

Mr. SMITH: It is possible for the Church to undertake certain counselling procedures; and our committee has also discussed the role the courts could play in the matter of conciliation or reconciliation to rectify sick marriages before the breakdown actually takes place. We realize there is a very real limit placed on society at this point having regard to the functions of social workers, family courts, and so on; but we would hope the day might come when it would be possible for society to say to a couple: Your marriage is sick, you need a waiting period, you need time for counselling with other persons; and we should make provision to deal with these varied problems before divorce proceedings are entered into on a large scale.

The Co-CHAIRMAN (*Senator Roebuck*): Would you give the court authority to say: Come back in six months and we will talk to you again.

Mr. SMITH: There are other members of our committee who have been discussing this aspect recently.

Senator HAIG: The brief also says: "... wherein a public and orderly course of proceeding is to be observed, and the persons concerned in it are not left to their own wills and discretion in their own case". What do you mean by "a public and orderly course of proceeding is to be observed"?

Mr. SMITH: The language of this document which is quoted is of seventeenth century vintage when the powers of the Church and the Civil Magistrate were otherwise than they are today. I would understand by these words, as applied to a temporary situation, that couples should not be left to their own decision to say: We desire a divorce, and we consent to a divorce.

The Co-CHAIRMAN (*Senator Roebuck*): You are not in favour of divorce by consent?

Mr. SMITH: That is right.

Senator BELISLE: Towards the end of the first paragraph the brief says: "we, therefore, recommend that the General Assembly urge the federal Government to appoint a Royal Commission on Divorce." Are we to understand that you would rather have a royal commission than this committee?

Mr. SMITH: This resolution was placed before our General Assembly in 1963 before your committee was set up. I am sure the Church in Canada is indeed delighted with the manner in which this Parliamentary Committee has proceeded in this matter.

Senator BELISLE: That is a very diplomatic answer.

Mr. SMITH: We are used to that in the Presbyterian Church.

Mr. McCLEAVE: And we are used to giving such answers here.

Mr. SMITH: The resolution holds official status in our Church at the present time. No similar statements have been authorized by the General Assembly since 1963.

Mr. GOWLAND: Our Church has been concerned about this for a good many years.

Senator BELISLE: Last Tuesday we heard an eminent jurist from Nova Scotia who told us his thinking was, not for the committee to recommend a widening of the grounds for divorce but to consider the advisability of having a family court which would be less expensive to the parties seeking divorce, with authority to deal with such cases without going through the superior courts. It was suggested that this would facilitate proceedings.

Mr. SMITH: The point being made is that we should proceed by way of family courts rather than as at the present time, with an extension of the legal grounds for divorce.