

chasse (Mr. Fournier). With most of the sentiments he expressed as to the sanctity, the holiness, the happiness, and beauty of the home I thoroughly agree. I am sure that all of us would regret very deeply anything tending to make less sacred the sanctity of the home. But while agreeing with the sentiments my hon. friend expressed, I cannot reach the same conclusions that he came to.

It seems to me that we are not discussing the question of divorce or no divorce, but the question of equality of rights as between the sexes in the matter of divorce. We have a divorce law now, and what the hon. member for West Calgary (Mr. Shaw) is bringing before the House is the desirability of putting men and women on an equal footing in this matter. That is the question we have to consider. We know that in the past laws have discriminated against women; women have suffered from disabilities and injustices, which are now gradually being removed. A sense of fair play and justice in the laws relating to women is much more in evidence now than it was in former times. I am one of those who believe that a great many of those laws placing disabilities on women did not result from selfishness on the part of man; it was not his desire to do an injustice to woman; they originated from a belief that women were less capable of taking care of themselves and of property, and it was with a view to safeguarding women in that respect that they were not accorded the privileges given to men. I believe these laws arose from man's desire to protect women from themselves and from those who might have designs upon them. However, as the years pass we are realizing more and more that women are intellectually the equal of men, and are quite capable of taking care of themselves, and consequently we feel inclined to place them on entirely the same footing as men.

Mr. VIEN: Instead of increasing the facilities for women getting divorce, would not my hon. friend be favourable to decreasing the facilities for men getting it?

Mr. FORKE: Unfortunately human nature is what it is. Were it possible to have men and women all willing and able to create happy homes, I would say abolish divorce immediately. I am not in favour of divorce; I am sorry to see it increasing; I do not want to see further facilities for divorce provided; but I do want to remove the disabilities under which the women in western Canada suffer in this respect as compared with the men. I hope the day will never come when Canada will have as high a percentage

[Mr. Forke.]

of divorce as prevails on the other side of the line. I think a great deal can be done towards making happy marriages by education, by teaching our young people just exactly what marriage means. The hon. member for Bellechasse has said that it was a spiritual relationship. I believe it is so, and if there were more teaching given in the homes of the sanctity of marriage, and of the tremendous evil of divorce, more consideration might be given and more care taken in the forming of marriages. Speaking from that point of view, I hope it will never be very easy to procure a divorce in this Dominion of Canada. Nevertheless, knowing the depths to which humanity, men and women, may fall on occasion, I think perhaps there can be no other solution to the problem than divorce, in order to settle the evil. I would not like anyone to think for a moment that I would say one word against the sanctity of the home. The home is the foundation of our civilization. All that is best and noblest and sweetest in human nature is to be found in a happy home. It is only from the point of view of bringing about equality and justice as between the sexes that I would be prepared to support the bill that has been introduced by the hon. member for West Calgary.

Hon. ERNEST LAPOINTE (Minister of Justice): This is not a government measure in any way, and I am going to express my own views upon it; they are binding only upon myself.

The Privy Council has decided as my hon. friend from West Calgary (Mr. Shaw) has said that the British law on divorce as it was on the 15th of July, 1870, applies to the four western provinces, and therefore the act as it stood at that time—the law was originally enacted in 1857—with all the amendments down to 1870, applies to the four western provinces. My hon. friend is right when he says that the grounds upon which a woman can get a divorce in the courts of these provinces is widely different from the grounds on which a man can obtain a divorce. Apart from the ground of adultery, the woman must prove that there has been desertion for a period of two years, and as my hon. friend (Mr. Shaw) says it is the cruelty that is defined by the English jurisprudence of older days that applies—it is cruelty of the most severe kind which is likely to injure health or limb or life.

My hon. friend also said that under section 91 of the British North America Act it is the Parliament of Canada that has jurisdiction in divorce matters. Of course, it is still open for any wife in the western provinces to come