would mean that in almost 300 cases a year the proposed new procedure would apply if the amendment were adopted. I am quite sure that there will be at least that number of cases every year wherein the co-respondent is not known and cannot be served.

The suggested rule provides for the naming of the co-respondent and the service of all the papers on the co-respondent; it also provides that if the co-respondent is not known, before the petition can be set down for hearing an application must be made to the committee by the petitioner or his or her solicitor for leave to proceed without naming and serving the co-respondent. That is going to be quite a proposition. That means that every year the committee will be faced with hearing some 300 applications or more for leave to proceed. That procedure will be expensive, because the solicitors for the petitioners will have to appear before the committee, sometimes at considerable expense. It may even necessitate more clerical help for the committee. Further, I think it would be an imposition on the members of the committee to have to go through all that procedure. I am afraid that the committee would become bogged down, and that when our present and capable chairman of the committee retires we would be unable to get anyone to take his position.

Honourable senators, if the committee insists that a rule of this kind is necessary, and if the Senate considers it advisable, I suggest that the rule be redrawn to provide that in cases where the co-respondent is known he or she must be named and served. That is all that would need to be put into the rule. Then if a petitioner came before the committee with a petition in which the co-respondent was not named and it was found by the committee that the co-respondent was known and should have been named, it would only be necessary for the committee to adjourn the case and order the parties to be served. Under that system the committee would not have to hear 300-odd applications for leave to proceed in advance.

I have another suggestion: If the proposed new rule should happen to go through as it is worded now, why could not some procedure be adopted whereby the Law Clerk of the Senate, when Parliament is not in session, would hear these applications for leave to proceed without naming the co-respondent?

May I make a further suggestion? Why could not the chairman and one member of the committee, when Parliament is in session, have power to hear all these applications and make an order allowing a case to proceed or not to proceed, as the case might be.

That is all I wish to say about the suggested change in the rule, which has caused me a great deal of concern and which, in my opinion, may not improve matters to any great degree if adopted, and may in fact do harm.

Honourable senators, I want to refer to Rule 136, which has not been mentioned. It provides that in all cases of petitions for divorce to Parliament notice must appear in a French and an English newspaper, as well as in the *Canada Gazette*. That is a most expensive procedure. It has been found in the past that where applications had been made to waive the payment of part of the parliamentary fee, and cases of that kind, the cost of the advertising was sometimes over $100, and for the life of me I could never understand why the notices had to be published in French and English newspapers as well as in the *Canada Gazette*. Publication in the *Canada Gazette* should be sufficient. Why could we not redraft Rule 136 and cut out this requirement? I think that is of sufficient importance to be considered before these amendments are finally dealt with.

I should also like to see provision made for examination for discovery, and for taking evidence by commission, if possible. For example, under the present procedure if a person from Newfoundland files a petition, he or she must give evidence by personal attendance, unless the committee issues an order that certain facts may be proved by affidavit. Such persons are obliged to bring a lawyer and witnesses to Ottawa, at great expense. I do not know if the committee has considered the possibility of receiving evidence in the way I have suggested, but if it were possible it would be much to the advantage of people who otherwise would have to come from Newfoundland or other great distances to give evidence.

We are told that these new rules would not come into force until September 1. In the meantime, I presume they would be printed and distributed to the legal profession, but between now and September 1 the old rules would still apply, and petitions for divorce would come in without naming the co-respondent. The committee would have to deal with such petitions at a later time.

I feel, honourable senators, that the suggestion I have made is worth while. Let us not make the work of the committee more burdensome. I feel this particular rule should be redrafted to provide simply for the naming of and service on the co-respondent when he or she is known. In other cases the matter could be dealt with by the committee when the cases come up for hearing.

On motion of Hon. Mr. Farris, the debate was adjourned.