

Private Bills—Divorce

for consideration until a trial has been held under oath by competent and experienced persons. At that trial the applicant for the divorce must prove the domicile of the husband, in order to clothe the court with authority—because only the court of the domicile of the husband has authority. Then the applicant must prove the marriage; the applicant must give full particulars respecting the children of the marriage; the applicant in every case—and there is no exception—must prove that adultery was committed by the offending member of the marriage.

Now I ask my hon. friend, in the face of all that—and this evidence must be given under oath—if it is fair to say that a Senate bill comes to the House of Commons as a farce and a disgrace. I also wish to tell my hon. friend this, that I well remember when we did not have a divorce court in Ontario, a time when our courts in Ontario did not have jurisdiction over divorce. I well remember in the early years of practice going to Ottawa and taking part in a divorce case before the Senate. Let me assure my hon. friends who are objecting to this procedure, and who are suggesting that the men who try these divorce cases are incompetent, that the procedure is a farce, or anything of that nature, that from personal experience I can assure them that the cases are carefully and thoroughly tried, and that they are tried in camera.

It is within the province of any member in the house who wishes to do so, on every section of every divorce bill which comes before us—if he wants to regale himself with that sort of publicity or information—it is quite within his rights to ask for and to have put in the minutes of the house the full particulars of the adultery, the full particulars respecting the names of the offenders, and all that sort of thing. But I do suggest that that would be going far afield; I would suggest it is a breach of the confidence that is placed in every member of the house. We are given these rights of information, rights of free speech and all that sort of thing; we are given these rights for our protection, as members of a democracy. But I do suggest that we should not offend against that very protection which is given to us by making ourselves objectionable or by holding up the proceedings of the house as, I believe, was threatened not long ago, until the end of the year, or something of that kind.

That is not the way in which we should assume the responsibilities reposed in us. Each one of these cases is thoroughly and carefully tried. But under the British North America Act, as we all know, every bill, even when initiated and carefully studied in

the Senate, must come to this house for three readings and for passing. There is no doubt about that. When a Senate bill that has been studied comes to any other committee of the house, unless there is serious opposition to the bill, or something of that nature, we do not go over the work of the Senate again. We do not consider we are rubber stamps if we do not do that work all over again.

I suggest to my hon. friends that if they would take the trouble, unpleasant as it is, to read the evidence given in just two or three of the cases they would see how carefully each case is gone into, and that nothing is missed.

Mr. Knight: Is the hon. member in favour of the continuance of the present system of handling these divorces?

Mr. Cleaver: I shall be very pleased to answer the question, and to answer it frankly. I was very much pleased when the Supreme Court of Ontario was accorded jurisdiction to handle divorce work, and I would be very much pleased if every province in this country of Canada were to have a provincial court clothed with such jurisdiction.

Mr. Coldwell: On a question of privilege: the hon. member alluded to hon. members who had spoken, and suggested that we were abusing our privilege in parliament when we placed certain matters on the record.

Mr. Cleaver: May I interrupt; I do not wish to offend any member. What I meant was this, that in reading the record of *Hansard*—because I was not in the chamber the other night—if I read correctly I saw a rather direct threat that each of these bills would have to be called a section at a time.

Mr. Knowles: That is not a threat; it is a right provided by the rules of the house.

Mr. Cleaver: Oh, yes, you are within your rights! This man who poses as the expert on house procedure—I have listened to him this session ad nauseam on something like twelve arguments.

Mr. Knowles: Mr. Speaker, I rise to a question of privilege. Is it out of order for a member of this house to ask that the rules of the house be obeyed? Is it proper for such a request to be called a threat?

Mr. Coldwell: I had not finished my question of privilege.

Mr. Cleaver: All I can say to the hon. member for Winnipeg North Centre is: there he goes again.

Mr. Coldwell: I had not finished my question of privilege. I had taken exception to the suggestion by the hon. member that we