

Private Bills—Divorce

Q. Are you forgiving her now?

A. No.

Q. Would you be ready to take her back?

A. No.

Q. Is there any collusion between you and your wife in order to obtain this divorce?

A. No, sir.

Q. What led up to your separation?

A. I beg your pardon, senator?

It is quite evident from the evidence that Dr. Ferron did not forgive his wife and did not wish to take her back. It is equally evident from the evidence why she was defending herself. The wife said that in no case would she take the doctor back. She denied the offence in every way. She swore she had not committed any offence.

When she was before the committee of the house we asked her what was the reason for contesting the divorce. She said, "I do not want to live with him." She wished only to protect her name against the slander and against something which was supposed to have occurred and which was not true. Her only reason for contesting the divorce was to protect her good name. I maintain, Mr. Chairman, that on the basis of the evidence given and on the basis of the fact that the lawyer for the petitioner in this case did not think it even worth while or necessary to bring in the co-respondent to give evidence in the case, an average judge anywhere in Canada would have dismissed the case on the grounds of insufficient evidence.

Mr. Reinke: Nonsense.

Mr. Castleden: The whole purpose of these committees is to evaluate the evidence, I suppose, and deal with the divorce cases of people in two provinces who have no other recourse. I mention this case not because I am trying to defend either one or the other of the parties. I am trying to pick out evidence given here to show that when parliament deals with this kind of thing, justice is not being served.

Mr. Pickersgill: Surely this is a general discussion of the subject of divorce, which is quite out of order on this bill.

Some hon. Members: Question.

Mr. Ellis: Read the evidence; read every word of it.

Some hon. Members: Question.

Mr. Castleden: After the bill came up in the Senate the case was dealt with by a committee of that house and a committee of this house, which is now regarded as a kind of legal court under amendments to the Criminal Code. If it is a court of justice, then it should act as any other court and try to give justice. One of the main requisites of a court is that it should be presided over

[Mr. Castleden.]

by an impartial judge. The committee of this house was presided over by—

Mr. Pickersgill: Mr. Chairman, could we have a decision on the point of order I raised?

The Chairman: Order. I did not rise before, because I thought the hon. member would come back to the clause under consideration. The minister's point of order is well taken, that these remarks are general and that discussion on this clause must be strictly relevant to the clause itself. I must ask the hon. member to observe our rule of strict relevancy in committee.

Mr. Castleden: Yes, Mr. Chairman, if that is the wish of the committee.

Mr. Pickersgill: That is the rule.

Mr. Castleden: If it is the rule of the house or the ruling of the chairman that we should not discuss the relevancy, or the basis upon which these two committees work in deciding the case. Probably I should say finally, with regard to our own little kangaroo court, that even on the evidence that was given, when the vote of the members was taken they voted 9 to 10 for granting the petition. That shows how close the decision was of the members who were sitting on the committee.

Mr. Reinke: Give us a chance to vote now.

Mr. Castleden: Why should we, without studying the case and giving the people of Canada the opportunity to see the kind of thing that is going on in this house? I am trying to protect the good name of parliament, and I am trying to stop this disgraceful thing that is going on. It can be stopped if the government will only set up a court.

The Chairman: Order. I rose practically simultaneously with the hon. member when he commenced his remarks, and made it very clear that we were not on this clause discussing matters of procedure. I made it very clear that I was going to ask him to observe strict relevancy on this clause. May I make it equally clear that I do not intend to rise again. The hon. member knows full well, and has been in the house long enough to recognize, the rule of relevancy. I think he knows his remarks are not relevant. I must impress upon him that it is necessary to speak with relevancy on this clause.

Mr. Castleden: I should like to point out that I was merely replying to a question or a suggestion from the other side of the house. I shall return to the case, because I want to show why we should not oppose the granting of the petition in the Ferron case.