

## THE SENATE

Wednesday, October 31, 1962

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

## PRIVATE BILL

THE NORTH AMERICAN GENERAL INSURANCE COMPANY—REPORT OF COMMITTEE  
ADOPTED

**Hon. Salter A. Hayden**, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill S-6, respecting The North American General Insurance Company, and had directed that the bill be reported without amendment.

Report adopted.

**The Hon. the Speaker**: Honourable senators, when shall this bill be read the third time?

**Hon. A. K. Hugessen** moved that the bill be placed on the Orders of the Day for third reading at the next sitting.

Motion agreed to.

## EXPORT CREDITS INSURANCE ACT

BILL TO AMEND—REPORT OF COMMITTEE  
ADOPTED

**Hon. Mr. Hayden**, Chairman of the Standing Committee on Banking and Commerce, reported that the committee had considered Bill C-63, to amend the Export Credits Insurance Act, and had directed that the bill be reported without amendment.

Report adopted.

**The Hon. the Speaker**: Honourable senators, when shall this bill be read the third time?

**Hon. Malcolm W. McCutcheon**: Honourable senators, with leave, I move that the bill be read the third time now.

**Hon. Mr. Reid**: What is the hurry?

**Hon. Mr. McCutcheon**: There is no reason that I know of for delay.

**The Hon. the Speaker**: Honourable senators, is it your pleasure to adopt the motion?

**Hon. Mr. Macdonald (Branford)**: Apparently there is at least one honourable senator who objects to third reading taking place today. There would have to be unanimous consent to that course being followed.

**Hon. Mr. McCutcheon**: Then I move that the bill be read the third time at the next sitting.

Motion agreed to.

## MARRIAGE AND DIVORCE

INQUIRY AS TO ANY REQUESTS OR REPRESENTATIONS FOR AMENDMENT OF BRITISH NORTH AMERICA ACT WITH REFERENCE TO LEGISLATIVE JURISDICTION RE MARRIAGE AND DIVORCE

**Hon. Jean-François Pouliot** inquired of the Government, pursuant to notice:

Referring (a) to the first seven words of section 129 of the B.N.A. Act, 1867, about the continuance of pre-Confederation existing Laws, Courts, Officers, etc., namely, "Except as otherwise provided by this Act",

—(b) to "the exclusive legislative authority of the Parliament of Canada" extending to *marriage and divorce* in virtue of subsection (26) of section 91 of the said act, with the exception of the exclusive powers of Provincial Legislatures to make laws "for the solemnization of marriage", in virtue of subsection (12) of section 92 of the said act, and

—(c) the interpretation of the said law by the Supreme Court of Canada and the Privy Council on appeal from the Supreme Court of Canada in the matter of a reference to the Supreme Court of Canada of certain questions concerning marriage, (1912 A.C., p. 880)—

1. Did the Government receive any formal request from any province or any specific representation from any one to the effect that the B.N.A. Act, 1867, should be amended by repealing subsection (26) of section 91 of the said act?

2. If so, from whom and when?

3. In view of the Statutes of Canada:

45 V., (1882), c. 42;

53 V., (1890), c. 36;

13-14 Geo. V, (1923) c. 19;

22-23 Geo. V, (1932) c. 10;

and the Revised Statutes of Canada:

c. 105 of 1906;

c. 127 of 1927; and

c. 176 of 1952, the latter being intitled "An Act respecting Marriage and Divorce",

did the Government of Canada receive any specific representation or any formal request from anyone to the effect that the Parliament of Canada, in virtue of the exclusive legislative authority conferred upon itself by subsection (26) of section 91 of the B.N.A. Act, should repeal article 1301 of the Civil Code of the Province of Quebec and the second paragraphs of articles 1265 and 1422 of the said Code, and amend articles 179 and 180 of the said Code concerning the rights of married women in the Province of Quebec?

4. If so, from whom and when?