

*Private Bills—Divorce*

the committee of this house. In other words, at one meeting of the House of Commons committee both cases passed by the Senate committee were rejected.

**The Deputy Chairman:** Would the hon. member please come to the bill before the committee.

**Mr. Ellis:** Mr. Chairman, we are called upon to vote for a series of divorce bills, and there has been no opportunity for a close examination of the evidence. We are asked to vote on these bills on the strength of the evidence presented to the Senate committee. I suggest that under the circumstances, in view of the fact that at the last meeting of the committee on miscellaneous private bills two bills passed by the Senate were thrown out—and very wisely so—the circumstances have altered somewhat, and that before we should be called upon to vote on these bills we should be prepared to give a great deal more consideration than has been given in the past.

In other words, if the Senate passed two bills, as they did, which were thrown out by the House of Commons committee, then I suggest this house ought to give a great deal closer consideration to divorce bills when they come before us in the future. For that reason I say we ought to consider the whole question of the handling of these divorce cases in the House of Commons before we are asked to vote en bloc on a great many of these bills.

**Mr. Drew:** Mr. Chairman, I think that inadvertently an extremely important issue has been raised on this occasion. I believe it will be agreed that the sanction behind our ordinary judicial procedure is, in large measure, the knowledge on the part of those who give sworn evidence that if there is perjury they may and should be charged in respect of that perjury. While we would like to think that the consciences of people would prevent their making false oaths, the very fact that we include the perjury provisions in the Criminal Code indicates the extent to which this is regarded as a sanction behind our judicial procedure.

In the present instance I am not discussing the procedure, because that is a big consideration. I wish it quite clearly understood that in this respect I am not identifying myself with the particular argument that has been put forward by members of the party which first raised the question today. That is a very big subject, to be discussed on some other occasion.

However the situation in which we now find ourselves, in relation to these bills which are placed before us in bulk, and the first

items of which we are now discussing, is that we are told that unless the attorney general of the province of Ontario sees fit to examine every one of these cases, then there is no sanction such as ordinarily applies in such a case.

**Mr. Garson:** No, no. On a point of privilege, Mr. Chairman; I am sure I did not leave any such impression. What happens in the ordinary case, where A is suing B for damages following an accident, is that if perjury is committed by any witness in such a case the person chiefly concerned—very often the judge who tries the case—brings to the attention of the crown prosecutor the fact that such perjury has been committed in order that the crown prosecutor may look into the matter to see if he thinks a charge of perjury should be laid.

When the hon. member asked me this afternoon what procedure would be adopted where perjury had been committed in proceedings before the Senate committee, I thought I had given to hon. members a very clear indication that an analogous step would be taken by, possibly, the chairman of the Senate divorce committee, to bring that matter to the attention of the crown prosecutor in the same manner as a judge would do it in the case to which I referred a moment ago.

I said in that connection that the constitutional responsibility for the administration of justice was that of the province, and that to this end in every province of Canada the government has fairly elaborate machinery, consisting of the attorney general's department and a number of crown prosecutors scattered throughout the province for the purpose of carrying out that constitutional responsibility.

I did not say that the attorney general or crown prosecutor of the province would have to give the matter his personal attention and examine the evidence that was brought before the Senate committee for suspected perjury; because he could not discharge that responsibility even in connection with the ordinary lawsuits that are tried in the law courts. Cases of perjury there are brought to the attention of the crown prosecutor or the attorney general's department, and are investigated in a routine manner using machinery which is set up for that purpose. If there is an indication that there is evidence to support a charge of perjury, that charge is laid and then continues in the ordinary way.

**Mr. Macdonnell:** Will the minister permit a question?

**Mr. Garson:** Yes.