obviously reasonable that one almost apologizes for suggesting it. I used the word "atrocious" in describing the present Rule which permits the respondent merely to give notice of contestation. Both the Divorce Committee and the petitioner are entitled to know the grounds upon which the respondent intends to contest the petition.

The second major change proposed, and perhaps a more controversial one, is the requirement that the co-respondent be named when he or she is known. This matter has been thoroughly debated in the provincial courts, and I know of no court which permits such loose pleading as that allowed at present by the Senate.

With that short explanation, honourable senators, let me proceed to review the details of the proposed amendments as rapidly as I can. To begin with, if honourable senators will refer to page 43 of *Hansard* they will see there the proposed amendments to the Rules printed as an appendix to the debates of January 17.

The present Rule 135 requires, among other things, that 25 copies of the evidence taken before the committee in each case be retained for purposes of record and reference. We are informed by the officials that many fewer than 25 copies are required. When we retain 25 copies of the evidence in 300 or 400 cases, one can see the bulky reserve which year by year is being built up. Our officials are quite satisfied that 10 copies would meet all reasonable demands, so it is proposed that the Rule be changed to that effect.

The proposed new Rule 137 requires that the petitioner serve not only the respondent but also every person with whom a matrimonial offence is alleged to have been committed. The second paragraph of the new Rule reads:

If the residence of the respondent or the name or residence of a co-respondent is not known, or personal service cannot be effected, then, if it is shown to the satisfaction of the Committee that all reasonable efforts have been made to effect personal service, and, if unsuccessful, to bring such notice and petition to the knowledge of the respondent or co-respondent, what has been done may be deemed and taken by the Committee as sufficient service.

The pertinent portions of the proposed new Rule 139 provide:

The petition of an applicant for a bill of divorce shall be fairly written and signed by the petitioner and shall include the following particulars in the order indicated:

(e) the matrimonial offences alleged, these to be set out fully and precisely in separate paragraphs including, wherever possible, the name and address of every person with whom a matrimonial offence is alleged to have been committed, and omitting vague allegations such as "at divers times and places".

I know of no court that would tolerate pleadings which lacked a precise description of persons, times and places.

(g) where the name or address of any person with whom a matrimonial offence is alleged to have been committed is stated to be unknown, a statement that every reasonable effort has been made without success to ascertain the name and address of such person, together with particulars of the efforts which have in fact been made.

To complete the picture I should read paragraph (v) of section 3 of new Rule 139:

3. The copy of the petition served upon the respondent and any co-respondent shall have endorsed thereon, or appended thereto, the following information:

(v) a concise statement of the material facts upon which the respondent (or co-respondent) relies in answer to the petition.

I should also at this time read section 4 of that Rule:

4. Notwithstanding anything contained in these Rules, the Committee may upon application by or on behalf of the petitioner, if it considers it desirable to do so, order that the naming of, or the service of documents upon, a co-respondent be dispensed with.

That, honourable senators, is a proposal along the line of practice in the courts in the province of Ontario.

Hon. Mr. Macdonald: To what rule does my friend refer?

Hon. Mr. Roebuck: I have just read section 4 of the proposed Rule 139. Briefly, the proposal is that a petitioner who brings a petition against a respondent and an unknown person shall demonstrate to the Divorce Committee by affidavit or solemn declaration the fact that efforts have been made to learn the identity of the unknown person, and to give reasons why he or she is unknown, or, if known, why the name shoud not be divulged. We visualize that at the opening of each session of Parliament appropriate affidavits will be received and read, and that perhaps the parties will be called before the Committee to make an explanation in cases in which there is any doubt. However, the successful administration of the rule will no doubt depend to no small extent upon the wisdom of the Committee. So far, honourable senators, you have never questioned a report filed by the Committee since I have been a member.

At this point I will digress to read two relevant Rules of Practice of the Supreme Court of Ontario:

775. Unless otherwise ordered every person with whom adultery is alleged to have been committed, whether such adultery is alleged as the cause of action or by way of revival of a prior matrimonial offence which has been condoned, shall be made a defendant in the action if living at the date of the issue of the writ.

776. (1) If the name of any person with whom adultery is alleged to have been committed is unknown to the plaintiff at the time of the issue of the writ, a Judge, on being satisfied that all