

Mr. QUELCH: Mr. Chairman, last time it was not the language, but the interpretation that caused a good deal of the discussion. It was stated in two provinces there was no divorce, and the question was raised whether or not it should be applicable to all the provinces. I take it from Brigadier Melville's statement that it will be applicable to people in all provinces, and people of all religions? It will not be a question of whether or not a person's religion debar him from getting a divorce? A person's religion may debar him from getting a divorce, but his own principles may prevent him from getting a divorce, and he may prefer to get a separation, and this will apply to him just the same?

Mr. MELVILLE: Yes.

Mr. BENNETT: This means written agreement?

Mr. MELVILLE: Yes.

Mr. JONES: Mr. Chairman, would you tell us where we are reading.

The CHAIRMAN: Clause 10 on page 5.

Mr. JONES: What is section 4 of 32?

The CHAIRMAN: That applies to the section of the Act which we are dealing with.

Mr. MELVILLE: Your question, Mr. Bennett, was on separation by agreement?

Mr. BENNETT: Yes.

Mr. MELVILLE: The commission would require a properly executed separation by agreement.

Mr. BENNETT: It does not say so, though, does it?

Mr. MELVILLE: That is implied.

Mr. HENDERSON: The whole intention of this section is different from the section we had the other day. I notice now the words, "who has died": that was not in the other day. I assumed by the section the other day that it covered those people who deserted wives and left children uncared for. Under this section here, the only way they would receive any benefit would be if the father, or husband, had died. I think this is an entirely different section.

Mr. MELVILLE: No, it is not. This section comes under the heading in the Act: "pension for deaths", and in order to remove any doubt, when going over this amendment with my colleagues, we decided to add those three words to make it perfectly clear.

Mr. HERRIDGE: Mr. Chairman, would Mr. Melville explain to my lay mind the distinction between "alimony" and "alimentary allowance"? It reads somewhat peculiar on first thoughts.

Mr. MELVILLE: I wish a lawyer would undertake the responsibility, but I think alimony is an award which is made resulting from divorce action. "Alimentary allowance" is an allowance awarded by a judgment of the court. An alimentary allowance is comparable to the other.

The CHAIRMAN: We have Mr. Gunn here, and perhaps he would give it to us.

Mr. GUNN: I do not think there is any great distinction. I think most of the lawyers here who are familiar with the practice in Quebec realize that "alimentary provision", "alimentary maintenance", "alimentary allowance", are expressions used in that particular jurisdiction, which is the equivalent to the use of the word "alimony" in other jurisdictions. The two things mean the same, but in two different jurisdictions of law. As we all know, in Quebec they have the old civil law expression, which is "alimentary provision".

Mr. HERRIDGE: That means that in Quebec they would get an alimentary allowance, and in another province they would get alimony.

Mr. GUNN: That is it exactly.