

in this case there is worse in the evidence itself. At page 10 of the minutes of evidence I find that this question was put to the petitioner regarding a conversation she had with her husband some time previously:

Q. Did he tell you anything else?

A. Yes, he said that I was far too good for him and I had better go home and take the children home to my mother. He said that he had done everything that he should not have done and he said there was no way out of it but for me to divorce him. But I could not, because I did not have the money, and our third baby was about to be born.

Here, therefore, we have clear evidence that prior to these divorce proceedings there was a meeting between the husband and the wife; that the husband advised the wife to ask for a divorce, making her a confession of the facts upon which the petition is brought to parliament. Then the wife adds that she did not take immediate proceedings because she did not have enough money.

The procedure adopted in this case is nothing out of the ordinary. Since we have been told that if these divorce bills pass it is because we, as members of parliament, neglect the duty of looking into them, I have made up my mind to look into some of them, so far as I can do so without disregarding my other duties as a member of this house, and conquering as best I can my instinctive feeling of revulsion and disgust at reading the evidence. What is testified to, quite honestly I believe, by the petitioner in this case takes place in many other cases that come before the senate committee. That is quite clear from the evidence itself. I think it is no exaggeration to say that nearly all these divorce cases are decided *ex parte* by the senate committee upon the evidence of the petitioner, whether husband or wife, and upon the evidence given by a police agent who is hired by the petitioner to make the case, such agent testifying to facts which are not corroborated by any other witness. It is also quite clear in many cases that the party against whom the petition is filed and against whom a divorce is pronounced, has lent himself or herself, whether husband or wife, quite openly to the research made by the police agent. I claim that this is divorce by collusion. Collusion may be proved at times, but not often, and that is true not only of divorce but of all other cases. It is very seldom that people who enter into collusion to evade a law will do it in such a manner that the evidence of collusion is easy to establish before a court of law. Collusion is generally the result of some action or inaction on the part of the individuals who enter into it.

This case I take as an example because it differs from many other cases in this, that the petitioner gives very candid and apparently honest testimony as to collusion. Evidently she had not been warned by her legal adviser that she ought not to bring before the senate committee any fact that would tend to prove collusion, which is so clearly shown in many other divorce cases. In this case you have the petitioner, under oath, and appearing on her own behalf, giving evidence of collusion before the senate committee. She swears that she was advised by her husband to ask for a divorce, and that her husband confessed to her the facts which enabled her to establish the grounds for divorce. I ask any fair-minded man if that is not *prima facie* evidence of collusion? I leave it to the house to decide whether or not we are justified in ratifying this decision of the senate committee after a fact like this is made clear in the evidence itself. This is not a case of presumption; it is not a case of the *obiter dictum* of anybody; it is not a construction being put on circumstantial evidence by anybody here or elsewhere; it is the very testimony of the petitioner herself, giving evidence under oath. I leave it to the house to decide whether or not this parliament, being the highest court of the land, as we are told time and again, should do what no other court and no other judge with a sense of judicial responsibility would do.

Mr. BELL (Hamilton): Mr. Chairman, I do not know how the hon. member for Labelle or any other member could have succeeded so admirably in proving to this house that I and other hon. members have been right in advocating repeatedly that there ought to be a divorce court to deal with the question of divorce in this country, because we know perfectly well that it is not competent to members of parliament as a whole, and certainly of all members it is not competent to my hon. friend from Labelle, to say what amounts in law to collusion. If there ever was necessity for a demonstration of that, the hon. member has just given it. Here we have the case of a woman who is ruthlessly deserted by a man who has become a defaulter and has left her flat to carry on with her three little children. That man without any suggestion or assistance from her writes to her and rather brutally says, "I have broken my marriage vows. I have left you flat. You can go out and get a divorce if you feel like it," and my hon. friend from Labelle says that that amounts to collusion.