

in which we all seem to agree is that this question will have to be faced sooner or later.

My associate on my left (Hon. Mr. Vaillancourt) referred to the fact that there are fewer divorce petitions from Quebec before Parliament this year than last year.

Hon. Mr. Roebuck: There were two sessions of Parliament last year, and the number of petitions totalled about 500.

Hon. Mr. Macdonald: We have no assurance that next year, with the increase in population in Quebec, the number will not be greater.

One point that troubles me with respect to the suggestion of requiring a decree of separation as to bed and board is that we might discriminate against residents of the province of Quebec. There is no other province in Canada in which there is such a requirement. The fact is, there is nothing to prevent a resident of, say, the province of Ontario from making an application to Parliament for a bill of divorce. Are we going to require only residents of Quebec to first get a decree as to bed and board before making an application for divorce to Parliament? If that is to be done, it might cut down on the number of petitions from Quebec. My honourable friend to my left thought that this procedure would increase the number of applications from that province. Certainly the expense to petitioners would be greater, and it probably would result in fewer applications.

Hon. Mr. Aseltine: The expense would be double.

Hon. Mr. Macdonald: I think it would be greater, in any event; whether it would be double is another question. Is it suggested that when the decree of the provincial court in Quebec comes to the Senate that the Clerk of the Senate put his official stamp on it?

Hon. Mr. Aseltine: A private bill would be required, just as now.

Hon. Mr. Macdonald: Yes, it would.

Hon. Mr. Aseltine: And the petitioner would still have to pay his filing fee of \$210.

Hon. Mr. Macdonald: The amount could of course be changed. It could be increased to \$410, or reduced to \$10. My point is, what is the Senate going to do with the decree? Are we going to accept it, have the Clerk of the Senate put his stamp on a bill and send it over to the House of Commons? None of us seem to have reached any definite conclusion on these points. I repeat what I said in my opening remarks, that the discussion has been a most useful one.

Hon. Léon Méthot: Honourable senators, I think we are missing the point. We must admit that the granting of a divorce is by act of Parliament. Are we to ask Parliament to pass a bill on the mere finding of fact by a judge of the Superior Court? As the honourable leader opposite has said, a person from any province of Canada can petition Parliament for a divorce. In Quebec there is no court with divorce jurisdiction, and that, I think, is the wish of the majority of the people of that province. They have their remedy and they are using it.

Having listened to the discussion this evening, I do not see that any better procedure has been suggested than the one we now have. I sat on the committee in Quebec which recommended that adultery on the part of a husband should be a peremptory ground on which his wife could be granted separation as to bed and board in that province. But in that report nothing was said about that finding being used as a grounds for divorce.

(Translation):

Hon. Mr. Vaillancourt: It is simply a matter of the testimony which would be heard in court and which could be used as evidence here. That is all.

(Text):

Hon. Mr. Méthot: Yes, but how can we ask Parliament to accept it as peremptory proof, if it does not choose to accept it?

Hon. Mr. Thorvaldson: The committee would study it.

Hon. Mr. Monette: If I am not out of order I would like to say a few more words. I will be brief. The Senate has already, under the Constitution, the right to hear an application and to grant a divorce, but it is also obliged to hear evidence. If I understand correctly the suggestion of the honourable senator from Grandville (Hon. Mr. Bouffard) it is this: where, according to the jurisdiction of Quebec, there is in that province an application for separation as to bed and board because of adultery, and the Quebec court, acting within its jurisdiction, has found evidence of adultery and granted separation, then the innocent party will have the same right as today—no more and no less—to apply to the Senate for a divorce by reason of adultery: the only difference would be that the evidence which has been given before and under the control of the court in the province of Quebec, in pursuance of the application for separation, would be received here as evidence on the petition for divorce.

Hon. Mr. Macdonald: If the evidence received in Quebec showed that adultery had been committed, would not the application for divorce be granted automatically?