

*Private Bills—Divorce*

I wish to say though, Mr. Speaker, that I have taken the trouble to look through the evidence of these 26 divorce cases. In some instances I have read the evidence in full; in other cases my reading was more cursory, but I have gone through all of them.

Reading these cases one is aware of the fact that we have before us at the present moment 26 tragic stories. Despite the tragedy of these cases, despite the evidence presented with respect to each of them, and despite the fact that I have read that evidence, I must say I do not yet feel in a position to pass judgment as to whether these 26 divorces should be granted. I suggest that if I feel that way, after having gone through the evidence in these 26 cases, there must be many other hon. members who, if they cared to say so, would indicate that they feel exactly the same.

For that reason, Mr. Speaker, I do not believe we should be dealing with this business at all. However, Your Honour has ruled—and the smile on your face would indicate that you are now ruling similarly once again—that one must not talk about the procedure by which we handle divorces, but should rather talk about the cases that are now before us.

In that connection I wish to make reference to something that came out in the committee in the other place which deals with these divorces with respect to one of the cases. I do not intend to pinpoint any of the details given in this case, but I think it is only fair to indicate that the book of evidence I have in my hand relates to Bill No. 70, which is one of the divorces now before us.

I can assure hon. members that what I refer to as having been brought out in this case is not on the seamy side, but rather indicates an awareness on the part of Their Honours in the other place that certain tricks are sometimes being pulled on Their Honours. I wish to congratulate Senator Roebuck and Senator Kinley on making it clear that there is one trick they want discontinued.

In connection with this particular case they pointed out that the lawyer for the petitioner, even though he knew the name of the co-respondent, refrained from giving that name, and even went so far as to say that the adultery had been committed with a person unknown.

I congratulate the chairman of that committee, Senator Roebuck, on picking up that point. This is what he had to say:

You see the problem is this, Mr. Masse,—  
[Mr. Knowles.]

Mr. Masse is the lawyer in the case.

—that woman should have been notified of these proceedings so that she could have a chance to come here and tell her story too.

Mr. Masse: We have never done it so far.

The Chairman: Well the sooner you get to it the better.

Hon. Mr. Kinley: As a matter of fact you not only have not done it but you went out of your way to keep it in the dark, not you, but most who come here, they try to evade telling the name.

The Chairman: You know that in the Ontario courts you have to get permission to plead "with persons unknown." You have to give the name of the respondent as well as that of the co-respondent unless the court orders otherwise.

Mr. Masse: I have been before this committee a great number of times for the past 20 years and it has been a standing practice—I have never notified the co-respondent as a matter of fact, I have never mentioned it although on many occasions we knew the co-respondent, and I have never been told anything about it otherwise.

The Chairman: Yes. We will pass it on this occasion but in future please observe the rules of the court in Ontario, and for all the provinces for that matter, with regard to co-respondents. They should be named and they should be notified.

Then after another exchange there comes this further paragraph which I would like to quote:

The Chairman: I agree that the practice here has been very confused in the past but the sooner we get to a better arrangement the better.

Hon. Mr. Kinley: I am very happy to hear you say that.

So, as I say, I congratulate Their Honours on picking up this particular trick that has been played by some of those who have appeared before them and on taking the stand that Senator Roebuck has taken in connection with this practice.

I might say that, in connection with another of the bills that is before us—it happens to be Bill No. 67—Their Honours also discussed with a detective who was before them the question as to how they get into rooms where they have no right to barge in. They obtained from the detective the admission—and we all know it to be true—that they use ruses of various kinds; in other words, they just tell lies in order to get into rooms to collect their evidence.

**Mr. Diefenbaker:** There is not much collusion there.

**Mr. Knowles:** I think the whole matter is well put in the words of Senator Roebuck when he said, "I agree that the practice here has been very confused". It is confused, Mr. Speaker. We are all confused by the whole business and I think the best way to end the confusion would be for us to go out of this divorce business completely so far as parliament is concerned.