

Mr. SMITH: I would say so, sir, inasmuch as what underlies our philosophy here is desertion of responsibility, desertion of what the bible calls the one-flesh relationship, and the point we are making is that these are manifestations. We recognize these.

The Co-CHAIRMAN (*Senator Roebuck*): My Co-Chairman has asked you whether you would include involuntary separations such, for instance, as prolonged illness which makes impossible the continuation of the real marriage estate; a long sentence in one of the penitentiaries, illness such as we run into a number of times, of a mental character; or perhaps just involuntary separation where the husband disappears without any fault on any person's part and the marriage is gone. Would you recognize that as desertion? Mr. Gowland, would you take in my question at the same time? I would like to have the answer on the record so that those who read it will be influenced by the person who is speaking.

May I say for the record that the Rev. A. J. Gowland has his B.A. and M.A. from the University of Toronto and graduated from Knox College in 1937; he also took post-graduate studies in New College, Edinburgh. Before his appointment as Secretary of the Board of Evangelism and Social Action of the Presbyterian Church in Canada he was a minister in congregations in Oakville, St. Mary's and Toronto, Ontario, and Calgary, Alberta. As in the case of Mr. Smith, he had the opportunity as a pastor to counsel people in all aspects of family life. He has been Secretary of the Committee on Family Life from its beginning and shared in the writing of the commentary entitled *Marriage, Divorce and Remarriage*.

The Rev. A. J. Gowland: Mr. Chairman, with reference to your question whether the conditions you have indicated could be included in our understanding of the term "wilful desertion," I believe they could, for the reason that the Westminster Confession of Faith indicates that the primary purpose of marriage is the mutual help of husband and wife. If we believe that this is the primary purpose of marriage, then, if a man by reason of imprisonment is separated from his partner for a period of 15 to 20 years, such separation has really destroyed the primary purpose of the marriage, and so I believe this could be included.

Co-CHAIRMAN (*Senator Roebuck*): With no prospect of change.

Mr. GOWLAND: With no prospect of change.

Co-CHAIRMAN (*Senator Roebuck*): Thank you for that answer, Mr. Gowland.

Mr. HONEY: We have had some evidence and submissions before us dealing with the matter of separation as a ground for dissolving marriage, and some of the people who have appeared have indicated that separation by mutual consent, even if for two or three years, should be a ground of divorce. In other words, if the parties are not able to live together in harmony, that might be considered a proper ground. Would it be your view that this would not be acceptable as a ground for divorce if the separation were by mutual consent?

Mr. SMITH: I return to our view that persons should not be left to their own discretion and desire in this matter. We believe that what is at stake is not only the pleasure of the couple but the whole fabric of marriage, and I would doubt that our Church as a whole would look favourably on this as an additional ground for divorce.

Mr. McCLEAVE: Just as a follow-up question, there might be a refusal of either or of both parties, and if there is only a one-flesh relationship that refusal to have physical intercourse would be broad enough to cover voluntary separation in the sense that if it were mutual both would have refused to live in the one-flesh relationship.