

*Divorce*

The judges formulate the rules of procedure to be followed in order to obtain a divorce. The grounds for divorce are set forth in the federal act, and it seems to me that this is all that my hon. friend is seeking. The method of procedure is, of course, a matter for provincial jurisdiction. In civil matters the provincial court prescribes what shall be the proper service of a writ, and in the same way that court will decide under this legislation what the necessary procedure shall be in serving a writ in cases of divorce. We all know that if a person wishes to secure leave to issue a writ he goes to a judge in chambers and makes his affidavit, setting forth his grounds and cause of action, and the judge gives him the right to issue the writ for service under jurisdiction. If a person happens to be a British subject residing under jurisdiction then he has leave to issue the writ; if he happens not to be a British subject and not residing in the Dominion, then he gets only leave to serve notice of his writ, and the court provides for substituted service. In this particular instance, the bill before us confers on the court a power to decree divorce, giving equality of grounds as between men and women. But the question of procedure should be left to provincial jurisdiction, for the judge to provide how the writ shall be served, and what shall be regarded as proper direct service or substituted service. Procedure is always a matter of provincial jurisdiction, and I am afraid that my hon. friend (Mr. Shaw) is introducing in his bill something which might eventually give rise to litigation or to an endeavour to set aside a divorce once it had been obtained, on the ground that the method provided in the bill as regards service was irregular and ultra vires of the federal parliament. When the hon. member gets equality as between men and women in regard to grounds for divorce, I think he is getting all that the federal parliament can give him, and he would be safe in following the advice of my hon. friend (Mr. Baxter) and letting the provincial courts provide the procedure in this case, as they do in all civil matters.

Mr. SHAW: I am glad to have the fortification of the opinions expressed by the hon. member for St. John and Albert (Mr. Baxter), by the Minister of Justice (Mr. Lapointe), and by the hon. member (Mr. Martell). Under the circumstances I move that clause 4 be struck out.

Amendment agreed to.

Bill reported.

[Mr. Martell.]

### YUKON QUARTZ MINING ACT— AMENDMENT

Mr. GEORGE BLACK (Yukon) moved the second reading of Bill No. 6, to amend The Yukon Quartz Mining Act.

Hon. CHARLES STEWART (Argenteuil, Minister of the Interior): Does the hon. member intend moving that this bill be referred to the committee?

Mr. BLACK (Yukon): I intend moving, after the bill gets its second reading, that it be referred to the select standing committee on Mines, Forests and Waters.

Motion agreed to, bill read the second time and referred to the select standing committee on Mines, Forests and Waters.

### POST OFFICE AMENDMENT

On the Order:

Second reading of Bill No. 7, to amend the Post Office Act.—Mr. Church.

Right Hon. W. L. MACKENZIE KING (Prime Minister): I have a memorandum from the Postmaster General (Mr. Murphy) intimating that he has an understanding with the hon. member (Mr. Church) that this matter will be gone on with next Wednesday. Possibly the hon. member will confirm that statement.

Mr. CHURCH: Will the Prime Minister fix a day?

Mr. STEVENS: May I point out that this order will scarcely be reached on Wednesday next, unless I am seriously mistaken. And this is the fourth Thursday, so that in all probability it will not be reached next Thursday either.

Mr. MACKENZIE KING: The Postmaster General is not here, but as I have stated, he sent me a letter intimating that if the bill were called he had an understanding with the mover of it that it would not be gone on with until Wednesday next. As to the likelihood of its not being proceeded with then, that is a matter in regard to which there may be some doubt. However, I undertake that an opportunity will be given for the discussion of it at some future time.

Mr. CHURCH: Would the Prime Minister have any objection to the bill being read the second time now and having the debate later?

Some hon. MEMBERS: Stand.

Mr. SPEAKER: Stands.