

*Private Bills—Divorce*

that I should draw the particulars in this case to the attention of the house; and I suggest to hon. members that they consider seriously whether we are doing the right thing to continue to deal with these cases in parliament. In my view these cases should be transferred to a proper court.

**Mr. David A. Croll (Spadina):** Mr. Speaker, I too have read the evidence, although perhaps not as carefully as has my friend, the hon. member for Winnipeg North Centre. But I am less confused than he is. Thinking that the hon. member for Winnipeg North Centre (Mr. Knowles) would continue to be a divorce commentator again tonight, I thought that I would read the evidence in order to get at least a fair smattering of it. There is no question that the evidence is overwhelming. I am not going to read any part of it. The top of page 33 and other portions of it speak for themselves.

The hon. member made reference to the opportunity that was given to the respondent to bring in a witness, and the case was adjourned for some days.

**Mr. Knowles:** One day.

**Mr. Croll:** One day, in order to give the respondent an opportunity to bring in a very important witness. He was not able to do it. On the other hand it was suggested that the witness was available, and the argument centred around whether the witness was or was not available. The witness was not brought there. My point is that every opportunity was given to the respondent in this case to bring in whatever witnesses he could procure, and he did not bring them in.

As I have said, I think the evidence in this case is overwhelming, and if I can help settle my hon. friend's mind, this is a proper case for divorce.

**Mr. W. F. Carroll (Inverness-Richmond):** At the request of the hon. member for Winnipeg North Centre (Mr. Knowles) I had a look at this evidence. I suppose we should look at all the evidence that comes before us if we are to be regarded as a court; but I have not reached the same conclusion as the hon. member for Spadina (Mr. Croll) has reached on this matter. I have some reason for thinking why the hon. member for Winnipeg North Centre has been so confused. The case was tried on grounds that I do not quite understand at all, and I want to say that I have tried a good many divorce cases myself.

If I was trying this divorce case, Mr. Speaker, I would not feel convinced that the petitioner had overcome the burden that was put upon him; that is, to prove by convincing evidence that this respondent was guilty of adultery. The Senate committee

may have taken a different view, but two of the senators who were hearing this case did on one occasion say that the evidence was not sufficient to convince them.

Many statements were made by counsel for the petitioner which, if it was necessary to show that, were not evidence at all. For example, he turned to counsel for the respondent and said: "Your client wanted to get a thousand dollars to call this case off." I am hopeful that that did not have any influence on the senators who were hearing this case. It does look to me as if during the whole of the proceedings the case was badly tried. There were too many statements allowed to be made by counsel for the petitioner which were not evidence at all. If there was a jury present it would have had a tremendous amount of influence upon their minds. All I am saying is that I am hopeful that it did not have the same influence upon the good senators.

I am not going to make any remarks about this matter at all. If the good people who tried this case in the other place feel there was a case made out then their consciences are clear. But in looking over the evidence I find one or two statements made by perhaps two of the senators which would indicate to me that they could not exactly overcome the idea that there was not sufficient evidence in this case. Perhaps it is none of my business, but what I want to say is that I would bring to the attention of the committee to which this bill will go the importance of giving it very serious consideration. I have no doubt that they always do that. They should give the respondent the opportunity of bringing from Montreal the witness that he attempted to get.

I want it distinctly understood that I am not talking on this case because I am against divorce as such. My opinions in that regard have been placed before this house on one occasion previously. I myself have tried many divorce cases, and granted many divorces.

**Mr. Fulton:** Will the hon. member permit a question at this point? He has referred to his reading and interpretation of the evidence before the committee of the other place. May I ask him whether in his opinion there were any signs or indications that there may have been collusion in this case?

**Mr. Carroll:** Well, I do not know; I could not say that offhand. Two or three things were said, but they would not be enough to satisfy the judges over there that there was collusion, or anything of that kind. The thing that surprised me was why the petitioner did not call this lady. That has given