

*Private Bills—Divorce*

**Mr. Macdonnell:** Has there ever been a charge of perjury laid in connection with those divorce cases?

**Mr. Garson:** I am sure I have not the faintest idea whether there ever has been or not. The question that was addressed to me and which I have endeavoured to answer was what steps could be taken, in the event that perjury had been suspected; what procedure should be followed?

**Mr. Diefenbaker:** It would be contempt of parliament, would it not, and as such punishable by parliament?

**Mr. Garson:** I would not like to say offhand that my hon. friend was wrong in that suggestion, but I am perfectly certain that it would be perjury because—

**The Deputy Chairman:** Order. I think I must interrupt the Minister of Justice at this point because the committee will agree with me that, interesting as this discussion may be, it has nothing to do with clause 1 of the bill which we are considering. I propose to read to the committee clause 1 of the first of the 50 bills which are being considered. The clause reads:

The said marriage between Rita Boucher and Roland Dufort, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

In so far as any member wishes to argue whether or not that clause 1 is based on correct or incorrect evidence I cannot rule him out of order; but assuming that perjury has been committed in connection with clause 1 of any of these 50 bills under discussion in this committee, as to whether or not clause 1 shall or shall not be adopted, the discussion as to where the responsibility for laying a charge of perjury lies is absolutely out of order. Will the members please confine themselves to a discussion of clause 1 of the bills before them?

**Mr. Nicholson:** Now that the question of perjury has been drawn into the discussion—

**The Deputy Chairman:** I hoped I had ruled the question of perjury out of the discussion.

**Mr. Nicholson:** It is significant that with respect to the 50 bills before us it is the hon. member for Parkdale who is the sponsor, and he is not in his place. There are 75 members here from the province of Quebec where these bills originate. As I say, there are 75 members from the province of Quebec, and yet it has not been possible to get one member from that province to sponsor these 50 bills. They have to go to Ontario, to the city of Toronto, to get the hon. member for Parkdale, who is absent, to be the

[Mr. Garson.]

sponsor. We should not be asked to accept clause 1 without having the assurance that no perjury has been committed in connection with the evidence having to do with Bill No. 380.

While I am on my feet I should like to ask the minister whether he has acted on the suggestion of hon. members and has read the evidence in connection with Bill No. 327. If he has not, will he give an undertaking that he will read the evidence over the week end and indicate whether he thinks it is fair that the province of Ontario should have to take on the responsibility of following up and incurring public expense in connection with prosecuting for perjury that really is—

**The Deputy Chairman:** Order. I might point out to the hon. member that it will not be possible for me to permit the minister to answer that question because Bill No. 327 is not before this committee. We start with Bill No. 380. Is the committee ready for the question?

**Mr. Macdonnell:** You will be very surprised to hear me raise a point of order, Mr. Chairman, but I want to ask you whether you think that this question is irrelevant, because it is very important to me so as to help me to know how I am to vote. I have always been very troubled with this procedure. I remember when I was first in this house Mr. Ilsley trying to defend it with very great uneasiness, showing how much he disliked it, but saying there did not seem to be any alternative, as did the Prime Minister once when the house became particularly restive and asked to change the procedure. But up to the present moment I had assumed that while this is a procedure that is very distasteful, it was at least carried out in an efficient manner. What has happened this afternoon makes me feel that perhaps by inadvertence the usual sanctions, to use the words of my leader, which are applicable in ordinary judicial proceedings or in any kind of a proceeding where oaths are involved, appear at least to be utterly absent here. I suggest to you a determination of this question is very important to the vote of some of us, and therefore I hope you will not rule it out of order.

**Mr. Drew:** I do want to refer to certain statements made in regard to this by the Minister of Justice. The Minister of Justice pointed out that under the British North America Act the administration of justice is under the provinces. We are not dealing now with the administration of justice in the ordinary sense. We are dealing now with a parliamentary procedure. The hon. member