

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Hon. Mr. White: With leave I move that the report be adopted now.

Hon. Arthur W. Roebuck: Honourable senators, as chairman of the committee of last session, and one of those nominated for membership this session, may I offer the house some information which perhaps will be of interest at this time?

Divorce petitions filed as of January 19, 1960, number 375. That is one of the largest budgets we have ever had at this stage of the session.

Hon. Mr. Farris: How many petitions were there last year?

Hon. Mr. Roebuck: I will give that figure in a moment. The number of divorce petitions that are ready for hearing is 200: these will be proceeded with immediately. Divorce petitions opposed are 25: if my memory is right, we had 20 last year.

It may be of interest to note that as of the opening day of last session 233 petitions were filed, whereas at the opening date of the present session 366 petitions had been filed. That is an increase of approximately 57 per cent. There were 449 petitions for divorce presented last session, and were we to accept as a criterion the 57 per cent increase I have just mentioned, it can be assumed that this session the committee will be confronted with approximately 705 cases. I do not anticipate that many, but it seems to me that we shall probably have the largest docket in the committee's history.

The time for filing petitions for divorce will expire on Wednesday, February 24, 1960.

It is expected that the Divorce Committee will meet on Monday next, and will continue to sit Mondays to Fridays inclusive in the three weeks following. After that it will meet on Mondays, Tuesdays and Fridays. Contested cases will be tried on Tuesdays, and if a case outlasts the day we shall hear it on days other than Tuesdays. So it will be seen that a large amount of work is prepared and ready for this committee. That is why I would join with the sponsor of this motion in asking that it be put through tonight.

The gentlemen who have been nominated are, without any change, those who sat on the committee last session. No one has been left off except our dear friend Dr. Howden, who is no longer with us. There are no new nominations. I hope, however, that we shall have some additions to the committee. I believe that another motion in this connection is to be made this evening; others will follow,

and I trust that some further working capital, if I may so call it, will be added to the committee, for there have been times when we were shorthanded. We have, however, never turned down a case for lack of honourable senators to try it, nor do I believe that we shall have to do so this session.

I ask honourable senators to pass this motion tonight so that we may reconstitute the committee tomorrow and be ready for the cases on Monday.

Hon. Mr. Farris: Can my honourable friend tell me the reason for the increased number of applications?

Hon. Mr. Roebuck: I have not heard the evidence yet. Probably I shall be able to supply that information at the close of the session.

Hon. Mr. Euler: Might the great increase in numbers be due to inflation?

Hon. Mr. Roebuck: Nobody, as far as I know, is "inflated" yet!

Hon. Jean-François Pouliot: Honourable senators, I appreciate the painstaking work that is being done by our honourable colleagues who are members of the divorce committee. They sit on this committee as a matter of duty, and for that they cannot be praised too highly. But in my opinion honourable members of the Senate should have the opportunity to make a much more profitable use of their talents. Recognizing the knowledge of constitutional law which each one of our senators has, I think they must realize that there is a way to deliver the Senate from the Divorce Committee. It is very simple: I wonder if honourable senators have thought of it. Not one has spoken about it.

Section 91 of the British North America Act, 1867, states that divorce and marriage are exclusively—exclusively mark you—under the jurisdiction of the Parliament of Canada. If, on the other hand we look at section 92 of the same act, we see an exception—that the provinces have exclusive jurisdiction over the solemnization or celebration of marriage. And if we proceed further in the reading of section 92 it will be seen that jurisdiction over civil rights belongs to the provinces. I must humbly admit I cannot understand that provision in our Constitution. If the Government of Canada were to ask the Government of the United Kingdom to amend the Constitution so as to transfer jurisdiction—exclusive jurisdiction—of the Parliament of Canada over marriage and divorce to the provinces, then the provinces would have authority to establish divorce courts that would be not *ultra vires*.