

with the matter, and many expressions of protest have been made from time to time. It has been suggested on the other side, and rightly so, that it is not enough merely to protest but that some alternative should be put forward. In reply to that, both the leader of this group, the member for Rosetown-Biggar, and others of us have suggested on occasion that without doing violence to anyone's religious convictions in this regard it might be possible either to pass legislation referring divorce to some federal court already in existence, or to establish some kind of federal court in the city of Ottawa. When I say that such a scheme would not do violence to anyone's convictions, what I have in mind is that it would not be establishing a divorce court in Quebec, where, as is well known, it is not wanted; nor would it provide for the citizens of Quebec seeking divorce a facility which they have not already, because they have that facility in the fact that they can come to Ottawa to the federal parliament.

Moreover, the whole question of the basis of divorce is not involved in what I am now discussing. The proposal that there should be legislation to take these cases out of parliament and put them under the jurisdiction of some federal court merely transfers the place to which these people would go when they come to Ottawa from one building to another, where it seems to me the proceedings might be carried on with a little more dignity and with proper regard for legal procedure.

I should be glad if the minister would comment on this point. I am not asking his opinion as a lawyer, since he does not have to give it, but I should like to know whether the matter has been considered, either by the government or by his department, in order to see whether something can be done in that direction. My interest in the question at this stage is not the general question of divorce but rather in maintaining the dignity of parliament and its reputation in the eyes of the public. I think it would be well if the minister at some stage in the discussion would comment on the two matters to which I have called his attention.

Mr. ST. LAURENT: If it is convenient I can comment on them at once, while the hon. gentleman's remarks are fresh in my mind.

With respect to the first, it has to do with the retiring age for judges of superior courts. I will not go over again the matters that have already been put before the house with respect to tenure of office of judges in the provincial courts by virtue of the terms of the British North America Act, but I will deal with the two basic questions which the hon. gentleman put to me. One was this: Is it still the

opinion of the Minister of Justice that an amendment to the British North America Act, which would provide power to retire judges at a stated age, would require the consent of the provincial legislatures? To that my answer is that, notwithstanding the vote of last night, I persist in that view. I attempted to make it clear in that debate that I considered there had been an allocation of jurisdiction and that this parliament had no right to deal with matters which had been allocated to the provincial legislatures, and that when there was joint responsibility, if any change was to be made that would affect such control as the provincial legislatures and governments have under the constitution, their consent would have to be obtained.

Mr. DIEFENBAKER: Would it have to be the consent of all the provinces?

Mr. ST. LAURENT: In my opinion it would have to be the consent of all the provinces that would be affected thereby. I consider that they have been given jurisdiction, sovereign powers, which they get not from this parliament but from the imperial parliament, and it is their jurisdiction; so we cannot take it from them without their consent, any more than if we wanted to take from a legislature of a state of the American union some of its powers.

Mr. DIEFENBAKER: Every province would be in that position.

Mr. ST. LAURENT: Every province would be in that position, in my view. As to the second question—was anything done towards endeavouring to secure the consent of all the provincial governments to an amendment of that kind—let me say to the hon. member that during one of the adjournments of the dominion-provincial conferences, prior to January—some considerable time, in fact, before the December meeting—I had written to all the attorneys general asking them to give some consideration in advance to the subject so that they might be in a position to discuss it when we met afterwards, if there was opportunity for doing so. When they came together in Ottawa I was told by one of the attorneys general, who happens to be at the same time the premier of his province, not to bring the question up, that he would have to take an attitude that would make it absolutely useless to pursue it, and that it might be the occasion for embarrassment with regard to other things about which agreement could perhaps be secured. And the reason given was that he expected that at this session a bill would be introduced to amend the Judges Act, providing more in the form, not