

Private Bills—Divorce

his rights as a private citizen in petitioning at the foot of the throne, which is the parliament of Canada.

Members of the House of Commons are asked to sit in the capacity of judges. Some of us have the legal training for that; others of us have not. I do not apologize for one minute for missing out on the vote on this Maille case, because after a full morning and afternoon session I simply did not know who was the more or less honest, the petitioner or the respondent, and I felt myself wholly unable to cast an honest vote and to reach any conclusion. This was caused especially by the lack of established procedure before our committee. The committee of the other house has well-established and laid-down lines of procedure for calling witnesses, for hearing witnesses, for rights of petitioner and respondent, and for the whole procedure. I am sure the members of the committee will agree with me when I express the wish that something might possibly be done whereby we can arrive at a recognized established method of proceeding.

In this case the petitioner applied to the other place over a year ago for relief from his marriage vows and was denied the relief. This year he made another effort and succeeded before the committee of the other place, using a new incident by which he attempted to prove adultery and calling a completely new set of witnesses.

His argument had some weaknesses in it. A number of discussions took place concerning the reasons he should be seeking relief. He claimed he had no intention of remarrying. "Once was enough," were his words. We could therefore only come to the conclusion that his reasons for seeking relief chiefly concerned the fact that since his wife had a legal separation from him she was costing him a lot of money and was also causing him considerable embarrassment. He is admittedly a fairly well-to-do manufacturer. He has to pay his wife \$30 a week and of course he has to maintain the three children involved. Whether that should be a cause for seeking relief, I do not know. He added further that his wife had quite frequently taken him into court and when such events took place he always had to pay both her expenses and his own.

I noted that he had severely injured his wife's hand just a few days before we heard the case and she had him before a court because of that assault. No doubt he had to pay the costs in this case, too.

His main contention was that his wife was costing him too much money and he thought we should relieve him of the responsibility. There was some doubt in some of our minds,

despite his assertion to the contrary, whether he might wish to remarry within a short time if his case was successful. He had spent a fair amount of time in the company of another lady even in such far-away places as Europe. It was a vacation in her case and a business trip in his.

To my way of thinking the respondent's case calls for a good deal of sympathy. I do not wish to pass judgment at this time as to whether or not I thought she was guilty of adultery. However, where responsible members sit on a committee I think they must take many other factors into consideration. The woman was obviously in a poor state of health. The husband admitted that on one occasion at least he had her committed to a mental institution. The respondent claimed she was interested in protesting the divorce, because she did not want to lose the possibility of obtaining custody of her three children. I believe she also admitted, if my memory serves me correctly, her health did not permit her to work. That may have been before the committee of the other place. She also stated she did not want to lose the \$30 a week separation allowance which she was receiving.

I did note both before the committee of the other place and before our committee the woman's severe handicap in that she was not able to defend herself. She did not have the means—and perhaps I should really say she did not have the tools—with which to defend herself as I thought she should. Several times when we asked whether or not she had certain witnesses with her, her attorney replied that he had asked some witnesses to appear and they had flatly refused to do so. This again brings out the handicap under which we operate because of a lack of established machinery to permit both the petitioner and the respondent to bring whatever witnesses are necessary to support their cases.

I feel this case has once again very forcibly called our attention to our handicap. We are ruling over the destiny of human lives. We are separating families. This is a very dangerous task and an extremely onerous responsibility. I sometimes doubt the wisdom of the state legislating in matters such as morals and marriage as they affect human beings. I believe that as the House of Commons we must either begin to assume our responsibility or we must establish some competent body which will relieve us of the responsibility that now rests with us. I hope before another session of this parliament meets the Prime Minister (Mr. St. Laurent) will have received enough advice from at least the Protestant members on his side of the house that will inform him in no uncertain