

inconvenience to which a certain number of individuals are put and the suffering which is put upon them, probably through no fault of their own. But there do happen things which are most regrettable, and which cannot be adequately dealt with.

As to the other matter—

Mr. KNOWLES: The minister understands I was not discussing that general point at all, at the present time.

Mr. ST. LAURENT: No; but I thought it might be just as well, while dealing with the question, to give here indirectly an answer to these representations which have been made about the extension of the grounds for divorce.

Mr. DIEFENBAKER: Who made the representations?

Mr. ST. LAURENT: Individuals.

Mr. DIEFENBAKER: The Canadian Bar Association?

Mr. ST. LAURENT: No; individuals submitting individual cases of great hardship. Perhaps there have been associations as well endorsing the representations and transmitting statements of cases of individual hardship.

With respect to the other point, the situation at the present time is that for those who are domiciled in Quebec there is no divorce as of right. When a divorce is obtained it is by virtue of a special act which does not recognize divorce as an institution, but deals with a special case. There is widespread objection to the recognition of divorce as an institution or as a right one can request from a court if he is within the conditions laid down. For that reason there would be very much opposition to the establishment of a code of divorce which would make divorce a matter of right to be granted by a court of justice under a rule of law. I have suggested to others interested, who have been discussing the procedure which is followed and which is not edifying in connection with these large numbers of divorce bills that are dealt with by parliament, that of course one solution to get away from the inconvenience or distastefulness of such practice would be to refuse to grant any divorces. They do not have to be granted. No one has a right to one. It is just a matter of whether or not a special act will be passed to deal with a special petition of one who asks for something which is not provided for by law.

Mr. KNOWLES: On that point may I ask the minister if these special acts of divorce are not passed under section 91, subsection (26) of the British North America Act, which

would seem to recognize the institution of divorce as far as the powers of parliament are concerned.

Mr. ST. LAURENT: The heading in question under section 91 gives jurisdiction to parliament in that matter, but does not go beyond giving it jurisdiction.

Mr. KNOWLES: The heading is "Marriage and Divorce."

Mr. ST. LAURENT: Yes. There is no doubt the word "divorce" is something that has a connotation understood by human beings. The British North America Act does not say there shall be any divorce but says the matter of divorce is one that can be dealt with by the Canadian parliament.

Mr. KNOWLES: And we deal with it one hundred and fifty times a year.

Mr. ST. LAURENT: And parliament deals with it. One solution to eliminate these things which are considered distasteful and so on would be to refuse to deal with them. There are some who believe that there should be divorces in some cases which they would look upon as proper cases, and that it would not be exercising the jurisdiction or discharging the responsibility that the having of the jurisdiction places upon parliament to refuse to deal with any. I have suggested to hon. members of parliament concerned with this that there might be some other solution that would not set up divorce as a matter of right but would largely relieve parliament of the inconvenient features of the practice now going on. The courts of the province of Quebec pronounce decrees of separation for adultery. If parliament were to say, "We will not consider an application unless it is supported by a decree of separation based upon a finding of adultery," then the committee of parliament would not have to go beyond looking at the documentary evidence. Anyone who wanted to ask parliament to grant a divorce first would have to go to the courts and get a decree of separation and a finding that there had been adultery, and there would be no need of any investigation, consisting of the hearing of witnesses, by a committee of the senate.

Mr. SMITH (Calgary West): Is that decree granted on other grounds, or just adultery?

Mr. ST. LAURENT: It can be granted on other grounds.

If that were to become the attitude I think the legislature of the province of Quebec probably would be invited to amend the Quebec law which provides that if the