancies, below

Farris, Hon. J. W. deB.—*Con.*
Caledonian-Canadian Insurance Company bill, 209
Criminal Code, Joint Committee—first report, 436
Divorce and Matrimonial Causes bill, 212, 265, 284-94
Canadian Bar Association resolution, 292-3
Divorce law of Canada
History of, 285; need for improvement, 286
Husband's domicile, 217
Grounds, proposed, for divorce, 286-91
Moral standards, 294
Nullity of marriage, in Quebec, 285-6
Quebec and Newfoundland, suggested amendment to prevent extension of bill to, 293-4
Foreign Aircraft Third Party Damage bill, 271-8, 284
Convention, ratification of, 272; signatures, 276
Insurance, 274-5
Liability, extent of, 273
Northwest Territories bill, 420
Petroleum Transmission Company bill, 428
Royal Architectural Institute of Canada bill, 209
Roman Catholic Episcopal Corporation of Pembroke bill, 209
Senate, Vacancies—British North America Acts Amendment bill, 464-9, 491-2
Appointment to Senate great honour, 466
Constitutional aspects of bill, 465-7, 477
House of Commons and Senate, distinction between constitutions of, 465
Integrity and composition of Senate involved in consideration of bill, 464
Non-partisan appointments desirable, 468-9
Opposition should be stronger, 465, 467
Prime Minister—problem of filling vacancies, 467-9; tribute to, 465-6
Resolution, suggested as preferable to bill, 466
Sharp & Dohme (Canada) Ltd. bill, 367
Stanmount Pipe Line Company bill, 439
Victoria Insurance Company of Canada bill, 209
Westcoast Transmission Company bill, 470, 511-13

Federal District, 655, 674-82
Commission, 3, 674, 678
Estimates for, 828
Expenditures by, 674
Federal-municipal relations—Joint Committee of 1944, 47, 655, 674-5, 677-8; proposed Joint Committee, 3, 47

Federal District—*Con.*
King, Right Hon. W. L. Mackenzie—speech of 1944 quoted, 676
Municipal services, cost of, 679-80
See Municipal Grants bill; Ottawa, City of

Federal-Provincial conference, 832

Fergusson, Hon. Muriel McQ.
Address in reply to Speech from the Throne, 146-52
Divorce
Bills, 93, 185-6, 582
Committee reports, 581
Divorce and Matrimonial Causes Bill, 325-31, 342-4
Bulletin, Council of Social Service, Church of England in Canada, 325
Conciliation proceedings might reduce number of petitions, 330
England, conditions in, 325-7
Further study and investigation should precede any change in present law, 328-31
Public demand for bill lacking, 330-1
United States, divorce laws, 329
Foreign Aircraft Third Party Damage bill—explanation of word "person", 276
Government Employees Compensation bill, 556-9
Compensation and medical aid—occupational accidents or diseases, 556
Definitions of "compensation" and "industrial disease", 557
Employee injured by an outside party, 557-8
Employees assigned to work outside Canada, 557
Government employees under Workmen's Compensations Acts, 557
Minister may encourage accident prevention and safety programs, 556
Library of Parliament bill, 206
Meat Inspection bill—licensing, 588
Older citizens
Aging—Canadian Welfare Council Committee on, 151-2; United States Committee on Aging and Geriatrics, 151
Efficiency of, 147-8
Employment problem, 146-8, 150-1
Day Care Centres, 150-1; National Council of Jewish Women, 151; Soroptomist Clubs, 151
Geriatrics, 147, 151
Housing, 149
Longevity, 146
Number of, increasing, 146-7, 150
Recreational and educational projects, 151
Retirement, 148-9

Fergusson, Hon. Muriel McQ.—*Con.*
Unemployment Insurance bill, 686-9
Act abused, 687-8
Woman should be member of Commission and Advisory Committee, 688
Women
Married, contributions and benefits, 686; discrimination against, 687
One-quarter of total insured labour force, 687
Women employees, retirement of, 149

Fertilizers
See Potash and Phosphoric Acid

Fife, David, Memorial—Proposal to comemorate discovery of Red Fife wheat, 48-53

Finance
Farm loans, 180; government guarantee to banks, 180, 186
Government expeditures, 826-7
See Appropriation bills; Estimates; Financial Administration bill; Insurance

Finance Committee
Appointment, 55; quorum, 57; addition to membership, 320; reports, 57, 337
Estimates referred to, 295
Authority to print proceedings, 337, 614
Final report on estimates, 614, 625; exhibits, 629; report concurred in, 663-71
Work of, 826-31

Financial Administration bill. 1r, 319; 2r, 352; 3r, 356; r.a., 360

Fisheries
Bassano dam, Alberta, fishing at, 624
British Columbia halibut and salmon, 564-5, 722-3
Clam industry, 759-61
Columbia River Dam, effect on salmon, 137-9, 722-5
Conservation and research, 757-61, 765
Credit unions and *caisses populaires*—loans to fishermen, 750-2, 755-6, 764
Customs Tariff bill—machinery and apparatus used in fishing industry, 795, 798-9
Fish—greatest untapped source of wealth in food; 761; nutritional value, 761
Great Lakes Fisheries
Convention between Canada and United States, 561-5
Lampreys, problem of, 561-5
Herring industry, 758-61

Fisheries—*Con.*
Insurance coverage, 750
Intermediate credit to fishermen, 749
International control, 765
International Pacific Salmon Fisheries Commission, 137, 139, 722-5
International River Improvements bill, 722-5
Loans to fishermen, 180, 749-50, 763-5
Maritime provinces, 750-1, 763-5
Newfoundland, 180-1, 763-5
Research, extension of, necessary, 757-61, 765
Salted fish, 180; assistance to producers, 826
Sockeye salmon industry on Fraser river, 137-9, 722-5
Unemployment insurance necessary for fishermen, 181

Fisheries Improvement Loans bill. 1r, 719; 2r, 749, 755; ref to com, 766; rep of com-3r, 767; r.a., 784

Floods and Storms
British Columbia, Fraser River—expenditure on dyking, 654
Manitoba, expenditure on reclamation, 654
Nova Scotia—assistance to apple producers, 2; damage to crop by hurricane, 65-6, 815
Ontario—assistance to hurricane sufferers, 2
Western Canada—damage to crops, 746

Food and Agricultural Organization (FAO), 162
International trade, report of committee, 791
Locust plagues, international control, 163
United Nations, 196
Work of, 163
World food production and food surpluses, 66

Foreign Aircraft Third Party Damage bill. 1r, 4; 2r, 271; 3r, 284

Formosa
China's position, 177
United States policy *re*, 176-8, 182-4
War, risk of, 176-8

Fournier, Hon. Sarto
British North America Acts Amendment bill, 537
Divorce and Matrimonial Causes bill—domicile, 248

France
European Defence Community (EDC)—France's position and refusal to enter, 78, 85
Franco-German Agreement on Saar, 78, 80
Mendes-France, Prime Minister, leadership of, 82, 85
Military losses, 90

Fraser River Basin Board, inquiry and answer, 675

Fredericton & Grand Lake Coal & Railway Company bill (Hon. Mr. Veniot). 1r, 320; 2r, 353; ref to com, 354; rep of com, 369, 372; 3r, 373; r.a., 426

Free trade, 736; outmoded, 797-8

Freight rates
Agreed charges, 787-90
Grain shipments and freight rates—inquiry, 179, 271, 307; answer, 308
Subsidies on feed grains—freight rates, 115, 209-10, 380, 382-5, 387, 389

See Transport bill

Gander airport, 614

Gas
British Columbia, natural gas, 424
See Exportation of Power and Fluids and Importation of Gas bill; Pipe Lines

GATT (General Agreement on Tariffs and Trade), 576, 832
Congress of International Chamber of Commerce at Tokyo, 768, 773, 775
Customs Tariff bill, 792-9

Geriatrics. *See* Older citizens

Gerling General Insurance Company of Canada bill (Hon. Mr. Connolly). 1r, 64; 2r-ref to com, 109

Germany, Federal Republic of
Accession to North Atlantic Treaty, 58, 62, 832
Approval of protocol, 76-93, 95-108
Armament control and Control Agency, 79
Canada, responsibility of in regard to accession, 34-5
Canadian forces in, 79-80; token force, 106
Communists opposed to approval of protocol, 103
European Defence Community (EDC), 77-8, 85, 107
Franco-German Agreement on Saar, 78, 80, 96

Germany, Federal Republic of—*Con.*
German Canadians, 97; German people, 91-2; fear of war, 96, 99
NATO—influence against war, 95
Military forces, supra-national army, 106
Obligations assumed by Germany, 80
Principles of federal union, 107
Rearmament, 66, 81-3, 85-8, 96, 101-2, 107
Russia—lack of co-operation, 100-4
Supreme Allied Commander in Europe (SACEUR), 79
Territory alienated by Russia, 96
Unification, 78-9, 92, 98, 102
United States—Marshall Plan and aid to Europe, 101
Western European Union, 78-9
Yalta Treaty—Churchill, Sir Winston, opposed to, 104

Gershaw, Hon. F. W.
Address in reply to Speech from the Throne, 58-62
Archibald divorce petition—refund of fees, 370
Beauregard, Hon. Elie, the late, tribute to his memory, 8
Buchanan, Hon. W. A., the late, tribute to his memory, 8
Divorce bills, 370
Committee reports, 370
Divorce and Matrimonial Causes bill, 227-9
Adultery a crime, 228
Divorce Committee, careful hearing of cases by, 228
Divorce not a disease, but a remedy, 227
Family, foundation of society, 228
Grounds, proposed, for divorce and avoidance of marriage, 228-9
Health insurance, prepaid, 809-14
Death, main causes, 811
Former scourges now under control, 810
Poliomyelitis serum, 810-13
Rural municipalities, services in, 812, 814
Salk vaccine, 812-13
Sickness and accident insurance, statistics, 811
State medicine—not acceptable to Canadian Medical Association, 809
Trans-Canada Medical Plans, 810-13
Historic Sites and Monuments bill, 508-9
Northwest Mounted Police, early heroes in Western Canada—memorials to, recommended, 509
Kenya, 58-62
British accomplishments in, 60
Game and wildlife, 59
Grievances of natives, 60-2
Hospitals and public health, 58, 60
Living conditions, 59-61
Mau Maus, 59, 61-2

Gershaw, Hon. F. W.—*Con.*
Kenya—*Con.*
Owen Falls reservoir and dam—Lake Victoria, 59
Plural marriages, 60
Prairie Farm Assistance bill, 726-7
Crop insurance, 727
Government contributions and amounts paid in, 727
Prairie Farm Rehabilitation bill, 622-4, 653-4
Expenditures by federal Government, 623-4; by provinces, 623, 653
Flood damage, Manitoba and British Columbia, 654
Irrigation schemes, 622-3
Water conservation, 622-3
War Veterans Allowance bill, 393

Gibraltar, British colony of, 177

Gillespie Mortgage Corporation bill (Hon. Mrs. Hodges). 1r, 427; 2r, 457; ref to com, 458; rep of com, 483; com amdt concurred in, 503; r.a., 733

Godbout, Hon. J. Adélard (Deputy Leader of the Government)
Criminal Code bill, 241
Defence Production bill, 783
Excise Tax bill, 746
Feed grains, subsidies on—answer to inquiry, 209
Felicitations on appointment as Deputy Leader of the Government, 19
Fisheries Improvement Loans bill, 719
Meat Inspection bill, 587-8
Registration of establishments, 587-8
Public Officials Salaries bill, 719
Railways bill, 3
Royal Commission on Canadian Economy, agricultural industry well represented on, 824
St. Lawrence Seaway Authority bill, 808
Authority for expropriation of land on Indian reserves, 808
Senate Committees, appointment of, 3
Speech from the Throne, consideration of, 3
Transport bill, 783

Golding, Hon. William H.
Canada Agricultural Products Standards bill, 592
Canada Elections bill, 738-40, 747
Chief Electoral Officer, status and salary, 739
Costs of elections, 740
Personal expenses of candidates, 739
Nomination day, 739
Department of National Defence, civilian employees, 665-6
Hart divorce case—radio broadcast, 652-3

Golding, Hon. W. H.—*Con.*
St. Catharines Collegiate students, visitors in Senate gallery, 461
Senate, Vacancies—British North America Acts Amendment bill, 508
Divorce Committee, work of, 508
Yukon Pipelines Limited bill, 415, 432-5, 559

Gold Mining
High cost of production, 406
Investing public, 412
Marginal properties, 412-13
Negotiations between management and labour, 411
Ore blocking, 409-10
Ontario Government report on industry, 410
Price of gold, 407-9, 413; American market, 408
Rate of assistance—new formula, 407
Silicosis, 408-9; report of Workmen's Compensation Board, 408; statistics, 409; control of disease, 409
Subsidies, 407, 411, 413
Value of industry to Canadian economy, 411, 413
See Emergency Gold Mining Assistance bill

Gordon, Donald, President, Canadian National Railways
Evidence before committee—capital revision write-offs, 374, 685; competition with Canadian Pacific Railway, 375; sale of four hotels, 375, 379, 382
Labour costs, two lines of approach to reduction of, 141

Gouin, Hon. L. M.
Beauregard, Hon. Elie, the late—tribute to his memory, 7
King, Hon. James H., the late—tribute to his memory, 803-4
Public Service Superannuation bill—rep of com-3r, 403

Government Employees Compensation bill, 1r, 515; 2r, 556-9; ref to com, 559; rep of com-3r, 561; r.a., 732

Governor General, Right Hon. Vincent Massey, C. H.
Opening of Parliament, Speech from the Throne, 1; message of thanks for Address in reply, 231
Deputy of Governor General, Hon. Patrick Kerwin, Chief Justice
Royal Assent, 29, 355, 359, 372, 398, 415, 424, 541, 549
See Administrator of the Government

Grain
Commissioners, Board of
Salary increases and appointment of additional commissioner, 363
Tributes to Donald McKenzie, Chief Commissioner, and R. W. Milner, Commissioner, 365
Feed Grains—subsidies on, 115, 209, 380, 382-5, 387, 389
Suitability of light weight wheat, 817-18
Historical survey of development of Canada Grain Act, 362-4
Marketing, 363; early marketing, 365
Shipments and freight rates, inquiry, 179, 271, 307; answer, 308
See Canada Grain bill; Wheat

Great Britain—*See* United Kingdom

Great Lakes Fisheries Convention bill. 1r, 515; 2r, 561; ref to com, 565; rep of com-3r, 580; r.a., 732

Grenfell, Sir Wilfred, tribute to work in Newfoundland, 764

Guaranteed annual wage, 754

Haig, Hon. John T. (Leader of the Opposition)
Address in reply to Speech from the Throne, 30
Appropriation bills
No. 1, 390
No. 2, 374-6, 381
No. 3, 548
No. 4, 704
Blind Persons bill, 705
British North America Acts Amendment bill. *See* Senate, Vacancies, below
Canada Agricultural Products Standards bill, 597-8
Export trade, 597-8
Maintenance of standards necessary, 597-8
Canada Grain bill, 365-6
Chief Commissioner, D. G. McKenzie, and Commissioner, R. W. Milner, 365
Early marketing, 365
Canadian Curling Championship—tribute to competing teams, 282
Canadian Forces bill, 555
Amendment proposed, 600-3; negatived, 609-10
Common-law wife, pension rights, 601-2
Rep of com-3r, passed on div, 657
Canadian National Railways
Financing and Guarantee bill, 685
Gordon, Donald, President—Evidence before committee:
Capital revision, write-offs, 374, 685

Haig, Hon. John T.—*Con.*
Canadian National Railways—*Con.*
Gordon, Donald—*Con.*
Competition with Canadian Pacific Railway, 375
Sale of four hotels, 375, 379, 382
Canadian Premier Life Insurance Company bill, 753
Credit buying, 34
Criminal Code—Senate membership on Joint Committee on certain questions of criminal law, 72-3; committee quorum, 110
Customs bill, 578-9
Divorce
Committee, work of, 648-50
Divorce and Matrimonial Causes bill, 211, 215, 322, 338-44
Bill of 1938, 342
Canadian Bar Association, 341, 343
Domicile—wives should have same rights as husbands, 343
Grounds, proposed, for divorce, 341-2
Women, position of under present law, 339-41
Evidence, printing of, 127-9
Petitions, deadline for completion of, 24-6
Procedure, 767; attitude of certain members of House of Commons, 648-9, 767; challenge to Commons to do divorce work if not satisfied with that of Senate, 648-9
Estimates, the, 130-1
Referred to Committee on Finance, 296; rep of com, 667
Supplementary estimates, 374-6, 381
Exportation of Power and Fluids and Importation of Gas bill, 318
Farm loans, Government guarantee to banks, 180, 186
Farmers' incomes—British Wheat Agreement, 712
Federal district—cost of municipal services, 679-80
Floods
Damage to crops in Western Canada, 746
Expenditures on dyking and reclamation in Manitoba and British Columbia, 654
Germany, Federal Republic of
Accession to North Atlantic Treaty, 81-3
Canada, responsibility of, 34
France, political situation in, 82
Germany, fear of, 81, 83
Rearmament, 34-5
Great Lakes Fisheries Convention bill, 563
Historic Sites and Monuments bill, 499
Monument commemorating first survey in Western Canada, 499
Need for caution in widening definition of "historic place", 499

Haig, Hon. John T.—*Con.*
Huron and Erie Mortgage Corporation bill, 54
Internal Economy Committee—report, 561
International River Improvements bill, 722
Judges bill, 708-9, 711-14, 716
Bench, impartiality of, 712
Increase in salaries, 712, 714
Political appointments, 711, 713-14
King, Hon. James H., birthday felicitations to, 30
Labour—high wages and taxation, 31
Library of Parliament bill, 205-7, 226
Reconstruction, completion of, 206
Staff, 208
Municipal Grants bill, 678, 679-80
Municipal services, 678-9
Narcotic Drug Traffic Committee, 224; Manitoba representation on, 224-5
Northwest Territories bill, 416-17, 421
Ottawa, traffic conditions in, 680
Parliament—forecast date of closing, 593
Petitions for Private Bills, inquiry, 194; answer, 201
Petroleum Transmission Company bill, 429
Pipe Line bills—two companies in same district, 434
Prairie Farm Rehabilitation bill, 624, 654
Queen Elizabeth, Queen Mother, visit to Canada, 31
Railway bill, 621
S & M Pipeline Limited bill—Commons amendment, 551
Senate
Procedure—placing of statement on record, 170-1
Rules—explanation of bill on second reading, 578
Vacancies—British North America Acts Amendment bill, 453-5, 491, 520
Manitoba, representatives of, 454
Opposition not strong enough, 454-5
Prime Minister, tribute to, 454-5; problem of filling vacancies, 454-5
Senatorship, qualifications for, 454-5
Senators, work of, 648-9
Tributes to deceased senators, 6-7, 111-12, 471
Sharp & Dohme (Canada) Ltd. bill, patent fee, 367
Stanmount Pipe Line Company bill, 439
Subsidies, beef and butter, 376
Supply bills—more time needed for study of by Senate, 548
Taxation—income, corporation and sales tax, 32-3
Trans-Border Pipeline Company Ltd. bill, 445

Haig, Hon. John T.—*Con.*
Unemployment, 32
Insurance bill (No. 6), 28-9; (No. 328), 663
United Nations
Budget—contributions of member states, 201-2
Canada's representation at, 33, 48
War Veterans Allowance bill, 394, 396
Common-law wife, 395
Winnipeg and St. Boniface Harbour Commissioners bill, 239
Winnipeg—Post Office building in, 680
Yukon Pipelines Limited bill, 434-5, 559

Hardy, Hon. A. C., P.C.
Divorce Committee report—debate far afield, 650
Parliamentary restaurant and Senate chamber, temperature of, 415

Harbours
See New Westminster Harbour Commissioners Loan bill; Toronto Harbour Railway Tracks Agreement bill; Winnipeg and St. Boniface Harbour Commissioners Loan bill

Hawkins, Hon. Charles G.
Historic Sites and Monuments bill, 478-9, 515
Acadians, 200th anniversary of expulsion, 479
Board
Basis of payment to members, 479
Representation on, 479
Work of, deserves highest commendation, 478
"Historic place", definition broadened, 478

