

*Divorce Bills*

consideration of the special committee of this house to investigate and report back for further consideration.

**Mr. Howard:** Following your comments on a previous occasion, Mr. Speaker, I did look at the citations to which you referred. I also looked at what you allowed me to say on November 15 with respect to Bill No. SD-1 for the relief of Madeleine Francoise Hankowski. That was on second reading, incidentally the same stage which this particular bill has reached. I myself, with Your Honour in the chair, recited verbatim from the evidence adduced, the questions asked and the answers given, as will be found on pages 1671 and 1672 of *Hansard*. There are six questions and six answers in number, all of which revolve around the question of the marriage and the evidence given in the other place to prove there was a marriage. I made reference to this on other occasions, too, and I assumed therefore that it was permissible to proceed in that direction and in that direction only—to consider whether or not there was a marriage which we were being asked to dissolve.

I think perhaps at this stage a lengthy recitation or reference in detail to the evidence taken in the other place as to whether there was or was not adultery might have doubtful validity because of the citations to which Your Honour referred, and we therefore refrained from making such references in detail. I, myself, refrained from discussing that particular aspect of the question. We are being asked now, I think, to follow two different courses, one which applied on November 15, when you yourself were in the chair, and the other which apparently is to apply now. This makes it awkward for hon. members who are concerned with these particular bills to discuss them from the point of view we have in mind, if there are to be different attitudes taken by the Chair in relation to precisely the same thing. I hope this is not the case, but it does leave me and, I am sure, other hon. members, in a quandary as to what the rules mean. I would appreciate some guidance from you before we proceed as to just what is the principle of the bill, if that is all we are intended to discuss.

**Mr. Speaker:** In so far as the question of what may be discussed at this time is concerned, I think it is clear that there is before us a bill which proposes that the marriage on a certain date between certain parties should be dissolved, as indicated in the preamble. That is the principle of the bill. If the hon. member can show me the difference between going into considerable detail as to whether there ever was a marriage, by looking at the

evidence, and whether there was any adultery, by going to the evidence, I should be glad to hear him, but I have some difficulty in distinguishing them. Certainly, the question of proof of either of these things is not, I submit, for the consideration of the house at this stage. They will be, ultimately, through the committee; but not on second reading. If the principle of this bill that this marriage be dissolved does not meet with the approval of the house, then the thing is to vote on that point so as to decide one way or another, in this particular instance without reference to the evidence behind it, but bearing in mind what is the difference between a private and a public bill on second reading.

**Mr. Howard:** Apparently, then, Mr. Speaker, both you and I were wrong on November 15 when I was permitted—in fact, I thought latterly or subsequently, invited—to look at the evidence to discover whether certain things were worth while mentioning. I do not want to enter into discussion with Your Honour. Of course, that is not the thing to do, nor is this the place to do it. But if the principle of the bill is the dissolution of a marriage and if, as Beauchesne says, the house finds that that principle is objectionable, refusing its consent to second reading, and so on, it seems a little odd that the house should be asked to assent or disagree with the principle of a bill without having before it any explanation at all.

With regard to other bills, such as the bill we have just passed respecting the Merit Insurance Company, the sponsor got up and explained what was the principle of the bill. There was no objection to his doing this. We have heard lengthy introductory remarks made in connection with other private bills—remarks indicating the effect the bill would have and what was going to happen if it passed and what was not going to happen, and so on. There has been lengthy argument and discussion on second reading. A notable example is the bill concerning the Allstate Life Insurance Company of Canada which we discussed at the last hour available for the consideration of private bills. A lengthy explanation was given by the sponsor of that measure as to its principles, the desires of the people behind it and so on. Yet when we get to these particular bills on divorce we are being asked to consider them without discussion and without reference to what may or not be the facts—that is, if Your Honour's earlier invitation to look at the evidence does not mean anything, to guess whether or not the principle is acceptable.

It seems extremely unfair to put the house in such a position, Mr. Speaker. I am sure that if we had to vote on each bill without