

## APPENDIX

(See pp. 35-37)

DIVORCE RULES—AMENDMENTS  
RECOMMENDED BY COMMITTEE

Tuesday, January 15, 1957

The Standing Committee on Divorce make their 13th report, as follows:

Your committee recommend that the Standing Rules and Orders of the Senate relating to Divorce be amended as follows:

1. Delete Rule 135 and substitute therefor the following:

135. Evidence taken before the Committee shall be printed apart from the Minutes of Proceedings of the Senate, and only in sufficient numbers for the use of Senators and Members of the House of Commons, that is to say, one copy for distribution to each Senator or Member, ten copies for the parties and their counsel, and ten copies to be kept by the Clerk of the Senate for purposes of record and reference.

2. Delete Rule 137 and substitute therefor the following:

137. A copy of the said notice and a copy of the petition to be presented shall, at the instance of the applicant, and not less than two months before the consideration by the Committee of the petition, be served personally, when that can be done, on the person from whom the divorce is sought, who is hereinafter called "the respondent", and on every person with whom a matrimonial offence is alleged to have been committed, hereinafter called a "co-respondent".

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.

3. Delete Rule 139 and substitute therefor the following:

139. 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:

(a) the place and date of marriage and by whom the ceremony was performed;

(b) the domicile of the petitioner and the respondent at the time of the marriage and also at the time of the filing of the petition;

(c) the names in full, ages, occupations and addresses of the petitioner and the respondent at the date of the filing of the petition;

(d) whether there has been issue of the marriage, and if so, the names and date of birth of all living children;

(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";

(f) if such be the case, that any person with whom a matrimonial offence is alleged to have been committed has died before the filing of the petition;

(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;

(h) the nature of the relief prayed for.

2. The allegations of the petition shall be verified by declaration of the petitioner under the *Canada Evidence Act*, or in a form valid in the jurisdiction in which it is made, and shall include a statement that the petitioner has not in any way been an accessory to or connived at or condoned any of the matrimonial offences alleged and that no collusion exists.

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

(a) the petitioner's residence at the time of service;

(b) a Post Office address in Canada at which letters and notices for the petitioner may be delivered;

(c) the name and address of the solicitor, if any, acting for the petitioner;

(d) if such solicitor's address is not at Ottawa, the name and address of some agent for him residing at or within five miles of Ottawa, upon whom all notices and papers may be served;

(e) that if the respondent or co-respondent desires to oppose the granting of the divorce and to be heard by the Senate Committee on Divorce, the respondent (or co-respondent) must send a notice to that effect to the Clerk of the Senate at the Parliament Buildings, Ottawa, and to the solicitor for the petitioner, within thirty days from the date of service upon the respondent (or co-respondent) and shall in the notices give,

(i) the residence of the respondent (or co-respondent) at the time of sending such notice,

(ii) a Post Office address in Canada at which letters and notices for the respondent (or co-respondent) may be delivered,

(iii) the name and address of the solicitor, if any, acting for the respondent (or co-respondent),

(iv) if such solicitor's address is not at Ottawa, the name and address of some agent for him residing at or within five miles of Ottawa, upon whom all notices and papers may be served,

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

(f) that, if the respondent (or co-respondent) does not so notify the Clerk of the Senate, the petition may be considered, and a Bill of divorce founded thereon may be passed, without any further notice to the respondent (or co-respondent);

(g) when the petition is one by a husband for a divorce from his wife, that, if the wife shows to the satisfaction of the Senate Committee on Divorce that she has, and is prepared to establish upon oath, a good defence to the charges made in the petition, and that she has not sufficient money to defend herself, the Committee may make an order that her husband shall provide her with the necessary means to sustain her defence, including the cost of retaining Counsel and the travelling and living expenses of herself and witnesses summoned to Ottawa on her behalf.

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.