

Private Bills—Divorce

been dropped because counsel appeared and said it should be withdrawn. The other is that we can hardly have confidence in those who passed that bill. Here is another one which went before the committee and the members of the committee said, despite the fact the Senate passed this, we have no confidence in it. They unanimously threw it out. Yet, we have these four bills before us today. I have not taken the time to read them all, and I do not know what is in all the others.

Mr. Diefenbaker: Was the evidence direct evidence or circumstantial?

Mr. Knowles: Some of both, if I may answer my hon friend. A great deal of it, indeed most of it, is circumstantial.

There is no secret about what we are advocating, and we are not picking on these particular cases. I mentioned them so I could stay in order. Surely, the members of the house must be coming around to the position we have taken for a long time that parliament is not the place to deal with these cases. We ought to find some other way. I hope that will be done.

I have mentioned four of the fifty bills, Mr. Chairman, and I have done so because of these same detectives who turn up over and over again. When I see their names in the evidence and recall some of the other cases in which they had been mixed up, I certainly do not feel that it is parliament's business to be dealing with matters of that kind.

There is another one in the group that presents a strange story, and that is Bill No. 397. Again, I shall refrain from giving names. As I understand it, the man in this case some time ago applied to parliament for a divorce from his wife on the ground that she was incurably insane. Hon. members will recall that application and the considerable interest in it, because it raised the whole question of the grounds for divorce. Then, we did not hear anything about it for quite a while. In fact, most members probably wonder what happened to the case. It appears the lady came before the senators during the hearing, and they decided she was not incurably insane. I suppose senators are capable of judging sanity or insanity. Anyway, the initial case was withdrawn. But now we have a case between the same two parties before us again. This woman, who was earlier alleged by her husband to be incurably insane—

Mr. Diefenbaker: How many years ago was that?

Mr. Knowles: It was about 1939 when she first went to the hospital. Now she has come back to this parliament and applied

[Mr. Knowles.]

for a divorce against her husband on the grounds that he has committed adultery. And who was the chief witness to the fact that he had committed adultery? It was the husband, himself.

I do not propose to judge that case—this is Bill 397, clause 1; I could not be more in order, could I?—I do not propose to judge as to what is right or wrong in that case. I am not competent to do so, and I doubt if any member in the House of Commons feels that he is competent—certainly not on the basis of such evidence as we have here. I do not suppose many members have read the case.

I would like to know what has gone on in the interval between the time when the first application was made, on the grounds of insanity, and this application on the grounds of adultery on the part of the other person.

Well, the divorce has been approved by the Senate, and here it is, buried in this bunch which has come along today. I do not know whether the committee on miscellaneous private bills considered this one or not, but there it is. It is one of the fifty and, as the hon. member for Burnaby-Coquitlam has said, his constituents did not think, when they elected him on August 10, that they were electing a person to judge on issues like this, which are judicial in character and should be dealt with by a proper court.

None of us feels that he is competent to deal with a matter of this kind. I certainly hope that the members of this House of Commons and the members of the government will consider very seriously the spot in which we are being placed with regard to this whole business, which is not the business of parliament, I suggest. If anything at all, it is the business of a court. Surely we must, as we recognize the necessity of getting rid of this business, give it in some way to an appropriate court that can deal with it properly.

Mr. Ellis: Mr. Chairman, we are called upon to vote on these bills. As a member of the committee I should like to say that when they come in large groups, as they do, I think in the past members may have voted for those bills on the strength of the fact that the Senate committee had passed them and had granted the applications for divorces. However at our last meeting of the committee there were only two cases before it. As has already been pointed out, the first of these was withdrawn—and under very curious circumstances which, as had been suggested, should lead to very close examination of the case because of a possibility of perjury.

The second case passed the Senate committee, but was thrown out unanimously by