Hayden, Hon. Salter A.
Bonaventure and Gaspé Telephone Company bill, 237
British North America Acts Amendment bill, *See* Senate Vacancies, below
Caledonian-Canadian Insurance Company bill, 233, 257
Canada Agricultural Products Standards bill, 611
Forfeiture of vehicle or other thing used in violation of act, 611
Governor in Council, powers of, 611-12
Canada-Ireland Income Tax Agreement bill, 332-5, 369
Double taxation, avoidance of, 332
Exemptions, 333
Witholding tax on dividends, 332
Canada-Ireland Succession Duty Agreement bill, 335, 369
Agreed situs of property, rules for, 335
Double taxation, avoidance of, 335

Hayden, Hon. Salter A.—*Con.*
Canadian Forces bill, 605-8; rep of com, 555; bill ref back to com, 600; rep of com-3r, 657
Common-law wife, pension rights, 606-8; same provision in other acts, 606
Treasury Board, discretionary power, 607
Commercial Travellers' Association of Canada bill, 405, 459
Consolidated Pipe Lines Company bill, 515
Customs bill, 555, 570-7, 579, 580
Appeals, procedure for, 573-5
Goods, value of for calculation of duty, 570-3; reappraisal within two years, 574-5; importer and purchaser jointly and severally liable for payment of additional duties, 576-7
Race horses, 573
Refund, 576
Smuggling, 576
Dominion General Life Insurance Company bill, 2r-ref to com, 554
Emergency Gold Mining Assistance bill, 412-14, 459
Industry, valuable to Canada, 413
Marginal properties, 412-13
Proposed formula might not benefit enough producers, 413
Subsidies, 413
Equitable Fire Insurance Company of Canada bill, rep of com-3r. 460
Exportation of Power and Fluids and Importation of Gas bill, rep of com, 337
Huron and Erie Mortgage Corporation bill, rep of com-3r, 75
Meat Inspection bill—rep of com, 594-5
Smuggling, 595
Standards of products, 594
Members of Parliament Retiring Allowance bill, rep of com-3r, 369
Petroleum Transmission Company bill—rep of com-3r, 459
Precious Metals Marking bill, rep of com-3r, 369
Provident Assurance Company bill—rep of com-3r, 594
Royal Architectural Institute of Canada bill, 233-4
Building fund, 234
Senate
Rules—explanation of bill on second reading, 558
Vacancies—British North America Acts Amendment bill, 474-8
Constitutional aspects, 477
No legal sanction for failure to fill vacancies, 476-7
Public reaction if bill rejected, 475-7
Territorial representation, 474
Work of Senate affected by vacancies, 475

Hayden, Hon. Salter A.—*Con.*
Trans-Prairie Pipelines Ltd. bill, rep of com, 459; 3r, 460
Unemployment Insurance bill (No. 328), 658
Veterans Benefit bill, rep of com, 555
Victoria Insurance Company of Canada bill, 2r, 233; 3r, 320
Yukon Pipelines Limited bill, rep of com-3r, 459

Health Insurance, Prepaid
Canadian Medical Association, 810-11
Individual and group insurance, 813
Poliomyelitis—serum, 810-13
Provinces, work accomplished by, 812, 814
Rural municipalities, services in, 814, 817
Salk vaccine, 812-13
Sickness and accident insurance statistics, 811
State medicine, 809
Trans-Canada Medical Plans, 810-13

Highway accidents and traffic, 159, 160, 821
Railway grade crossing accidents, 615-19

Historic Sites and Monuments
Acadians, 200th anniversary of expulsion, 479, 500
Board of, representation on and basis of payment to members, 479-80
Definition of "historic place" broadened, 478-9, 499-500
Monument commemorating first survey in Western Canada, 499
Northwest Mounted Police—early heroes in Western Canada, 509
St. Roch, Royal Canadian Mounted Police schooner, site for, 510
Saskatchewan, places commemorated in, 510

Hodges, Hon. Nancy
Address in reply to Speech from the throne—motion for, 12-18
Aluminum Company of Canada, 13
Development at Kitimat, 14
British Columbia
Industrial development in, 13-15
Population, over-65 age group, 16-18
Unemployment, 16
British North America Acts Amendment bill, 492
Columbia River project, 12-14, 116-17
Divorce and Matrimonial Causes bill, 213, 215, 234-6, 331
Circumstantial evidence, 235
Cruelty, definition of 213, 215
Grounds, proposed, for divorce, 235; incurable insanity, 235-6

Hodges, Hon. Nancy—*Con.*
Foreign Aircraft Third Party Damage bill, 273
Geriatrics, 17
Gillespie Mortgage Corporation bill, 427, 457
Longevity, 16-18
Municipal Grants Act—federal properties, 15
Older citizens, employment problem of, 16-18
Ripple Rock, proposed removal of, 15-16
War Veterans Allowance bill, 392-6
Casual earnings, 392
Death-bed marriage, 395
English divorce, recognition of, 396

Hogs
See Canada Agricultural Products Standards bill, 590-2; Meat Inspection bill, 588

Hoover, Herbert, former President of United States—Quotation from speech on Germany, 92

Horner, Hon. R. B.
Address in reply to Speech from the Throne, 115-23
Appropriation bill No. 5, 827
Government expenditures, 827
Alcoholic liquors, adulteration of, 122-3
Atomic power, 115; Dr. Benjamin Ralph, 116
Baudette and Rainy River Municipal Bridge Company bill, 566
Bread, brown—colouring of, 122
British market for Canadian apples, inquiry, 820
Trade with Great Britain, 821-2
British North America Acts Amendment bill. *See* Senate, Vacancies, below
Butter, Canadian, surplus of, 120
Canada Agricultural Products Standards bill, 590-2, 599
Bacon, Canadian and Danish, 590
Hogs, grading of, 591-2
Livestock, standards and grading of, 590-2
Canadian National Railways Act—interprovincial trucking traffic, 683
Churchill, Sir Winston, originator of NATO idea, 105
Churchill, Port of, 117-18, 615
Cargoes for Great Britain, 822
Conditions at, 615
Customs office required, 118
Hudson Bay-Churchill route, time limit for insurance extended, 821
Railway from Flin Flon, 118

Horner, Hon. R. B.—*Con.*
Columbia River project, 115-16, 138-9, 725
Cost of living, 119
Customs bill, 574, 577
Divorce Committee report—work of the Senate, 650
Divorce and Matrimonial Causes bill, 305-6, 311-13, 321, 323
Canadian Bar Association resolution, 312
Changed social conditions, 306, 311
Doukhobors—marriage and family life, 305
Public opinion, 312
Withdrawal of statement, 310
Eskimos—survival of party in northland, 70
Estimates, the—report of Finance committee, 670
Farmers, income declined, 707-8, 734
Problems of in Western Canada, 735
Fertilizer—potash, 815; smelting process by-product, 816
Germany, Federal Republic of—accession to North Atlantic Treaty, 105
Valuable ally in defence of Europe, 105
Highway accidents, 618-19, 821
Historic Sites and Monuments bill, 510
Immigration, 119
Income tax, 119
International River Improvements bill, 725
Judges bill, 706-8, 716, 720, 734-6
Amendment for six months' hoist, 736
Bill presented at inopportune time, 706-7, 735
Canada's economic picture, 707-8, 736
Good candidates for Bench, no evidence of shortage of, 707-8, 735
Lawyers, earnings of, 707, 735
Library of Parliament bill, 205
Meat Inspection bill, 588
Grading of hogs, 588
Municipal Grants bill, 676, 682
Narcotic drug traffic
Addicts, number of, 225
Idleness one of chief causes of addiction, 731
Institutional treatment desirable, 731
Personal determination necessary for cure of addiction, 731-2
National Parks bill, 586
Newfoundland National Park, 586
Waterton Lakes National Park, 586
New Zealand cheese, 120
Prairie Farm Rehabilitation bill, 623-4
Irrigation, 624
Sunnybrook dam, 624
Queen Elizabeth, the Queen Mother—visit to Ottawa—suggested as next Governor General, 115
Railway bill—grade crossing accidents, 618

Horner, Hon. R. B.—*Con.*
Red Fife Wheat, 121-2
Royal Commission on Canadian Economy, 821-2, 824
Russian proposal for Parliamentary visits, 167
St. Lawrence seaway, 117
Saskatchewan
Access to northern territory, 558
Golden jubilee of province, 510
Historic sites, 510
Potash deposits, 815
Senate, Vacancies—British North America Acts Amendment bill, 492, 530-4
Age limit for senators, 531
Effect of vacancies on committee work, 531
Newfoundland, appointees from, 532
Non-partisan appointments, desirability of, 532-3
Political affiliations, changes in, 533
Public reaction if bill rejected, 534
Territorial representation, 532-3
Toll roads and toll bridges, 122, 566
Unemployment, 119-20, 827
Unemployment Insurance bill, 660, 662
United Nations budget—Russia's contribution to, 198
Wheat
Crop estimate, 818
Feed grain—light weight wheat, 817, 821
Rust, 817, 821

House of Commons
Members' criticism of Senate Divorce Committee procedure and work, 648-9, 767
Money bills originate in, 46
See British North America Acts Amendment bill, 447-8, 465, 517-18, 524-5

Housing, 2, 827
Bank loans, 762
Crown-owned dwellings—equivalent of full taxes paid by Government to municipality, 656
Increase in, 67
Insurance, self-liquidating policy covering balance of payments, 200
Insured loans under National Housing Act, 457
National Housing Act, 20-1, 67, 136, 149, 155
Older citizens, 149

Howard, Hon. Charles B.
Address in reply to Speech from the Throne, 194-201
Divorce and Matrimonial Causes bill, 248-9
Marriage vows, respect for, 249
Fafard, Hon. J. Fernand, the late, tribute to his memory, 473

Howard, Hon. Charles B.—*Con.*
Foreign Aircraft Third Party Damage bill, 277
Housing—self-liquidating insurance policy, 200
St. Lawrence Seaway, 199-200
United Nations, 195-202
Asian situation, 198
President Eisenhower's prompt action regarding fleet, 198
Budget, contributions to by member countries, 197
Russian, 197-8, 200-2
Building, site of, 195
Canada's donation to, 195
Canada's favoured position, 198
Canadian delegation and Parliamentary observers, 196-7
Economic and Social Council and specialized agencies, 196
Pearson, Hon. Lester B., tribute to, 195
Quotation from speech at opening of General Assembly, 195
Problems of—Cyprus, 199; West New Guinea, 199
San Francisco Conference, 197
Security Council, 196
Special Fund for Economic Development of under-developed nations (SUNFED), loans, 199
Technical assistance, 161
War, causes and preventives of, 198-9

Howden, Hon. John P.
Canadian National Railways hotel system, operating loss, 378
Divorce and Matrimonial Causes bill, 244, 248-9
Domicile, 248
Epilepsy and insanity, 244
Feed grains, freight subsidy on, 385
Narcotic Drug Traffic, 224
Committee report, 740-1
Institutional isolation of addicts—National Institute of Mental Health, Lexington, Kentucky, 741
Senate, Vacancies—British North America Acts Amendment bill, 457
Bill does not go far enough, 457
Winnipeg *Free Press* editorial, "The Senate's Future", 457
Territorial Lands bill, 320

Howe, Right Hon. C. D., P.C. (Minister of Trade and Commerce, and Minister of Defence Production)—tributes to, 21, 799-801

Hudson's Bay Company—purchase of prairies from, 123-5

Hudson Bay incident—plane immobilized on ice floe, 615

Hugessen, Hon. A. K.
Appropriation bill No. 5, 828-9
Baudette and Rainy River Municipal Bridge Company bill, rep of com-3r, 583
Bonaventure and Gaspé Telephone Company bill, 237
British North America Acts Amendment bill, 489-95. *See* Senate, Vacancies, below
Canadian Forces bill—Common-law wife, 603
Canadian National Railways bill—rep of com-3r, 719
Canadian National Railways Financing and Guarantee bill, rep of com, 719; 3r, 720
Canadian National Railways Refunding bill, rep of com-3r, 719
Consolidated Pipe Lines Company bill, rep of com-3r, 555
Criminal Code—Senate membership on Joint Committee on certain questions of criminal law, 73
Customs Tariff bill, 795-6
Interests of consumer, 796
Divorce and Matrimonial Causes bill—desertion, 216
Federal District Commission, estimates for, 828
"Traffic and Transportation Plan for Ottawa", 828; railway station, 829
Fredericton & Grand Lake Coal & Railway Company bill, rep of com, 369; rep of com-3r, 373
Germany, Federal Republic of—accession to North Atlantic Treaty, 83-8
Brussels Treaty, 83-4
European Defence Community—France's rejection, 85
German rearmament, 86-8
NATO, 83-7; Canada's declaration as party to, 84
Paris Agreements, provisions of, 83
Russia, attitude of, in international affairs, 87
Western European Union, 83-5
Huron and Erie Mortgage Corporation bill, 54
International River Improvements bill, 720-2
Columbia River and tributaries, proposed development of, 720, 722
Federal control, 720-2
Irrigation, British Columbia and Saskatchewan, 721
McNaughton, General—evidence before Commons committee, 720, 722
Provincial rights, 721-2
Judges bill, 708-9; M for 3r postponed, 720
Increased salaries justified by increase in cost of living, 708
Pensions should be proportionately increased, 709

Hugesson Hon. A. K. —*Con.*
King, Hon. James H., the late, tribute to his memory, 805
London and Port Stanley Railway Company bill, 237
Northwest Territories bill—protection of interests of Indians and Eskimos, 419
Public Service Superannuation bill, 401
Radio bill—rep of com, 672; 3r, 718
Apparent interference with liberty of subject, 438, 717
Secrecy of private communications necessary, 717
Railway bill—rep of com-3r, 672
S & M Pipeline Limited bill—rep of com-3r, 460
St. Mary's River Bridge Company bill—rep of com, 307; 3r, 336
Senate
Rules—explanation of bill on second reading, 559
Vacancies—British North America Acts Amendment bill, 489-95, 535-6
Bill would not be enforceable, 491-2, 535-6
Constitutional aspect, 491
Legal implications and effect, 489-94, 535
Moral and practical effect, 491-2, 536
Prime Minister would not be embarrassed by bill, 493
Resolution suggested by Hon. Mr. Farris, 493-4
Time limit for filling vacancies, 490, 494
Sharp & Dohme (Canada) Ltd. bill—rep of com, 403
Stanmount Pipe Line Company bill—rep of com-3r, 502
Toronto Harbour Railway Tracks Agreement bill—rep of com-3r, 672
Transport bill—rep of com-3r, 806
Westspur Pipe Line Company bill—rep of com, 338

Huron and Erie Mortgage Corporation bill (Hon. Mr. Euler). 1r, 27; 2r, 53; ref to com, 54; rep of com-3r, 75; r. a., 360

Hurricanes—*See* Floods and Storms

Hurtubise, Hon. Joseph Raoul, the late—Tributes to his memory, 11-13

Hydrogen bomb—unsuccessful attempts at international control of, 89

Immigration, vigorous program needed, 119

Immigration and Labour Committee
Appointment, 56; quorum, 57; reports, 561, 746

Income Tax
Appeal board
Salary increases, 785-7, 792
Work of, highly important, 786-7
Business on cash basis, 780
Corporations with taxable income in excess of $20,000, 778
Depreciation on insured property, 777; on capital assets in estates, 778-9
Double taxation treaties, 773
Earned surplus of company taken over by another, 780
England—tax on Canadian residents in, 334
Exemption—new mines, 779; single person with dependant, 777
Farmers—amounts paid by in various provinces, 188; arms-length transactions, 189
Federal-provincial problem, 67
Investment companies, 779
Labour and, 139
Low salary group, 32-3, 44
Profit sharing plans, 779, 781
Provincial tax, 776, 778
Correspondence between Prime Minister and Premier of Quebec, 30, 36
Rates in Canada and other countries, 45, 119
Reductions—personal, 776-7; corporate, 776, 778, 781
Rents, surtax removed, 778
Sales of inventories and accounts receivable on winding-up, 780
See Canada-Ireland Income Tax Agreement bill

Income Tax bill. 1r, 753; 2r, 776; ref to com, 782; rep of com-3r, 791; authority to print com proceedings, 791; r. a., 832

Indemnities
Legislative Assemblies of provinces, table of rates, 419-20
Northwest Territories Council, 416
Yukon Council, 422
See Members of Parliament Retiring Allowances bill

Indians
Lands on reserves, power to expropriate for St. Lawrence seaway, 808
Northwest Territories, Indians resident in, 419-21
Prairie provinces, problem of Indians in, 123-7
Red River Colony
Government of, 123-6
"Rebellion", historical survey, 124-6
Riel, Louis, 123-6
Treatment of Indians and Metis by British Government, 124; by Canada, 125-6

Indians—*Con.*
Roving tribes on prairies in early days, 509
Waterton Lakes National Park—exchange of land with Blood Band, 584-6
Welfare, supplementary estimates for, 380, 389
See National Parks bill; Northwest Territories bill

Inquiries
British market for Canadian apples, inquiry, 820; answer, 823
Canadian Broadcasting Corporation, Televising of British Empire Games, inquiry and answer, 58, 111
Congress of International Chamber of Commerce at Tokyo, inquiry, 767; answer, 774
Fraser River Basin Board, inquiry and answer, 673
Grain shipments and freight rates, inquiry, 179, 271, 307; answer, 308
New Brunswick Potato Marketing Board, inquiries and answers, 470, 589
Opium and narcotic drug traffic, inquiry, 43; answer, 47
Petitions for private bills, inquiry, 194; answer, 201
Subsidies on feed grains, 115; answer, 209
Transcontinental rail schedules, inquiry, 76; answer, 94

Insurance
Caledonian Insurance Company of Canada bill, 64, 109
Canadian Premier Life Insurance Company (Dominion General Life Insurance Company) bill, 540, 554
Commercial Travellers' Association of Canada bill, 430
Dominion of Canada General Insurance Company bill, 415, 440, 483
Equitable Fire Insurance Company of Canada bill, 415, 432, 460
Fisheries Improvement Loans bill, 750
Gerling Insurance Company of Canada bill, 64, 109
Housing—self-liquidating insurance policy covering balance of payments, 200
Income Tax bill—insurance, annual depreciation on property, 777
Provident Assurance Company bill, 569, 581
See Unemployment Insurance bill

Internal Economy Committee
Appointment, 55; quorum, 57; reports, 57, 241, 561, 580, 776, 809, 820
Three senators to act during recess of Parliament, 809, 820

International bridges
See Baudette and Rainy River Municipal Bridge Company bill; St. Mary's River Bridge Company bill

International Chamber of Commerce, Congress of, at Tokyo, 767-75
Inquiry, 767; answer, 774
See Trade

International Finance Corporation, 771, 774-5

International Monetary Fund, 772

International Pacific Salmon Fisheries Commission, 137, 139, 722-5

International River Improvements bill. 1r, 594; 2r, 720; 3r, 738; r.a., 784

International situation
Suez Canal and Cyprus, 199
See Formosa; France; Germany; Russia; United Nations; United States

International trade—*See* Trade

International Trade Fair—reduced appropriation for, 826

International waters
Columbia river and tributaries, 720-4
Definition of international river and boundary waters, 720-1
Federal and provincial jurisdictions, 721-2
International Joint Commission, 720, 722
Mica Creek, proposed dam, 722, 724-5
Saskatchewan, irrigation, 721
Sockeye salmon industry on Fraser River, 722-5
See International River Improvements bill; St. Lawrence Seaway

Ireland
Canada-Ireland Income Tax Agreement bill, 282, 332, 369
Canada-Ireland Succession Duty Agreement bill, 282, 335, 369
Tributes to Ireland's Patron Saint, 308-10

Iron ore—development of in province of Quebec, 21

Isnor, Hon. Gordon B.
Appropriation bill No. 5, 829-30
Canadian National Railways—improved rolling stock in Maritimes, 686
Canadian Premier Life Insurance Company (Dominion General Life Insurance Company) bill, 583

