

*Private Bills—Divorce*

are in the position apparently of the house not being willing to pass a general divorce law for the province of Quebec. That is the nub of the difficulty. What do we do then? We do not pass a general divorce law for Quebec, but we pass two or three hundred divorce laws for Quebec. There is no use in the people of Quebec saying that they do not have divorce in Quebec; they do. The only thing is that they get it in pieces; I mean little bits of legislation.

It seems to me that if a person wants to live in a place where there is no general law covering divorce that person should accept the place which he or she has chosen as his or her domicile. If Mrs. Richard Roe lives in Brazil and there is no general divorce law there, she would not run to the parliament of Brazil if she had a husband who was a philanderer and say, "I have a philandering husband; I want to start over again, perhaps with a new husband, and I wish you would give me relief." The parliament of Brazil would not do that. But this parliament will do that for people who live in Quebec. The parliament of Canada would not do that for a woman who came from Manitoba, Ontario, British Columbia or one of the other common law provinces. They would say to that woman, "You have a general law there that can handle this situation; we will not pass it." I am quite confident that if any of these bills were from one of the common law provinces we would not consider them because there is a general law for the common law provinces.

In effect, every one of these bills says that there is a philandering husband or a philandering wife, and the husband or the wife asks for relief, as the case may be. Year after year hours of senators and of members of the House of Commons, not to mention the possibility of the Chairman getting writer's cramp by having to sign his name to every section, are taken up with these bills. We cannot give adequate consideration to these matters. Even though we could give adequate consideration, I submit that this is a practice from which we ought to get away.

I have every respect for the fine people of Quebec. If they do not want a common divorce law, then they had better see to it that some other system is adopted. It is no use for hon. members from Quebec to say that they have no divorce law in the province of Quebec because they have a divorce law there. The only difference is that they get it in this sort of undercover way, and in using that word I am referring to the law, not to the acts that lead up to these bills. The law is pretty much under cover. As everybody knows, the criminal code forbids the publication of these

[Mr. Maybank.]

senate cases. That is a bad thing in itself. One of the worst things you can have in connection with the administration of law is to have it administered in camera.

One of the cases we had before us was actually defended on the ground that there was connivance by the husband with respect to the adultery of his wife. It came out down in the basement over there from the evidence of one of these investigators that the husband who engaged him said, "Follow my wife and get the evidence; if you cannot get evidence, make evidence. Then come and tell your story but, of course, don't let on that you and I framed this proposition against her." This scoundrel actually went on to follow out the instructions the husband had given.

If that sort of thing occurred in a court the attorney general would take some action against that blackguard. But this man came before the parliamentary committee and told a story of that kind. No check-up could be made. When a divorce is granted, it is immediate; there is no waiting period in which to check up whether there has been perjury. There is no opportunity of checking a great many other things, whether there has been collusion and so on. The divorce is absolute the moment His Excellency gives royal assent to the bill. It is well known to me that there are numerous people just waiting for that word of His Excellency to get their licences to remarry. If any of these divorces are obtained improperly before these houses of parliament there is no possibility of correction open to anyone.

It seems to me that, despite the long history of the granting of divorces in this fashion, we ought to get away from it in another session of parliament.

With respect to the bills which are this evening before this chamber and with respect to the few more that are yet to come and go to the miscellaneous private bills committee, there is a peculiar set of circumstances that we have to take into consideration. I think I have made it abundantly clear that I am opposed to this procedure; yet I have to admit that on a vote on this question tonight I would have to vote that these bills should pass, just as I have sponsored them as a matter of duty as chairman. Of course the reason, if there were no other, that I would advocate their passing at the present time is that great numbers of people have been led to believe that they can get these divorces through these houses of parliament in this way, and it would be visiting upon them a severe punishment if we were to throw out these bills. Take any one of these bills and you can figure it out that, on the average, the applicant has not very much left out of a thousand dollars.