

Private Bills—Divorce

for Yorkton suggested that counsel for the petitioner ask for an adjournment. This was due to the fact that when certain evidence by way of affidavit was presented to the committee I, as chairman, thought that was unfair. The hon. member then suggested an adjournment to counsel. I pointed out to him that I did not think that was the time for an adjournment. It was his responsibility to have his witnesses there, and the fact a witness was not there was his responsibility. I did not think the committee should adjourn. It may have been that if it had gone to a vote the committee would have overruled me. At any rate, the evidence was ruled out and it was not heard.

There is some suggestion, too, about the condition in which this co-respondent was when he arrived. The fact is that the respondent herself admitted that when he came to the house she herself had given him liquor to drink.

Mr. Castleden: Did she give evidence to that effect?

Mr. Cameron (High Park): Very definitely; she had given him beer or some other liquor. She was not sure what it was.

Then something was made of a certain bit of evidence given by one of the witnesses for the petitioner, and there was a suggestion that it was given to defame the character of the respondent. Perhaps the hon. member for Mackenzie will recall that was only brought out as an incidental. She stated why she hurried back again. A certain incident had happened before, so she thought she would come back sooner than otherwise she might have. She came back, and it was only under considerable pressure that she gave the evidence which was brought out by her counsel against my advice. I will say to the hon. member for Mackenzie that if anything could have shaken my belief in the credibility of the witness it was that fact. But on reflection I have come to the conclusion that it did not shake my credibility, and that it did not go to the root of the matter.

There was some mention about the time they were away. The two witnesses for the petitioner stated they were away at least half an hour. The respondent said they were away 20 minutes. There is no real conflict as to what took place. The co-respondent was apparently in an intoxicated or semi-intoxicated condition just at this particular time. When Mrs. Ferron was giving her evidence she said that one of the witnesses for the petitioner, the sister of the co-respondent, had tried to get him to go to bed. He was angry and fighting with her. She said she had told the two witnesses to go and find

her husband and she would try to put their brother to bed. In other words she sent everybody out of that house. They went away, and then came back.

There is no dispute about the respondent being in the bedroom with the co-respondent. She said she had her shorts on and she shoved him back on the bed. The two girls came in, the sisters of the co-respondent. The doors were not locked—and they walked in to the bedroom door and opened it, and they say they saw the respondent and co-respondent lying on the bed unclothed.

When I weighed all the evidence in my own mind I came to the conclusion that it was reasonable to conclude that adultery had been committed. If I had voted, as I said I did not vote in the committee, I would have voted for the granting of the divorce.

Mr. Nicholson: I would hasten to say to the hon. member for High Park that he did a good job as chairman, and if I could ask him to make all these decisions it would be quite satisfactory to me. So long as we collectively have to make the decision I think we should examine these cases very carefully.

An hon. Member: Give us a chance, then.

Mr. Regier: I believe the whole point of the case was supplied to us by the hon. member for High Park, when he said that he had come to a reasonable conclusion. I have always been led to believe that if there is any possibility of doubt, then the defendant should be given the benefit of that doubt. In this one particular case I do not think any of us is able to say with any amount of certainty what actually did or did not take place. In this case the lady had been ill. I have always thought that the marriage vow to live together in sickness and in health meant what it said. I find it very difficult to give my consent to the husband's petition to be relieved from the responsibility of his marriage at a time when his wife has just passed through such a serious illness.

According to the evidence these people were married on October 7, 1944. That is not very long ago, less than 11 years. The lady has been ill for a number of years. I think all the evidence points to the fact this is a hasty move, to be already petitioning for a divorce.

May I call it six o'clock, Mr. Chairman?

Mr. Castleden: From the point of view of personal privilege, before we rise I want to say in connection with the remarks of the hon. member for High Park that I had no intention of casting any reflection on his handling of the case. I was just saying what could happen in such a court. After all, he