

*Divorce Bills*

**Mr. Howard:** Mr. Chairman, the oversensitivities of the government demand apology, and I extend it. But I want to say this on the point of order raised by the hon. member for Davenport. If he says that in this house there is another group which at the last moment refused to go along with making some arrangements on this matter, then the minister cannot rise and accuse me of causing all this difficulty. It is the other group that is the cause of it all, if what the hon. member for Davenport says is correct.

**The Chairman:** I think we have had quite a fair discussion on this particular point of order and we should get back to the item before the committee, which is clause 1 of the bill. Shall clause 1 carry?

**Some hon. Members:** Agreed.

**Mr. Peters:** I would like to ask the minister one question. Is he not aware of the fact that, while it is true negotiations went on for almost a year, it is not going to be a calamity if we have not had the time to discuss these bills and they therefore do not pass, because did this not happen in 1958 with this government, when these bills were carried over in the other place and reintroduced without any expense being involved.

**Mr. McCleave:** Mr. Chairman, could I answer that question?

**Mr. Walker:** Mr. Chairman, on a question of privilege—

**The Chairman:** Order. Before the minister raises his question of privilege I will hear the hon. member for Halifax on this matter.

**Mr. McCleave:** Mr. Chairman, I have remained remarkably silent, to the extent that my hon. friends around here are commending me for all kinds of prizes. Perhaps it is because I hold here the Polynesian goddess of justice and she has comforted me in these somewhat bleak moments. I would like to answer the hon. member for Timiskaming on this point. In these cases which I have on the desk there are a number in which unless we grant divorces today children will be born illegitimate. I think it would be a shame if any one of us went forth from here having put that stigma on children.

I would also draw this to the attention of the hon. member for Timiskaming and the hon. member for Skeena. If a child is born illegitimate of an adulterous union, subsequent marriage does not cure that illegitimacy. I make that point. Finally, as I said yesterday, I do not want to enter into re-criminations, but I do appeal to the heart of the House of Commons. If ever that heart

[Mr. Nowlan.]

was to show itself collectively—and it is only as strong as any one individual's heart—it must be shown at this point.

**Mr. Peters:** Mr. Chairman, a few moments ago we were raising this matter of collusion that quite often appears in these cases. I refer to the arrangement between the parties to a divorce. I was reading certain information that I think gives some indication that this was the case in this particular petition. I would be happy to have information as to why this respondent came before the committee on a subpoena which I would suggest does not exist. There is no machinery to provide it. I presume a subpoena could not be given by parliament and I do not believe it could be given by a committee. We have tried this. Hon. members may recall the case of *Eccles v. Eccles* a year or two ago. It was the intention of the committee to subpoena the co-respondent in that case and also some of the other people concerned. This proved to be impossible. I refer again to the evidence in this case:

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

I would suggest—

**Mr. Diefenbaker:** Mr. Chairman, the royal assent is to be given and I suggest that you, sir, report progress. Then we shall continue, after royal assent has been given, so there will still be an opportunity to get this matter cleared away.

If not, I shall then move that the house do adjourn and dissolution will become official, I hope, tomorrow.

I had expected that there would have been a degree of give and take on this. It is apparent there is not going to be. These people who have taken proceedings—the only proceedings that they can take—are going to be denied what parliament provides as a remedy because one political party is determined that unless it gets its way they should be denied their rights.

I would suggest that you report progress and that we proceed to the other place as soon as the Gentleman Usher reports that the Chief Justice as deputy of His Excellency the Governor General of Canada is ready to give the royal assent.

**Mr. Howard:** I wonder if I can make one comment about what the Prime Minister has just said. Of course, we disagree violently with his suggestion that there is a denial of rights involved here.

**Some hon. Members:** Oh.

**Mr. Howard:** We would hope that the Prime Minister, in the period between now and when we come back after royal assent has