

Private Bills—Divorce

had not seen her or been out with her or cohabited with her since that time. This child having been born in September, 1956, according to the evidence, would indicate that adultery had taken place. It is only in that context that I think mention of this child might be in order.

Then Senator Bradley, who is interested in this same point, asks some further questions:

Q. Did she give you the name of the father of that child?

A. No, she did not.

Q. She just told you she had another child?

A. Yes; and she mentioned the name given to the child—I think it was—

Then he gives the name.

Q. Did she tell you when the child was born?

A. I believe October 1, 1956.

Q. Were you the father of that child?

A. No, I was not.

Senator Gershaw then asks questions about the surrounding circumstances of this conversation between the respondent and the petitioner which led to this reference to the child having been born. He asks:

Q. Where did this conversation take place?

A. She came to me for some money—I had given her the money. She was feeling good and we started talking. She broke down and started to cry and said "I had a child four years ago and that is why I am drinking even more now—it is on my mind."

Q. Did she stay overnight?

A. No, she never stayed overnight with me since the day we broke up.

Then Senator Bradley asks further questions about condoning the act, and they are as follows:

Q. You have never had any sexual relations with her since your breakup 15 years ago?

A. No, sir.

Then they want to discover whether there is any collusion in connection with this divorce and Mr. Seguin inquires:

Q. Did you arrange this divorce with your wife?

A. No.

Q. Would you take her back or forgive her?

A. Never.

Then Senator Bradley follows this questioning further by asking:

Q. Did you do anything in the way of embarrassing this woman or thrusting men in her way or anything of that kind?

A. No.

Q. And you didn't talk to her about this divorce?

A. No.

Q. This is not framed between you?

A. No.

Then the chairman, Senator Kinley, speaks up and says:

Q. You do not forgive her?

A. No.

In the questions a number of things are indicated. One is that they have been parted for some 15 years. Another is that there has been no collusion between them to plan the

divorce, no collusion for the wife to meet the corespondent or for the corespondent to meet the wife, and that this was not arranged for by the petitioner. There is also, from the evidence given so far, an indication that adultery had taken place because of the baby girl that was born to the respondent, the wife, some 10 years or 11 years after they had separated. On the surface this fact would indicate that adultery had taken place, especially since the petitioner is asked by Senator Bradley the direct question:

Q. Were you the father of that child?

A. No I was not.

As I say, on the surface this would indicate that adultery had taken place. It is probably far greater proof of adultery than that which we have been given in many other instances.

While investigators or an investigator and a chief of police are involved in this case as witnesses on behalf of the petitioner, as yet I have not looked up that part of the evidence as to what they discovered. If it is anything similar to the evidence that is usual in cases of this nature, it will not be so conclusive in its proof of adultery or corroboration of adultery as is the evidence that has been given to us so far by the petitioner himself.

It is true that it is one-sided evidence. It is true that the respondent was not there to give evidence. Although she was called, she did not appear. Having been served with notice of the action, I am sure that if she were much interested she would have appeared. Had she done so she might have given evidence and it might well have been the case that some of it might have been different. As to that, I do not know.

But this evidence that is before us, I would say without going further into what the investigator and the chief of police have to say about what they discovered, would be more conclusive proof of adultery having taken place than possibly would the evidence of the investigators themselves, although there is no evidence here as to just who the corespondent was or not as to who the corespondent was but as to who the father was of the child that was born some four or five years ago. If it is necessary in a divorce action to have a corespondent and the name and address of that corespondent, then perhaps it is necessary to go further into the evidence. I notice my friend the hon. member for Halifax shaking his head in the negative. Perhaps for my information I could ask a question. Could I take that to mean that it is not necessary to have a corespondent in a divorce action?

Mr. McCleave: My hon. friend means the name of the corespondent. That is so. If the name cannot be found by diligent search or inquiry it is provided that the person does