

Private Bills—Divorce

wanted to regale ourselves with this sort of thing, and that we are doing it merely for publicity. I wish to tell him that this sort of thing is pretty obnoxious to me, personally. And so far as I am concerned, I have no desire to go into it. If you will notice, when I spoke on the bill I mentioned no name of any litigant whatsoever—I did not mention even the name of the hotel involved. But we have a right to endeavour to get to the root of this thing to which we object—some of us. I have been here for 15 years and I have objected nearly every year. Apparently the only way we can get this matter out of this parliament where it does not belong is by showing that it is impossible to deal with these bills in the ordinary legislative way.

Mr. Cleaver: Does my hon. friend suggest that this committee has the power to clothe provincial courts with authority?

Mr. Coldwell: No.

Mr. Cleaver: Is not that entirely outside the jurisdiction of this committee?

Mr. Coldwell: I am suggesting that this parliament has the power and the right to designate a federal court that would take these cases instead of their coming before parliament. I was not suggesting that parliament had the right to set up a provincial court; I was suggesting that parliament had the right to designate a federal court where these cases could be heard properly.

Mr. Cleaver: I do not want to be a pest, but I do not take up much time of the committee. Does the hon. member think that it is fair to deny any subject the right to divorce when a marital offence has been committed? That is an inherent right of every subject. Until provincial courts are set up, no matter how much it militates against our feelings and all that sort of thing I think every subject is entitled to divorce.

Mr. Coldwell: I certainly think it is the right of every subject to exercise his right freely in that respect. I think it is the duty of every majority to see that minority opinion is respected wherever a minority opinion exists. I think also that we have the right to take from this house these obnoxious divorce matters and place them in a federal court where they can be handled according to the rules of procedure and the law.

I made it quite clear that I was not criticizing the hon. gentlemen of the Senate when I spoke. I said that I had been there on one or two occasions and had heard them go into these cases. While I thought they were overburdened and pressed for time, I was not critical of them and did not intend to be. That is not the point.

Mr. Knight: On a point of order. The hon. member for Halton insinuated that when I said this thing was a farce and a disgrace I was reflecting upon the judgment of the Senate. I had no such intention. When I said it was a farce and a disgrace I was indicating that we should not be asked to rubber stamp something of which we had no knowledge and in connection with which we had not the time to survey the evidence. I should like to correct something I said. I said that the hon. member for Winnipeg North Centre had suggested setting up two courts, but I think he suggested rather that these things should be referred to the exchequer court.

Mr. Hansell: Mr. Chairman, there does not appear to be a great deal of time left before nine o'clock in which I can say all I want to say on this bill, but perhaps I can pick up just a few loose ends. I think where the disgrace comes in is to impose upon parliament, the highest court in the land, all the ramifications of the presenting of bills to both the upper and lower houses, having the bills printed, going through all the procedure of having them adopted in this house, simply for the purpose of dissolving a civil marriage. The disgrace is further accentuated when we are expected, if we are expected, to pass one or two hundred bills within a period of a few minutes without having the opportunity of asking questions. That is where the disgrace comes in.

This is nothing new. We have brought this thing up every year. The hon. member for Halton has stated that it would delight his heart if a certain province in this country could see its way clear to pass such legislation as would refer these matters to the courts. I do not know what is the position of the Minister of Citizenship and Immigration, but he asked whether we wanted this house to be turned into a court. I should like to ask him if in his opinion some other court should attend to these matters.

The sponsor of the bill is experienced in dealing with private bills and I should like to ask him if he agrees with this method. They all seem not to agree with the method. They appear to think it is obnoxious, yet none of them seems to make any move to alleviate the situation and see that something else is done. Why cannot we urge that the government take some step? I am not a constitutional expert, but I believe we have the constitutional right to set up a special court, say a court of domestic relations. Then the people in any province which does not