

Private Bills—Divorce

at the fact that it does not establish very clearly who wants this divorce, the man or the woman. It would appear to me that they both want it quite a bit, and I think this is ascertained from the evidence.

The evidence indicates that this divorce has been arranged by agreement. The husband deserted the wife in the first place and they are both very happy to be freed from the contract of marriage. The wife points out that she had some trouble with her husband, that he was very expensive. It was a luxury she did not feel she could afford. She points out that she had to keep him. He did not particularly like being married. Though she had known him for some time she had not found out how expensive his tastes were. She says she had to pay as much as \$800 to \$900 expenses incurred by her husband, and that this was a calamity that she had not intended to have visited upon her and that she could not afford to keep this particular husband. Anyway, the problem was solved because he left her and so deserted her.

I think that in looking at this case the senators felt that the desertion and the fact that he was a very expensive husband were grounds anyway for granting this divorce, and I agree with them. Even in this type of case where there is some agreement it is surprising that questions asked are as inconsistent as they appeared to be in the case we have just listened to. For example, in answer to the question "Was he working right along?", she answered:

No, he just held a job until a seizure was put on his salary and then he left, and I never knew where he was until he came back.

She has already said he had not come back, that he had left, that his desertion was a permanent affair, but I suppose this inconsistency is not of any importance anyway.

I would like to read the type of evidence given in this particular case to prove the adultery charge. I think it will be agreed that this evidence did not prove an adultery charge at all; the question hinges on desertion and the fact that this woman was much better off without this expensive husband, because her job at the office did not pay enough to keep the poor chap. The adultery section of the bill was brought out by Senator Bradley in his questioning on page 13 as follows:

Q. What time of the day was this?

A. About 10 o'clock in the evening. We knocked on the door which was opened by Mr. Clements, who was in bluish-grey pyjamas. I identified myself, told him the purpose of our being there, to get evidence to use in a divorce at a future date. He invited us in, very cordial like. It is a two bedroom house, a bedroom is on the left hand side. The first bedroom was one that had been used. The next bedroom they were using as a utility

[Mr. Peters.]

room; a living room on the right hand side, and a kitchen at the back of that. In the living room there was another young lady, who Mr. Clements introduced me to as Chloe Thomas. He said, "This is the woman I am living with right now."

Q. That is what he said?

A. He did definitely say so, sir, right in her presence and that of my associate.

Let us look at this for a moment. I suggest that evidence would indicate that there were two ladies in this house, and I think the sponsor of this bill has been very slack in not ascertaining who the first lady was. It may even be possible that it was the wife who was the first lady and the second one was the one introduced as the corespondent.

On page 12 there appears this question:

Q. Do you know this woman Chloe Thomas?

A. No, I don't.

I wonder why they asked her if she knew Chloe Thomas? I suggest that the lawyer in this particular case knew that she knew Chloe Thomas and that the two ladies were together in the house with the gentleman. I would also suggest it is rather surprising that at 10 o'clock in the evening they were both wandering about in pyjamas, because in modern living in the city it is not normal for people to go to bed very early. We are not suggesting that this was a one-night stand. We are suggesting they were living together in common law and I suggest therefore it is not normal for them to be standing around in pyjamas at ten o'clock in the evening unless they have invited the detectives to come that particular night.

I am happy if the Senate has seen fit to grant this divorce on the ground of desertion. I am happy to note that the Senate has decided that a common law alliance will do; that instead of proving adultery, testimony can be given: this is the name of the woman I am living with right now. I am happy that as long as a man will do this it will be accepted as grounds for divorce. I think the Senate is to be complimented on broadening the grounds for divorce and holding that adultery has no longer to be proven.

Clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, read the third time and passed.

JOHN THOMAS FRANCIS WHITE

The house in committee on Bill No. SD-33, for the relief of John Thomas Francis White—Mr. McCleave—Mr. Rea in the chair.

Mr. Howard: If I may, I will make a comment or two on this bill. I had thought in my mind that I might at this stage make some comments also about an extremely unkind