

## THE SENATE

### STANDING COMMITTEE ON MISCELLANEOUS PRIVATE BILLS

#### EVIDENCE

OTTAWA, Wednesday, October 23, 1963.

The Standing Committee on Miscellaneous Private Bills, to which was referred Bill S-32, to amend the Marriage and Divorce Act, met this day at 4.15 p.m.

Senator Paul H. Bouffard (*Chairman*) in the Chair.

The committee agreed that a verbatim report be made of the committee's proceedings on the bill.

The committee agreed to report recommending authority be granted for the printing of 1,000 copies in English and 1,000 copies in French of the committee's proceedings on the bill.

The committee then adjourned until Thursday, October 31, 1963 at 9.30 a.m.

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OTTAWA, Thursday, November 7, 1963.

The Standing Committee on Miscellaneous Private Bills to which was referred Bill S-32, an Act to amend the Marriage and Divorce Act, met this day at 10.30 a.m.

Hon. PAUL H. BOUFFARD (*Chairman*), in the Chair.

The CHAIRMAN: Honourable senators, the question to be decided by the committee is whether this matter is of federal jurisdiction or of provincial jurisdiction. If it concerns marriage itself, it is under federal jurisdiction; if it concerns civil rights, it is under provincial jurisdiction. That is what we have to consider and decide.

As Senator Pouliot did not take the opportunity in the house to explain his bill and his point of view, I think it would be only fair that he do so now. We have reserved this morning to hear Senator Pouliot on the matter.

I would like him to address the committee right now and, later on, at other meetings, if it meets with the consent of the committee we will have some other people come and testify and give their opinion as to whether this legislation is of federal or provincial jurisdiction.

Senator POULIOT: Mr. Chairman and honourable senators, in the first place I intend to quote parts of section 91 and section 92 of the British North America Act, 1867. I would ask you to note how many times the words "exclusive" and "exclusively" are mentioned. Section 91 says:

It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the