

Mr. SHAW: I have already stated that there are no divorce courts operating in the provinces of Ontario and Quebec.

Mr. PUTNAM: No, but there are grounds for granting divorce.

Mr. SHAW: What is the use of there being grounds for divorce if there are no courts to give effect to the grounds. In the case of these two provinces, as I understand it, the only way an applicant for divorce can secure relief is by coming to the federal parliament and presenting his or her case. Now, as a result of the decisions of the Senate from time to time I think it is fair to state that parliament grants divorces on terms of equality as far as the sexes are concerned. The Parliament of Canada is supreme. It can grant a divorce upon any ground it sees fit, but in actual practice divorce is granted on the ground of adultery, nonconsummation, and various other grounds which are immaterial to my argument at the moment.

Mr. MACLEAN (York): How much does it cost to get relief from the federal parliament in the way my hon. friend has indicated?

Mr. SHAW: If my hon. friend will permit me to go on I shall come to the point in a moment.

Mr. HOEY: In the case of a petitioner for divorce living in the western provinces has he or she the right to petition the Dominion parliament?

Mr. SHAW: Yes, the Parliament of Canada is available to people throughout Canada, regardless of what province they may reside in.

Mr. PUTNAM: If my hon. friend will excuse me, and purely for information, is it true that the divorce committee of the Senate has unlimited discretion in granting a divorce in any case in which the marriage proves to be a hardship—for instance in a case where incompatibility of temperament is shown?

Mr. SHAW: Well, no committee of the Senate has any jurisdiction in the matter at all. As I understand it, the Senate committee hears the evidence and recommends action to the upper house. Even action by the Senate is not adequate unless it is approved by this House.

Mr. PUTNAM: That is technical.

Mr. SHAW: The Parliament of Canada, composed of the House of Commons and the Senate, puts through every divorce bill. It

can grant divorce on any ground, so far as I am aware, that it sees fit.

Now, when interrupted by this series of questions, I was about to deal with the subject of desertion, the other ground upon which the wife might secure divorce if it were coupled with adultery. As I pointed out, in that event the wife must prove desertion for a period of two years and without reasonable excuse. The term "without reasonable excuse" allows, as one can easily see, a very wide latitude within which an erring husband can readily escape from the consequences of his conduct.

The purpose of this bill is to remedy these inequalities. It is to put the wife in the four western provinces before the courts of those provinces on exactly the same basis as the husband. And why should it not be so? After all, is not adultery the great cardinal sin against the marriage relationship? Is it not the primary offence which impairs the stability of the home, and is it not the one great offence which interferes with domestic happiness? Therefore, if such relief is granted to the husband, why should it not be equally secured to the wife?

Mr. BROWN: Have the provincial legislatures no powers in this direction themselves?

Mr. SHAW: No, the subject of divorce, as I stated at the outset, is a matter of federal jurisdiction alone. I ask this parliament, why impose this burden on women when it is not imposed equally on men? Why impose it, or allow the imposition to continue, on western women when women in Nova Scotia, New Brunswick and Prince Edward Island are relieved from that imposition? I say it is an injustice to the women in the four western provinces.

From the discussion of last year I take it that there may be two objections raised to this bill. There is first of all the objection raised by those who have religious convictions on the matter, and who feel that under no circumstances should divorce be granted. With those who sincerely hold that view, I of course, have no quarrel, but I do say this: We have divorce now, not only granted by the Parliament of Canada, but granted by the courts of all the provinces of the Dominion except those of Ontario and Quebec. Will you, because of any religious conviction however sincere it may be, deny equality in these courts to women? It seems to me that it is unfair and unjust to do so, and may I—

Mr. BEAUBIEN: Do you not think it would be better to put the man to the same