

the judicial body which has already acted in the matter by approving the divorce in the first place and then presenting the resolution to the Senate. This objection is made though the individuals on the Committee did not sit when the Resolution was under consideration and were unfamiliar with the facts of the case.

If a committee were chosen to hear the appeal whose members were not on the Standing Committee, the members would be inexperienced in Parliamentary divorce under the *Dissolution and Annulment of Marriages Act*. In addition the highly undesirable situation would be created of one committee of the Senate overruling or revising another committee in a judicial proceeding, and particularly so since the evidence submitted to the second committee is not restricted to that heard by the first committee, and in practically all instances would differ substantially.

It is, therefore, recommended that when the Commissioner makes his decision on the evidence heard by him, he notify the parties accordingly and that a thirty day delay take place thereafter before the Commissioner's decision be considered by the Standing Committee, during which time the parties may appeal to the Standing Committee on the evidence already presented.

If no appeal is taken the Standing Committee may move the resolution on the authority of the Commissioner's decision. If an appeal is taken, the Standing Committee's duty would be to review the evidence and hear such argument as the parties might present on the evidence, and recommend to the Senate such action as the Committee might deem just. The Senate itself would then act with finality.

This change would shorten and speed the procedure. The Commissioner would be relieved of reporting at length on the facts of each case as now, except when an appeal is taken, and the aggrieved party could appeal to an experienced body which would come fresh to the hearing.

RECOMMENDATION

Your Committee recommends that the *Dissolution and Annulment of Marriages Act* be amended by the repeal of Section 2 and 3 thereof and the substitution therefor of the following:

2. (1) The Senate of Canada may, on the petition of either party to a marriage, by resolution declare that the marriage is dissolved or annulled, as the case may be, and immediately on the adoption of the resolution the marriage is dissolved or annulled, as the case may be, and shall be null and void, and thereafter either party may marry any person whom he or she might lawfully marry if the said marriage had not been solemnized.

(2) *Officer's Recommendation.*

The Senate shall adopt a resolution for the dissolution or annulment of a marriage only upon referring the petition therefor to an officer of the Senate, designated by the Speaker of the Senate, who shall hear evidence, and report thereon, but such officer shall not recommend that a marriage be dissolved or annulled, except on a ground on which a marriage could be dissolved or annulled, as the case may be, under the laws of England as they existed on the 15th day of July, 1870, or under the Marriage and Divorce Act, Chapter 176 of the Revised Statutes of Canada, 1952, or on any ground added by the *Divorce (Extension of Grounds) Act*, 1967.