Isnor, Hon. Gordon B.—*Con.*
Customs bill, 573
Customs Tariff bill, 795
Loss leaders, 795
Machinery for fish products, 795
Estimates, the
Finance Committee, report of, 669-70
Civil Service, 669
Department of National Defence, civilian employees, 669
Expenditures, suggested division of, 670
Printing Bureau, 669
Provinces, suggested inclusion of all payments to, 670
Work of, 829-30
United States budgetary system compared, 829
Fisheries Improvement Loans bill, 761-3
Clam industry, 762
Credit unions, 762-3; St. Francis Xavier University, work of, 762-3
Loans to fishermen, 762-3
Grain shipments and freight rates, inquiry 179, 271, 307; answer, 308
Historic Sites and Monuments bill, 499-501
Acadians, 200th anniversary of expulsion, 500
Board—provincial representation on, 500
Definition of "historic place", 500
Nova Scotia—many historic sites, 500-1
Income Tax bill, 780-1
International Chamber of Commerce—query regarding Poland, 775
Library of Parliament bill, 205
London and Port Stanley Railway Company bill, 227
Meat Inspection bill—licence fee, 588
Members of Parliament Retiring Allowances bill, 358
Municipal Grants bill—grants to municipalities, 682
National Harbours Board bill, 331, 338
Increase in membership of Board, 331
Radio bill—authority for inspection, 438
Railway bill—Grade Crossing Fund, 620; reference to committee, 621
Senate
Delay in receiving War Veterans Allowance bill from Commons, reason for, 371
Rules—explanation of bill on second reading, 559
Toronto Harbour Railway Tracks Agreement bill, 655
Tourist Traffic Committee—sitting postponed, 458; empowered to make inquiry, 555
Transport bill, 788-9
Competition between railways and truckers, 789
Water carriers, 788

Isnor, Hon. Gordon B.—*Con.*
Unemployment Insurance bill (No. 328), 660, 662
United Nations budget—contribution by Canada, 200; Russia, 200; United States, 197
War Veterans Allowance bill, 371, 395
Yukon Pipelines Limited bill, 433, 435
Provisions covering radio, telephone and telegraph communications , 433
Pipeline licences, issuance of, 435

Japan
Congress of International Chamber of Commerce, at Tokyo, 767-75
Canada-Japan trade treaty—unbalanced trade, 773
Hospitality of Japanese, 774
Societies, Japanese, for cultivating international good will, 773-4

Jodoin, Hon. Mariana B.
Beauregard, Hon. Elie, the late—tribute to his memory, 7

Judges bill. 1r, 672; 2r, 705; M for 3r postponed, 720; 3r, 734; r.a., 784

Judiciary, The
British Columbia Court of Appeal and Supreme Court, one additional Judge each, 706, 734
High calibre of Judiciary, 712, 715-16, 737
Northwest Territories, additional Judge, 706, 734
Pensions, 706, 709, 716
Political appointments, 711, 713-14, 716
Salaries, increase in, 706-17
Standard of living, 708, 711, 738
Travelling allowances, increase in, 706

Kaiser Dam, 12-13, 115-16, 136-9

Kenya
British accomplishments in, 60
Game and wildlife, 59
Grievances of natives, 60-2
Hospitals and public health, 58, 60
Living conditions, 59-61
Mau Maus, 59, 61-2
Owen Falls reservoir and dam—Lake Victoria, 59
Plural marriages, 60

King, Hon. James H., P.C.
Acting Speaker, 459
Birthday felicitations, 30
Divorce and Matrimonial Causes bill, 213

King, Hon. James H. P.C.—*Con.*
Estimates, the
Discussion of should not precede Budget speech, 131
Reference to Finance Committee in 1943, 131
Narcotic drugs—more effective control over manufacture, sale and distribution needed, 225-6
Senate
Rules—explanation of bill on second reading, 558
Vacancies—British North America Acts Amendment bill, 453
Continuing vacancies not in best interest of Parliament, 453
Prime Minister—problem of filling vacancies, 453
Time limit—not advisable to insist on, 453

King, Hon. James H., P.C., the late—tributes to his memory, 802-5

King, Right Hon. W. L. Mackenzie, P.C., the late—Federal district—quotation from speech delivered in 1944, 676

Kinley, Hon. John J.
Canadian Forces bill—amendment to refer bill back to committee, 605; agreed to, 610
Customs Tariff bill, 796-8
Dumping duties, 797
Fish trade with United States, 797
Free trade outmoded, 797-8
United States tariff, 797
Fisheries Improvement Loans bill, 749-52, 765
Banks, 751, 765
Conservation of fisheries, 759, 765
Credit unions, 750-1
Insurance coverage, 750
Intermediate credit, 749
International control of fisheries, 759, 765
Loans, 749, 750, 766
Maritime provinces—co-operative system, 750-1; Lunenburg merchants, 751
Newfoundland fisheries, 765-6
Senate, Vacancies—British North America Acts Amendment bill, 484-9, 493-5
Amendment of constitution should be matter of government policy, 485
Bill unwise at this time, 485; resolution preferable, 485
Non-partisan appointments, 487, 489
Prime Minister—practice regarding appointments accords with precedent, 486; prerogative, 486, 489; problem of filling vacancies, 487
Territorial representation, 487-8

Labour
Costs, 141
Technological advancement in industry, 140-1
Unions, demands by, 140
Wages
Canadian economy, high wages in relation to, 666
Lower wages, 707-8, 734, 736
Taxation and high wages, 31, 139

Lambert, Hon. Norman P.
Appropriation Bill No. 5, 827-31
Baudette and Rainy River Municipal Bridge Company bill—international bridges largely financed by American capital, 566, 568
British North America Acts Amendment bill. See Senate, Vacancies, below
Buchanan, Hon. W. A., the late, tribute to his memory, 11
Canada Elections bill—costs of elections, 740
Canada Grain bill—reference to committee, 366
Canadian Forces bill—right of appeal to civil court, 543
Civil Service—salary increases, 785-6
Customs bill—no discussion of principle, 579
Divorce and Matrimonial Causes bill, 244-5, 265, 322-3, 347
Bill of 1938—important debate on, 245
Post-war social and economic dislocations, cause of many ill-advised marriages, 245
Quebec and Newfoundland, lack of divorce courts in, reason for number of petitions to Parliament, 265
Estimates, the
Background of reference to Committee on Finance, 297-8
Closer study by Senate desirable, 828
Report of committee
Summary of government expenditures by departments, 668
Tribute to Chairman (Hon. Mr. Crerar), 668
Work of committee
Estimates not fully examined into, 827-8
United States budgetary system commended, 828-9, 831
Fafard, Hon. J. Fernand, the late, tribute to his memory, 473
Federal District—Municipal Grants bill, 677-80
Fisheries Improvement Loans bill, 752
Foreign Aircraft Third Party Damage bill—status of the convention, 277
Health insurance, prepaid—rural municipal hospitalization, 814

Lambert, Hon. Norman P.—*Con.*
International trade—resolution for appointment of committee next session, 807
Library of Parliament bill, 204-7, 226, 238
Librarian and Associate Librarian, 204, 206
Question of privilege—press report regarding staff, 208
Reconstruction of Library, 205
Municipal Grants bill, 677-9, 680
Federal District Commission, 678
Grants to municipalities in lieu of taxes, 678-9
Joint Committee of 1944 on federal-municipal relations, 677-8
Municipal services, 679
National Capital—unsatisfactory progress toward objective, 677-8
School facilities, 678
Ottawa, City of—Municipal Grants bill, 677-80
Petroleum Transmission Company bill, 399
Potash and Phosphoric Acid, inquiry, 816
Public Officials Salaries bill, 785-6, 792
Salary increases—Income Tax Appeal Board, Board of Transport Commissioners, Tariff Board, 785-6
Tributes to chairman of Tariff Board, Hector B. McKinnon, 786; Chairman of Transport Board, 786
Senate
Internal Economy Committee—three senators to act during recess of Parliament, 808-9
Vacancies—British North America Acts Amendment bill, 361, 494, 502-8, 517
Bill would improve usefulness and strengthen status of Senate, 502
Constitutional aspects, 502, 504-5
Federal system—important place of second chamber in, 504
Functions of Senate, 504; opinions on, quoted, 507-8
Practical and political aspects, 502, 506-7
Prime Minister, 503; tribute to, 504
Senate reform, 502-4, 508
Work impaired by vacancies, 506, 508
Territorial Lands bill, 321
United Nations budget, Russian contribution to, 200
Westcoast Transmission Company, Limited bill—rep of com, 526
Yukon bill, 422

Land values, increases in, 737

Library of Parliament
Joint Committee—Senate members, 43; Commons members, 145; addition to Senate members, 746
Librarian and Associate Librarian, 204, 206
Question of privilege—press report regarding staff, 208
Reconstruction of, 205, 222
Report tabled, 11

Library of Parliament bill, 1r, 4; 2r, 204; M for 3r, 207, stands, 226; 3r (division), 238; question of privilege—press report, 208; r.a., 733

Livestock
Standards and grading of, 590-2
See Canada Agricultural Products Standards bill; Meat Inspection bill

London and Port Stanley Railway Company bill (Hon. Mr. Taylor). 1r, 204; 2r, 226; ref to com, 227; rep of com—amdt concurred in, 237; 3r, 238; r.a., 398

Longevity. *See* Older citizens

Macdonald, Hon. W. Ross, P.C. (Leader of the Government in the Senate and Solicitor General)
Address in reply to Speech from the Throne, 43-8
Alberta-British Columbia Boundary bill, 436
Appropriation bills,
No. 1. 361, 372, 390
No. 2. 372, 373-4, 379-80, 388-90
No. 3. 547-8
No. 4. 704
No. 5. 826, 830-1
Atomic energy for peace, 48
Baudette and Rainy River Municipal Bridge Company bill, 567-8
Blind Persons bill, 1r, 594
British market for Canadian apples—inquiry stands, 820; inquiry and answer, 823
British North America Acts Amendment bill. *See* Senate, Vacancies, below
Budget Speech—accommodation for senators in Commons gallery, 402
Burns, Robert—196th anniversary of birth, 64
Butter, floor price, 389
Canada Agricultural Products Standards bill, 1r. 552
Canada Elections bill, 1r, 663
Canada Grain bill, 1r, 337
Canada-Ireland Income Tax Agreement bill, 1r, 282

Macdonald, Hon. W. Ross, P.C.—*Con.*
Canada-Ireland Succession Duty Agreement bill, 1r, 282
Canadian Broadcasting Corporation, televising of British Empire Games—inquiry stands, 58; inquiry and answer, 111
Canadian Curling Championship—tribute to competing teams, 283
Canadian Forces bill, 405, 608
Amendment procedure, 609-10
Common-law wife, 601, 603, 605
Canadian National Railways
Bill (consolidating various statutes), 1r, 644
Finance and Guarantee bill, 1r, 594
Hotel, new, in Montreal—inquiry, 167; answer, 194
Hotels, sale prices, 379; operation, 388-9
Refunding bill, 1r, 594
Churchill, Right Hon. Sir Winston—shared with Canada's Prime Minister (Right Hon. Mr. St. Laurent) in creation of NATO, 107. *See* 77
Commonwealth Prime Ministers, Conference of, London, 107
Criminal Code—Senate membership on Joint Committee on certain questions of criminal law, 70-4; motion, 70; amended, 74; committee quorum, 110
Criminal Code bill, 254, 258
Customs bill, 572
Customs Tariff bill, 783, 796, 806
To prevent unfair competition, 796
Defence Production bill, 799, 806
Minister of Defence Production, increase in salary, 799
Tribute to present Minister (Right Hon. Mr. Howe) and Parliamentary Assistants, 799-800
Wide powers, extended for three years, 799
Regulations, tabling of, 799
Divorce and Matrimonial Causes bill, 212-19, 361
Newspaper article—question of privilege, 361
Divorce Committee
Evidence—typewritten copy, 128; printing of, 129
Final report, 647-50
Appreciation of services, 647
Dominion of Canada General Insurance Company bill, 441
Emergency Gold Mining Assistance bill, 1r, 337
Estimates, the
Finance Committee, reference of Estimates to, 295-6
Work of, 667, 826, 830-1
House of Commons, change in procedure, 132, 295-6

Macdonald, Hon. W. Ross, P.C.—*Con.*
Exportation of Power and Fluids and Importation of Gas bill, 1r, 231
Federal District Commission, 655
Feed grains, subsidies, 115, 389
Felicitations, 35; on appointment as Leader of the Government, 18
Financial Administration bill, 319, 352, 356
Auditor General, salary increase, 352
Foreign Aircraft Third Party Damage bill, 4, 278
Fraser River Basin Board—answer to inquiry, 673
Germany, Federal Republic of, accession to North Atlantic Treaty, 58, 62; motion for approval of protocol, 76-81, 107
Brussels Treaty, 78-80
Canadian Forces in Europe, 79-80
European Defence Community (EDC), 77
Franco-German Agreement on Saar, 78, 80
NATO, 76-80
First envisaged by the Prime Minister (Right Hon. Mr. St. Laurent), 77; creation of shared by Mr. St. Laurent and Sir Winston Churchill, 107
Obligations assumed by Germany, 80
Rearmament, 79
Unification, 78
United Kingdom, commitment of, 79
Western European Union (WEU), 78-9
Government Employees Compensation bill, 1r, 515
Grain shipments and freight rates—inquiry, 179, 271; answer, 308
Great Lakes Fisheries Convention bill, 1r, 515
Health insurance, prepaid—appreciation of address by Hon. Mr. Gershaw, 813
Historic Sites and Monuments bill, 1r, 405
Income Tax
Correspondence between Prime Minister and Premier of Quebec regarding provincial tax, 30
Low salary group, 44
Rates in Canada and other countries, 45
Tax dollar, spending, breakdown, 45
Income Tax bill, 1r, 753
Indians, welfare of, 389
International River Improvements bill, 594, 738
International trade—report of committee, 792
Judges bill, 672, 705. 734
British Columbia, two additional Judges, 706, 734
High calibre of Judiciary, 716
Northwest Territories, additional Judge, 706, 734
Pensions, 706, 716
Salaries, increase in, 706, 708, 715-16
Travelling allowances, increase in, 706

Macdonald, Hon. W. Ross, P.C.—*Con.*
King, Hon. James H., birthday felicitations, 30
Library of Parliament, reconstruction of, 207, 222
Library of Parliament bill, 4, 207
Question of privilege—press report regarding staff, 208
Macphail, Agnes, Memorial, 255
Meat inspection bill, 1r, 552; rep of com-3r, 624
Members of Parliament Retiring Allowances bill, 319, 357-9
Withdrawal allowance, 358
Municipal Grants bill, 611, 655, 681-2, 704
Crown-owned buildings, payment of full taxes equivalent on, 656
Grants to municipalities in lieu of taxes, formula, 656
Amounts paid in 1954, 704
Joint Committee of 1944 on Federal-Municipal Relations, 655; proposed new committee, 47
Parliament Buildings, standard assessment procedure not applicable to, 681
Narcotic Drug Traffic—inquiry, 43, 47; special committee, suggested, 47; appointed, 222; committee report—appreciation of services of members, 741
Addicts—number and classes of, 223-4
Federal responsibility for control, 223
Royal Canadian Mounted Police report, 47, 223
Treatment of addicts, provincial responsibility, 223
National Harbours Board bill, 1r, 246
National Parks bill, 1r, 405
NATO. *See* Germany, Federal Republic of, above
New Brunswick Potato Marketing Board—inquiries and answers, 470, 589
New Westminster Harbour Commissioners Loan bill, 1r, 405
Northwest Territories bill, 397, 415-17, 419-21
Council members, 416-17
Indemnity, 416
Votes cast in 1954 election, 417
Districts, number of voters in, 417
Indians and Eskimos, 420-1
Revenue and expenditure, 420-1
Ottawa, city of—scenic beauties, 681; *See* Municipal Grants bill, above
Parliament
Opening of, 1
Prorogation of, 831
Petitions for private bills—inquiry, 194; answer, 201
Potash and Phosphoric Acid—answer to inquiry, 815

Macdonald, Hon. W. Ross, P.C.—*Con.*
Prairie Farm Assistance bill, 1r, 657
Prairie Farm Rehabilitation bill, 1r, 569
Precious Metals Marking bill, 1r, 4
Prime Minister (Right Hon. Mr. St. Laurent)—departure for Commonwealth Prime Ministers' Conference, London, 107
First to envisage NATO, 77. *See* 107
Prisons and Reformatories bill, 436, 480-2, 484
New Brunswick—Parole Board—authorized to release inmates of Boys' Industrial Home, 481; penal system, modernization of, 481
Public Officials Salaries bill, 787
Public Service Superannuation Bill, 1r, 337
Radio bill, 405
Railway bill, 502, 615-20
Grade crossing accidents, statistics, 618-20
Grade Crossing Fund, increase in grant to, 615-16
Method of payment, 617, 621
National Safety Conference—motor vehicle accidents, 615-16
Transport Commissioners, Board of, recommendations, 616
Representation bill, 1r, 295
Royal Commission on Canadian Economy, 823-4
Russian proposal for parliamentary visits, 168
S & M Pipeline Limited bill—Commons amendment, 551
St. Lawrence Seaway Authority bill, 704, 814
St. Patrick's Day— tribute to Ireland's Patron Saint, 310
Senate
Business of, 27, 370, 403, 614, 671, 783, 806, 818, 820, 822, 824, 826
Committee sittings, 458
Easter recess, 404
Emergency sittings—authority to convene during adjournment, 371; sitting, 783
Internal Economy Committee—sixth report, 580; eighth report—three senators to act during recess of Parliament, 820
Legislative measures—initiation of in Senate, 46-7, historical sketch, 46; delay in receipt of bills, 388
Procedure
Discussion on Address in reply to Speech from the Throne, 168
Placing of statements on *Hansard*, 170-1
Rules—*in re* public bills—suspension of, 371, 705

Macdonald, Hon. W. Ross, P.C.—*Con.*
Senate—*Con.*
Vacancies—British North America Acts Amendment bill, 448, 515-21
Bill would be ineffective, 518, 520
Constitutional aspects, 515, 517-19
Dignity of Senate not affected by vacancies, 516, 538
Opposition performing proper function well, 516
Practical considerations, 519
Prime Minister—problem of filling vacancies, 519; refusal to fill vacancies on eve of election, 519-20
Work of Senate not impaired by vacancies, 515-16
Senators, work of, 649-50
Tributes to deceased senators, 4, 111, 470, 802
Social security, expenditures for, 45
Territorial Lands bill, 4, 321
Toronto Harbour Railway Tracks Agreement bill, 470
Transcontinental rail schedules—inquiry, 76; answer, 94
Transport bill, 789-90
Trans-Prairie Pipelines Ltd. bill, 431
Unemployment, statistics, 44
Unemployment Insurance bill (No. 6)—increase in supplementary benefit rates, 27-8
Unemployment Insurance bill (No. 328), 594
United Nations
Canadian representation at, 47
Germany, adherence to principles of Charter, 80
Veterans Benefit bill, 471, 553, 570
Provisions of Reinstatement in Civil Employment Act and Unemployment Insurance Act, ineffective after July 1, 1955, 553-4
War Veterans Allowance bill, 391-7
Allowances increased, 391
Casual earnings, 392
Chairman and members of Board—increase in salaries, 394
Children of deceased veterans, 393-4, 397
Common-law widow, 394-6; legal wife, 396
Widows of veterans, 393-4, 396
Wilson, Hon. Cairine R., congratulations on 25th anniversary as member of Senate, 255
Winnipeg and St. Boniface Harbour Commissioners bill, 1r, 4
Women—"persons" under British North America Act, 255
World conditions, improvement in, 48

Macdonald, Hon. W. Ross, P.C.—*Con.*
Yukon bill, 398, 421-3
Council members, 422; indemnity and living allowance, 422
Population, 422
Yukon Pipelines, Limited bill—radio, telephone and telegraph communications, 433; ref to com, 434-5

