reasonable efforts have been made to ascertain the name, may grant leave to the plaintiff to issue the writ without adding such person as a defendant.

Of course, the Committee on Divorce does not sit at all times when the courts are sitting in the provinces, so it has been thought impracticable to follow the exact form of the Ontario law. We propose that the Committee shall be satisfied by affidavit filed, and later on by personal appearance if necessary.

Hon. Mr. Connolly (Ottawa West): May I be permitted to ask the honourable gentleman a question at this point? Assuming an affidavit is filed, is permission actually to be sought of the committee to proceed without naming the co-respondent, and must permission be given before the pleadings are filed?

Hon. Mr. Roebuck: Not before the pleadings are filed, but certainly before the case is heard. Most of the pleadings will be filed during the recess, and at the commencement of the following session these affidavits will be reviewed by the Committee or a subcommittee of the general Committee, as may be arranged by the Committee itself; and, where necessary, if the affidavit is found to be not satisfactory, the parties will be notified to make a personal appearance.

Hon. Mr. Connolly (Ottawa West): In other words, if the affidavit is not satisfactory, then the party who desires to proceed without naming the co-respondent would not be able to have his case heard unless he amended his pleadings and named the co-respondent, if in fact he could do so.

Hon. Mr. Roebuck: That is, if the Committee thought the co-respondent should be named.

Hon. Mr. Aseltine: In that case the papers would have to be served all over again.

Hon. Mr. Roebuck: The papers, so far as the co-respondent is concerned, would have to be served. So the litigant had better be careful how he deals with this matter of pleading, as careful indeed as he would be in the courts, because there they slap him down without very much hesitation.

Hon. Mr. Connolly (Ottawa West): I am just a little bit concerned as to whether the position has been clarified. The point is this, that in the event the affidavit evidence is not sufficient and the Committee decides the co-respondent should be named, then if the petitioner is unable to name the co-respondent the case will not be heard.

Hon. Mr. Roebuck: It will not be heard until he makes service on the co-respondent, or until the Committee is satisfied that this cannot be done.

Hon. Mr. Macdonald: But I understand the Committee will hear counsel for the petitioner.

Hon. Mr. Roebuck: Yes.

Hon. Mr. Macdonald: The Committee will not merely consider the affidavit that has been filed, but counsel for the petitioner will be permitted to come before the Committee and explain the facts set forth in the affidavit?

Hon. Mr. Roebuck: Yes. He will be permitted on all occasions to do so if he wishes but, if the affidavit is sufficient, obviously there is no need for bringing counsel to repeat the affidavit. So, as I visualize it, if the affidavit is all right we will let the case proceed, but if the affidavit does not show reasonable cause we will call counsel for the petitioner before us and allow him to argue and explain, and he may convince us.

Let me illustrate the situation briefly out of something that occurred just this morning during the hearing of a case by the Committee. The co-respondent was not named in the petition. He was described as "a person unknown", but in the evidence it was suggested that the co-respondent was a well-known athlete. There we were listening to evidence, which was being reported in shorthand, to be printed later and to be circulated to 265 members of the Commons, if they wished to have it, and to all members of the Senate, 100 or so, with 25 copies to remain on record and 10 copies for each for the parties—literally hundreds of copies—and the person who was accused had no knowledge of the proceedings. He was not there, and, not having been notified, he may not have had the opportunity of being there. Now, that is a drastic situation. I will tell you what we did. We ordered that the identity of the co-respondent be not made clear in the evidence, because it is so unjust to accuse a man as co-respondent and give him no chance to defend his reputation. If he is guilty, why then I suppose it does not matter, but we have no right to assume guilt on the part of anyone, and even if he is guilty, I think British jurisprudence provides that he shall have a right to defend himself.

Now, honourable senators, I pass on to the next point. I have already referred to section 3 of Rule 139, which provides for a concise statement of the material facts upon which the respondent or co-respondent relies in answer to the petition. If you will turn to our present Rules, at page 9, section 139 (5), you will see that the following is all that is now required:

The copy of the petition served upon the respondent shall have endorsed thereon, or appended thereto, the following information: