

Jurisdiction of Exchequer Court

which this parliament has jurisdiction in connection with custody, financial arrangements and so on?

Mr. Peters: None.

Mr. Baldwin: The only answer I can give is that in some cases when these matters came up from the province of Quebec, although this parliament can, by an act, declare the marriage dissolved, the parties have to go back to the provincial courts for these questions to be decided. I think that is one of the things the hon. member for Timiskaming has been complaining about.

Mr. Peters: Before the hon. member sits down, could I ask a question?

Mr. Speaker: I see the hon. member wishes to ask a question. I was about to say that if he was rising to speak, or answer, he might be closing the debate.

Mr. Peters: I would like to do that, too, but I wish to ask a question now. I see that this is a legal problem. The hon. member is closer to the government than I am, and I wonder whether he would care to ask the government whether this particular section of the British North America Act might not be referred to the supreme court for a decision on this important point.

Mr. Baldwin: I think that goes somewhat beyond this subject of the dissolution of marriage, and I do not think I am able to deal with that question at the present time. Perhaps an hon. member who follows me may be able to take it up.

(Translation):

Mr. Bernard Dumont (Bellechasse): Mr. Chairman, kindly allow me, in view of the fact that you were not in the chair when I made my first speech in this house, to congratulate you sincerely upon your appointment. When I went through Edmonton, I was far from thinking that there were men of such quality there, and allow me to add that if you were a Social Crediter, you would have all the qualities a man can have.

With regard to the bill under consideration, we in the catholic province of Quebec consider divorce as a rotten fruit that can only spoil everything with which it comes into contact; it is like trying to make theft legal.

Divorce recognized by law is legalized adultery; it is a law allowing a man to steal another man's wife.

Allow me to add that divorce, at the present time, which allows childless marriages, would result in empty homes.

In two reform schools in the United States, almost three quarters of the children there came from homes broken up by divorce.

[Mr. Macdonald (Rosedale).]

In the administration of justice in the United States, at the present time, there is nothing as rotten as this divorce procedure. So, the one thing we, Roman catholics in Quebec, see now is that the way people want divorce cases to be dealt with cannot but allow divorce to spread. Each time we study these problems, we consider the difficulties brought about by legislation and we can realize that divorce is something that must be stopped, curtailed, by examining each case.

If, at the present time, the central government wishes to legislate in matters under provincial jurisdiction, such as health, pensions, roads, agriculture, transport, finance, education, fisheries, then the only thing we, in Quebec, ask in return is that the British North America Act be amended to enable Quebec to legislate on this divorce question.

Never will we accept the idea that Ottawa can come and thrust its opinion respecting divorce on the provinces of Quebec and Newfoundland, the only two without divorce courts at the present time.

Let the British North America Act be amended and let us allow the governments of Catholic provinces, at the present time, to legislate in this field, since there are exceptional cases as permitted by the church, we agree on that, despite the indissolubility of marriage which was accepted by our ancestors and still is by ourselves.

The church, sometimes in agreement with the state, allows, in extreme cases, separation *a mensa et thoro*.

In the administration of justice, nothing compares with this putrid procedure they have now in the United States.

If we authorize the Exchequer Court of Canada to hand down judgments in divorce cases, we shall witness dramatic incidents like the one that happened recently in the case of Marilyn Monroe, which intimates too much about a life where one can change husbands as often as one can change clothes.

In the United States, a divorce is granted every minute and such legislation is equivalent to making theft legal.

Therefore, what we are asking for in Quebec and the only thing we can accept is an amendment to the British North America Act which will permit the court of the province of Quebec to legislate in matters of divorce, should we come to the conclusion that Ottawa has too much to deal with. That is the only point on which we shall yield.