

to discussion by the Senate. Otherwise, the committee would have more power than this House, which delegated the power.

Hon. Mr. BALLANTYNE: Honourable senators, I move in amendment, that this Bill be not now read a second time, but be referred back to the committee for further consideration.

Hon. Mr. MURDOCK: I second the motion.

Hon. Mr. HAIG: Honourable senators, if that motion were carried it would be tantamount to rejecting the petition for divorce. If the House wants to do that, it need only vote against the motion for second reading.

The Divorce Committee is different from our other committees. As I have said before, none of its members want to be on it at all. We sit as a judicial committee and judge which side in each case is telling the truth, and come to our conclusion accordingly. In this particular case I thought the woman was not telling the truth, and I thought so throughout the hearing. The question raised by the honourable member from Parkdale (Hon. Mr. Murdock) was one of identification. That was disposed of. Both the detectives identified the woman, but as far as I was concerned I did not need that identification, because I was convinced the respondent was the woman in question. She had a patent answer—"No," "Never," "No, never,"—which she made to numerous questions. The majority of the members of the committee had no difficulty in reaching their decision.

The reason why the decision was not reached until July, although the evidence was heard in March, is that it was impossible until recently to get together a quorum of members who heard the evidence. I am one of the guilty ones. The Senate was not sitting in April, and in June it sat for only one week, and I was not here then. In May we were very busy on other cases, and at times when we were not busy it was again difficult to get a quorum of members who heard the evidence.

If the Senate decides to reject our recommendation, that will be all right with me, but it will make me feel disinclined to serve on this committee again. As I have already indicated, the Divorce Committee is unlike other committees. On the Banking and Commerce Committee, for instance, you base your judgment with respect to a bill on the business principle involved. But in the Divorce Committee we listen to the evidence of men and women and come to a decision as to who are telling the truth. As every

lawyer here knows, an Appellate Court is always loath to interfere with the finding of a trial judge on a question of fact. But here, honourable senators, you have a finding by three trial judges, Senator Aseltine, Senator Little and myself. Senator Copp was present at part of the hearing. We believed the petitioner. Senator Murdock believed the woman, the respondent. That is all there is to it.

Hon. Mr. MURDOCK: You have just stated who were on the committee which heard this case. I am ready to take the Bible in my hand right here and now and swear that only you and my friend here (Hon. Mr. Robinson) and myself were on the committee for the first part of that trial,—

Hon. Mr. HAIG: I will answer that.

Hon. Mr. MURDOCK:—and later Senator Aseltine and Senator Little did come in. I think I can prove by the records that our friend Senator Copp was not in the city at that time.

Hon. Mr. COPP: You cannot prove that.

Hon. Mr. MURDOCK: Yes, I can.

Hon. Mr. HAIG: This is what happened. Senator Aseltine and Senator Little did not hear the examination-in-chief of the petitioner, but they did hear his cross-examination. But what the petitioner himself told the committee had really nothing to do with the case. The material evidence was given by the detectives on examination-in-chief and in cross-examination. What I liked about the plaintiff was this—and the honourable senator from Parkdale (Hon. Mr. Murdock) used it against him: when he was asked about borrowing certain sums he answered, "Yes."

Hon. Mr. MURDOCK: He never used the word "borrow" in his life.

Hon. Mr. HAIG: Not one thing was brought out in cross-examination that he did not admit. The detective Green has appeared before the committee several times, and never has any question arisen in my mind as to his evidence. There have been other detectives before us whom I did not like. There is one other thing I want to say. This was not a hard case to decide, for each party was represented by counsel, and they are of great assistance to a court. The case that gives us trouble is where the petitioner alone is represented by a lawyer and he depends on hotel evidence by detectives. I have a very difficult time reaching a decision in such cases, although the courts of appeal of my province have held that that is good evidence.