

*Private Bills—Divorce*

do not want to fall into the position of having someone say that I selected particular evidence to show particular points. Permit me to make rather extensive reference to the evidence.

A. I investigated Mr.—movements about a week prior to December 1, 1958, we found he was living at—and I found he was living there with a woman. On further investigation I found they had been living there for the last three years together. On December 1, 1958, my man—

Incidentally, his man is A. Golden, another investigator. I continue:

On December 1, 1958, my man Mr. Golden and myself drove up to—at approximately 6.30 in the evening and we parked ourselves close by and we waited. About 7.30 that evening Mr.—drove up with his truck and he drove his truck into the back yard of the house and then he came out of the yard and into the house. We stayed there until about approximately 11.30 in the evening. Mr.—nor the lady in the house came out. At about 11.30 we noticed the lights went out downstairs and there were still some lights upstairs. It was a two-floor house. Shortly after that, about a quarter to twelve, all the lights were out upstairs. Mr. Golden and myself, we went up to the door and we rang the bell. It took a few minutes and a man—the light came on in the vestibule and the man came to the door and he opened the door.

You will recall, Mr. Chairman, and others will recall, I am sure, that on a previous occasion the hon. member for Vancouver East was wondering how within the period of half an hour adultery could take place. If the hon. member for Vancouver East were here now I am sure he would be quite concerned about how within a period of two or three minutes adultery could take place because this is what he said. He said that at 11.30 they noticed that the lights went out upstairs and there were still some lights downstairs; it was a two-floor house. Shortly after that, about a quarter to twelve, all the lights were out upstairs. I continue:

Mr. Golden and myself, we went up to the door—

As soon as the lights go out they go up to the door and they ring the bell. It took a few minutes and the man came down. Therefore, in a short space of time, in a few minutes—what a few minutes mean I do not know, in fact, but we can assume probably not more than five minutes, according to the particular evidence given by the investigator—adultery took place. The lights went out upstairs. About a quarter to twelve they went up to the door and within a few minutes a man came downstairs and they go on to give other evidence. I use this only to point out that it is ridiculous to expect people to believe that on this particular day adultery took place. This is what it says in the petition, that for the last eight years this has been going on. According to the rules of the Senate you cannot be general, you must specify. Therefore, they specify and they

say, “And in particular, on the first day of December, 1958, adultery took place.” Adultery took place within the space of a few minutes and we all know that this probably is not possible. I assume it may be possible if a couple were in a rush or if they were using a motel for the evening as happens in some of these cases. But the evidence is that they were living together for three years. Certainly by this time they had got sort of accustomed and used to one another. They say that in that space of a few minutes adultery took place on this particular day or this particular night.

So far as saying adultery took place on the first day of December in particular, I think we can say that is absolute nonsense. According to the times given here it did not take place. If these investigators had waited for half or three quarters of an hour after the lights went out, as is usually the case, before they went and knocked on the door then perhaps one could give some credence to the suggestion that adultery or intercourse had taken place at that particular time. But to say that it took place in the space of a few minutes is to say something that I doubt very much, and I am sure the members of the other place doubted it very much.

**Mr. Walker:** Mr. Chairman, may I ask a question? On what authority does the hon. member profess to come here and to act as an arbitrator in these things? I mean—

**Mr. Howard:** The hon. member in asking his question got as far as the words “I mean”. I thought he was going further.

**Mr. Walker:** Yes. “Upon what meat doth this our Caesar feed, that he has grown so great” to come into this forum and pontificate on such a subject?

**Mr. Howard:** Some weeks ago on the invitation of the Minister of Public Works I became interested in the particular cases before us. I am no authority and I am not attempting to arbitrate. If we are going to be asked to pass divorce cases, then I think we should have an understanding of the full implications of the evidence given before the other place in order to determine whether we are doing the proper thing or not. In answer to the question, if we had not undertaken a thorough study of some of these things there would have been a number of cases already passed by this parliament in which there was a great conflict of evidence. One was a contested case and as a result of our study and asking parliament to study these things we are looking into them carefully. It is not a question of pontificating, arbitrating or setting myself up as an authority, which I have