MacKinnon, Hon. James A., P.C.
Beauregard, Hon. Elie, the late, tribute to his memory, 9
Buchanan, Hon. W. A., the late, tribute to his memory, 8
Precious Metals Marking bill, 356-7
Quality marks—methods of application to certain articles, 356
Trade marks, 357
Westspur Pipe Line Company bill, 295, 318, 356, 483, 513

Macphail, Agnes, the late—First woman member of House of Commons, 231
Memorial to—Unveiling ceremony, 231, 255-6. *See* 532

Manitoba
Health insurance, 810
Hudson's Bay Company rule, 123
Provincial representation in Senate, 454
Red River Government, 123-5; rebellion, 124
Wheat, 597
See Floods and Storms; Indians; Prairie Provinces

Maple products industry—replacement of buckets, 381

Marcotte, Hon. Arthur
Birthday congratulations, 248
Canadian Curling Championship—tribute to Saskatchewan, 284
Civil Service Commission, administration, 57
Hurtubise, Hon. Joseph Raoul, the late, tribute to his memory, 113
Library of Parliament bill, 238
Senate—Internal Economy Committee, sixth report, 580; eighth report—three senators to act during recess of Parliament, 820
Unemployment Insurance bill (No. 328), 658

Maritime Provinces
Canadian apples—marketing of in Great Britain, 815, 820, 823
Canadian banks, origin of many in Maritimes, 751

Maritime Provinces—*Con.*
Canadian National Railways—improved rolling stock, 686
Canso causeway, 2
Chignecto canal, long-delayed project, 142-3
Clam industry, 759-62
Confederation promises to, not realized, 142-3
Credit unions, development of, 750-2, 755-6, 762-3
St. Francis Xavier University—organization work, 752, 756
Ferry services, 2, 159
Herring industry, 758-61
Train services, 159

Mau Maus, 59, 61-2

McDonald, Hon. John A.
Address in reply to Speech from the Throne, 65-70
Apple industry of Nova Scotia—government assistance to—losses incurred through Hurricane "Edna", 65-6, 815
British market for Canadian apples—inquiry, 815; inquiry stands, 820; inquiry and answer, 823
Colombo Plan, 66-7
Criminal Code—second report of Joint Committee, 734, 744
Crop prospects in Western Canada, 818
Divorce and Matrimonial Causes bill, 286
Dominion-provincial agreements, taxation, 67
Elections
Apathy of electorate, 67-9
Australia, results of compulsory voting legislation, 68-9
Costs, 67-9
Public affairs—need for greater interest in, 68-70
Voters in last federal election—national average, 68; provincial percentages, 68
Fertilizers—potash and phosphoric acid, 815-17
Fisheries Improvement Loans bill, 752
Credit unions, growth of, 752
St. Francis Xavier University, organization work, 752
German rearmament, 66
Health insurance, prepaid—Salk vaccine, attitude of Great Britain, 812
Housing, increase in—National Housing Act, 67
Judges bill, 706, 709, 711
National Parks bill—Newfoundland National Park, 586

McDonald, Hon. John A.—*Con.*
Potash and Phosphoric Acid—inquiry and answer, 815-17
Commercial fertilizers—important for farmers to study proper use of, 817
Potash—price reduction, 817
Robertson, Hon. Wishart McL. (Speaker), felicitations on receiving Atlantic Union Committee Award, 65
Royal Commission on Canadian Economy, 824
Televising—President Eisenhower's address to Parliament in 1953, 68; opening of Parliament, 68
Westcoast Transmission Company Limited bill, 541

McGuire, Hon. William H.
First to recommend memorial to David Fife, discoverer of Red Fife Wheat, 52

McIntyre, Hon. James P.
Address in reply to Speech from the Throne, 141-4
Confederation promises made to Maritime provinces not realized, 142-3
Chignecto Canal, long-delayed project, 142-3
Divorce and Matrimonial Causes bill, 219
Based on British Act of 1937, 243
Present Canadian law satisfactory, 244
Senate bill of 1938, 244
NATO—The Prime Minister (Right Hon. Mr. St. Laurent), originator of idea, 144
Provinces, debts of, 143-4
St. Lawrence seaway, 142

McKeen, Hon. Stanley S.
Address in reply to Speech from the Throne, 160-5
Bonaventure and Gaspé Telephone Company bill—Commons amdts, 361
British Empire and Commonwealth Games at Vancouver, 135
Canada-Ireland Tax Agreement bill, 333, 335
Ships—place of residence, head office of company, 333
Exportation of Power and Fluids and Importation of Gas bill, 318
Great Lakes Fisheries Convention bill, 564-5
Halibut and salmon fisheries in British Columbia, regulation of, 565
International Chamber of Commerce, Canadian Executive, member of, 768
National Harbours Board bill, 332
Territorial Lands bill, 321
United Nations, 160-5
Business opportunities in Asia, 162
Canada's contribution, 161, 165

McKeen, Hon. Stanley S.—*Con.*
United Nations—*Con.*
Canadian delegations—Senate representatives, 161; daily procedure, 161
Food and Agriculture Organization, work of, 163
Technical Assistance Program—operations in various under-developed countries, 161-5

McLean, Hon. A. Neil
Canada Agricultural Products Standards bill, 596-7
Brand names well known to foreign buyers, 596
Canadian trade commissioners efficient, 596
Export trade—unnecessary restrictions should be avoided, 597
Violations of Act—heavy penalties, 597
Customs Tariff bill, 798
Foreign currencies, non-acceptance of, deterrent to trade, 798
Machinery and apparatus used in fishing industry, 798
Fiscal policy of Government, 757; national debt, 757
Fisheries Improvement Loans bill, 756-61
Clam industry, 759-61
Conservation, 759, 765
Herring industry, 758-61
Research into fisheries, extension necessary, 757-61
International Trade
Notice of motion to empower Canadian Trade Relations Committee to conduct inquiry into, 203; motion agreed to, 222; rep of com, 791; amended and concurred in, 806-7

McNaughton, General A. G. L., P.C., Chairman, Canadian section, International Joint Commission
International Pacific Salmon Fisheries Commission—conference with, 722-5
International River Improvements bill—evidence before Commons committee, 720, 722

Meat Inspection bill. 1r, 552; 2r, 587; ref to com, 588; rep of com, 594; com amdts concurred in-3r, 624; amdts concurred in by Commons, 644; r.a., 733

Meighen, Right Hon. Arthur, P.C.
Quotations from speeches *in re*
Government legislative measures amended by Senate, 507
Matrimony and the home, 322

Members of Parliament Retiring Allowances bill. 1r, 319; 2r, 357; ref to com, 359; rep of com-3r, 369; r.a., 398

Mendes-France, Mr., Prime Minister of France—leadership of, 82, 85

Metis, 123-6. *See* Indians

Mining
Income Tax bill—new mines, 3-year exemption, 779
See Emergency Gold Mining Assistance bill; Gold Mining

Miscellaneous Private Bills Committee
Appointment, 55; quorum, 57; reports, 257, 403, 484

Municipal Grants bill. 1r, 611; 2r, 655, 674; ref to com, 682; rep of com-3r, 734; r.a., 784

Municipalities
Federal Government grants to, in lieu of taxes, formula, 656
Amounts of grants in 1954, 704
Crown-owned dwellings, payment of full taxes equivalent on, 656
See Federal District; Municipal Grants bill; Ottawa, City of

Narcotic Drug Traffic
Addiction—definition of, 691; extent of, 692; drugs of, 692; causes of, 731
Addicts—classes of, 223; number of, 223, 225
Interviewed by Special Committee, 728, 731
Treatment—British and French systems, 694, 729; British Columbia pilot plan, 742; proposals, 693; institutional—Lexington, Kentucky, 731, 741
Clinics, 693, 729, 741, 743
Committee, Special, to inquire and report—suggested, 43, 47, 134; appointed, 222; quorum reduced, 237; authorized to print proceedings, 237, 580; to retain counsel, 257; change in membership, 258; empowered to sit during Senate adjournments, 319; additions to membership, 319; question of privilege—committee plans, 355; sittings, 458, 728; sittings at Vancouver, 404, 436, 461, 728; witnesses, 701-3, 728
Report, 672, 690-703; considered, 727-32, 740-3; concurred in, 743
Conclusions and recommendations, 695-700, 729
Services, appreciation of—members, 730, 741; staff, 730

Narcotic Drug Traffic—*Con.*
Communist propaganda, one means of, 155
Community action, 695
Control, international, 691-2
Education, 694
Jurisdictional responsibilities, federal and provincial, 223, 695-8, 729
Law enforcement—R.C.M.P. and municipal police, 693
Narcotics Anonymous and Alcoholics Anonymous, 693-4, 731
Penalties for trafficking, 698-700
Research in British Columbia, 695
Situation in Vancouver, Montreal and Toronto, 696
Training personnel, 694

National Council of Jewish Women—workshops for older citizens, 151

National Council of Women—Resolutions respecting divorce, 316

National Debt, 757

National Defence—*See* Defence

National Harbours Board—increase in membership of, 331

National Harbours Board bill. 1r, 246; 2r, 331; 3r, 338; r.a., 360

National Parks
Broder Island, withdrawal from St. Lawrence Islands National Park, 585
Hospital services within parks, 585
Newfoundland National Park, proposed, 584-7, 613; location, 584, 586, 613-14
Waterton Lakes National Park—exchange of parcel of land with Blood Band of Indians, 584-6
Reduction in area of Prince Albert, Banff and Waterton Lakes Parks, 612-13

National Parks bill. 1r, 405; 2r, 584; ref to com, 587; rep of com-3r, 612; r.a., 733

National product, gross, 21, 626
National income and, 640, 641, 666

National unity, 156

NATO (North Atlantic Treaty Organization), 2
Accession of Germany, 95-108
Armed forces, 175
Canada's commitment, 106, 173
Capacity of countries to bear defence burdens, 175

Nato—*Con.*
Change in emphasis in planning—European defence, 173; continental defence in North America, 173-4
Convention of delegates from democracies, called by United States, 106
Originator of NATO idea, 77, 105, 107, 144
Parliamentary Association—attendance of Hon. Mr. Robertson (Speaker) at meetings abroad, 611
Trade between member countries—inquiry by Canadian Trade Relations Committee, 203, 791, 806-7
See Germany, Federal Republic of

Natural Resources Committee
Appointment, 42, 55; quorum, 57; reports, 355, 372, 427, 580, 612, 746

New Brunswick
Clam industry, 759-61
Fish canning facilities—Bay of Fundy communities, 759
Health insurance, 810, 813
Herring industry, 758-61
Northumberland constituency — name changed to Northumberland-Miramichi, 336
Potato Marketing Board—inquiries and answers, 470, 589
See Maritime Provinces

Newfoundland
Banks in, 180, 764-5
Coal movements to, removal of subsidies on, 386-7, 389-90
Co-operative movement, 764
Sir Wilfred Grenfell, tribute to, 764
Fisheries, 180-1; assistance to, 386, 826; importance of to province, 765
Fisheries Improvement Loans bill, 763
Former civil servants—benefits of Public Service Superannuation Act extended to, 400
National park, proposed, 584, 586-7, 613-14
Senators from—nominees suggested, 532
See National Parks bill

Newspaper Publishers and Editors, late members of Senate, 11

New Westminster Harbour Commissioners Loan bill. 1r, 405; 2r, 580; 3r, 581; r.a., 732

New Zealand
Cheese, 120
Divorce—grounds for, 215, 217

Northwest Mounted Police
Heroes of early days on prairies, memorials to, recommended, 509-10

Northwest Territories
Council members, 416-17; indemnity, 416, 418-19; votes cast in 1954 election, 417
Districts, number of voters in, 417
Indians and Eskimos, 419-21
Municipal centres, 417, 420; lack of, 418
Purchase of from Hudson's Bay Company, 123-5
Revenue and expenditure, 420-1
Suggested amalgamation of Northwest Territories and Yukon with four Western provinces, 422
Territorial Court—appointment of Judge for, 706
See Indians

Northwest Territories bill. 1r, 397; 2r, 415; ref to com, 421; rep of com-3r, 427; r.a., 549

Nova Scotia
Apple crop, damage by hurricane, 65-6, 815
Apples, marketing of in Great Britain, 815, 820, 823; assistance to producers, 2
Canso causeway, 2
Chignecto canal, long-delayed project, 142-3
Clam industry, 759-62
Health insurance, 810, 812-13
See Maritime Provinces

Older Citizens
Aging—Canadian Welfare Council Committee on, 151-2; United States Committee on Aging and Geriatrics, 151
British Columbia, problem in, 16-17
Efficiency of, 147-8
Employment problem, 17, 146-8, 150-1
Geriatrics, 17, 147, 151
Housing, 149
Longevity, 16-18, 107, 146, 160
Number of increasing, 18, 146-7, 150
Prince Edward Island, older workers in, 160
Recreational and educational projects, 151
Day Care Centres and other organizations, 150-1
Retirement, 148-9

Oil
Oil fields of Western Canada, 423-4
Pacific Petroleums Limited and Frank McMahon, 428-9
See Exportation of Power and Fluids and Importation of Gas bill; Pipe Lines

Ontario
Assistance to hurricane sufferers, 2, 380
Health insurance, 810, 812
Police salaries, 710
St. Lawrence Seaway, financing of power project, 142

Ottawa, City of
Federal District Commission, 3, 674, 678, expenditures by, 674; estimates for, 828
Federal-municipal relations—Joint Committee of 1944, 674-5, 677-8; proposed Joint Committee, 3, 47
Grants to city, 655, 674
Mayor and municipal government of, 677-8
National Capital—delay in realization of great dreams, 675, 677-8; federal district recommended, 676
Railway station, 829
Scenic beauties of capital, 681
Traffic and Transportation Plan, 828

Ottawa River, pollution of, 677, 681

Parliament
Delegation of powers to departmental officers, 578-9
House of Commons, legislative grant to, 383, 389
Library of, Joint Committee on, 43, 145, 746
Opening of, 1; prorogation of, 831
Supremacy of, 388
Taxation, Parliament alone should impose, 578
Televising of Opening, 68
See Library of Parliament bill; Members of Parliament Retiring Allowances bill

Parliament Buildings
East and West Blocks excluded from federal property, 675, 681
Fire of 1916—Unveiling of commemorative plaque, 551

Patents
Sharp & Dohme (Canada) Ltd. bill, 355, 366, 403

Paterson, Hon. Norman McL.
Baudette and Rainy River Municipal Bridge Company bill, 565-6, 568
Income from bonds tax-free in United States, 565
International vehicular bridge, 565
Toll bridge, 566

Paterson, Hon. Norman McL.—*Con.*
Great Lakes Fisheries Convention bill, 561-3
Lampreys—damage done by, to fisheries, 561-3; Canadian-United States efforts to deal with problem, 561-2
Bell, Marilyn, attacked by lamprey during Lake Ontario swim, 562
St. Mary's River Bridge Company bill—North Shore road, 254
Senate
Internal Economy Committee reports, 57, 241, 561, 776, 809
Three senators to act during recess of Parliament, 809
Vacancies, monetary saving by reason of, 449-50

Peace
Progress of Western nations toward, and Canada's part in, 19
World progress toward, 48

Pearson, Hon. Lester B., P.C. (Secretary of State for External Affairs)
Tribute to, 195; quotation from Speech at opening of General Assembly of United Nations, 195

Pensions
Blind persons, 16, 21, 705
Canadian Forces bill, 545-7
See Blind Persons bill; Judges bill; Members of Parliament Retiring Allowances bill; Public Service Superannuation bill; War Veterans Allowance bill

Penticton V's—World Hockey Champions, tributes to, 255

Petroleum Transmission Company bill (Hon. Mr. Lambert). 1r, 399; 2r, 428; ref to com, 429; rep of com-3r, 459; r.a., 732

Pipe Lines
Plains Eastern Pipe Lines, Ltd. bill—refund of fees, 238
See Consolidated Pipe Lines Company bill; Petroleum Transmission Company bill; S & M Pipeline Limited bill; Stanmount Pipe Line Company bill; Trans-Border Pipeline Company Ltd. bill; Trans-Prairie Pipelines, Ltd. bill; Westcoast Transmission Company Limited bill; Westspur Pipe Line Company bill; Yukon Pipelines Limited bill

Pirie, Hon. Frederick W.
New Brunswick Potato Marketing Board—inquiries, 470, 589

Polar Air Route—Canadian Pacific Air Lines new route, 134

Poliomyelitis
Treatment of with Salk vaccine and a placebo, 810
Vaccine
Excise tax repealed, 782
Production of, 811
Use of, 811-13

Postage rates between Canada and United States, 67

Potash and Phosphoric Acid
Germany, large deposits of potash, 815
Inquiry and answer, 815
Saskatchewan, deposits in, 815-16
Used as fertilizer, 815-17

Prairie Farm Assistance bill. 1r, 657; 2r, 726; ref to com, 727; rep of com-amdts concurred in-3r, 746; amdts concurred in by Commons, 785

Prairie Farm Rehabilitation bill. 1r, 569; 2r, 622; 3r, 653; r.a., 733

Prairie Provinces
Crop failure, relief, 726-7
Indians in, problem of, 123-7
Irrigation, 622-4, 721
Expenditures by federal Government, 624; by provinces, 653
Manitoba flood damage, expenditure on reclamation, 654
Purchase of prairies from Hudson's Bay Company, 123-5
Red River Colony—Government of and "rebellion"—historical survey, 123-6
Spring floods, crops damaged by, 746
Water conservation, 622
See Prairie Farm Assistance bill; Prairie Farm Rehabilitation bill

Pratt, Hon. Calvert C.
Address in reply to Speech from the Throne, 179-84
Canada-Ireland Tax Agreement bill, 335
China and the Formosa question, 183
Bellicose attitude of Peiping Government, 183
Commonwealth Prime Ministers' Conference, 179
Divorce and Matrimonial Causes bill, 352
Farm loans, Government guarantee to banks, 180, 186

Pratt, Hon. Calvert C.—*Con.*
Fisheries
Assistance to, 386
Co-operative movement in Newfoundland, 764
Grenfell, Sir Wilfred, tribute to, 764
Industry—importance of to Newfoundland, 765; being abandoned by young men because of low returns, 180-1
Insurance plan, Government operated, 764
Loans by Government to fishermen, 180, 763-4
Banks in Newfoundland, 180, 764
Fisheries Improvement Loans bill not as beneficial to Newfoundland as to other provinces, 763, 765
Unemployment insurance should be made available to fishermen, 181
Judiciary, Canadian, high calibre of, 715
Newfoundland
Civil servants, superannuation rights, 401
Gander airport—role in world travel, 614
National park, proposed, 613; location of, 613-14
Prime Minister, the (Right Hon. Mr. St. Laurent)—granted Freedom of City of London, 179
Subsidies, 385-6; removal of on movements of coal to Newfoundland, 386
Trade, International
International Chamber of Commerce, Congress of, at Tokyo, 767-75
Asian problems, 770-3
Canada-Japan, unbalanced trade, 773
Convertible currencies, 772
Double taxation treaties, 773
Freedom of shipping, 772
GATT, 768, 770, 773, 775
International Finance Corporation, 771, 774-5
International Monetary Fund, 772
Societies, Japanese, for cultivating international good will, 773-4
Removal of trade barriers should be major policy of government, 181
Unemployment Insurance bill (No. 328), 754
Lack of adequate inspection facilities, 755
United States
Benefits to Canada of more intimate association with, 182-3
"Canadian Day" at Atlantic City, 183-4
Far East policy, 182-3; conciliatory, 183
Motives misunderstood and misinterpreted, 182

Precious Metals Marking bill. 1r, 4; 2r, 356; ref to com, 357; rep of com-3r, 369; r.a., 549

Press, the
Arrow Lakes News—Kaiser Dam, 116
Brantford Expositor—divorce grounds, 346
British United Press—report regarding Library staff, 208
Canadian Bar Review—drug addiction, 224
Canadian Journal of Public Health—aging population, 146
Canadian Unionist—compulsory retirement, 148
Canadian Press, the story of the, 9, 10
Collier's—divorce in Russia in first days of Soviet revolution, 262
Coronet—Marilyn Bell, swim across Lake Ontario, 562
Financial Post—senior citizens, 149-50
Globe and Mail—war propaganda, 97; recognition of women as persons under B.N.A. Act, 255; Narcotic Drug Traffic Committee sittings in Vancouver, 437
Labour Force—employment statistics, 187
Lethbridge Herald—published by late Senator Buchanan, 5, 8, 9, 10, 11
Liberty—Canadian divorce law, 345
Life—General MacArthur's speech on necessity of abolishing war, 178, 184
Lifetime Living—story of wheat, 189-90
London Evening News—presentation of Freedom of City of London to Right Hon. Mr. St. Laurent (Prime Minister), 159
Maclean's—suggested appointees to Senate, 454; work of the Senate, 529
Manchester Sunday Chronicle—drug addicts, 729
Montreal Gazette—wheat situation, 192-3; arrest of divorce detectives, 235; alcohol cause of domestic troubles, 242; Narcotic Drug Traffic Committee plans, 355; appointments to Senate, 527
Newsweek—Russians fear rearming of Germany, 104
New York Times—President Eisenhower's message to Congress, 182
Press, the (publications unnamed)—Narcotic Drug Traffic Committee—sittings in Vancouver, 404, 742-3
Rosetown Eagle—advertising medium, 191
Saskatoon Star-Phoenix—Red Fife wheat, 50; blessings of work, 121
Saturday Evening Post—growing of trees for production of turpentine, 822
Saturday Night—employment of older workers, 148; Canadian divorce law, 346
Times, London—Canadian development in past decade, 67
Winnipeg Free Press—wheat surplus, 192; "the Senate's Future", 457

Prime Minister, the
See St. Laurent, Right Hon. Louis S.

