

*Private Bills—Divorce*

regard to any reflection that has been made or might be inferred as to the conduct of this committee, that there were present in the afternoon sitting the following: Messrs. Anderson, Batten, Brown (Brantford), Cameron (High Park), Carter, Eyre, Fairey, Hansell, Henderson, Houck, Macnaughton, Matheson, Pommer, Regier, Simmons, Weaver, White (Waterloo South), and Wylie.

The committee resumed at eight o'clock. The first matter of business to be dealt with was this alleged subpoena. The witness, Mr. Peacock, was asked where he got this document. If my memory serves me correctly he said he got it from the respondent herself. Counsel for the respondent then stood up and stated that the document had originated from his office.

Another witness who was to give evidence on behalf of the respondent, a man by the name of Mr. David De Castro, produced a similar subpoena which was marked exhibit "Q" in the proceedings of the committee on that day. It was in the same form as exhibit "P", being the exhibit produced by Mr. Peacock. I might say that it is worth noting that when these witnesses were being examined, members of the committee appropriately asked each one of these witnesses who was there and had produced this form of subpoena if he would have come if he had not received the subpoena. The answer in every case was in the affirmative. Might I suggest at this point that we might come to the conclusion that these documents were merely superfluous and base our conclusion upon the evidence as given by the witnesses so sworn.

In dealing with these subpoenas, we discussed the matter in the committee. I might say that the members present at that time—this is the evening sitting—were as follows: Messrs. Anderson, Batten, Brown (Brantford), Cameron (High Park), Carter, Eyre, Fairey, Hansell, Henderson, Houck, Macnaughton, Matheson, McCubbin, Pommer, Simmons, Weaver and Wylie.

In discussing this matter of the subpoena I think some members were of the opinion that we should not in any way, because of a document of this nature being produced as an exhibit, allow it to interfere or prejudice in any way the case of either the petitioner or the respondent. However, it could not interfere with the case of the petitioner because these witnesses had clearly admitted under oath that they would have been present anyway whether or not they had ever received these subpoenas; and in dealing with the respondent, to be fair to her, if there had arisen any prejudice against her counsel for having produced these documents in a conclusion reached by members

[Mr. Henderson.]

of the committee, she would have been prejudiced by something outside of her knowledge and control. Therefore it was decided to proceed with the evidence and to dispose of this incident of these irregular subpoenas on another occasion. The evidence was put in for the respondent's case. I might say that there was a recorded vote on the granting of this particular petition. The petition was granted by a vote of: Yeas, 12, and nays, 2. The yeas were: Messrs. Batten, Brown (Brantford), Cameron (High Park), Carter, Eyre, Fairey, Hansell, Macnaughton, Matheson, McCubbin, Pommer and Weaver. The nays were: Messrs. Simmons and Wylie.

This was ten minutes after ten on the evening of June 12 and the committee adjourned until three o'clock in the afternoon of Wednesday June 13 to deal with the next contested matter before the committee which was a petition already disposed of by a bill of this honourable house on Friday. I might say that there were witnesses and counsel waiting for the presentation of that petition over the two days. It was thought advisable to dispose of that.

This matter was dealt with this morning, as I say, as a separate incident and not in connection with the bill because the bill was not before the committee. We had the experts on law and procedure in this house before the committee, and it was decided unanimously that I be instructed to report the incident to Mr. Speaker. This decision was based upon standing orders 117 and 118. As we know, briefly, standing order 117 makes provision whereby a parliamentary agent, and the counsel in this matter was one, becomes a parliamentary agent with the sanction and authority of Mr. Speaker. He is therefore personally responsible to the house and to Mr. Speaker.

Standing order No. 118 is the one under which we have authority, and it reads as follows—I am reading it into the record for the purpose of clarifying this matter:

Any parliamentary agent who wilfully acts in violation of the standing orders and practice of parliament, or of any rules to be prescribed by Mr. Speaker, or who wilfully misconducts himself in prosecuting any proceedings before parliament, shall be liable to an absolute or temporary prohibition to practice as a parliamentary agent, at the pleasure of Mr. Speaker; provided, that upon the application of such agent, Mr. Speaker shall state in writing the ground for such prohibition.

In consequence of that standing order, Mr. Chairman, and as I say again with the unanimous consent of the members of the committee, this morning I so reported the incident to Mr. Speaker. I would ask hon. members to consider this bill which is now before us separate and apart from this incident. I hope the explanation which I have