

*Private Bills—Divorce*

and unwise remark passed when we entered upon this particular hour by somebody at this end of the chamber. The remark had to do with hypocrisy, but on reflection I realize that such a discussion would be out of order, no matter how unfair and derogatory the remark itself was.

With respect to this particular bill now before us, I should like to point out that it is one to which we should pay somewhat more attention than to certain of the others, because there are two young children born of this marriage, who are involved. One of them is ten years of age, and the other is eight. In addition, this is one of those instances where private investigators or private detectives are concerned and in which they gave evidence on behalf of the petitioner. I should like to make some comments about the evidence which was given by one of these investigators and draw some conclusions with regard to it later on.

The couple in this case were married in 1948, and they parted in April, 1959. An indication is given on page 10 of the evidence in a question put by Mr. Joyal, the barrister who appeared as counsel for the petitioner, when he asked of the petitioner:

Q. When did you cease living with her?

A. Some time this spring. In April, after I had been told she had been seen with somebody else.

Then, later on, the question was asked by Senator Taylor:

Q. That would be April, 1959?

A. Yes.

The respondent—the wife—now has the children, and it is pleasant to note that the committee of the other place, as indicated in the evidence, was concerned about the welfare of the children although they are, apparently, restricted in their consideration of that sort of thing, because it is none of their business, and none of our business, if we are to follow the rulings which were given earlier. Nevertheless I think that though strictly speaking this question may be outside our authority it is a matter which we ought to consider, whether we deal with it openly and express ourselves here in the committee, or whether we keep it to ourselves. I think we must consider what might happen to the children involved not only in this case but in all other such cases if we are to discharge our responsibilities.

This reference to the care of the children is more a hope than an actual indication of something which will exist. On page 12, reference is made to a question asked by the chairman, Senator Taylor. He said:

Q. You mentioned you would like to be able to take the children yourself—

The question is addressed to the petitioner—and bring them up as they should be brought up. Is there any hope of your doing that?

A. I have made arrangements for an aunt and uncle to move in with me, and my aunt to take care of the children. I feel once I have this divorce and I get a legal separation in the province of Quebec giving me the right to have the children—

I do not know what the possibilities are of the petitioner obtaining a legal separation and custody of the children in the province of Quebec. I do not know what his chances are of obtaining an endorsement of the decision of the committee in so far as his present petition is concerned, though I should imagine his chances are relatively good. I mention this because I think it is something with which we should concern ourselves. The petitioner is at present supporting the children financially, even though the respondent has the children in her care. This is also indicated on page 10 in reply to a question asked by a senator:

Q. What do you mean by saying she has the children at present?

A. I intend that in the future I shall have them as this becomes legal. In the meantime she is maintaining them and I am paying the room and board for her and the children.

Q. You are?

A. Yes.

I raise this matter not only because I think we should concern ourselves with the welfare of the children and their maintenance together with their opportunities for education and so on if the divorce should be approved, but because notwithstanding the indication given by the hon. member for Halifax on another occasion that it is not within our jurisdiction to deal with the question of custody and maintenance of the children, I think it is within our responsibility to speculate and wonder about the welfare of these children in cases where petitions are granted. With regard to this case, I certainly hope that the desires of the petitioner as indicated on page 12 will be met. I feel that his aunt and uncle will provide the children with the best upbringing that is possible for them to give.

I should also like to indicate the possibility of some understanding, some arrangement, existing with respect to this particular divorce, and to suggest that the evidence, was to a degree, manufactured. Perhaps I could refer to one of the investigators whose name is Charles Charron.

I notice that you are looking around the chamber, Mr. Chairman. Is there a quorum of 20 members present so that I shall be able to proceed? I certainly hope that hon. members are not so lax in the discharge of their responsibilities as to allow us to be left with less than 20 present.