

THE SENATE

Wednesday, May 14, 1958

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

DIVORCE

PETITIONS

Hon. Arthur W. Roebuck: Honourable senators, I have a pleasant duty to perform. I wish to present to the house 288 petitions for divorce.

Hon. Mr. Macdonald: Did you say pleasant or unpleasant?

Hon. Mr. Roebuck: I said a pleasant duty. Whether anybody questions it as being a pleasant duty or not, I hope to be able to present 40 more petitions at our sittings next week. At this time I would like to make a few general remarks.

The number of petitions actually filed is 318, of which 288 were presented to the Senate this afternoon. An additional 30 petitions are in process of preparation, and by the time we sit again a further 10 will likely be ready for presentation. When Parliament opened on October 14, 1957, I had the honour to present 291 petitions, and in 20 of those cases notice of opposition had been given by the respondent. To date this session there are 31 such notices of opposition. It will be seen, therefore, that there is a steady growth of this work. It may interest honourable senators to know that six notices of contestation are by husbands who are opposing the application of wives for freedom from the bond of matrimony.

I am sure it will be of interest to point out that the committee debated for some time the problem of giving notice of the petition to the co-respondent. One of the arguments against it was that the co-respondent is so often unknown. Well, I rather doubted the evidence that came before us so frequently that the co-respondent was unknown. There may be some cases in which the co-respondent is not known, but not very many. It is rather interesting to know that of the 31 notices of opposition received so far this session, 3 are from co-respondents. I argued previously that it was unfair that divorce proceedings should be instituted and in many cases carried to completion without any official notice to the co-respondent.

The number of applications to dispense with the naming or serving of the co-respondent were only 6 last session, and this

session there are only 7. That shows the wisdom of the change in the rules that we adopted and which went into effect at the beginning of last session. The reason generally advanced for not naming the co-respondent is that he or she is unknown. That may sometimes be true, and when it seems to be true or is so proven the committee allows the petitioner to proceed with the case without serving the co-respondent.

For the information of those who are interested in this matter I may state that unopposed petitions are being listed for hearing at the rate of approximately 15 per day. As my honourable colleagues know, we are able to try that number daily by dividing the committee into subcommittees which hear the evidence and report to the general committee, which in turn reports to the Senate.

Unopposed cases will be heard from Monday through Friday for a two-week period commencing Monday, May 26. Commencing June 9, the hearing of unopposed petitions will be confined to Mondays and Fridays, and opposed cases will be heard on Tuesdays, Wednesdays and Thursdays.

I do appreciate the co-operation which I receive as chairman of the Divorce Committee. I have already expressed my gratitude to the honourable senator from Toronto-Spadina (Hon. Mr. Croll) for the work he has done as chairman of the committee which hears the opposed cases. He will be hearing opposed cases on Wednesdays and Thursdays, and I will likely hear them on Tuesdays. The assistance of Senator Croll has taken a heavy burden off my shoulders.

I have given the house some incidental facts which I thought might be of interest to my fellow senators.

REPORT OF COMMITTEE

Hon. Mr. Roebuck: Honourable senators, I trust I may be pardoned for taking so much time of the house. May I now give the first report of the Divorce Committee, which reads as follows:

1. Your committee recommend that their quorum be reduced to three members for all purposes, including the taking of evidence upon oath by the committee or any subcommittee as to the matters set forth in petitions for bills of divorce.

This has been a standing provision for the past three or four years. Only the subcommittees take advantage of a minimum quorum of three members; our general committee has always had many more than three members.

2. Your committee also recommend that leave be given them to sit during all adjournments of the Senate, and also during sittings of the Senate.

We are sorry to have to ask for that privilege, honourable senators.