Prince Albert National Park, 586-7

Prince Edward Island
Charlottetown Centennial, 160, 187
Older workers in, 160
See Maritime Provinces

Printing of Parliament, Joint Committee on
Senate members, 43; Commons members, 145

Printing Bureau, new—cost of, 665, 669

Prisons and Reformatories
Federal and provincial jurisdictions under penal system, 480
New Brunswick Central Reformatory, 481
Parole Board—authority to release inmates, 481

Prisons and Reformatories bill. 1r, 436; 2r, 480; 3r, 484; r.a., 732

Private Bills
Extension of time for filing petitions, 257, 427
Petitions for private bills, inquiry *in re* time limit, 194; answer, 201
See Bills (Private)

Propaganda—effect of, 97; hatred, 105

Provident Assurance Company bill (Hon. Mr. Vaillancourt). 1r, 569; 2r, 581; ref to com, 582; rep of com-3r, 594; r.a., 784

Provinces
Boundary between Alberta and British Columbia confirmed, 511
Debts of, 143-4
Income tax, provincial, 30, 36, 776, 778
Indemnities, Members of Legislative Assemblies, 419
Provincial rights—International River Improvements bill, 721-2
Trucking traffic, interprovincial, control of, 683

Public Bills
Suspension of Rules, 371, 705
See Bills (Public)

Public Health. *See* Health

Public Health Committee
Appointment, 56; quorum, 57

Public Officials Salaries bill. 1r. 719; 2r, 785; 3r, 792; r.a., 832

Public Service Superannuation bill. 1r, 337; 2r, 399; ref to com, 402; rep of com-3r, 403; r.a., 426

Quebec
Caisses populaires, 752, 755-6; work on behalf of fishing industry, 752, 755-6
Health insurance, 810
Income tax—correspondence between Prime Minister and Premier of Quebec, 30, 36
Iron ore, development of, 21
Maple products industry—replacement of buckets, 381

Queen Elizabeth (Queen Mother)
Suggested as Governor General of Canada, 115
Visit to Canada, 1, 31, 44, 115, 194

Quinn, Hon. Felix P. (Chief Opposition Whip)
Canadian Forces bill—Common-law wife, pension payable to, 602
Canadian Union Conference Corporation of Seventh-day Adventists bill, 443-4
Divorce and Matrimonial Causes bill
Desertion, 342
Wars, effect on increase in divorces, 351
Foreign Aircraft Third Party Damage bill, 278
Northwest Territories bill, 416
Railway bill—reference to committee, 621
St. Patrick's Day—tribute to Ireland's Patron Saint, 308
Salmon spawning, 139

Radio
Authority for inspection, Department of Transport, 438
Control of erection of television antennae, 437
Penalty for unlawful interception of communications, 437

Radio bill. 1r, 405; 2r, 437; ref to com, 439; rep of com, 672; amdt concurred in, 717; 3r, 718; amdts concurred in by Commons, 785; r. a., 832

Railways
Agreed charges, 787-90
Churchill—railway to, and suggested railway from Flin Flon, 118
Crowsnest Pass agreement, 385
Freight rates, 179, 210, 271, 307-8
Level crossings, 3, 616, 618-20
Motor vehicle accidents, 615-16, 618
Transcontinental rail schedules—inquiry, 76; answer, 94
Trucking, 683

Railways—*Con.*
See Appropriation bill No. 2; Canadian National Railways; Canadian National Railways Financing and Guarantee bill; Canadian National Railways Refunding bill; Canadian Pacific Railway; Fredericton and Grand Lake Coal and Railway Company bill; London and Port Stanley Railway Company bill; Railway bill; Toronto Harbour Railway Tracks Agreement bill; Transport bill

Railway bill, 1r, 502; 2r, 615; ref to com, 621; rep of com-3r, 672; r. a., 733

Railways bill (*pro forma*), 3

Rain making, 134-5

Rainy River bridge—substitution of petition, 427, 446. *See* Baudette and Rainy River Municipal Bridge Company bill

Red Fife Wheat. *See* Wheat

Red River Colony. *See* Indians

Reid, Hon. Thomas
Address in reply to Speech from the Throne, 134-141
Alberta-British Columbia Boundary bill, 511
Appropriation Bill No. 3, 548
British Empire and Commonwealth Games, 135-6
Financial deficit, 135-6
Outstanding success—fostered much good will, 135
Televised by Canadian Broadcasting Corporation, 58, 111
British North America Acts Amendment bill. *See* Senate, Vacancies, below
Burns, Robert—196th anniversary of birth, 64-5
Canada Agricultural Products Standards bill—so-called "Canadian bacon" in United States, 598
Canada Grain bill—"eastern" and "western" grain, 364
Canadian Forces bill, 542, 544-6
Common-law wife, 603
Canadian National Railways
New hotel in Montreal—inquiry, 167; answer, 194
Parliament lacks information on, 382
Trucking business, 683
Civil servants, retired, superannuation rates, 709

Reid, Hon. Thomas—*Con.*
Columbia River project, 136-9, 722-5
General McNaughtons' report, 137-9
Kaiser Dam, 139
Salmon fisheries, effect on, 137-9, 722-5
Criminal Code—Joint Committee on certain questions of criminal law, interim report, 72
Customs bill—value of goods, 573
Divorce and Matrimonial Causes bill, 321-5
Adultery only divorce ground authorized by Scriptures, 322
Divorce not a new matter, 322
Moral laws, 323-4
War marriages, 324
Federal District—*See* Municipal Grants bill, below
Feed grains, freight subsidies, 382-3
Inquiry, 115; answer, 209
Fraser River Basin Board—inquiry and answer, 673
Germany, Federal Republic of, accession to North Atlantic Treaty, 103-4
Canada's contribution, World Wars I and II, 103
Russia, fear of German rearmament, 104; military strength, 103; opposition to Germany's admittance to NATO, 103; Yalta conference, 104
Gibraltar, held by Great Britain, 177
Historic Sites and Monuments bill, 509
Royal Canadian Mounted Police schooner *St. Roch*, site for, 510
Hockey, world championship—tribute to victorious Canadian team, Penticton V's, 255
Housing—further amendment of National Housing Act needed, 136
Income tax—correspondence between Prime Minister and Premier of Quebec, respecting provincial tax, 30
International Pacific Salmon Fisheries Commission, 137, 139, 722-5
International River Improvements bill, 722-5
Columbia river power development, 723-4
Fishways, 724
McNaughton, General, conference with, 722-5
Mica Creek, proposed dam, 722, 724-5
Power interests—Alcan and B. C. Electric Co., 725
Sockeye Salmon industry on Fraser River, 722-3
Judges bill, 709
No dearth of applicants for judgeships, 709
Retired civil servants—superannuation value reduced by cost of living, 709

Reid, Hon. Thomas—*Con.*
Labour
Displaced by technological devices, 140-1
Gordon, Donald—lines of approach to reduction of costs, 141
Industry and "cold war", 140
Library of Parliament bill—completion of reconstruction, date of, 204
Meat Inspection bill, 588
Members of Parliament Retiring Allowances bill, 358
Municipal Grants bill, 673-6
East and West Blocks of Parliament Buildings, transfer to municipal jurisdiction, 675
Federal District Commission, 674; expenditures by, 674
Grants to Ottawa, 674; no federal control over expenditure, 675
Joint committee of 1944 on Federal-Municipal relations, 674-5
King, Right Hon. W. L. Mackenzie—speech of 1944 quoted, 676
National Capital—delay in realization of great dreams, 675
Ottawa should be federal district, 676; provisions regarding Ottawa should be in separate bill, 675
Narcotic Drug Traffic Committee, 43, 47, 134; quorum reduced, 237; empowered to retain counsel, 257; question of privilege, committee plans, 355; statement on committee sittings in Vancouver, 436; committee sitting, 458; newspaper report, 461; authority to print committee proceedings in blue book form, 580; report of committee, 672-3, 690-703, 727-30, 742-3
Appreciation of services—of members, 730; of staff and others, 730
Federal and provincial government responsibilities, 729
Illegal traffic
Control—Canada ahead of United States, 728
Seriousness of problem, 742
Meetings, and witnesses heard at, 728
Recommendations, 729
Treatment of addicts—British system, 729; Brtish Columbia pilot plan, 742; clinics, 729, 743
Vancouver—reasons for meetings at, 727-8
Newspaper comments, 742-3

Reid, Hon. Thomas—*Con.*
New Westminster Harbour Commissioners Loan bill, 580-1
Annacis Island, industrial project of Estate of Duke of Westminster, 581
Causeway built by Harbour Board—Federal Government loan for, 581
New Westmnister, city of, 581
Ottawa—*See* Municipal Grants bill, above
Polar Air Route—Canadian Pacific Air Lines, 134
Prisons and Reformatories bill, 481-2
Railway bill—Grade Crossing Fund, increase in grant to, 617-18
Rain making, 134-5
Royal Commissions, 730
Senate
Rules—explanation of bill on second reading, 578
Vacancies—British North America Acts Amendment bill, 455-7
Criticism of Senate, 456
Opposition, insufficient members of, 456-7
Prime Minister, the—problem of filling vacancies, 456-7
Senators, work of, 133, 649
Transcontinental rail schedules—inquiry, 76; answer, 94
Unemployment—statistics, 140; unemployment insurance, abuse of, 141
Unemployment Insurance bill (No. 328), 658
War Veterans Allowance bill—Common-law wife, 395-6; divorced wife, 396
Westcoast Transmission Company Limited bill—dispute in British Columbia, 513
Winnipeg and St. Boniface Harbour Commissioners bill, 239

Representation bill. (To change name of Northumberland constituency, New Brunswick, to Northumberland-Miramichi). 1r, 295; 2r, 335; 3r, 338; r.a., 360

Restaurant of Parliament
Joint Committee—Senate members, 43; Commons members, 145
Temperature of, 415

Riel, Louis, 123-6
Popular hero, 124-5
Possibly high rank in history, 126
Role of in Red River "rebellion", 125; in colonial government, 126
See Indians

Ripple Rock—removal of, 2, 15

Robertson, Hon. Wishart McLea, P.C. (Speaker)
Address in reply to Speech from the Throne adopted, 201; message of thanks from His Excellency the Governor General, 231
Budget Speech—accommodation for senators in Commons gallery, 372
Canadian Forces bill—review of events of debate, 609-10
Criminal Code—message from Commons, Joint Committee on certain questions of Criminal Law, 42; membership, 110, 208; change in membership, 355
Dulles, Hon. John Foster, United States Secretary of State—visit to Parliament, 307
Felicitations, 35; on appointment as Speaker, 18; on receiving Atlantic Union Committee Award, 65
Germany, Federal Republic of—accession to North Atlantic Treaty, 105-7
NATO
Control over German armed forces, 107
Convention of North Atlantic democracies called by United States in 1950, 106-7
Military clause—commitment of treaty signatories, 106
Supra-national army, 106
Library of Parliament—report tabled, 11
Joint Committee, list of members, 145
Library of Parliament bill, 238
Macphail Memorial—invitation to attend unveiling ceremony, 231
Meat Inspection bill—consideration of report, 595
Narcotic Drug Traffic Committee—addition of Manitoba senator to, 226
NATO Parliamentary Association, attendance at meetings abroad, 611
Parliament, opening of, message from Secretary of Governor General, 1
Parliament Buildings—Fire of 1916, unveiling of commemorative plaque, 551
Printing, Joint Committee on—list of members, 145
Restaurant, Joint committee on—list of members, 145
Royal Assent—notice of, 29, 355, 372, 415, 541
Rulings and statements
Amendment referring bill back to committee, 605
Committee's action limited by terms of amendment, 605

Robertson, Hon. Wishart McLea, P.C.—Con.
Rulings and Statements—*Con.*
Amendments—*Con.*
Committee must obtain authority of Senate to reverse decision previously arrived at, 605
Committee amendment not considered on day report presented, except with unanimous consent, 483
Editorials—Not good parliamentary practice to refer in detail to editorial opinions on matter immediately before the house, 347
Instruction to committee, day's notice necessary, 600
Interruptions during debate—Senator may not be interrupted, except to be questioned with his consent, 323, 649-50
Motion for second reading—Difficult to explain some bills other than clause by clause, 558
Placing of tables on the record, may be done by consent, 170, 172
Private bills must be referred to committee, 513
Question of privilege
Discussion permissible by consent of house, 208, 652
Senator rising must state his point, 310
Senate—accounts tabled and referred to committee, 399

Roebuck, Hon. Arthur W.
Baudette and Rainy River Municipal Bridge Company bill, 566-8
Toll bridges increase land values, 567
British North America Acts Amendment bill. *See* Senate, Vacancies below
Canada Agricultural Products Standards bill—broad powers over trade given to Governor in Council, 598-9
Canada Elections bill—voting system, 740
Canadian Forces bill, 542-4
Civilians with forces abroad subject to Canadian civil courts, 545
Criminal Code, virtually, for Canadian Forces, 547
Judge Advocate General, 543-4
Canadian Union Conference Corporation of Seventh-day Adventists bill, 415, 442-4
Canadian church, 443
Canadian Conferences to be united into one Conference, 442
World-wide membership and churches, growth in, 442
Commercial Travellers' Association of Canada bill, 430
Criminal Code (Race Meetings) bill, 747-9, 755

Roebuck, Hon. Arthur W.—*Con.*
Criminal Code—*Con.*
Amounts wagered, assessments, etc., 1953-4, 748
Pari-mutuel system—supervision, departmental fee, 747
Provincial tax levies, 748
Customs bill, 574-7
Importer and purchaser jointly and severally liable, 577
Deputy Minister, power to reappraise value of goods, 574-6
Customs Tariff bill, 793-4
Protective legislation, 794
Defence Production bill, 800-1
Conscription of manpower and industry in war, 800
Term of legislation, 800
Tribute to Minister, Right Hon. Mr. Howe, 801
Divorce
Bills, 64, 75, 95, 108, 110, 113, 127, 130, 133, 145, 152, 154, 165, 167, 168, 220, 229, 231, 241, 319, 353, 390, 391, 405, 424, 460, 552, 589, 610
Committee—quorum reduced, leave to sit during adjournments, authority to appoint subcommittees, 23-6; Easter adjournment, 404
Reports, 30, 53, 64, 75, 94, 110, 114, 115, 127, 130, 144, 145, 152, 165, 203, 220, 222, 231, 236, 240, 246, 282, 319, 353, 399, 436, 458, 474, 501, 526, 549, 552, 559, 569, 589, 614, 656
Evidence, printing of, 128-9; typewritten copy, 128
Fees, Parliamentary, for printing and translation, raised, 26
Hart case, radio broadcast—Question of privilege, 650
Delorme case, 652
L'Esperance case, 651
Petitions withdrawn, 26-7
Statistics, 94, 203, 399, 644-7
Attendance of committee members, appreciation of services, 645-6
Commendation of staff, 647
Divorce and Matrimonial Causes bill, 211-12, 216-18, 220, 298-305, 328
British law, 302
Divorce Committee and courts, consideration of cases by, 300
Federal jurisdiction, 303
Grounds, proposed, for divorce, 301-2
Increase in divorce, indictment of existing conditions, 303
Mandate to deal with subject, 298
Marriage, vows and responsibilities of the parties to, 300-1
Presumption of death, 219-20, 302

Roebuck, Hon. Arthur W.—*Con.*
Estimates, the—Finance Committee, 132
Exportation of Power and Fluids and Importation of Gas bill, 337
Great Lakes Fisheries Convention bill, 564
Fisheries, hoped-for revival of, 564
Lampreys, problem of—spawning ground, 564
Health insurance, prepaid—age limit for individual insurance with companies—committee of inquiry suggested, 813
Income Tax bill, 777, 780-2
Insurance, depreciation on property, 777
Provincial income tax, 778
Unearned income, 778
Industry and labour—"cold war", 140
Internal Economy Committee—three senators to act during recess of Parliament, 809
International trade—procedure for appointment of committee next session, 806
Judges bill, 710-11, 716, 736-7
High standard of living in Canada, 711, 739
Police salaries, 710
Land values, increases in, 737
Library of Parliament bill, 204
Members of Parliament Retiring Allowances bill—necessity for close scrutiny of all bills by Senate, 358-9
Narcotic Drug Traffic Committee report, 741
National Harbours Board bill, 332
Northwest Territories bill, 417
Council, undemocratic form of government, 418
Increase in indemnity, 418
Municipal organization, 417; lack of, 418
Surplus revenue, 421
Parliament, supremacy of—control over expenditures, 388
Prisons and Reformatories bill—Parole board, New Brunswick, 481
Public Officials Salaries bill, 785-6
Radio bill, 438, 718
Communication of information, 438, 718
Inspectors with authority of peace officers, 438
Regulations should be embodied in statute, 718
Royal Commission on Canadian Economy, 823
St. Lawrence Seaway Authority bill, 808
Senate
Business of, 819
Procedure—discussion on Address in reply to Speech from the Throne, 168; placing of statements on *Hansard*, 170-1

Roebuck, Hon. Arthur W.—*Con.*
Senate—*Con.*
Rules—discussion of bill on second reading, 577
Vacancies—British North America Acts Amendment bill, 461-4
Bill would help maintain integrity of Senate, 464
Constitutional aspects, 461-2
Danger arising from vacancies unfilled for unreasonable time, 464
Senators, responsibility to determine question, 463
Subsidies, in general, unfair, 387-8
Territorial Lands bill, 320
Textile industry, not indigenous to Canada, 710
Transport bill—agreed charges—competition between railways, 788; limitation on term of agreement, 789
Unemployment, 133
Unemployment Insurance bill (No. 6), supplementary benefits, 28-9
Unemployment Insurance bill (No. 328), 657-63
Administration costs, 658
Benefits, 661-2; reduction of period. 662; seasonal benefits, 662
Commissioners, retirement age, 658-9, 689
Contributions—Government, employers and employees, 660; weekly rates, 660; present and new rates of contribution and benefit, 661
Coverage, 659
National Employment Service, 659
Unemployment Insurance Fund, 662
Woman member of Commission, *in re* this suggestion, 689
Women—discriminated against, 688; abuse of Act by married women, 689
Veterans Benefit bill, 554
War Veterans Allowance bill, 392-4, 396-7
Westcoast Transmission Company bill, value of shares of capital stock, 512-13
Winnipeg and St. Boniface Harbour Commissioners bill, 239-40

Roman Catholic Episcopal Corporation of Pembroke bill (Hon. Mr. Bishop). 1r, 167; 2r, 184; ref to com, 186; rep of com-3r, 209; r.a., 360; refund of fees, 406

