

*Divorce*

are made in heaven." Well, some of them may be, but others do not look like it; and even a marriage that may be made in heaven requires a great deal of patience, good will, and adjustment between man and woman before that state of happiness can be acquired which is so desirable and which so many people enjoy. A man who looks upon his marriage simply as a civil contract is lacking in some of the elements of good citizenship, some of the elements of a good husband and a good parent. Unless a man and woman can discover the spiritual quality of the union, unless they are willing to accept all the obligations and make the enormous sacrifices that are sometimes required, then they fail in discovering the real purpose of marriage. But you cannot get that into legislation. All you can do is to try, if possible, to remove the greater of the evils that exists, or may exist, the condition where men and women cannot live together—where a woman cannot be expected to live with a man, or a man be expected to live with a woman.

Of course, these amendments have carried the question far beyond the bill of my hon. friend from West Calgary (Mr. Shaw). All he wants to do is to put a woman upon the same favourable level as a man. Well, is there any argument as to the justice of that proposal? I cannot imagine any man in his sober senses, certainly not any man having a wife and family, who would argue that his wife should be under greater disabilities than himself in a matter of this kind. If a man sins, should he escape easier than his wife? Should it be made more difficult for a woman to escape from the infidelity of her husband than for a husband to escape from the infidelity of his wife? For the life of me, Mr. Speaker, I cannot imagine any logical argument in favour of such a contention, and how it comes about that such a law could be on the statute book is a mystery to me. Here are two parties. I assume that they are equal under all circumstances and in all relations; as a matter of fact, sir, if they are not equal the advantage ought to be with the woman. She is said to be, though she is not always, the weaker vessel. But if we are going to take care of any persons in this country by legislation, it is the women and the children that we should take care of, and in considering a question of this kind they should get all the protection that this parliament can give them.

I do not think it is necessary for me to labour the question any further. I was opposed to the first amendment on principle. I am opposed to the second amendment on [Mr. Hocken.]

principle. I support the third reading of the bill introduced by the hon. member for West Calgary as being one in the interests of justice, square dealing and fair play between men and women who have entered into marital relations.

Mr. A. W. NEILL (Comox-Alberni): Mr. Speaker, I submit that the amendment is out of order. I have only had the advantage of hearing the amendment read, I have not been able to study it, but if my memory serves me right its purpose is to make a man guilty of bigamy and punish him therefore if he is the guilty party in a divorce suit and marries again. That is the effect of the amendment, but of course I am not able to repeat its terms literally. Suppose a man is divorced in Britain, and he is the guilty party, and afterwards he marries the correspondent. I leave out of consideration the argument of my hon. friend from West Toronto (Mr. Hocken) as to the moral benefits of his action. But that man marries again in England in compliance with the law of the land. Then he comes to Canada, but Canada says, "We will put you in jail for bigamy." I am aware that in theory parliament can create a crime within its jurisdiction; but it cannot create a crime in England. Very properly we might say to a divorced man coming from the Old Country that he shall not marry in Canada, and we might stretch a point—although I think it would be grossly unfair—and say that he shall not live in marital relations with a woman in Canada. But it is surely against public policy at any rate, to say that he shall be punished when he arrives in Canada for an act that is perfectly legal in England, New Zealand, Australia or any other part of the British Empire. I submit, therefore, sir, that we are beyond our powers in attempting to legislate in this regard.

Right Hon. ARTHUR MEIGHEN (Leader of the Opposition): Mr. Speaker, I do not think it is necessary to argue the merits of the contention as to whether such legislation would be ultra vires of this parliament. But because any legislation is ultra vires does not mean that it is out of order for consideration by us. In a word, I do not think it is a point of order; it is a point of law.

Mr. SPEAKER: Do any other members wish to speak on the point of order?

Some hon. MEMBERS: Question.

Mr. SPEAKER: The amendment reads as follows: