

Private Bills—Divorce

Mr. Gillis: I want to get a little information. I do not think I agree with your ruling, Mr. Chairman. The case that the hon. member for Burnaby-Coquitlam has brought up is one that has already been before the house. It was sent back from the house because of the evidence. I am not going to argue it one way or the other, but I should like to get one thing clear in my mind. Incidentally, this is a good example of why we should not be handling these matters here. The Minister of Justice stated a minute ago that he thought the expenses involved in a prosecution for perjury should fall upon the province of Ontario. But this was not an Ontario divorce. This was a Quebec divorce and the crime was committed in Quebec.

The Deputy Chairman: Order. I am afraid I must point out that if I have followed the discussion correctly the evidence to which hon. members are now referring is evidence taken in a case concerning which there is not even a bill before the committee at the moment. I admit that the method of acquiring the evidence upon which these cases are based and the validity of such evidence are certainly open to discussion in the committee at this time, but whether or not somebody should institute a prosecution for perjury with respect to a divorce bill which has not reached this house—

Mr. Gillis: It has gone from the house; it was sent back.

The Deputy Chairman:—which is not before the committee at this time is, I am afraid, not a proper subject for discussion on clause 1 of these bills.

Mr. Gillis: I was not—

The Deputy Chairman: I think the Leader of the Opposition wanted to say something.

Mr. Gillis: I was not debating the evidence or questioning it at all. However, the Minister of Justice did state that he was going to examine the question—and we should know—of where the responsibility rests for prosecution. He indicated that in this case it would fall on Ontario. That is not fair to Ontario. If he is going to look into this particular case, which was passed by the Senate, came to this house, was sent back and thrown out, then I suggest that he should also examine that aspect of the matter. It is not fair to put Ontario to the expense of a prosecution for something that comes from Quebec.

The Deputy Chairman: Order.

Mr. Gillis: I am through.

The Deputy Chairman: Order.

Mr. Gillis: I am finished.

[The Deputy Chairman.]

The Deputy Chairman: Order. I want to make it quite clear that in so far as the question of instituting a prosecution for perjury based on a case not before us at the present time is concerned, the question of where the responsibility for that lies is not a subject for discussion on clause 1 of these bills.

Mr. Drew: Mr. Chairman, I propose to bring this debate in order because I believe the Minister of Justice has raised an extremely important point. I propose to vote against the measure and to explain why I am going to vote against it. I will refer to what the Minister of Justice has just said. I must confess that I had not realized previously that the Minister of Justice accepted no responsibility in his department for considering the nature of the evidence and taking appropriate action if it should be disclosed that the evidence did not support divorce. There are many of us who for different reasons have very strong objections to the laxity in divorce proceedings in any event. There are some of us who belong to communions in which there is a definite prohibition against that proceeding.

But apart from that consideration entirely we are confronted now with the statement that the Department of Justice stands aside in respect of the evidence upon which a divorce is being granted through the special legislative action of the parliament of Canada. For some time a great deal of concern has been felt in the house about the fact that we should find ourselves in the position of having to accept a whole series of divorce bills with no real opportunity to test the evidence or to challenge it. We had one case recently where the evidence manifestly was, to put it very mildly, most unlikely, in fact, so unlikely that I understand those who had taken the responsibility for presenting the application deemed it wise to proceed no further.

The fact remains, however, that if there was perjury that perjury is in no way cured simply because the proceedings have not been pressed and the application has either been withdrawn or allowed to stand. I would have thought that the Department of Justice would have inquired into that curious case where the horn played such an important part. I have forgotten just how the horn was sounded or the particular part it had in the proceedings, but the whole thing sounded fishy. In fact, apparently it was regarded as sufficiently fishy by those who had presented the application that they decided not to proceed. If there was perjury, then perjury should be no less perjury in a case of this kind. If we are going to be called upon to deal—