

Private Bills—Divorce

If people are honest in their opposition to divorce, I am going to suggest that they do just that.

The hon. member for Winnipeg North Centre has, on one or two occasions, suggested an alternative. He has said—and this would violate no one's conscience—that the province of Quebec, the province of Newfoundland or any other province is perfectly within its rights when it says: We will not set up divorce courts. With that stand I have perfect sympathy. But if they are going to condone the granting of divorce by this back door method, then I suggest they might at least study the proposition as set forth to the house by the hon. member for Winnipeg North Centre. He had two propositions, as I remember them. First that there be set up in the capital of Canada a special federal divorce court where these things could be studied, where lawyers would be present. Mr. Speaker, we are not competent here to study these divorce cases. I was not sent to parliament because of any superior knowledge I have of the matter of divorce. I am not competent to judge these things, and yet I am supposed to put my initials, as it were, on 150, 300 or 400 of these things without any investigation whatever.

I suggest that a divorce court should be set up in some other place. If the people of these provinces object to having it set up in their provinces, why not set it up anywhere, across the road, anywhere in Ottawa, but let us get it out of this parliament.

The second thing that my hon. friend has proposed is that these things should be handled by the exchequer court. I do not know enough about the exchequer court to know whether that is possible or not, but I am sure that any group before whom these things would be tried, where there would be judges, and competent lawyers for the plaintiff and for the respondent, would be more satisfactory than the present procedure, and we could get on with our work, the work that we were sent here to do which, so far as I am concerned, is not to wade through this filthy evidence. I am sure that if our constituents and the people of this country could read that evidence as it is available to us to read they would give us a mandate to clear this thing out of the House of Commons, a thing which is a farce and a disgrace against the dignity and the conscience of this house.

This is my opinion on the matter, and I have spoken plainly. I hope I have offended no one, but this is what I believe from the

[Mr. Knight.]

bottom of my heart. Later I shall have a word to say on the subject matter of this particular bill.

Before I sit down I want to say one more thing to you, sir, and to this house, and that is the inequitableness with which these divorce cases are considered. The other day in the committee on miscellaneous private bills we considered one particular divorce. In that case a certain amount of money was involved. The man concerned had set his separated wife up in a rather luxurious life. He had given her a house, a car and a large allowance. A little later he repented of his good deeds, if good deeds they were, and he decided to take away from her that which he had given her, and so the case came before parliament. Here was a case that received considerable attention. They had money on both sides. They were able to hire lawyers, and that takes some money. There was an appeal to the committee on miscellaneous private bills. Here was one case which was thoroughly reviewed by that committee. A lawyer was present representing the petitioner and another lawyer represented the respondent. We heard both sides of the case. We acted in our capacity as judges, and we largely agreed that the divorce should be granted. But my point is this: if these people had not had the money which was involved in that appeal there would have been no appeal. That particular case was investigated, as every case should be investigated, and I made up my mind that, so far as I am concerned, in every case on which I give a favourable opinion in this House of Commons the evidence shall be studied in this house, and I am going to give my decision on the basis of the evidence that is here produced.

Mr. Winkler: Mr. Chairman, I have only a few words to say. There are 129 cases before the committee tonight. The Senate has asked our concurrence in dissolving these marriages. All I ask hon. gentlemen opposite is: why should these 129 innocent people be the guinea pigs for this—I will not call it a filibuster; the opposition is entirely within its rights to do this—why should these people be the innocent sufferers for this procedure?

Mr. MacInnis: I should like to say a few words in connection with the case which is now before us, but before I say what I intend to say may I suggest to the hon. member for Lisgar, when he says that it is too bad that these people have to suffer when these bills are delayed, that innocent people will suffer no matter when divorce cases are delayed. It is clear, however, that this parliament will never provide any better way for