

wife is found guilty of adultery a decree of separation is a matter of right, but that if it is the husband who is guilty of adultery it is a matter of right only if he has kept his mistress in the common domicile. Though that may have been looked upon as a proper rule in days gone by, I think the feeling of the public now is that in this matter there should be equality of treatment for both sexes. If it became known that parliament was going to refuse to deal with applications for divorce unless there was from the courts a decree of separation, founded upon adultery, I think the legislature would be apt to amend its law to make that kind of decree available to the wife as well as to the husband, if adultery were established.

Mr. KNOWLES: This idea appeals to me as having merit, in the sense that it gets rid of the farce we have here, and also in the sense that it ties in with their provincial laws and thus keeps the people of Quebec in the picture. Since that is the case, has any consideration been given to a procedure to bring about that result? Does it require an act of parliament, or a pronouncement by the government, or what?

Mr. ST. LAURENT: I have made the suggestion, and I hope it is under consideration. I have offered the suggestion to members of both houses of parliament interested in the question, and I have been told that they were going to give it consideration, that it was a suggestion which did seem to have some merit. I have also made the suggestion to confreres of mine of the bar of my province that if something like that were done probably it would be necessary for the Quebec legislature to amend the code and put both sexes on the same footing in that regard. I have found no one to frown upon the suggestion, but so far it is still under consideration. I must say I am not promoting anything that will facilitate divorce; it did not appear to me that making suggestions of that kind would be promoting anything that would facilitate divorces. The courts of Quebec would then have the responsibility of securing, for these separations, proper evidence, genuine evidence, evidence of real grounds, and not evidence of things prepared for the purpose of getting the result.

Mr. SMITH (Calgary West): I rather like the minister's idea. I think it is the first suggestion we have heard in this connection that has real merit.

Mr. ST. LAURENT: The legislature of Quebec has provided that the attorney general may intervene in any case for a judgment of nullity of marriage, because there had been

[Mr. St. Laurent.]

quite a large number of marriages declared null by courts of justice in Quebec, and public opinion had become disturbed. So the Quebec legislature provided that the attorney general might intervene in all such cases, and I understand that since this provision was made he has been instructing counsel so to intervene.

Mr. SMITH (Calgary West): Similar to a king's proctor, you mean?

Mr. ST. LAURENT: In the role of a king's proctor. The same thing could be done, and would be the responsibility of the Quebec authorities, with respect to these decrees of separation, which would become an essential requirement for getting a special act of divorce from the dominion parliament. So there the Quebec authorities could assume and discharge their responsibility of seeing that no decrees of separation were granted on trivial grounds or trumped up grounds.

Mr. KNOWLES: Matters relating to children, if that procedure were adopted, would still go back to the province?

Mr. ST. LAURENT: If that procedure were adopted matters relating to property, to families, to the care of children, to alimony and so on all would have been disposed of in the decree of separation. I believe that with proper care taken to see that only genuine cases were dealt with by the courts it would afford relief to parliament, and probably diminish the number of applications which come before parliament. And even those which come before parliament could then be dealt with on documentary evidence, without the requirement of a special investigating committee to hear oral testimony.

Mr. SMITH (Calgary West): They would not be bothered with finding facts at all. They would take them right from the decree.

Mr. ST. LAURENT: They would take the facts from the judicial findings in the decree, and then do whatever would appear to parliament to be the right thing to do.

Mr. KNOWLES: The minister says that his proposal does not deal with some broad considerations connected with divorce; but I think it is one of the most commendable suggestions yet made—perhaps even better than my own—for getting rid of the present situation. I for one hope it will be actively considered.

Mr. ST. LAURENT: It arose out of my first suggestion that parliament could get rid of some of its troubles by refusing to deal with applications for divorces. I appreciate some said that would not be discharging the