Ross, Hon. George H.
Address in reply to Speech from the Throne, 123-7
Alberta-British Columbia Boundary bill—to delimit boundaries, 511, 515

Ross, Hon. George H.—*Con.*
Customs bill—GATT, 576
Divorce—bills, 186, 201, 583-4
Divorce and Matrimonial Causes bill, 246-8, 352
Amendments suggested, 246-7
Application of bill should be restricted to provinces requesting it, 246
Domicile—Canada-wide domicile should be considered, 247; province-wide domicile discriminates against women, 247-8
Feed grains—freight subsidy should be discontinued, 383-4
Indian problem in Prairie provinces, 123-7
Emancipation should be encouraged, 127
Maltreatment of Indians and Metis, 126
Red River Government and "rebellion", 123-6
Trial of alleged culprits, 126
Unjustified cruelty of Canadians, 125
Riel, Louis, 123-6
Senate, Vacancies—British North America Acts Amendment bill, 521
Appointments to Senate are business of Prime Minister and Cabinet, 521; Senate has no legal duty or jurisdiction in matter, 521
Bill would be futile, 521
Trans-Prairie Pipelines, Ltd., bill, 600

Royal Architectural Institute of Canada bill (Hon. Mr. Farris). 1r, 209; 2r, 233; ref to com, 234; rep of com-3r, 257; r.a., 426

Royal Assent, 29, 359, 398, 424, 549, 732, 783, 831-2
Notice of, 29, 355, 372, 415, 541, 719, 783, 820, 831

Royal Canadian Mounted Police
Narcotic drug traffic, 47, 691-3, 696, 699, 730
Northwest Mounted Police—early heroes of western Canada, memorials to, recommended, 509
Schooner *St. Roch,* historic site for, 510
See Public Service Superannuation bill

Royal Commission on Canadian Economy, 821, 823-5, 833

Russia
Aggression, 93; Czechoslovakia, 100
Co-existence with, 98
Contribution to United Nations budget, 198, 200-1
Divorce law, 252, 262
German rearmament, opposition to, 102-4

Russia—*Con.*
Military strength, 103
Parliamentary visits, proposal for, 167
United Nations—power of veto, 89
United States and Russia, 99
Yalta Treaty—obligations not honoured by, 96, 100

S & M Pipeline Limited bill (Hon. Mr. Stambaugh). 1r, 391; 2r, 423; ref to com, 424; rep of com-3r, 460; Commons amdt, 551; concurred in, 559; r.a., 732

St. Catharines Collegiate Students—visitors in Senate gallery, 461

St. Francis Xavier University—organization of credit unions, 752, 756

St. Laurent, Right Hon. Louis S., P.C. (Prime Minister)
Commonwealth Prime Ministers Conference, London, departure for, 107
Federal-provincial Conference of 1950—speech at quoted, 505
Freedom of City of London conferred on, 159, 179
NATO idea, originator of, 77, 144. *See* 107
Senate
Prerogative of making appointments to, 462-3, 486, 489, 521
Problem of filling vacancies, 450, 453, 467-9, 485, 487, 494, 496, 502, 506-7, 519-20, 537, 539
Tributes to, 20, 179, 454-5, 462-3, 465, 485-6, 504, 519-20, 536

St. Lawrence Seaway, 2, 585
Building of, 117, 142, 200
Power project, financing of, 142

St. Lawrence Seaway Authority bill. 1r, 704, 2r, 808; 3r, 814; r. a., 832

St. Mary's River Bridge Company bill (Hon. Mr. Farquhar). 1r, 238; 2r, 253; ref to com, 254; rep of com, 307; com amdts concurred in—3r, 336; r. a., 426

St. Patrick's Day
Tributes to Ireland's Patron Saint, 308-10

St. Roch—Royal Canadian Mounted Police schooner—historic site for, 510

Salacious literature and crime comics, 155-6

Salk vaccine, 810-13

Saskatchewan
Golden Jubilee of province, 187, 510
Historic sites, 510
Macdonald Brier Canadian Curling Championship play-offs at Regina, 187, 282-4
Potash deposits, 815
See Prairie provinces

Senate
Accounts tabled, referred to committee, 399
Bills
Private—petitions for—inquiry regarding time limit, 194; answer, 201
Extension of time for filing petitions, 257
Public—suspension of Rules, 371, 705
Business of, 27, 370, 403, 614, 671, 806, 818, 820, 822, 824, 826
Chamber, temperature of, 415
Divisions (recorded votes)
British North America Acts Amendment bill—M for 2r negatived, 540
Divorce and Matrimonial Causes bill—M for 2r negatived, 352
Library of Parliament bill—M for 3r agreed to, 239
Divorce Committee, procedure and work, 648-53, 767
Criticisms of—by radio, 650-3; in Commons, 648-9, 767; challenge to Commons to do divorce work if not satisfied with that of Senate, 648-9; conference on procedure early next session suggested, 649, 767
Easter recess, 404
Emergency sittings—authority to convene, 371; sitting, 783
Internal Economy Committee—reports, 241, 561, 580, 776, 809, 820
Three senators to act during recess of Parliament, 809, 820
Law Clerk and Parliamentary Counsel, John F. MacNeill, Q.C.,—appreciation of services of, 254, 647
Legislative measures, initiation in Senate, 46-7; historical sketch, 46; delay in receiving bills from Commons, 132, 371, 374, 376, 388, 828
Newspaper publishers and editors, late members of, 11
Rules
Discussion of bill on second reading, 558-9, 577-9
Suspension of rules relating to public bills, 371, 705
Sessional employees enabled to qualify under Public Service Superannuation Act, 400

Senate—*Con.*
Staff—appreciation of services of, 254, 647, 730
Vacancies
British North America Acts Amendment bill. 1r, 361; M for 2r postponed, 423; M for 2r, 447, 461, 474, 484, 502, 515, 526; motion negatived (div), 540
Age limit, senators, 448, 487, 525, 531
Appointment to Senate great honour, 466, 709
Appointments—prerogative of Prime Minister, 462-3, 486, 489, 521; Senate has no legal duty or jurisdiction in matter, 521; non-partisan appointments, discussed, 487, 489, 496; recommended, 454, 468-9, 522, 527, 532
Bill would not be enforceable, 476, 490-2, 520-1, 523-4, 535, 539
Constitutional aspects, 462-5, 477, 491, 498, 502, 504-5, 515, 517-19
Criticisms of Senate, 452, 457, 485, 503, 649
Dignity of Senate not affected by vacancies, 516, 538. *See* 464
Elective chamber discussed, 452, 457, 488
Functions of Senate, 358-9, 451-2, 467, 475, 496, 502, 504, 507-8
Importance in democratic government, 451-2, 503-4
Integrity of Senate involved, 464. *See* 516, 538
Legal implications and problems of proposed amendment, 476, 489-91, 494, 523-4, 535, 539
Monetary saving through non-filling of vacancies, 449, 466
Moral and practical effects of proposed amendment, 481-2, 496, 519, 539
Number of vacancies—at present, 284, 447, 449, 463, 474, 486, 488, 490, 538-9; previous accumulations, 449, 476, 519-20
Opposition in Senate not strong enough, 453-4, 456-7, 465, 467, 487, 528, 533
Personnel, changing, 487
Prime Minister—problem of filling vacancies, 450, 453-5, 457, 467-9, 485, 487, 494, 496, 502, 506-7, 519-20, 537, 539; tributes to, 450, 454-5, 462-3, 465-6, 485-6, 504, 519-20, 536
Qualifications for senatorship, 454-5, 489, 519, 531
Reform, 448, 457, 494, 502-3, 516
Resolution—suggested by Hon. Mr. Farris, 466, 493, 536; suggested by Hon. Mr. Kinley, 485
Territorial representation, 453, 462, 467, 474-5, 487-8, 532-3, 539

Senate—*Con.*
Vacancies—*Con.*
Work of Senate—impaired by vacancies, 449, 464, 475-6, 488, 506, 508, 521, 531, 538-9; not impaired, 487-8, 515-16
Work of—special examples, 496-8, 506, 529, 786

Senators
Deceased, 4-11, 111-13, 470-4, 802-5
Publishers and editors, late members of Senate, 11
Work, 132-3, 648-50

Seventh-day Adventists. *See* Canadian Union Conference Corporation of Seventh-day Adventists bill

Sharp & Dohme (Canada) Ltd. bill (Hon. Mr. Connolly). 1r, 355; 2r, 366; ref to com, 368; rep of com—com amdts concurred in—3r, 403; r.a., 426

Sifton, Sir Clifford, the late quoted *in re* Senate, 507

Social Security, 2, 3
Blind persons allowances, 3, 16, 21, 136; age of eligibility lowered and income ceilings raised, 705
Disabled Persons Act—all provinces participating in program, 2
Expenditures, 45
War veterans allowances, 3, 21, 136, 392-7; basic rates increased and income ceilings raised, 392
See Older citizens; Pensions; Unemployment Insurance bills

Speaker, The
See Robertson, the Hon. Wishart McLea, P.C.
Acting Speakers:
Beaubien, Hon. Arthur L., 105, 203, 246, 657, 672, 704, 719, 734, 746, 753, 767, 776, 783, 785, 791, 802, 808, 809
King, Hon. James H., P.C., 459
Wilson, Hon. Cairine R., 405, 815, 820, 826

Speech from the Throne
At opening of session, 1-3; consideration of, 3
At prorogation, 832-3
See Address in Reply

Stambaugh, Hon. J. Wesley
Canada Grain bill—reference to committee, 366
Customs Tariff bill, 798
Exportation of Power and Fluids and Importation of Gas bill, 318
Feed grains—freight subsidy, 387; light weight wheat, 818
Health insurance, prepaid—Alberta rural municipal hospitalization scheme, 814, 817
S & M Pipeline Limited bill, 391, 423-4, 551
Commons amendment, 551; concurred in, 559
Natural gas in British Columbia, 424
Oil fields of western Canada, 423
Subsidies, 387
Territorial Lands bill—to permit sale of Crown lands in Yukon and Northwest Territories prior to survey, 320-1
Trans-Border Pipeline Company Ltd. bill—all pipe line bills should be referred to same committee, 445
Yukon Pipelines Limited bill—reference to committee, 434

Standing Orders Committee
Appointment of, 42, 55; quorum reduced, 57; reports of, 257, 427, 446

Stanmount Pipe Line Company bill (Hon. Mr. Euler). 1r, 405; 2r, 439; ref to com, 440; rep of com-3r, 502; r.a., 733

Submarine
Atomic powered, United States, 115

Subsidies
Beef and butter, 376, 380, 389
Coal movements to Newfoundland, 386, 389
Feed grains—freight, 115, 209-10, 380, 382-5, 387, 389
Fisheries, 386
Gold mining, 407, 411-14

Succession duties
Amount exempted, 189
See Canada-Ireland Succession Duty Agreement bill

Suez Canal—Great Britain and, 199

Sugar Beet industry, 623-4

Supreme Court of Canada—*See* Judges bill

Tariff Board
Chairman, Hector B. McKinnon, outstanding services rendered by, 786
Right of appeal to *in re* customs duties, 575
Salary increases, 785-7, 792

Tariffs
Dumping, 736, 797
Freer trade for world prosperity—discussed at congress of International Chamber of Commerce, Tokyo, 770, 772-3
Textile industry, 710
United States tariff based on protection, 797
See Customs bill; Customs Tariff bill

Taxation
Bills:
Canada-Ireland Income Tax Agreement, 332
Canada-Ireland Succession Duty Agreement, 335
Customs, 570
Customs Tariff, 792
Excise Tax, 782
Income Tax, 776
Defence and taxation, 155
Double taxation treaties, 773
Excise tax on certain commodities repealed or reduced, 782
Income tax
Low salary group and, 32-3, 44
Reductions—personal, 776-7; corporate, 776, 778, 781
Provincial income tax, 30, 36, 776, 778
Revenue dollar, breakdown of spending of, 45

Taylor, Hon. William H.
Committees, Standing, report of Committee of Selection, 12; motion of appointment, 12
Dominion General Life Insurance Company (Canadian Premier Life Insurance company) bill, 540
Joint Committee on Library, 746
London and Port Stanley Railway Company bill, 204, 226
To confirm agreement between City of London and company, 227
Narcotic Drug Traffic Committee—change of membership, 258

Telecommunication
Canadian National Railways bill—authority to operate system, 682

Television
Antennae, control of erection of, 437
Canadian Broadcasting Corporation, televising of British Empire Games, inquiry stands, 58; inquiry and answer, 111
Opening of Parliament, 1955, 68
President Eisenhower's address to Parliament in 1953, 68
See Bonaventure and Gaspé Telephone bill, 221

Territorial Lands bill. 1r, 4; 2r, 320; ref to com, 321; rep of com-3r, 355

Textile industry, 707, 710, 736

Toll roads and bridges, 122
Government-built bridges, 567
Toll bridges increase land values, 567
See Baudette and Rainy River Municipal Bridge Company bill

Toronto Harbour Railway Tracks Agreement bill. 1r, 470; 2r, 654; ref to com, 655; rep of com-3r, 672; r.a., 733

Touche, George A. & Co.
Auditors, Canadian National Railways, 684-5

Tourist Traffic Committee
Appointment, 55; quorum, 57; addition to membership, 232; change in membership, 282; sitting postponed, 458; empowered to make inquiry, 555

Trade
Great Britain, trade with, 820-2
International, 21, 181, 589, 596-8, 707, 712, 715, 767-74
Canadian Trade Relations Committee—authority to conduct inquiry, 203, 222; to print proceedings, 447, 469; rep of com, 791; amended, 806
International Chamber of Commerce, Congress of, at Tokyo, 767-75
Asian problems, 770-3
Canada-Japan, unbalanced trade, 773
Convertible currencies, 772
Double taxation treaties, 773
Freedom of shipping, 772
GATT, 768, 770, 773, 775
International Finance Corporation, 771, 774-5
International Monetary Fund, 772
Societies, Japanese, for cultivating international good will, 773-4
Tariffs, 771-3
United States, fish trade with, 797
Unemployment insurance, stabilizing effect on world prices, 753
See Canada Agricultural Products Standards bill; Customs bill; Customs Tariff bill; Meat Inspection bill

Trade Marks
See Precious Metals Marking bill

Trans-Border Pipeline Company Ltd. bill (Hon. Mr. Campbell for Hon. Mr. Bouffard). 1r, 415; 2r, 444; ref to com, 445; rep of com, 483; com amdt concurred in-3r, 503; Commons amdt, 589; concurred in, 610; r.a., 733

Transcontinental rail schedules—inquiry, 76; answer, 94

Transport and Communications Committee
Appointment, 55; quorum, 57; addition to membership, 338; reports, 209, 237, 307, 338, 369, 460, 502, 555, 583, 717, 719, 806

Transport bill. 1r, 783; 2r, 787; ref to com, 790; rep of com-3r, 806; r.a., 832

Transport Commissioners, Board of
Agreed charges by railways, 788-9
Chairman, distinguished career of, 786
Salary increases, 785-7, 792
Work of Board—important new class of recent cases, 788

Trans-Prairie Pipelines, Ltd. bill (Hon. Mr. Crerar). 1r, 406; 2r, 430; ref to com, 432; rep of com-3r, 459; Commons amdts, 569; concurred in, 599; r.a., 733

Tremblay, Hon. Leonard D. S.
Address in reply to Speech from the Throne, motion for seconded, 18-22
Housing, increased construction, 20
National Housing Act, 20-1; indifference of Quebec authorities toward, 21
Industrial growth of Canada—gross national product, 21; iron ore development in Quebec, 21
Peace, progress of Western nations toward, 19; appreciation of efforts of Prime Minister (Right Hon. Mr. St. Laurent) and Cabinet, 19-20
Social legislation—Disabled Persons Act and Blind Persons Act, 21
Trade, international, 21; tribute to Minister of Trade and Commerce (Right Hon. Mr. Howe), 21
Unemployment, 20; unemployment insurance, 20

Trucking
Competition with railways, 789
Interprovincial traffic, control of, 683
See Canadian National Railways bill, 682-3

Turgeon, Hon. J. Gray
Borden, Sir Robert L.—stand taken at Versailles Peace Conference, 529
Commonwealth of Nations—India and Pakistan, Canada's influence on, 530
Exportation of Power and Fluids and Importation of Gas bill, 316, 355
Removal of authority to impose export duty on gas, oil and other fluids, 317
Transmission of electric power at high voltages, 317

Turgeon, Hon. J. Gray—*Con.*
International trade—motion to print proceedings of inquiry by Committee on Canadian Trade Relations, 447; concurred in, 469
King, Hon. James H., the late—tribute to his memory, 804
Locke, Hon. Mr. Justice Charles H., tribute to, 713
Narcotic Drug Traffic Committee—sittings in Vancouver, 404
Northwest Territories bill—voters' qualifications, 417
Senate, Vacancies—British North America Acts Amendment bill, 526-30
Bill would be ineffective, 530
Non-partisan appointment recommended, 527-8; but not of members of political Opposition parties, 528, or of provincial government nominees, 528
Public confidence in Senate not increased by long-standing vacancies, 529
Work of Senate, important—some examples, 529-30
Yukon Pipelines Limited bill, 433

Turgeon, Hon. W. F. A.
Investigation into and report on agreed charges under Transport Act, 787

Unemployment, 2, 32, 119, 120, 133, 827
Bank deposits and, 159
British Columbia, 16, 31
Employment statistics, 187
Statistics, 44, 140
Wages, demand for higher, 140

Unemployment Insurance, 2
Administration costs, 659
Benefits, 661-2
Commissioners, retirement age, 658-9, 689
Contributions—Government, employers and employees, 660
Fishermen, insurance necessary for, 181
Fund, 662
National Employment Service, 659
Stabilizing effect of insurance on world prices, 753
Woman should be member of Commission and Advisory Committee, 688-9
Women—discrimination against, 687-8; abuse of Act by married women, 141, 689

Unemployment Insurance bill (No. 6). 1-2r, 27; 3r, 29; r.a., 29

Unemployment Insurance bill (No. 328). 1r, 594; M for 2r, 657; 2r, 686; ref to com, 689; rep of com, 746; 3r, 753; r.a., 784

United Kingdom
Cargoes from, to Port of Churchill, 822
Commonwealth Prime Ministers' Conference, 2, 107, 159, 179
Cyprus and Suez Canal, 199
England—Income tax on Canadians resident in, 334
Gibraltar, 177
Kenya—British accomplishments in, 60
NATO commitments, 79
Trade with, 815, 820-3

United Nations
Asian situation, 198
Atomic energy, efforts to control, menace of, 100
Budget, contribution of member states, 197-202
Building, New York, 195; Canada's donation to, 195
Canada's representation at, 2, 33, 47, 77, 160-1, 196-7; position in, 198
Charter—armed forces of member countries, 89
Colombo plan, 163-4
Communist China, lack of co-operation, 183
Cyprus and Great Britain, problems of, 199; West New Guinea, 199
Defensive alliances within — Mr. St. Laurent's suggestion, 77, 144. *See* 107
Disarmament—Canadian delegation's resolution on, 2
Economic and Social Council and specialized agencies, 196, 691, 773, 791
German adherence to principles of Charter, 80
International Finance Corporation endorsed by General Assembly, 771
Narcotic drugs—importation of heroin by member countries banned, 692; Narcotic Committee's views on education, 694
San Francisco Conference, 197
Security Council, 196
Special fund for economic development of under-developed nations, loans by, 199
Technical assistance, 161-5

United States
British Commonwealth loyalties enhanced by association with, 183
China and, 177
Currencies, foreign, accepted by, 798

