

## Divorce Bills

moved out of the house which he was sharing with his wife and children. He did not ask for the simple reason, I would imagine, that this would also have indicated that the whole procedure had been instigated by the two people who were interested in obtaining this divorce. If these allegations are true, Mr. Chairman, then since this is a quasi court and since collusion has been indicated, we should act as a court.

Now, we note that in this particular case the respondent appeared before the Senate committee and the chairman of the committee spoke to her as follows:

Mrs. Campbell, I want you to listen to me for a moment. You have gone in the box to give evidence—

This certainly sounds like court procedure.

—and I have to make it quite clear to you that you are under no obligation whatever to give any evidence that will tend to show that you have been guilty of adultery. You can give that evidence if you like, but you can refuse to give it. If you want to give evidence, of course, it will be taken down in the ordinary way. Now, with that caution on my part do you still wish to give evidence?

Well, this divorce was very important not only to the respondent but to the petitioner as well. This was the questioning by the clerk of the committee:

Q. What is your name?

She gives her name.

Q. What is your age?

She gives her age.

Q. Where do you live?

She says where she lives.

Q. What is your occupation? A. Clerk typist.

By Mr. Gomery:

Q. Are you the wife of Bruce Reid Campbell, sitting on my left? A. Yes.

Q. And the respondent in this case? A. Yes.

Q. Were you issued with a subpoena requiring you to be present today? A. Yes.

Q. Did you commit adultery with one Arthur Dewing on September 16, 1961 at the Mount Royal Hotel? A. Yes.

Well, Mr. Chairman, there are two surprising facts here. One is that this lady could get up and make this declaration which has certain social as well as legal restrictions to it, and the other is that this is the type of evidence that can only be given when the respondents themselves wish to make this type of information available. It cannot be forced from someone. Certainly the chairman of the committee fulfilled his duty in informing this person that she had the right to refuse to do this.

The second surprising feature, and the most important one involved in this particular case, is that when this respondent was before the other place no question was asked about what would happen the children. Yet we have seen from the evidence that the children were

going to be the sole responsibility of the respondent and that the plaintiff had already declared he was waiving his right to the custody of the children. No questions were asked about the children and no consideration was given to them. It is surprising that this woman appears to have so little maternal affection that she did not ask for the indulgence of the committee for the establishment of her maternal rights to the custody of the children and the formalizing of an agreement which was indicated by the plaintiff as being agreeable to him.

The third point is probably not so important, but it is something I have not often noted in these cases. In this particular case the lawyer for the plaintiff asked whether a subpoena had been issued requiring attendance that day. I may have overlooked this in other cases, but I am under the impression that this is very seldom done. It is very seldom anyone ever subpoenas the respondent, that is, obtains a court order, and I cannot see how such an order could be obtained from the other place. I do not know if the other place has authority to give such an order but I do know that in the House of Commons miscellaneous private bills committee there is no power to subpoena private witnesses.

The Senate may have some legal machinery whereby it can do that, but I do not believe that is so. I shall be very interested in this matter and would like to know if a subpoena was issued through a provincial court.

Mr. Chairman, it has been brought to my attention it is now six o'clock.

**Mr. Drysdale:** Would the hon. member permit a question?

**Mr. Peters:** It is six o'clock.

**Mr. Drysdale:** I realize the hon. member and his party have clearly indicated they are opposed to the fundamental principles in the bill of rights, but I wonder if he could indicate to the house whether that party, which used to stand for the freedom of the individual as proclaimed by Mr. Woodsworth and other members of the party, intends to perpetuate this violation against individual freedoms contrary to the principles in the bill of rights, or whether that party will give consideration to having these individual freedoms and principles upheld at this time?

**Mr. Peters:** That is a beautiful question but it is unfortunate that the time has arrived for the ending of this hour. I wonder if the hon. member who asks this question has in mind the rights of the individual under the bill of rights—is he interested in only one individual in these cases and not in the other