

can see whether they vary in any way from the English jurisprudence. I suspect that our courts might prefer to look at their own decisions.

Mr. HOPKINS: Yes, it might be.

Senator ASELTINE: During the recess counsel might be able to do that.

Mr. HOPKINS: Yes. I am at the disposal of the committee. If cruelty, undefined, were enacted by Parliament as a ground then I think it would be optional to the courts to find their jurisprudence where they can. They might be guided more by the English precedents, because there it is a ground for divorce, rather than the Canadian precedents where it is not a ground for divorce but a ground for something else.

Mr. BREWIN: It is a ground for matrimonial judicial action.

Mr. MACEWAN: I think the ground in Nova Scotia is gross cruelty.

Mr. MCCLEAVE: In Nova Scotia they have tended to follow the practice or principles set out in the House of Lords case that was cited.

Senator CROLL: Mr. Chairman, it seems that we need some further enlightenment on the matter of insanity, because it may loom up as one of the things we should consider. The bones have been laid out for us, but in respect of divorce on the ground of insanity surely there must be more to it than that. I think that something should be presented to the committee in detail besides that which has been presented as to the law.

The CO-CHAIRMAN (*Senator Roebuck*): I suggest that we hear from Mr. Hopkins at a later date, after he has examined these several things that have been suggested. He can give us another brief on a later date.

Mr. HOPKINS: A supplementary brief.

The CO-CHAIRMAN (*Senator Roebuck*): Yes, a brief supplementary to this one.

Mr. MCCLEAVE: Mr. Chairman, I will ask the clerk of the Divorce Court in Nova Scotia to provide some decisions, and I will send them along to Mr. Hopkins.

The CO-CHAIRMAN (*Senator Roebuck*): That will be very useful.

Ladies and gentlemen, we have with us today, Mr. Justice Walsh, our own Commissioner, who was not only a lawyer of high standing before he came, but has since had wide experience in the handling of a very large number of the cases which we in the Senate have since made law.

Before Mr. Justice Walsh addresses us, I wish to express my appreciation for the labour, application and attention that our counsel gave to the address he presented to us. There is a vast amount of information in his words. I am glad they were reported, because I for one want to read them when they are in print, perhaps not just once, but many times. I am sure that the committee universally expresses this appreciation.

Senator ASELTINE: Hear, hear.

The CO-CHAIRMAN (*Senator Roebuck*): Ladies and gentlemen, we now have before us Mr. Justice Walsh. I cannot tell you what he is going to say, except that he will give us the benefit of his experiences as a distinguished lawyer and as the Senate Commissioner in the trial of a great series of both contested and uncontested cases.

The Honourable Mr. Justice Allison A. M. Walsh, Senate Commissioner: Mr. Chairman, ladies and gentlemen: I have not prepared a written brief for you today, but I have made a number of notes under certain headings with which I should like to deal.