

something in our divorce proceedings that I do not think is necessary. As this is not a political question I am speaking for myself and not for the Conservative party. I refer to our practice of not setting a deadline for the completion of petitions to be dealt with in a session.

According to the terms of the British North America Act, Parliament has jurisdiction over the granting of divorce. Ever since Confederation applications for divorce have been presented to Parliament and we have dealt with them. For myself, I, in clear conscience, could not object to doing my share of the work. And I do not think that, after my extensive experience of some years gained while serving on the Divorce Committee, I could do otherwise than recommend divorce in certain cases, for it appears to me that to do so is in the interest of the children, the innocent parties in the proceedings, and of the good conduct of our country.

I am not going to argue the question as to whether Parliament should continue to deal with divorce petitions or not. Many people have religious scruples about divorce, but I am not going to discuss that matter at all. However, the majority of people in Canada believe that divorce is necessary. Two provinces only are without divorce courts.

Now, there are some 310 petitions for divorce ready for hearing by our committee.

**Hon. Mr. Roebuck:** 334.

**Hon. Mr. Haig:** In my opinion a date such as March 1, or April 1 should be set as a deadline, after which all applications not completed should stand over until the next session. I do not think that we should allow these applications to drag along into May and June before being completed and made ready for hearing. I may say that very frequently these late applications are the ones out of which certain members of the House of Commons—very few I am glad to say—try to make a little political capital by criticizing the Senate on its handling of divorce proceedings.

I have practised law in Winnipeg for over fifty years and well do I know the attitude of the courts in Manitoba on divorce matters. We did not have divorce courts in that province prior to 1890. We really had the right to grant divorce in 1870, but it was not until about 1890 that we suddenly found that out. Because of my long practice of law in Manitoba, I am in a position to say that even the judges of the divorce courts there sometimes make a little slip.

It is my opinion that our Divorce Committee in the Senate, under the chairmanship of my honourable friend from Toronto-Trinity (Hon. Mr. Roebuck), is as able a body for the trial of divorce cases as is any court in Canada.

**Some Hon. Senators:** Hear, hear.

**Hon. Mr. Haig:** The custom is, whenever possible, to have at least one lawyer on every subcommittee, as chairman, sitting with two or more laymen. The lawyer chairman can direct the subcommittee on questions of law on what evidence is legally admissible, for instance—and the laymen can say what they think of the facts in the case. A layman's judgment of the facts is just as good as a lawyer's. That is the kind of court we have in the Senate, and it works well. Now, out of the 385 applications for divorce heard last year there were two or three cases in which our committees were a little lax. In Manitoba, if the judgment of a trial judge is appealed, the appeal is heard by a court consisting of five judges. Its attitude to the facts is that as the judge who tried the case, saw and heard the witnesses, his view of the evidence should be upheld, unless, of course, his findings are abhorrent to honesty and good sense—that is, for instance, if he held that twenty-five people who said one car hit another were wrong, and one man who said it did not, was right. The same principle holds good with regard to our own tribunal. There are not less than three senators on each committee which takes evidence, and they decide on the facts whether one side or the other is to be believed. Their findings, with the record, go to the House of Commons. From time to time some honourable members of that house declare that they do not agree with the judgment of one or other of our committees. Well, why in the world should a selfish House of Commons assume to initiate practically all legislation? The gentleman who occupies the first position in this chamber (Hon. Mr. Robertson) and the present Leader of the Government (Hon. Mr. Macdonald) have tried hard to have more legislation initiated in the Senate, but one excuse after another is raised to deny that right to this house. If this principle is to be followed through, why should not the Commons try divorce applications themselves, and send the bills here for final consideration?

Having voiced my objections, I want to offer a remedy. I do not think we should stop trying divorce applications, because I realize the necessities of a country like ours. If any of my boys or girls, their wives or husbands, were guilty of misconduct,