

Senator BELISLE: He was speaking of local family courts.

Mr. SMITH: I am sure our Church would take very much the same view. What we are concerned with is marriage breakdown. This is an expression which I know has been used before your committee by other denominations and other groups. Our Church arrived at pretty much the same point of view, that there is a distinction between marital offence and marriage breakdown; and, by far, a better understanding of what happens is "marriage breakdown."

Senator BELISLE: Desertion, in your brief, would indicate marriage breakdown?

Mr. SMITH: Yes. It is a symptom of the disease, and so is adultery.

The CO-CHAIRMAN (*Mr. Cameron*): Does your thinking indicate that the Presbyterian Church would favour the theory of compulsory or enforced desertion as, for example, where a person is serving a long prison term, or becomes insane with no reasonable expectation of regaining sanity? Would your Church regard that as falling within the ambit of "wilful desertion"?

Mr. SMITH: Our view of legal desertion is stated in the terms I have already outlined. We have made explicit the possibility of wilful desertion including non-support emotionally, physically and financially. Once again, the document from which we have drawn our doctrine is now three hundred years old, so that the distinction which we are accustomed to making today between things which are wilful and things which are compulsory was not so finely drawn then. I presume the climate in our Church would be such as to conduce to a more compassionate point of view, such as our sister denominations evidently have, so as to permit of the inclusion of mental illness and some forms of imprisonment as coming within the so-called grounds.

The CO-CHAIRMAN (*Senator Roebuck*): I believe you have a question you wish to ask, Mr. Stanbury?

Mr. STANBURY: May I say to the Rev. Mr. Smith that for a body which is traditionally conservative the Presbyterian Church in Canada seems to be very liberal in the position it is taking on this subject, and I am glad to see it, as a member of the Church. I am interested to know whether any of you gentlemen have knowledge of the redrafting or updating of the Westminster Confession of Faith that has taken place in the United States, and whether or not any of these issues have been clarified in that updating process.

Mr. GOWLAND: This statement of Faith that Mr. Stanbury is talking about does not deal with this question of marriage and divorce. It may be dealt with in some other place but not in the particular statement that Mr. Stanbury refers to.

Mr. SMITH: The two major Presbyterian denominations in the United States did revise the Westminster Confession of Faith rather radically fifteen years ago, and I believe our committee has seen the chapter on marriage and divorce, but I am afraid I cannot remember the details of the report.

Mr. STANBURY: May I ask one other question. Have you envisaged any requirement in the law whereby some sort of counselling procedure, with a view to reconciliation, should be complied with before dissolution of marriage takes place.

Mr. SMITH: I would suggest that either Mr. Young or Mr. Cromey reply.

The CO-CHAIRMAN (*Mr. Cameron*): May I ask Mr. Stanbury to be good enough to allow his question to remain unanswered for a moment or two so that I may ask this question. On page 2 I see mental cruelty mentioned as within the definition of wilful desertion: that is to say, if a marriage has broken down by reason of mental cruelty it is really the same thing as desertion. Would you also include physical cruelty?