

4. Delete Rule 140 and substitute therefor the following:—

140. No petition for a bill of divorce shall be considered by the Committee unless the applicant has paid into the hands of the Clerk of the Senate the sum of two hundred and ten dollars towards expenses which may be incurred during the proceedings upon the petition and the bill, and the disposition of this sum shall be as ordered by the Senate.

5. Delete Rule 142 and substitute therefor the following:—

142. 1. The Chief Clerk of Committee shall examine the petition and all other documents relating thereto which have been deposited with him, and in each case shall report to the Committee the extent to which the requirements of these Rules, or of any order made or direction given thereunder, have been complied with.

2. When any document filed under this Rule is in the opinion of the Chief Clerk of Committees insufficient or otherwise defective, he may require the insufficiency or defect to be remedied, subject always to the right of the petitioner to have the matter referred to the Committee for decision.

3. In every case where the Chief Clerk of Committees reports an insufficiency or defect under this Rule the Committee may make such order or give such directions as it deems just and proper to remedy such insufficiency or defect.

4. If the circumstances of the case seem so to require, the Committee, before proceeding to hearing and inquiry as hereinafter required, may make such order as to the Committee seems requisite and just for effecting substitutional service by registered letter or otherwise.

5. When the requirements of these Rules, and of any order or direction made or given thereunder by the Committee are found to have been complied with in all material respects, the Chief Clerk of Committees, having regard to any rule or order which the Committee may make as to appointments for hearing and inquiry, and to any special order made or direction given by the Committee or the Chairman, shall appoint a day for the hearing of the petition and inquiry into the matters set forth therein, and the Committee shall, after reasonable notice to the parties, proceed with all reasonable despatch to hear and inquire into the matters set forth in the petition.

6. Delete paragraph 1 of Rule 145 and substitute therefor the following:—

145. If adultery be proved, the respondent or a co-respondent may nevertheless be admitted to prove connivance at, or condonation of the adultery, collusion in the proceedings for divorce, or adultery on the part of the petitioner.

7. Delete Rule 146 and substitute therefor the following:—

146. The petitioner, the respondent or a co-respondent and, if the Committee sees fit, any other person affected by the proceedings had, may be heard before the Committee in person or by counsel learned in the law of the bar of any province in Canada.

8. Delete Rule 147 and substitute therefor the following:—

147. The petitioner, the respondent and a co-respondent, appearing before the Committee, and all witnesses produced before the Committee shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the law of evidence shall, subject to the provisions in these rules, apply to proceedings before the Committee, and shall be observed in all questions of fact.

2. Declarations allowed under or required in proof may be made under the *Canada Evidence Act* or in a form valid in the jurisdiction in which they are made.

9. Add the following paragraph at the end of Rule 148:—

"Every witness summoned shall, at the time of service of the summons upon him, be tendered a sum of money sufficient to defray his reasonable expenses for travelling to and from Ottawa and his reasonable living expenses while in attendance upon the Committee; and no witness shall be obliged to attend in obedience to a summons unless such a tender has been made to him.

Your committee further recommend that the foregoing amendments to the Standing Rules and Orders of the Senate relating to Divorce become effective on September 1, 1957.

Your Committee also recommend that the Clerk of the Senate be authorized to approve such changes in the Divorce Forms subjoined to the said Standing Rules and Orders as he may consider necessary in consequence of the foregoing amendments, and that the changes in the Divorce Forms so approved by the Clerk of the Senate become effective on, and apply in respect of all petitions for divorce filed with the Clerk of the Senate on or after, September 1, 1957.

All of which is respectfully submitted.

A. W. ROEBUCK,
Chairman.