

whether or not there has been desertion. The act of a man in merely going from one portion of the province to another, or from one province to another, in order to earn a livelihood, does not constitute desertion. It must be a deliberate abandonment of the wife qua wife.

Hon. Mr. DANIEL: And withdrawal of support.

Hon. Mr. WILLOUGHBY: And withdrawal of support. The mere fact that a man goes away and works somewhere else is only an element to be considered.

The honourable gentleman (Hon. Sir Allen Aylesworth) has drawn a harassing picture of the poor man who has deserted his wife for two years following her to Winnipeg, perhaps, and then chasing her through the courts of the West as she changes her domicile, and then back to the East. Of course such a thing is humanly possible, but if the wife is not maintained by her husband, what is she to do other than find herself a home and a means of adequately supporting herself? She does not have to go from one province to another for the purpose of getting a divorce, because she can get her divorce in Ontario if she has lived there; but she may go to Manitoba because she has children there, or in order to earn a livelihood. And if she cannot earn it in Manitoba, there is no reason why she should not go farther west. All this time she is trying to do what was the bounden and legal obligation of her husband, namely, to find her a home and support her.

As I say, it does not lie at my door to support this Bill. It has been my privilege—not too eagerly sought—to sit on the Divorce Committee for a considerable number of years. It is the duty of that Committee, as everybody in this Chamber knows, to adjudicate on the question of domicile. That question is constantly arising, and it is an embarrassing and difficult one to decide. The law in England, so far as domicile is concerned, has been rather tightened up in the celebrated case of *Cooke v. Cooke*, that went from Alberta to the Privy Council in 1924, if I remember the date correctly. There were numerous cases, the names of which I shall not mention—hardship cases, as they are described in the Old Country—in which the law was interpreted differently, but in *Cooke v. Cooke* the law is laid down much more stringently. The law of this country as to domicile was governed by the well known case of *Le Mesurier v. Le Mesurier*, which is applicable to all the Dominions. In England the need of a Bill of this kind would not be felt, because once a person crosses the channel he

is on the Continent, where they have different laws and speak different languages. The same is true in a lesser degree of the other British Dominions. But unfortunately in Canada, because it lies alongside the United States, a great sister nation who speaks our own language, this measure is more in point. We know that in the State of Michigan—I am speaking from memory now—for two or three years past there have been more divorces granted to Canadians than have been granted in all the courts of Canada during the same period. So our position is somewhat unique. Here we are, placed alongside a great country where, unfortunately, divorce is becoming too common, and where it is granted for causes that we in this country would not consider for a moment. We have here one standard cause that should appeal to every man. I would not have very much respect for a man who was willing to continue to be the husband of and to live with a debauched wife.

In the course of every year large numbers of women go across the border into the United States and secure divorces from their husbands. It may be that in not a few individual cases the husband has committed an offence that warrants his wife's leaving him, but, whatever the reason, many of our women do secure divorces in the United States. Many Canadian men do the same thing, but we are considering for the time being the case of a woman who takes this action. It may be that she remarries in the United States after securing a divorce which is not recognized in Canada, while her husband and children, if any, continue to live in this country. In the eyes of our law that woman is living in the United States in adultery, because she had not acquired a domicile separate from that of her husband, and therefore her divorce is not legal here.

The honourable gentleman might suggest, although he has not done so, that in no other British country has a law of this character been enacted; but it must be considered that no other part of the British Empire is situated geographically as we are. Because of our peculiar conditions a law of this kind might appeal to us as sound and justifiable, while it would not be regarded as desirable at all by other British countries. If this Bill passes this House and it is found to be wider in scope than it should be, it will be subject to amendment afterwards.

I do not quarrel with the views of the honourable gentleman from North York (Hon. Sir Allen Aylesworth) in regard to marriage. There are very many people who do not believe that divorce is justified in any circumstances, and it is the absolute right of