

*Divorce Proceedings—Domicile*

Miss MACPHAIL: It would be much better.

Mr. LAPOINTE: Apart from that there are other laws I almost hesitate to mention. In the criminal code there are laws concerning the age of consent. Surely this could not be applied to men as well as to women. In the criminal code there are other laws concerning offences that I hesitate to mention and that I will not mention.

Mr. MANION: Please do.

Mr. LAPOINTE: I think my hon. friend would laugh still more if I were to cite two or three of those laws, but the ones I have mentioned are merely to illustrate the fact that it is impossible, because of natural conditions, that complete equality should exist in regard to legislation as between sexes, and I do not think it is desirable that the changes suggested should be made. We do not know where we are going to land.

Miss MACPHAIL: Terrible.

Mr. LAPOINTE: My hon. friend (Miss Macphail) says "terrible," but I would ask, when there is a marriage law and both the law and custom have decreed that the girl shall assume her husband's name, shall we change that for the sake of equality?

Miss MACPHAIL: I make the suggestion to the minister that the husband take the wife's name.

Mr. LAPOINTE: That would perhaps be just as logical as many of the proposals that are made. I have given enough illustrations to show that we may differ from my hon. friend as to this bill and as to the equality of the sexes without being unreasonable, illogical or unmindful of the right and needs of woman. I think that in the interests of the wife and in the interests of woman it is well that these differences which have existed since the world was created should be permitted to continue to exist.

As far as my hon. friend's bill is concerned, I am opposed to it not only because of my views on divorce generally but because the bill is opposed to the principles of British law and of Canadian law and of international law, and because it is also opposed to the law of nature.

Mr. ADSHEAD: How is it that divorces have been granted by parliament where the husband has deserted the wife and been domiciled in England or the United States?

Mr. THORSON: Can the hon. member give any examples of that?

[Mr. Lapointe.]

Mr. LAPOINTE: I think my hon. friend is wrong.

Miss AGNES MACPHAIL (Southeast Grey): I never can quite understand how a man of the ability and charm of the Minister of Justice (Mr. Lapointe) can be so antiquated when it comes to an opinion on women. It is clear to me that he was born about five hundred years too late. The thing we are discussing is this. A man and a woman get married and establish a home, a domicile. They may or may not have a family. The husband deserts the woman, clears out for two years or longer. The wife wants a divorce, but according to our law she must chase her husband over the face of Canada in order to sue for divorce.

Mr. NEILL: Anywhere.

Miss MACPHAIL: Yes, but I am speaking now of Canada. It is a humiliating thing. If domicile is a real thing, it must be the home that was created by the marriage. The husband deserts his wife and children, forsakes the home, and then the Minister of Justice asks that the man alone shall retain the domicile. If that is the law, it is poor law, and let us change it. International law may not be in accord with the principles of this bill, but we do not make international law; we make Canadian law, and if we enact this bill into law and other countries make similar laws, international law will come into harmony with advanced thinking on this subject. So I support most heartily the bill that has been introduced by the hon. member for Dauphin (Mr. Ward). If the present law is based on injustice, and it clearly is, let us change it. All this bunk, if you will pardon the word, about equality between the sexes, does not impress me very much. We are actually working towards equality, and clearly from the instances cited by the Minister of Justice to-night we have not yet got equality; woman is not yet a person, in spite of the judgment of the privy council that she is a person in regard to the senate at least. We need very many changes in our laws. We can make them only one at a time. This is our chance at this one, and we will make the most of it.

Mr. A. W. NEILL (Comox-Alberni): I do not want to detain the house or talk the bill out, but I would like to answer the question asked by the hon. member for East Calgary (Mr. Adshead) because the answer illustrates