United States—Con.
Far East policy—Formosa, 176-8, 182-4
Fish trade with Canada, 797
Freedom-loving countries, encouragement given to, 101
Friendly relations with Canada, 183-4
"Canadian Day" at Atlantic City, 183-4
Great Lakes fisheries—convention with Canada, 561-5
Influence on Canada, 176, 183
International rivers, flowing from Canada, 720-6
MacArthur, General Douglas—quoted on necessity of abolishing war, 178
Marshall Plan—aid to Europe, 101
Motives misunderstood and misrepresented, 182
Objectives, peace and order—no imperialistic designs, 101
Postage rates between Canada and, 67
Railways, American, in Canada, 789
Salmon fisheries—treaty with Canada, 138, 723
International Pacific Salmon Fisheries Commission, 137, 139, 722-5
Submarine, atomic powered, 115-16
Unemployment insurance in, 754
See Baudette and Rainy River Municipal Bridge Co. bill; Foreign Aircraft Third Party Damage bill; International River Improvements bill; St. Mary's River Bridge Company bill

Vaillancourt, Hon. Cyrille
Address in reply to Speech from the Throne, 154-8
Agricultural prices and cost of living, 158
Agriculture, most important basic industry, 156-7
Farm income decreased, 156-8; further decrease harmful to national economy, 157
Beauregard, Hon. Elie, the late, tribute to his memory, 10
Buchanan, Hon. W. A., the late, tribute to his memory, 10
Canada Grain bill—rep of com-3r, 372
Canadian Forces bill—legal wife and common-law wife, 608
Caisse Populaire of Quebec—welcome to members in Senate gallery. 461
Caisses Populaires, 752, 755-6
Loans by, 755-6
Work on behalf of fishing industry, 752
Credit unions, 752, 755
St. Francis Xavier University, organization work, 756

Vaillancourt, Hon. Cyrille—*Con.*
Crime comics and salacious literature—perversion of youth, 155-6
Divorce—reason for Quebec's opposition to, 315
Equitable Fire Insurance Company of Canada bill, 415, 432
Extension of time for granting certificate of registry, 432
Fisheries Improvement Loans bill, 752, 755-6
Great Lakes Fisheries Convention bill—rep of com-3r, 580
Housing, importance of to family life, 155
King, Hon. James H., the late—tribute to his memory, 805
Maple production equipment—replacement of buckets, 381
Narcotic drug traffic—means of Communist propaganda, 155
Special Committee's report—congratulations to Chairman (Hon. Mr. Reid), 730
National Parks bill—rep of com-3r, 612-14
National unity, 156
Northwest Territories bill—rep of com-3r, 427
Prairie Farm Assistance bill—rep of com-3r, 746
Provident Assurance Company bill, 569, 581
Federal incorporation, 581
Taxation and defence, 155
Territorial Lands bill—rep of com-3r, 355
Yukon bill—rep of com-3r, 427

Veniot, Hon. Clarence J.
Blind Persons bill, 705
Allowances—age of eligibility lowered and income ceilings raised, 705
Criminal Code—Joint Committee on certain questions of criminal law—Leave to sit beyond precincts of Parliament to take evidence from an executioner, 436
Fredericton & Grand Lake Coal & Railway Company bill, 320, 353-4
Ownership of company transferred to Canadian Pacific Railway, 354

Veterans Benefit bill. 1r, 470; 2r, 553; ref to com, 554; rep of com, 555; 3r, 570; r.a., 733

Victoria Insurance Company of Canada bill (Hon. Mr. Farris). 1r, 209; 2r-ref to com, 233; rep of com, 307; 3r, 320; r.a., 426

Vien, Hon. Thomas, P.C.
Archibald divorce petition—refund of fees, 370
Canadian National Railways, 377-9
Hotel operations, 377-9
Minister—right to withhold information, 377
Not function of Parliament to give administrative directions to Government or railway management, 377-9
Canadian Union Conference Corporation of Seventh-day Adventists bill, 443-4
Customs bill, 575-8
Blanket authority to deputy minister to redetermine tax classification, 575
Parliament alone should impose taxation, 578
Divorce and Matrimonial Causes bill, 212, 218, 347
Condonation, 218
Provincial jurisdiction—constitutional question, 218
Divorce statistics, provincial—inquiry *in re*, 203
Dominion of Canada General Insurance Company bill—technical point, 440-1
Judges bill—high calibre of Canadian Judiciary, 737; standard of living, 738; increased salaries justified, 738
Library of Parliament bill—status of librarians and other employees, 206
Radio bill, 438-9
Proposed regulations—detailed explanation required in committee, 438
Senate Rules
Discussion of bill on second reading, 577-8
Reading of editorials during debate—point of order, 347

Voting. *See* Elections

War Veterans allowances, 3, 21, 136, 392-7; basic rates increased and income ceilings raised, 392

War Veterans Allowance bill. 1-2r, 391; 3r, 397; r.a., 398

War, 48
Atomic, 177-8
German people and, 96, 99
Horrors of, 89, 93, 177-8
Modern, 105
NATO's influence against, 95
World Wars I and II, 81-2, 86
Canada's response, 90; and contribution to, 103

Waterton Lakes National Park. *See* National Parks bill

Westcost Transmission Company Limited bill. 1r, 470; 2r, 511; ref to com, 513; rep of com, 526; 3r, 541; r.a., 733

Western European Union (WEU), 78-9, 83-4, 195

Westspur Pipe Line Company bill (Hon. Mr. MacKinnon). 1r, 295; 2r-ref to com, 318; rep of com, 338; 3r, 356; Commons amdt, 483; concurred in, 513; r.a., 549

Wheat
- British agreement, 712
- Crop estimates, 192, 818
  - Early reports harmful to grain trade, 192
- Durum wheat, origin of, 190-1
- Feed grains
  - Freight subsidies on, 115, 209, 380, 382-5, 387, 389
  - Suitability of light weight wheat, 817-18
- Importance of wheat to Canadian economy, 189, 190
- Italy, harvesting method in, 190
- Markets, 193; loss of British, 193
- Palliser Triangle, 190
- Prices, 192-3, 797
- Quota system, 191
- Red Fife
  - Discovery of, 48-51, 189, 191
  - Effect on development of Prairie Provinces and national prosperity, 50
  - Proposal to commemorate discovery, 48-53
- Rust, 191-2, 817, 821
- Storage, quantity in, 192-3
- Surplus, quantity overestimated, 192
- Types of—Red Fife, Marquis, Thatcher, Selkirk, 190-1
- *See* Canada Grain bill; Grain

Wilson, Hon. Cairine R.
- Acting Speaker, 405, 815, 820, 826
  - Ordered that "Traffic and Transportation Plan for Ottawa", be placed with officers of the Senate, 831
  - Prorogation of Parliament, notice of, 820, 831
- Beauregard, Hon. Elie, the late, tribute to his memory, 10
- Buchanan, Hon. W. A., the late, tribute to his memory, 10
- British North America Acts Amendment bill, 450

Wilson, Hon. Cairine R.—*Con.*
- Canada Agricultural Products Standards bill, 589-90
  - "Agricultural product" defined, 590
  - Inspectors, power to enter premises, 590
  - Interprovincial and export trade, regulation of, 590
  - Statutory consolidation of standards and grading, 590
- Customs bill, 573
- Divorce and Matrimonial Causes bill, 315-16
  - Desertion, 315-16
  - National Council of Women, resolutions by, 316
  - Women, status of, 315
- Government Employees Compensation bill —rep of com-3r, 561
- Health insurance, prepaid—rural service, 812
- Library of Parliament—reconstruction, 205
- Macphail, Agnes, the late—first woman member of Commons, 256
- Ottawa river, pollution of, 681
- Twenty-fifth anniversary as a member of the Senate, 255
- Women—successful efforts for recognition as "persons" under British North America Act, 255-6

Winnipeg and St. Boniface Harbour Commissioners bill. 1r, 4; 2r, 239; 3r, 241; r.a., 360

Women
- Divorce—province-wide domicile discriminates against, 247-8
- Macphail, Agnes, the late—first woman member of House of Commons—memorial to, 231, 255-6
- National Council of Jewish Women—workshop for older citizens, 151
- National Council of Women—resolutions regarding divorce, 316
- "Persons" under British North America Act, 255-6, 736
- Retirement of, 149
- Status of, 315
- Unemployment Insurance bill (No. 328), 687-9
  - Married women, discrimination against, 687-9
  - Woman member suggested for Commission and Advisory Committee, 688
  - Women one-quarter of total insured labour force, 687-8

Wood, Hon. Thomas H.
- Plains Eastern Pipe Lines Ltd. bill—refund of fees, 238

Work, blessings of
Newspaper article quoted, 121

Workmens' Compensation Boards, provincial
—agents for federal Government in adjusting claims under Government Employees Compensation Act, 556

World
Conditions, improvement in, 48
Health Organization (WHO), 163-4, 196
Drug addiction, definition of, 691
Hockey Championship—tribute to victorious Canadian team, Penticton V's, 255

Yalta Treaty
Churchill, Sir Winston, opposed to, 104
Obligations not honoured by Russia, 96, 100

Yukon, The
Council members, 422
Indemnity and living allowances, 422
Votes cast in 1952 election, 422
Population, 422
Radio, telephone and telegraph communications, 433
Suggested amalgamation of Yukon and Northwest Territories with four western provinces, 422
See Northwest Territories bill

Yukon bill. 1r, 398; 2r, 421; ref to com, 423; rep of com-3r, 427; r.a., 549

Yukon Pipelines Limited bill (Hon. Mr. Golding for Hon. Mr. Reid). 1r, 415; 2r, 432; ref to com, 434; rep of com-3r, 459; Commons amdt, 551; concurred in, 559; r.a., 732

DIVORCE BILLS

Abrams, Ethel Dworkin. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Alarie, Vivian Ruth Law. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Allen, Sidney Robert. 1r, 569; 2r, 582; 3r, 583; r.a., 784

Allton, Harry Elsworth. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Andreis, Delmar Ross. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Archambault, Joseph Albert Roland. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Arkin, Doris Wagner. 1r, 232; 2r, 240; 3r, 241; r.a., 425

Divorce Bills—*Con.*

Aronovitch, Anne Roitman. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Atkinson, Gweneth Leslie Clarke. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Austin, Maria Christina Vettore. 1r, 75; 2r, 108; 3r, 113; r.a , 359

Awner, Aba. 1r, 391; 2-3r, 402; r.a., 426

Bailie, Margaret Francis Kennedy. 1r. 570; 2r, 582; 3r, 584; r.a., 784

Baillargeon, Joseph Flavian Denis Rheo. 1r, 583; 2r, 592; 3r, 593; r.a., 784

Barnes, Kathleen Dallas White. 1r, 584; 2r, 592; 3r, 593; r.a., 784

Baron, Roma Gisser. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Barre, Lena Robitaille. 1r, 232; 2r, 240; 3r, 241; r.a., 425

Barry, Georges Etienne. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Bateman, Olive Gertrude Meredith. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Beal, Phyllis Lucy Stiles. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Beatty, Phyllis Lilian Buck. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Beaudoin, Joseph Adelbert, otherwise known as Georges Beaudoin. 1r, 589; 2-3r, 610; r.a., 784

Becker, Ross Harold. 1r, 370; 2-3r, 373; r.a., 425

Belanger, Clare Taylor. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Belanger, Elizabeth Jane Marcelin. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Bell, Mary Madeline Collings. 1r, 583; 2r, 592; 3r, 593; r.a., 784

Benjamin, Mary Ritchie Fleming. 1r, 231; 2r, 240; 3r, 241; r.a., 425

Berger, Patricia Galley. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Bernard, Jane Schubert Clark. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Bessey, Ronald Elikum. 1r, 570; 2r, 582; 3r, 584; r.a., 784

Best, Sheila Kathleen McNaughton, 1r, 76 2r, 108; 3r, 114; r.a., 359

Bishop, Katharine Hamilton Ellis. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Blais, Martin Yvon. 1r, 370; 2-3r, 373; r.a., 426

Bochna, Nickola, otherwise known as Nicholas Bockan. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Boisclair, Gabriel. 1r, 391; 2-3r, 402; r.a., 426

Divorce Bills—*Con.*

Boisclair, Paul-Emile Roland. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Bouchard, Beatrice Edith Paige. 1r, 186; 2-3r, 201; r.a., 360

Boulet, Gabrielle Dallaire. 1r, 282; 2r, 306; 3r, 310; r.a., 425

Bowen, Dawn Elsie Coles Ekers. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Brawerman, Bela Koschitza. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Bray, Enid Gertrude Brooks. 1r, 405; 2r, 424; 3r, 428; r.a., 732

Brenner, Rose Blum. 1r, 111; 2r, 127; 3r, 134; r.a., 359

Broadbent, Barbara Louise Bartlett. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Bromby, Irene Annetta Thomas. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Brooks, Cecil. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Brophey, Marilyn Irene Damer. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Brown, Edith Isabella Bond. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Brown, Jeanne Jacqueline Content. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Brunelle, Joseph Edouard Alexandre. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Buium, Lorna Greenberg. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Butler, Kathleen Swanson. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Callahan, Robert Fraser. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Campbell, Ada Garland Skakle. 1r, 111; 2r, 127; 3r, 134; r.a., 359

Campbell, Mary Veronica Hamilton. 1r, 391; 2-3r, 402; r.a., 426

Campeol, Joseph Antonio. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Carrier, Joseph Louis Armand. 1r, 526; 2r, 549; 3r, 553; r.a., 732

Cartier, Georges-Etienne. 1r, 583; 2r, 592; 3r, 593

Cashman, June Patricia Potter. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Cermak, Anton Josef. 1r, 186; 2-3r, 201; r.a., 360

Chabotar, Elie. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Chadsey, Roberta Margaret Gilpin. 1r, 370; 2-3r, 373; r.a., 425

Chaffey, Dorothea Josephine Forbes. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Divorce Bills—*Con.*

Chapman, Winnifred Herbert. 1r, 370; 2-3r, 373; r.a., 426

Clark, Hazel Miller. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Cloutier, Marie Anna Migneault. 1r, 370; 2-3r, 373; r.a., 426

Cobel, Gisela Kunz. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Cohen, Marian Toba Wolfe. 1r, 370; 2-3r, 373; r.a., 425

Cohen, Ruth Barsuk. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Cohen, Susan Frosst. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Collins, Phyllis Elizabeth Warner. 1r, 282; 2r, 306; 3r, 310; r.a., 425

Colucci, Giacinta Villarosa. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Comis, Margaret Aitken Robertson. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Comm, Bernice Noble. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Connell, Beatrice Teressa Mathewson. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Coolon, Mary McKinnon McEachran. 1r, 570; 2r, 582; 3r, 584; r.a., 784

Coss, Sieglinde Rosa Wolf. 1r, 110; 2r, 127; 3r, 133; r.a., 359

Couttie, Mary Lee Wilson. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Craddock, Shirley Patricia King. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Dardano, Nicole Emile. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Davies, Barbara Norma Demaine. 1r, 130; 2r, 152; 3r, 154; r.a., 360

D'Avignon, Joseph Leon Gilles. 1r, 231; 2r, 240; 3r, 241; r.a., 425

Dawe, Mary Leona Dalton. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Day, Bernice Elizabeth Lunan. 1r, 370; 2-3r, 373; r.a., 425

De Board, Marie Rose Barsey. 1r, 110; 2r, 127; 3r, 134; r.a., 360

Delorme, Joseph Delphis Guillaume. 1r, 526; 2r, 549; 3r, 552. *See* p. 652

Denis, Rhoda Beatrice Cree. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Derbridge, Myrtle Ada Lewin. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Deschesnes, Jean Eudes. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Deschesnes, Rose Marie Lescarbeau. 1r, 391; 2-3r, 402; r.a., 426

Divorce Bills—*Con.*

Desjardins, Albina Legault. 1r, 186; 2-3r, 201; r.a., 360

Desjardins, Lucille Grenier. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Deslauriers, Eva Lilly Ware. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Deslauriers, Marcel. 1r, 406; 2r, 424; 3r, 428; r.a., 732

DesMarais, Anna Pearl Lingo. 1r, 220, 2r, 229; 3r, 232; r.a., 425

Devlin, Rita Barlatti. 1r, 130; 2r, 152; 3r, 154; r.a., 360

Disken, Dorothy Winnifred Patricia Lawson. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Distelman, Regina Wiener Strelezky. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Dmysz, Antoni. 1r, 145; 2r, 165; 3r, 168; r.a. 360

Donaghy, Harold Archie. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Doucet, Joseph Roger Gerard. 1r, 76; 2r, 108; 3r, 113; r.a., 359

Douglas, Eileen Beatrice Sloan. 1r, 391; 2-3r, 402; r.a., 426

Downie, Donald William. 1r, 130; 2r, 152; 3r, 154; r.a., 360

Doyle, Meyer Francis. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Dragon, Joseph Telesphore Origene. 1r, 220; 2r, 230; 3r, 233; r.a. 425

Drennan, Lillian Dorothy Menzies. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Duhamel, Marie Vina Lebel. 1r, 110; 2r, 127; 3r, 133, r.a., 359

Dunsmuir, Hugh McCrone. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Ellis, Francis Joseph. 1r, 111; 2r, 127; 3r, 134; r.a., 360

Ellmaurer, Elsa Kremer. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Farley, Norva Florence Lemon. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Ferron, Claude. 1r, 570; 2r, 582; 3r, 584

Finkelman, Ruth Nathan. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Finlayson. Harry Evert. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Fishman, Molly Wineberg. 1r, 584; 2-3r, 593; r.a., 784

Flintoft, Sheila Elsie Clarkson. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Foran, John Edward. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Divorce Bills—*Con.*

Fox, Rose Bowman. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Frankenburg, Katharine Leitner Bouchard. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Friedman, Bernice Balinsky. 1r, 391; 2-3r, 402; r.a., 426

Froment, Marie Therese Jeannette Mainville. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Fullerton, Clara Gaetan Milot. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Gagnon, Desneiges Primeau. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Gagnon, Lucien. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Garayt, Glennice Maude Hunter. 1r, 406; 2r, 424; 3r, 428; r.a. 732

Gardner, Florence Aleatha Geraldine Hamilton. 1r, 391; 2-3r, 402; r.a., 426

Garoff, Gladys Krassner. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Gauthier, Mary McDonald. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Gibbons, Elizabeth Coyle Ellis. 1r, 319; 2r, 353; 3r, 356, r.a., 425

Giguere, Joseph Henri Marcel, 1r, 460; 2r, 482; 3r, 484; r.a., 732

Gilbert, Madelyn Jane Picard. 1r. 391; 2-3r, 402; r.a., 426

Gilhooley, Joyce Hodkin. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Gillen, Annie Laker. 1r, 76; 2r, 108; 3r, 113; r.a., 359

Glancy, Dora Helen Simmons. 1r, 526; 2r, 549; 3r, 553; r.a., 732

Goldenstein, Nomi Meijerowicz. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Goldschmied, Myriam Micheline Weil. 1r, 186; 2-3r, 201; r.a., 360

Goupil, Berthe Montpetit. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Graham, Eleanor Grace Jones. 1r, 282; 2r, 306; 3r, 310; r.a., 425

Grandillo, Yolande Segatore. 1r, 76; 2r, 108; 3r, 113; r.a., 359

Grandjean, Elizabeth Annabel Clouston. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Grant, Marie Joyce Kane. 1r, 186; 2-3r, 201; r.a., 360

Grayburn, William Michael. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Griffin, Meta Avard Wheatley. 1r, 130; 2r, 152; 3r, 154; r.a., 360

Grimsdale, Marguerite Gladys Letitia Mathers. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Divorce Bills—*Con.*
Gunston, Dorothy Katherine Beattie. 1r, 231; 2r, 240; 3r, 241; r.a., 425
Guthrie, Mary Black. 1r, 246; 2r, 270; 3r. 271; r.a., 425

