

Divorce Bills

during years when they are not of an age to formulate opinions for themselves. It could come down to the same argument as is used in Ontario at the present time with regard to adopted children and religious considerations. It is felt unwise and not necessarily in the public interest to allow children to be placed in families having a religion other than that of the natural parent. I think by similar reasoning this would also apply to the question of citizenship in this particular case. This may not be a major problem, because I agree that children born in Canada, even if they are ten or eleven years old, would probably want to continue their Canadian citizenship. Nevertheless a man who was keeping such children only because he had volunteered to do so would have considerable influence over them and the result would not necessarily be in the interest of Canada in general.

I am sure that the adultery charge itself is of great concern to the house and that the arguments which have been advanced on several previous occasions with relation to other cases should be examined again, because the courts are always warned, and rightly so, that in cases where a paid investigator is used only a limited amount of credence should be given to his evidence. Obviously this is so because on many occasions the paid investigator has been hired by the lawyer for the plaintiff and has, therefore, a special interest in the case. Let me refer to the questioning by the committee when this matter was discussed. The evidence will be found on page 13 of the third report from the other place.

Q. What is your full name?—A. George Roland Foucher.

Q. What is your age?—A. 45.

Q. Where do you live?—A. Montreal.

Q. What is your occupation?—A. Investigator.

I believe that in all fairness we have the right to ask ourselves and the house to give consideration to a number of further questions which should have been asked. One of them is whether this investigator—

The Chairman: I regret to interrupt the hon. member but his time has expired.

Mr. Howard: The last point mentioned by my hon. friend from Timiskaming is an important one because it concerns the weight which should be attached to the evidence which was given before the committee of the other place.

Before I get into that, I might perhaps say that I do not particularly want to engage in debating this particular bill. I do not wish to engage in reading through the evidence to discover whether something is right or wrong. We do not particularly think this should be a function of parliament. If I may be allowed to make a general comment or suggestion

along that line, I should like to do so. Before the committee sat, a suggestion was made by the Prime Minister that we might lump all these bills into one and deal with them by a process of automation, I suppose. To that suggestion we could not agree at that time. We then propose that there is still a way out of this impasse and we would hope that it might be taken. We still have a few minutes left before we reach the hour of recess or adjournment or whatever we are going to reach. Perhaps the members of the government could reflect upon what course of action they might suggest or might wish to suggest in this regard and, before the hour of six o'clock—I am not sure whether that would be 5.36 by the time of the clock or whether it will be six o'clock by the time of the clock—or in any event before the committee rises, we might be in a position to hear a positive pronouncement by the government on the course of action they wish to undertake to deal with these things. Perhaps we could easily at that time follow the course of meeting the requests of the petitioners themselves. I say this only in a general way. There is a good half hour or three quarters of an hour perhaps left. I would hope that the Prime Minister who earlier expressed concern about this matter—with which concern I agree—and some of his colleagues in the cabinet who are interested in this matter might be thinking about some proposal to make and we could consider it on its merits at that time. We do not wish to be obstinate. We feel that this is something with which parliament should not be dealing. I am sure all members of the House of Commons would like to see these divorce bills taken out of parliament and dealt with in some other way so that we should not be obliged annually to go through this same sort of tortuous process. We hope that perhaps we could find some common ground of agreement there. If the cabinet or the Prime Minister on their behalf would later on care to make some suggestions, either publicly or amongst the house leaders including the hon. member for Kootenay West, we may be able to reach some agreement on what course we should follow.

Apart from that however, if I may I should like to get back to the question raised by the hon. member for Timiskaming with regard to the value we should place upon evidence given by private investigators. You will recall, Mr. Chairman, that I placed on record yesterday some quotations from a decision by Mr. Justice Spence in Ontario with respect to a particular case and in which he said we should look very carefully into the evidence given by people who classified themselves as investigators or as private detectives but who are in fact not licensed to carry on that