

the jurisdiction of the federal Government; and it may explain the reason why they mentioned that the legislation would not affect the religious beliefs of the people. Perhaps they used that pretext to induce the clergy of all denominations at the time not to protest against the adoption of that part of the Constitution which put marriage as well as divorce under the jurisdiction of the federal Government.

But there was another reason why it was done, and it will be found in Senate *Hansard* of March 19, 1957, at page 370. In 1867, the year of Confederation, and two years after the Confederation debates, the estimated population of Canada was 3,463,000. And what was the number of divorces granted by Parliament from 1867 to 1872? You may know, but if you do not already know the statistics you will be greatly surprised: In 1867, none; 1868, 1; 1869, 1; 1870, none; 1871, none; 1872, none. There were two divorces granted by Parliament in six years. That is quite different from today. I have not the latest figures, but the number of divorces before us at this time is 305, or one half of the divorces passed during last year—the average being approximately 500 to 600 per session. From 1955 to 1959, in six sessions of Parliament, the number of divorces granted by Parliament was 2,806. That figure is given in Senate *Hansard* of March 24, 1960, at pages 450 and 451.

To shorten matters, I will not speak today of the investigators. I want my honourable colleagues to consider the matter objectively, as I have done, in order to find a remedy for this situation and to try to find a way, or some means, to get rid of divorce matters in the Senate, and in the House of Commons as well.

All the petitioners have paid their fees for their appearance before Parliament and to have some legislation enacted dissolving their marriage. Those people have apparently acted in good faith and their petitions deserve due consideration. The fact that this order of business has stood over a couple of times has not delayed justice at all because not a single piece of divorce legislation has yet been passed this session by the House of Commons.

Honourable senators, we must make some approach to come to an understanding and to see what can be done to remedy the situation, to relieve the Senate and the House of Commons of this burden. I hold no grudge against anybody. We must do something to redress the wrong which was done nearly a century ago by the Fathers of Confederation who lived under different conditions and at a time when divorce practically did not exist. The population of Canada has increased and today the situation is very different from what it was nearly a century ago.

We must face the situation as it exists, and I ask for the co-operation and the support of all of my colleagues to try to find some means to rid Parliament of divorce.

The suggestion has been made that divorce matters should be referred to a federal court for the very reason that the powers of the Parliament of Canada relating to marriage and divorce are exclusive. Reference has been made to the Exchequer Court by the former Leader of the Government (Hon. Mr. Aseltine), by the honourable senator from Rigaud (Hon. Mr. Dupuis), and by other honourable gentlemen. I think that Mr. Stanley Knowles sponsored some legislation in that regard some years ago. It is not only the Exchequer Court that could deal with it; a new federal court could be created by Parliament, and that court could sit only in Ottawa and could hear each divorce case.

I gave some figures on March 29, 1960, which will be found in Senate *Hansard* at pages 450 and 451. But in this year of grace, 1962, I would like my colleagues to be free of all responsibility with regard to divorce matters by entrusting them to judges who will have at their disposal means to check the veracity of witnesses and who will see to it that everybody enjoys fairness and justice in divorce matters. This will not encourage divorce at all. If in some provinces there are more divorces than in others, it is because there the grounds for divorce are more extensive.

I submit all this to you, honourable colleagues, appealing to your sense of fairness to remedy the situation.

I have a number of suggestions for using your brilliant minds to accomplish something that will mean more to the country than the obligation you now have to listen to divorce cases.

Motion agreed to and reports adopted.

Leave having been given to revert to the order for motions:

BILLS—FIRST READING

Hon. Arthur W. Roebuck, Chairman of the Standing Committee on Divorce, presented the following bills:

Bill SD-1, for the relief of Madeleine Françoise Hankowski.

Bill SD-2, for the relief of Bruce Reid Campbell.

Bill SD-3, for the relief of William Metcalfe Watt.

Bill SD-4, for the relief of Mildred Dawson Meakins.

Bill SD-5, for the relief of Marion Ruth Catherine Slattery.

Bill SD-6, for the relief of Sonja Bagry.

Bill SD-7, for the relief of Lena Quelle.

Bill SD-8, for the relief of Frank Zeithofer.