

*Divorce*

somehow or other we cannot be reasonable with each other, and cannot out of these difficult situations arrive at something that will be for the good of our country which we all have at heart.

Mr. SPEAKER: A moment ago I said that the speech of the hon. member for West Calgary (Mr. Shaw) would close the debate; I should have said the hon. member for Lotbiniere. So the hon. member for West Calgary may speak now if he desires.

Mr. W. C. GOOD (Brant): I rise just for a moment to try to make myself plain to the Minister of Justice. He, I think, rather seriously misunderstood my question. I had in mind the situation which faces us now in all of the provinces, except Ontario and Quebec, where divorce courts are in operation. I presume that the people in those provinces have accepted the practice of divorce, and it occurred to me that it was a pretty serious thing to undertake such a revolutionary change, suddenly, and in the form of an amendment to a bill which deals with another matter; to upset the established practice of generations in all of our provinces, except one, or at the most two. I did not suggest that the Minister of Justice was wrong in speaking and expressing his views. He has as much right to express his views as anybody in this House, and we are always very glad to hear him. I credit him with entire sincerity. But I do call in question the propriety of attempting such a revolutionary change in the whole question of divorce by way of an amendment to a bill which really deals with another matter.

I have only this to say in conclusion: In this debate we are, I submit, confusing and co-mingling two distinct questions. There is the question dealt with by the hon. member for Lotbiniere as to the propriety of granting divorces in the commonly accepted sense of that term. That is a big question and a very important one, and I am free to agree with a great deal of what he says. I think divorce is a tremendous evil, and it is a question we ought to face, but we ought not to face it in the form of an amendment to a bill which deals with the equalization of the grounds of divorce as between men and women, which attempts to remedy a specific unfair discrimination. and I do submit that we ought, at the present time, to confine our attention to the one specific question dealt with by the bill, and leave for another time the general question, which is entirely separate, as to what ought to be the attitude of

[Mr. Bird.]

the Canadian people on the granting of divorce in general.

Mr. VIEN: My hon. friend will admit that the amendment as proposed does not affect the purpose of the bill in so far as it means equalization of the rights of women and men. It simply adds something to it in introducing that principle of which the hon. member has just spoken.

Mr. GOOD: Well, the addition practically nullifies the whole practice of divorce throughout Canada. I do not think that it is strictly in order as an amendment to the bill.

Mr. JOS. T. SHAW (West Calgary): In presenting this bill for the consideration of parliament I did not for a single moment anticipate that it would have aroused such a discussion and such a wide difference of opinion. I want to make it abundantly clear at the outset that the purpose of the bill is to secure equality as between men and women in western Canada so far as the grounds for divorce are concerned. It was introduced for no other purpose whatsoever.

It has already been pointed out by the hon. member for Brome (Mr. McMaster), and on the previous occasion when this matter was discussed, that in the courts of the four western provinces men and women stand in a different position. To establish a case for divorce the man must only prove adultery on the part of his wife; the wife must not only establish adultery on the part of her husband but in addition to that prove legal cruelty, or desertion for a period of at least two years. The bill was carefully designed and drawn for that specific purpose, to place men and women on a parity in that respect. By reference to the bill itself hon. gentlemen will see this explanatory note:

The sole object of this bill is to give the wife the right to divorce her husband on the same ground (namely, adultery) that the husband can now divorce his wife.

Legislation to the same effect was passed by the Imperial parliament in "An Act to amend the Matrimonial Causes Act, 1857" chapter 19, 1923 (Imperial statutes).

That law was passed by the same Imperial parliament to which the hon. member for Lotbiniere referred in such glowing terms a short time ago.

Now the Minister of Justice tells us that there is no necessity for this legislation; that men and women are on a parity now; that women in western Canada can come before this parliament, and on a basis of equality secure the adjustment of their rights in this particular kind of action. That is perfectly