

Division

the point about adultery in particular on the first day of December, 1958 has not been proved. From the other evidence given here, however, namely the admissions of the respondent and correspondent, as given in evidence by the investigator, to the effect that they had cohabited as man and wife for some nine years, there is indication that adultery could have taken place and probably did over that period of time.

However, the allegation in the petition, "in particular on the 1st day of December, 1958" is not proved, and in this regard we should keep the two coupled together. I suggest the reference in the petition should be removed and the petition amended, just as amendments are made in other petitions from time to time when there are inconsistencies in the petition with the evidence given. In this regard, I feel it would be only proper that the bill be referred back to the miscellaneous private bills committee in order that they may reconsider this particular point and bring the petition more into line with the evidence given before the committee of the other place. Then, the bill could be proceeded with, not on the basis of adultery having taken place in particular on December 1st, 1958, but on the allegation that over the last eight years, because of the common law arrangement, adultery took place during that period of time.

To this end, I would move, seconded by the hon. member for Timiskaming (Mr. Peters):

That this bill be not now read a third time, but that it be referred back to the miscellaneous private bills committee.

The house divided on the motion (Mr. Howard) which was negatived on the following division:

YEAS

Messrs:

Argue	Howard
Badanal	Peters
Batten	Regier
Benidickson	Winch—9.
Herridge	

NAYS

Messrs:

Aiken	Cooper
Baldwin	Creaghan
Bell (Carleton)	Crouse
Bell (Saint John-Albert)	Danforth
Bigg	Dinsdale
Brooks	Doucett
Broome	Fairfield
Brunsen	Fane
Campbell (Stormont)	Fleming (Eglinton)
Cardiff	Fleming (Okanagan-Revelstoke)
Carter	Forbes
Casselman, Mrs.	Green
Charlton	Gundlock
Churchill	Halpenny
Clancy	

[Mr. Howard.]

Hamilton (Notre Dame de Grace)	McIntosh
Hanbidge	McLennan
Harkness	Mandziuk
Henderson	Montgomery
Hicks	Muir (Cape Breton North and Victoria)
Hodgson	Nowlan
Horner (Acadia)	Nugent
Jones	Pearkes
Kennedy	Phillips
Kindt	Pugh
Lambert	Rapp
Macdonald (Kings)	Regnier
MacEwan	Robinson
MacInnis	Rogers
MacLean (Queens)	Simpson
MacLean (Winnipeg North Centre)	Skoreyko
Macquarrie	Smallwood
MacRae	Smith (Lincoln)
McFarlane	Smith (Winnipeg North)
McGrath	Speakman
McIlraith	Spencer
	Thomas—72.

The Acting Speaker (Mr. Rea): I declare the amendment lost.

Is it the pleasure of the house to adopt the motion?

An hon. Member: On division.

Motion agreed to, bill read the third time and passed on division.

LILY SCHUCHER COHEN

The house in committee on Bill No. SD-44, for the relief of Lily Schucher Cohen—Mr. McCleave—Mr. Rea in the chair.

The Deputy Chairman: Shall these 51 divorce bills be taken as one item?

Mr. Peters: I wish to speak on Bill No. SD-44.

The Deputy Chairman: Bill No. SD-44.

On clause 1—*Marriage dissolved.*

Mr. Peters: Bill No. SD-44 is a petition for the relief of a couple living in the province of Quebec in the city of Montreal. On reading the petition, paragraph 7, we find that it charges adultery in an hotel. In this particular case we have the evidence of two witnesses in the form of private detectives by the names of Peter Rosen, age 38, of Montreal and Abe Golden, age 52, of Montreal.

In this particular case we have the type of case with which we are particularly concerned because it obviously involved collusion and many of the things this house should not agree to in the granting of these divorces. It is pointed out, as you will note from the evidence, that this couple broke up their marriage in February, 1959. In March, 1959 they petitioned parliament and the hearing was held in January, 1960. This gives them approximately 11 months in which to obtain the money for this divorce. As we look