Hamilton, Ellis. 1r, 231; 2r, 240; 3r, 241; r.a., 425
Harrigan, Mayo Arthur Perrin. 1r, 552; 2r, 560; 3r, 561; r.a., 732
Hart, Muriel Claire Wilson. 1r, 76; 2r, 108; 3r, 114; r.a., 359
Hartberg, Eugen. 1r, 75; 2r, 108; 3r, 113; r.a., 359
Hawkins, Marie Laurenza Suzanne Bolduc. 1r, 130; 2r, 153; 3r, 154; r.a., 360
Helakos, Elias, otherwise known as Louis Childs. 1r, 186; 2-3r, 201; r.a., 360
Higgins, Francis Ambrose, 1r, 319; 2r, 353; 3r, 356; r.a., 425
Hiscock, Sheila Winnifred Richardson. 1r, 282; 2r, 306; 3r, 311; r.a., 425
Hocaloski, Olga Mailkowski. 1r, 220; 2r, 229; 3r, 232; r.a., 425
Hoffman, Isidore. 1r, 406; 2r, 424; 3r, 428; r.a., 732
Holowaty, Stella (Stephania) Burnatowska. 1r, 64; 2r, 93; 3r, 95; r.a., 359
Howell, Lois Audrey Jemima Patch. 1r, 130; 2r, 152; 3r, 154; r.a., 360
Hunter, George Reilly. 1r, 130; 2r, 152; 3r, 154; r.a., 360
Huot, Rita Ursule Labadie, 1r, 75; 2r, 108; 3r, 113; r.a., 359
Hutchinson, Shirley Elizabeth Saul. 1r, 111; 2r, 127; 3r, 134; r.a., 360

Jakobszak, Alexander. 1r, 220; 2r, 230; 3r, 232; r.a., 425
Janson, Joyce Hilda Street. 1r, 319; 2r, 353; 3r, 356; r.a., 425
Javallas, Joyce Davies. 1r, 406; 2r, 424; 3r, 428; r.a., 732
Jefford, Irene Joan Fabian. 1r, 130; 2r, 153; 3r, 154; r.a., 360
Johnson, Margaret Moffat Wilkie. 1r, 370; 2-3r, 373; r.a., 426
Johnston, Arthur. 1r, 76; 2r, 108; 3r, 113; r.a., 359
Jones, Barbara Elinor Richardson, 1r, 64; 2r, 93; 3r, 95; r.a., 359

Kaczmarek, Maria Lutz. 1r, 75; 2r, 108; 3r, 113; r.a., 359
Kaczynski, Mary Jagiello. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Divorce Bills—*Con.*
Karibian, Frances Marguerite Beaudin. 1r, 570; 2r, 582; 3r, 584; r.a., 784
Kastelberger, Erna Reiter. 1r, 319; 2r, 353; 3r, 356; r.a., 425
Katz, Gertie Tryansky. 1r, 406; 2r, 424; 3r, 428; r.a., 732
Katz, Goldie Moscovitch. 1r, 526; 2r, 549; 3r, 552; r.a., 732
Katz, Rosalind Elaine Beinhaker. 1r, 220; 2r, 229; 3r, 232; r.a., 425
Kelecsenyi, Bela Antal. 1r, 76; 2r, 108; 3r, 113; r.a., 359
Keller, Doris Lydia Kimber. 1r, 370; 2-3r, 373; r.a., 425
Kennedy, Veronica Forrester Rose. 1r, 460; 2r, 482; 3r, 484; r.a., 732
Keyton, Eva Amelia Richardson. 1r, 220; 2r, 229; 3r, 232; r.a., 425
Kezber, Maureen Demers. 1r, 391; 2-3r, 402; r.a., 426
King, Amy Joyce Markham. 1r, 370; 2-3r, 373; r.a., 426
Kingsley, Isabel Taylor Page. 1r, 220; 2r, 230; 3r, 232; r.a., 425
Kirby, Pansy Joy Cowen. 1r, 220; 2r, 230; 3r, 232; r.a., 425
Kotsos, Demetra Denis Varverikos. 1r, 186; 2-3r, 201; r.a., 360
Kowalew, Maria Camko. 1r, 370; 2-3r, 373; r.a., 426
Krysko, Marie Blanche Dionne. 1r, 370; 2-3r, 373; r.a., 425
Kulczycki, Theophile. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Labelle, Blanche Mary Shurge. 1r, 319; 2r, 353; 3r, 356; r.a., 425
Labreche, Andre. 1r, 583; 2r, 592; 3r, 593; r.a., 784
Laffin, Kathleen Gertrude King. 1r, 282; 2r, 306; 3r, 311; r.a., 425
Lafrance, Joseph Rene Romeo. 1r, 76; 2r, 108; 3r, 113; r.a., 359
Lajeunesse, Lili Gourd. 1r, 391; 2-3r, 402; r.a., 426
Lalonde, Marie Irma Marquette. 1r, 391; 2-3r, 402; r.a., 426
Lange, Francois-Xavier. 1r, 220; 2r, 229; 3r, 232; r.a., 425
Langton, Donald Muir. 1r, 220; 2r, 229; 3r, 232; r.a., 425
Lanz, Letitia MacDonald. 1r, 370; 2-3r, 373; r.a., 425
Laporte, Aline Rousseau. 1r, 167; 2r, 185; 3r, 186; r.a., 360
Larose, Jean Louis. 1r, 584; 2-3r, 593; r.a., 784

Divorce Bills—*Con.*

Lasnier, Henry Edwin. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Laurin, Louis Kenneth. 1r, 220; 2r, 229; 3r. 232; r.a., 425

Lavoie, Elsie Amelia Armistice Wood. 1r, 76; 2r, 108; 3r, 113; r.a., 359

Lebegue, Ginette Monique Cornu. 1r, 75; 2r, 108; 3r, 113, r.a., 359

Leblanc, Rita Forest. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Leclere, Augustine Denonville. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Lees, Carmen Lister. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Lefebvre, Roland. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Lefebvre, Yvette Cayer. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Leinonen, Joanna Florence Ritchie. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Lemieux, Marie Jeanne D'Arc Marcelle Bernier. 1r, 130; 2r, 152; 3r, 154; r.a., 360

Le Moyne, Marie Mae Seguin. 1r, 370; 2-3r, 373; r.a. 426

Lenetsky, Dorothy Izenberg. 1r, 130; 2r, 152; 3r, 154; r.a., 360

Lepage, Ernest Augustus. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Levine, Rejane Plamondon. 1r, 391; 2-3r, 402; r.a., 426

Levine, Ruth Steirman. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Liebman, Annie Kofman. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Lindsey, Norma Constance Parsons. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Linehan, Clifford Joseph. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Lupovitch, Freida Schecter. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Lutterman, Julia Hut. 1r, 570, 2r, 582; 3r, 584; r.a., 784

Lynes, Glendon Joseph. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Mallozzi, Elizabeth Blanche Nelson. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Mantha, Eugene Theodore. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Marchand, Greta Irene Kokko. 1r, 76; 2r, 108; 3r, 113; r.a., 359

Marchand, Joan Shirley Davies. 1r, 231; 2r, 240; 3r, 241; r.a., 425

Marcoux, Elizabeth Glencross. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Divorce Bills—*Con.*

Markowitz, Sybil Lavine. 1r, 391; 2-3r, 402; r.a., 426

Markus, Pearl Mendelson. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Marshall, George James. 1r, 391; 2-3r, 402; r.a., 426

Marshall, Mabel Kinghorn. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Masterson, Alsye May Lissemore. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Martallino, Luigi, otherwise known as Louis Martellino. 1r, 391; 2-3r, 402; r.a., 426

Mastrocola, Rocco Aldo Amaedeo. 1r, 370; 2-3r, 373; r.a., 426

Meister, Annie Esther Vetter. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Menard, Albert. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Michetti, Antonio. 1r, 232; 2r, 240; 3r, 241; r.a., 425

Midlick, Margaret Thomson Kelso. 1r, 220; 2r, 230; 3r. 232; r.a., 425

Miller, Juliette Bertha Langlois. 1r, 76; 2r, 108; 3r, 113; r.a., 359

Mizener, Shirley Norah Farrar. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Moffit, Reta Muriel Hadden. 1r, 130; 2r, 152; 3r, 154; r.a., 360

Mooney, Christine Bennie Kelly. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Moore, Gerald Willy. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Morash, Carmela Lanza. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Morrow, Robert Irvin. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Moscovitch, Gitel Shepsel. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Moshonas, Paraskevy Moshonas. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Mullins, Margaret Durning. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Myre, Aline Pelland. 1r. 220; 2r, 229; 3r, 232; r.a., 425

Macaulay, Velma May Robinson. 1r, 145; 2r, 165; 3r, 168; r.a., 360

MacGregor, Violet Doris Hubbard. 1r, 75; 2r, 108; 3r, 114; r.a., 359

MacIver, Margaret Violet Oswald Nicol. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Mackay, Irene Christina Edwards. 1r, 64; 2r, 93; 3r, 95; r.a., 359

MacLean, Daniel Joseph. 1r, 130; 2r, 153; 3r, 154; r.a., 360

McDerment, Pauline McDonald. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Divorce Bills—*Con.*

McDougall, Evelyn Woolls Gallagher. 1r, 146; 2r, 166; 3r, 168; r.a., 360

McGillivray, Donald John. 1r, 589; 2-3r, 610; r.a., 832

McGurk, Winnifred Blanche Brook. 1r, 319; 2r, 353; 3r, 356; r.a., 425

McKinnell, John. 1r, 111; 2r, 127; 3r, 134; r.a., 360

McLean, Phyllis Geraldine Brown. 1r, 220; 2r, 229; 3r, 232; r.a., 425

McMartin, James. 1r, 589; 2-3r, 610; r.a. 784

Nadler, Shirley Pollack. 1r, 405; 2r, 424; 3r, 428; r.a., 732

Nangreaves, George James. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Neftin, Mania Rissman. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Newton, John William. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Normand, Georges Ovide. 1r, 111; 2r, 127; 3r, 134; r.a., 359

Norris, Gordon Stewart. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Oakes, Beatrice Ellis. 1r, 111; 2r, 127; 3r, 134; r.a. 359

Oliver, Arthur Edmund. 1r, 130; 2r, 153; 3r, 154; r.a., 360

O'Ranski, Florence Mary Ann Meakin. 1r, 460; 2r, 482; 3r, 484; r.a. 732

Paquin, Mary Matilda Getto. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Page, Aline Sauve, 1r, 584; 2r, 592; 3r, 593; r.a., 784

Paradis, Marcelle Topping. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Pare, Therese Deschamps. 1r, 186; 2-3r, 201; r.a., 360

Pasmore, Beatrice Macdonald Stewart. 1r, 583; 2r, 592; 3r, 593; r.a. 784

Paul, Maia Piibe. 1r, 186; 2-3r, 201; r.a., 360

Pearson, Irene Dora Baker. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Pellerin, Freda Margery Turton. 1r, 110; 2r, 127; 3r, 133; r.a., 359

Perras, Real. 1r, 583; 2r, 592; 3r, 593; r.a., 784

Perzow, Freda Lutsky. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Peterkin, Grace Elizabeth Sinclair. 1r, 391; 2-3r, 402; r.a., 426

Phaneuf, Joseph Armand Jacques. 1r, 570; 2r, 582; 3r, 584; r.a., 784

Divorce Bills—*Con.*

Picktell, Marjory Grace Darling Downey. 1r, 111; 2r, 127; 3r, 134; r.a., 360

Pitt, Carmen Cortez Leigh. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Plourde, Joseph Marcel. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Popadick, Agnes Rose McKiernan. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Pope, Eldora Mary Mills. 1r, 370; 2-3r, 373; r.a., 425

Powell, Nora Elizabeth Wolverson. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Prescott, Gardner Hinckley. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Puttee, Hazel Irene McKay. 1r, 186; 2-3r, 201; r.a., 360

Pytel, Andrew Henry. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Rabinovitch, Mollie Litvack. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Rabow, Marion Tannenbaum. 1r, 391; 2-3r, 402; r.a., 426

Ramsay, Mary Elizabeth Lorraine Callard. 1r, 526; 2r, 549; 3r, 553; r.a., 732

Rappoport, Frances Kellerman. 1r, 282; 2r, 306; 3r, 310; r.a., 425

Rashcovsky, Jennie Switzman. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Rawlings, Joyce Gertrude Haworth. 1r, 320; 2r, 353; 3r, 356; r.a., 425

Redburn, Marion Murray. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Reed, Maureen Theresa May Baker. 1r, 110; 2r, 127; 3r, 134; r.a., 360

Reidt, Veronica Vera Bordenuik. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Resseguier, Maxine Samuels. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Reynolds, Anna Cibula. 1r, 570; 2r, 582; 3r, 584; r.a., 784

Rheaume, Joseph Pierre Emile Jasmin. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Richard, Mary Theresa McSheffrey. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Ritchot, Albert. 1r, 220; 2r, 229; 3r, 232; r.a., 425

Roberts, Eileen Bayliss. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Robinson, George Angus. 1r, 110; 2r, 127; 3r, 134; r.a., 359

Robitaille, Jean Claude. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Rose, Julia Mary Collen Dwyer. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Divorce Bills—*Con.*

Ross, Edith Dora Hyndman. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Ross, Mary Evelyn Martinson. 1r, 220; 2r, 299; 3r, 232; r.a., 425

Rowlatt, Margaret Pearl McNamara. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Roy, Joseph Andre Roland. 1r, 232; 2r, 240; 3r, 241; r.a., 425

Roy, Marie Merilda Longval. 1r, 552; 2r, 559; 3r, 561; r.a., 732

Ruttenberg, Susan Waldman. 1r, 583; 2r, 592; 3r, 593; r.a., 784

Rutwind, Pearl Raicek. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Ryshpan, Anne Wahl. 1r, 370; 2-3r, 373; r.a., 425

Salotti, Marie-Angeline Delledonne. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Sandler, David. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Satel, Edward. 1r, 146; 2r, 166; 3r, 168; r.a., 360

Sauer, Kurth. 1r, 370; 2-3r, 373; r.a., 425

Scally, George Gerald Melville. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Schoen, Henry. 1r, 110; 2r, 127; 3r, 134; r.a., 360

Schulman, Evelyn Held. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Schwartz, Betty Weiner. 1r, 391; 2-3r, 402; r.a., 426

Scullion, Michael Moses. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Segal, Ethel Tietlebaum. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Seguin, Fernand. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Seligman, Lillian Greenberg. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Sevigny, Alfred. 1r, 583; 2r, 592; 3r, 593;

Seward, Anne Gorin. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Shanassy, William Edward. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Shapiro, Eva Lepine. 1r, 391; 2-3r, 402; r.a., 426

Shea, Ruby Kitts. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Short, Pierrette Marsan. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Silver, Ruth Evans. 1r, 145; 2r, 166; 3r, 168; r.a., 360

Silverton, Lily Shenker. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Divorce Bills—*Con.*

Simard, Joseph Alexandre Roland. 1r, 319; 2r, 353; 3r, 356; r.a., 425

Simoneau, Aline Mailloux. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Slesicki, Zofia Janina Hurny. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Smith, Edna Florence Helen Dawson. 1r, 370; 2-3r, 373; r.a., 425

Soule, Roscoe Winston Percy. 1r, 220; 2r, 229; 3r, 232, r.a., 425

Southam, William Watson. 1r, 186; 2-3r, 201; r.a., 360

Spighi, Ann Mary Allward. 1r, 526; 2r, 549; 3r, 553; r.a., 732

Sponagle, Pauline Alice Leduc. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Squires, Christina Mellis Campbell. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Staniforth, Sheila Edith Emily Little. 1r, 186; 2-3r, 201; r.a., 360

Stanistreet, Daisy Ruth Kirk. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Stein, Sara Beiss. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Stewart, Charles Ryerson. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Stewart, Vera Grace Westley. 1r, 110; 2r, 127; 3r, 133; r.a., 359

Stinson, Franga Beryl Harker. 1r, 405; 2r, 424; 3r, 428; r.a., 732

Stone, Sheila Mary Power. 1r, 76; 2r, 108; 3r, 114; r.a., 359

Stonehouse, Joseph Willie Walter. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Storey, Freda Marie Johnston. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Story, Kenneth Rae. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Sutcliffe, Eleanor Honor Connolly. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Sutcliffe, Leslie. 1r., 75; 2r, 108; 3r, 113; r.a,. 359

Szabo, Desire Cherry. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Szer, Izrael. 1r, 583; 2r, 592; 3r, 593; r.a., 784

Tanney, Joseph William James. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Taylor, Evelina Dixon. 1r, 570; 2r, 582; 3r, 584; r.a., 784

Taylor, Hilda Emmalin Christensen. 1r, 552; 2r, 560; 3r, 561; r.a., 732

Tereshtshenko, Wira Pushkar. 1r, 64; 2r, 93; 3r, 95; r.a., 359

Divorce Bills—*Con.*

Tero, Ethel Elizabeth Smith. 1r, 110; 2r, 127; 3r, 133; r.a., 359

Tetrault, Rosaire Jacques Rene. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Therrien, Fleur-Ange Francoeur. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Thibodeau, Charles Edouard. 1r, 552; 2r, 559; 3r, 561; r.a., 732

Thompson, Jack Beattie. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Thompson, Yolande Joos. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Tilga, John. 1r, 584; 2r, 592; 3r, 593; r.a., 784

Tomlinson, Richard Robert. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Torunski, Lois Silby Walker. 1r, 130; 2r, 153; 3r, 154; r.a., 360

Towes, Irene Jessie Hillson. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Tremblay, Isidore. 1r, 370; 2-3r, 373; r.a., 425

Tremblay, Marie-Louise Ashby. 1r, 526; 2r, 549; 3r, 552; r.a., 732

Umansky, Irving. 1r, 461; 2r, 482; 3r, 484; r.a., 732

Urban, Charles John. 1r, 589; 2-3r, 610; r.a., 784

Vairogs, Emma Melite Latvaityte. 1r, 130; 2r, 152; 3r, 154; r.a., 360

van der Beek, George Daniel. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Varden, Florence Pearl Loder. 1r, 110; 2r, 127; 3r, 133; r.a., 359

Veary, Ethel Cope. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Verge, Edwin Albert. 1r, 584; 2r, 592; 3r, 593; r.a., 784

Vigeant, Marie Antoinette Demers. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Vincent, Anne Rynski. 1r, 526; 2r, 549; 3r, 553; r.a., 732

Walker, Joan Audrey Baur. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Wallace, Marian Douglas Jodrey. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Walters, Irene Furlong. 1r, 406; 2r, 424; 3r, 428; r.a., 732

Divorce Bills—*Con.*

Watanabe, Yoneyuki. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Watson, Evelyn Robert Hurst. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Watt, John Russell. 1r, 186; 2-3r, 201; r.a., 360

Webb, Rotha Dodgson. 1r, 111; 2r, 127; 3r, 134; r.a., 360

Weisberg, Lorraine Bella Spegel. 1r, 282; 2r, 306; 3r, 310; r.a., 425

Welcher, Hazel Winifred Edwards. 1r, 75; 2r, 108; 3r, 113; r.a., 359

White, Ida Rose Amyot. 1r, 246; 2r, 270; 3r, 271; r.a., 425

Williams, Lorraine Bennet Favreau. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Williams, Margaret Gwendoline Turner. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Williamson, Violet Ruby Baxter. 1r, 569; 2r, 582; 3r, 584; r.a., 784

Williamson, Walter. 1r, 391; 2-3r, 402; r.a., 426

Wilson, Ruth Nourse Tomlinson. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Wintrobe, Dorothy Arlin. 1r, 167; 2r, 185; 3r, 186; r.a., 360

Wiseman, Sylvia Knelman. 1r, 460; 2r, 482; 3r, 484; r.a., 732

Wong, James, otherwise known as Yon Hong Ark. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Wooden, Ida Meitin. 1r, 75; 2r, 108; 3r, 113; r.a., 359

Woods, Helen Margaret Robb. 1r, 584; 2-3r, 593; r.a., 784

Wynter, Mary Ferguson. 1r, 282; 2r, 306; 3r, 311; r.a., 425

Yampolsky, Miriam Rabinovitch, otherwise known as Miriam Rabinovitch Pollack, 1r, 110; 2r, 127; 3r, 134; r.a., 359

Yelin, Eunice Levine. 1r, 145; 2r, 165; 3r, 168; r.a., 360

Young, Susie Earle. 1r, 220; 2r, 230; 3r, 232; r.a., 425

Zawiski, Joseph. 1r, 130; 2-3r, 153; r.a., 360

Zolotas, Evangeline N. Rodinos. 1r, 75; 2r, 108; 3r, 113; r.a., 359