

THE SENATE

Thursday, March 5, 1964

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

Prayers.

HARBOUR COMMISSIONS BILL

FIRST READING

Hon. John J. Connolly presented Bill S-10, to provide for the establishment of harbour commissions.

Bill read first time.

Hon. Mr. Connolly (Ottawa West) moved that the bill be placed on the Orders of the Day for second reading on Tuesday next.

Motion agreed to.

DIVORCE

REPORTS OF COMMITTEE PRESENTED

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the committee's reports Nos. 2 to 24, inclusive, and moved that the said reports be taken into consideration at the next sitting.

He said: Honourable senators, may I take this opportunity of making some comments with respect to these reports? They are the first reports of the Standing Committee on Divorce made under the Dissolution and Annulment of Marriages Act passed at the last session.

Last year I reported that there were 1,111 divorce cases before the committee. Of that number, approximately 500 divorce bills received the royal assent, leaving us, at the opening of this session, 611 cases to be considered. There have been 260 petitions filed so far this session, making a total of 871 cases to be dealt with. Of that number of cases, 220 have been heard by the Commissioner.

Perhaps at this point you will permit me to comment with regard to our new Commissioner, Mr. Allison Walsh, Q.C. Personally, I am very well satisfied with the work that he is doing. He is industrious, he is a capable solicitor, and he has very quickly acquired the knowledge that is necessary for the handling of his responsibility.

The reports that are coming to me now, as Chairman of the Divorce Committee, are admirable. They are very well done indeed. So far as I can judge, his hearings are all that we would desire them to be, in judicial calm, in wisdom, in knowledge and in effectiveness.

Honourable senators, as I have told you, Mr. Walsh commenced hearings on January 8 and he has heard now 220 cases. Of these 220 cases, 171 have been passed by the Senate Committee on Divorce. You will remember that the rules require that the reports of the Commissioner be referred to the Standing Committee on Divorce, and that they shall be examined by the committee and that the committee shall report to this house. Those 171 cases have been examined by and approved by the committee, and will in due season be laid on the Table of the house.

At the present moment I am presenting only 23 reports because there is a good deal of work to be done by our officials after approval has been given by the committee, before the reports are prepared and ready to be laid on the Table.

It may be enlightening for honourable senators to look at one or two of the reports, just to be familiar with the routine through which we go in handling these cases. Taking the top one, for instance, you will note that the committee concurs in the report of the Commissioner. Secondly, you will see a draft resolution such as I will move later on. You will also see the report of the Commissioner, and the minutes of the proceedings before the Commissioner.

You will see by the report of the Chief Clerk of Committees that the rules and orders of the Senate have been complied with in all material respects, the chief one being, of course, that the applicants have paid the fees; but there are other requirements as well. You will find there the notice of hearings which the Commissioner sends out prior to his hearing of cases; the affidavit of service of the petition, and the affidavit of the petitioner verifying the petition; the information which the respondent and the co-respondent are required to receive from the petitioner according to the rules; the advertisements in the *Canada Gazette*, and an affidavit of publication. You will find also a transcript of the evidence in some, but not all, of the cases; the marriage certificate and the licence, and a photograph of the respondent.

So, honourable senators, you will see that there is a good deal included in these reports, and that a considerable amount of labour is done by our officials in preparing them and putting them in shape to lay on the Table.

A further 86 cases will likely be heard before Easter—that is the prospect. Another 50 are ready to be heard immediately following Easter.

Perhaps I should give some estimate of how long it should take to catch up on this backlog of cases. They are being heard just as rapidly as the Commissioner can hear them. He hears about eight cases a day, which is