

Private Bills—Divorce

Mr. Coldwell: No, if any provision is to be made the case has to go to another court.

Mr. Harris (Grey-Bruce): Why not?

Mr. Coldwell: Why should the aggrieved person who has charge of the children have to go through another process of law, with more expense and all the rest of it in order to get some provision for the children? I say that if we had a proper court following proper procedure, we would have greater justice to the individuals and greater justice for the children of the marriage. I say to hon. gentlemen that whether or not we agree with the principle underlying divorce, that is an immaterial point. We have divorce now, and in my judgment it is far better to have it under proper conditions, with a proper judicial inquiry, than the kind of inquiry we have, or rather the kind of evidence we have which is not sufficiently investigated—I should say at least in the case of Bill No. 111 on our list tonight.

So I say to hon. gentlemen that I hope as a result of this discussion and the understanding of this situation in this country, there will be unanimous opinion in this house that we are going to rid this parliament, particularly the hon. gentlemen of the other place, of the obligation to do this kind of thing. Once or twice I have heard the other place referred to in recent years as merely a divorce mill. That does not bring respect to this parliament or to the gentlemen who occupy seats in the other place. So, Mr. Chairman, I am opposing this bill which, as I say, I have taken the trouble to read.

Mr. Knight: Mr. Chairman, I should like to say a word or two in reply to the interjection by the minister of immigration. When the member for Rosetown-Biggart suggested that the children in these cases would get a better deal from a regular divorce court than from the divorce court of the Senate, it was suggested that his point was not well taken. When someone said that the parties would have to go to a regular court to see that these children were properly cared for, the minister of immigration said in my hearing, and the hearing of other members of this house, why not? My answer is, why should these people have to go to a second court to get justice? Why should there be two separate courts, two sets of lawyers, two lots of lawyers' fees? When the person has to go to one court, namely, this court of the Senate, to get a divorce, then he has to start proceedings all over again to see that the children are properly cared for. I think it is a foolish and stupid expenditure and, may I say with all due respect, a foolish suggestion.

An hon. Member: It is good for lawyers.

[Mr. Harris (Grey-Bruce).]

Mr. Harris (Grey-Bruce): Will the hon. member permit a question? I am not sure whether the argument—

Mr. Knight: Is this a question?

Mr. Harris (Grey-Bruce): Yes.

Mr. Knight: All right.

Mr. Harris (Grey-Bruce): I want it clearly understood whether the hon. member is arguing that parliament should exercise jurisdiction over the custody of the children.

Mr. Coldwell: No; he is asking for a court.

Mr. Knight: We are asking for a court in which the divorce and the care of the children can be looked after simultaneously.

Mr. Harris (Grey-Bruce): All right.

Mr. Knight: Now I should like to proceed.

Mr. Harris (Grey-Bruce): My question was this. Is that court to be parliament?

Mr. Knight: I did not hear the question.

Mr. Harris (Grey-Bruce): Were you suggesting that parliament should exercise both jurisdictions?

Mr. Knight: No. I was suggesting that the whole rotten matter should be taken out of the jurisdiction of parliament and put somewhere else.

Mr. Harris (Grey-Bruce): That is a wholly different matter.

Mr. Knight: I should like to say a word or two upon this Bill No. 111, in regard to investigators. I should like to ask the hon. gentleman who is sponsoring these bills a question. May I say that I have the deepest sympathy for him because I know he is performing what he considers to be a public duty. Somebody has to do this dirty work under the legislation as it now stands, and I take it that he is the rather unwilling victim, but in any case the victim. I know that I would so consider myself if I were in his position. But I should like to ask him if he considers that these people who are called investigators are people of integrity and people about whom there could be no suspicion.

I have felt it rather deeply on my conscience in the last five years, not only because I am a member of this House of Commons, having to deal with these matters by this phony and farcical method but also because I have been a member of the standing committee on standing orders, which considers these cases when they come in late, where we give to the people concerned a special dispensation so they can sneak in under the wire, as it were, and have their cases considered when they have not fulfilled the regulations in regard to the time limits for application.