

bed and board because of adultery. Otherwise, the petition would be ignored. This condition would apply, of course, only to Quebec and Newfoundland, and the committee would of necessity accept the judgment of the Superior Court as a definite presumption that adultery had been committed.

**Hon. Mr. Thorvaldson:** More than a presumption; it would be definite proof.

**Hon. Mr. Bouffard:** Yes—more than presumption. When I talk of presumption I am referring to a presumption that cannot be destroyed. It would constitute complete proof of adultery, following an inquiry which had been made before the Superior Court, and the judgment of that court would be produced, duly signed by the judge, before the Senate. It would be complete proof of adultery; the judge would state in his judgment that adultery has been committed.

**Hon. Mr. Brunt:** Can a similar judgment be obtained in Newfoundland?

**Hon. Mr. Bouffard:** I believe a judgment of separation as to bed and board can be had for adultery.

**Hon. Mr. Euler:** If a court in Quebec finds that adultery is a cause for separation, would divorce not necessarily follow? The applicant would come immediately to the Parliament of Canada for relief, and the right to divorce would have been really established by the action of the Quebec court. You are proposing a roundabout way of obtaining the same result.

**Hon. Mr. Bouffard:** I am not of that opinion at all. There are many cases in Quebec where, when adultery has been committed, separation is granted as to bed and board, but you are far from having as many demands for divorce as there are for separation as to bed and board. However, I do not want to discuss the merits of the whole matter; we are only considering suggestions for the purpose of determining whether the committee can be relieved of much of its work, in having to hear witnesses and conduct a full inquiry. We perfectly understand how much work they have to do, and are doing; we sympathize with them, and we are trying to lighten their burden as far as we can. The honourable senator from St. John's West (Hon. Mr. Pratt) has made one suggestion, which I think it is a good one, and I am making another. I do not say it is perfect. I feel it might be a good plan to form a committee where all these suggestions could be brought forward, and perhaps during the course of discussion—

**Hon. Mr. Aseltine:** There is nothing new about any of these suggestions. They were all made and discussed a couple of years ago

when I introduced a bill to amend the Exchequer Court Act with regard to divorce jurisdiction. The bill was defeated by a big majority, and I do not believe we are gaining anything by going into all this now.

**Hon. Mr. Thorvaldson:** I think we are gaining something; it is a very worth-while discussion.

**Hon. Mr. Bouffard:** I do not want to discuss divorce; I am not the one who brought the matter up.

**Hon. Mr. Howard:** You are just making a suggestion.

**Hon. Mr. Bouffard:** Some member of the house asked if any suggestions could be made, and that is what I am doing. I am not saying whether the decision on the honourable gentleman's bill was a good one. I know we had a clear-cut discussion at the time and that he was extremely sincere, as were all of us who took part in the debate. But if we want to do something for the Divorce Committee let us make some suggestions, and perhaps they may be better considered now than they were two years ago. It may be that we are better prepared now to listen to suggestions on lightening the burden of honourable members who serve on the committee. That is the only reason for my speaking at this time. I make these remarks particularly for the benefit of those members who did not have the privilege of listening to the discussion that took place when the honourable gentleman's bill was introduced here. I have no more suggestions to make tonight, but if a committee were formed perhaps I would present some to it.

**Hon. Mr. Monette:** Does the honourable senator from Grandville (Hon. Mr. Bouffard) hold the view that there is jurisdiction in Quebec to separate a man and wife as to bed and board on the ground of adultery?

**Hon. Mr. Bouffard:** Sure there is.

**Hon. Mr. Monette:** But there is no jurisdiction in Quebec to pronounce divorce at the same time. Is it the suggestion of my honourable friend that when adultery has been proven and separation as to bed and board has been granted, the innocent party could come to Parliament with a copy of that judgment and file suit for divorce, Parliament having jurisdiction to pronounce divorce on the ground of adultery? As I understand my honourable friend's suggestion, the proof of adultery would be made in the province of Quebec on the occasion of an action for separation as to bed and board, and that proof would be automatically accepted by Parliament. In other words, the