

I realize, as do all honourable senators, that the work of the Divorce Committee is increasing all the time, and that in years to come it may not be possible for the committee to handle the volume of work that will come before it. A suggestion has been offered by the honourable senator from Mille Isles (Hon. Mr. Monette) that we form a committee to study the matter. That course may have to be followed in the near future. The honourable senator from St. John's West (Hon. Mr. Pratt) has suggested that an arrangement should be made whereby the committee would be relieved from inquiring into the facts of the cases by having assessors report findings of fact. Such a suggestion has its merits and may well offer a solution. No doubt the two provinces concerned, Quebec and Newfoundland, would prefer this course to having divorce courts forced upon them.

I have a suggestion which I would like to offer to my honourable colleagues. In every province of Canada—certainly in the province of Quebec, and I am sure it is true of the province of Newfoundland—married persons can be separated as to bed and board for reasons of adultery. I recall that when we first discussed the matter of divorce in Parliament I was unable to offer the suggestion I am now about to make for the reason that in the province of Quebec a husband could ask for separation as to bed and board on the grounds of adultery, but a wife could not, unless the adultery complained of had been committed in the common domicile. The Quebec Legislature has now amended the law, and the rights of a wife in this respect are exactly those of her husband: both may ask for separation of bed and board for reasons of adultery. That obstruction has been removed.

My suggestion now is that a study be made of the possibility, at least in so far as Quebec is concerned, of requiring a petitioner to Parliament for a divorce to submit a judgment rendered by a court in the province of Quebec granting separation as to bed and board for reasons of adultery. This judgment, being a final judgment of the Quebec court, could not be challenged; the proof that adultery had been committed would be complete, and the divorce could be granted without the necessity of an inquiry, the judgment of the Superior Court of Quebec being taken as good and sound proof of adultery.

Hon. Mr. Monette: As to the fact of adultery.

Hon. Mr. Bouffard: As to the fact of adultery. So an inquiry by the Senate would be completely unnecessary. I am sure that, were the proceedings handled in this way, the committee, being able to dispense with the hearing of witnesses and all the other

work involved in a court case, could handle four or five times as many applications in the same space of time as it does today.

That is one suggestion. It may not be a good one, but I think it is worth studying.

Hon. Mr. Monette: May I put a question to the honourable senator? Is it his suggestion that, the moment there is a final judgment in a court of the province of Quebec establishing that adultery was committed, and a separation is granted, all that would be required here would be a mere petition, and the Senate committee would be relieved from the necessity of making a new inquiry and could recommend a divorce?

Hon. Mr. Bouffard: That is what I mean. The court judgment would be complete proof of adultery.

Hon. Mr. Monette: I was aware of the suggestion, but I wished to give the honourable senator from Grandville (Hon. Mr. Bouffard) the opportunity to explain it himself.

Hon. Mr. Bouffard: I wholly agree that there would be no reason for any further inquiry before the Senate committee if a judgment were rendered in the Superior Court granting separation from bed and board because of the commission of adultery.

Hon. Mr. Euler: The senator from Grandville suggests, as I understand him, that the investigation would be made by some court in the province of Quebec, which could grant separation because of an act of adultery; that the evidence would be brought before the Divorce Committee here, and a divorce could be granted on that evidence. Do I understand him to mean that a divorce so granted would give the parties the right to remarry?

Hon. Mr. Bouffard: When a divorce is granted, the right to remarry civilly is also granted, irrespective of whether the proof is made before the Divorce Committee or elsewhere. The only obstacle that might arise to the remarriage of one or other of the parties is the religion to which he or she belongs. That is the party's own business. The fact that a divorce is granted does not obligate either of the parties to remarry.

Hon. Mr. Macdonald: But the honourable senator suggests that every applicant from the province of Quebec should have this decree of the provincial court before he comes to the Senate?

Hon. Mr. Bouffard: Yes. It would be a rule of the committee that no one from Quebec could appear before it without producing a final judgment of separation as to