

Divorce Jurisdiction

is still under the jurisdiction of this parliament, the number is so much lower that it should open our eyes.

Therefore, to be logical, my learned friend would have to admit that the bill of which he is the sponsor would lead to an increase in divorce cases in the province of Quebec proportionate to the one recorded in the other provinces.

Now, since we are opposed in principle to the dissolution of marriage in the province of Quebec, we do not wish to make any step in a direction which would likely increase divorces in the province where we live; in fact, if we could even legislate in such a way as to restrain the number of divorces in the other provinces, I think we would render a service to the whole country in helping the Canadian family which has to be assisted, protected and defended by the governments of this country.

There is another reason why we must, we from Quebec, object to divorce under any disguise, before all courts of justice and even before this parliament. It is that in the province of Quebec, under our civil code, it is recognized that marriage is indissoluble. Therefore, if we adopted a federal legislative measure which would conflict with the provisions of our civil code, we would be treading upon very dangerous constitutional ground.

We know how much we had to fight to protect the autonomy of the provinces. We know that, in all our provinces, people wish for an ever-increasing autonomy.

We try to respect the autonomy of the provinces, and were we to pass the legislation introduced by the hon. member for Winnipeg North Centre, we would have in the province of Quebec a constitutional conflict which would not make for Canadian unity nor for the good relations which should exist between the provinces and the central government of Canada.

If my learned friend could convince this parliament that his bill would bring about a decrease in the number of divorces, I am sure he would find in the province of Quebec supporters for the legislation he puts before this house year after year. But so far he has failed to say, let alone to prove, how such legislation could bring down the divorce rate in the province of Quebec.

On the contrary, every time our learned friend speaks to the house on this matter, we can hear, in the other provinces, some people asking that grounds for divorce be made more numerous and divorce easier. The legislation suggested by my learned friend is such as to

give hope to those who entertain these ideas. It is more difficult to go before parliament than before a court of law.

In conclusion, Mr. Speaker, I wish to quote what the Right Hon. Prime Minister of this country (Mr. St. Laurent) said on this subject. I am quoting *Hansard* for June 20, 1950, page 3891:

The matter to be dealt with consists of a fundamental declaration of the law and that is why the hon. member who introduced this bill took the precaution to declare that the exchequer court would have jurisdiction and would have the right to dissolve a marriage. That, however, would be legislating for the province of Quebec. It would be within the power of this parliament, but still it would be legislating on a matter which is extremely distasteful to the large majority of the people of that province.

To sum up my remarks I would say that on the question of principle I am opposed to this proposed legislative measure which is again being introduced by the hon. member for Winnipeg North Centre in order to facilitate the dissolution of marriage. As a citizen of the province of Quebec and in view of the laws under which we are governed in that province, I am opposed to this bill and I shall vote against it if it comes to a vote.

Mr. Wilfrid LaCroix (Quebec-Montmorency): Mr. Speaker, I have listened attentively to the superb speeches delivered by the members for Lake St. John (Mr. Gauthier), for Villeneuve (Mr. Dumas), for Restigouche-Madawaska (Mr. Dube) and for Nicolet-Yamaska (Mr. Boisvert). They have made use in this house of arguments which, from my personal viewpoint, are irrefutable.

The member from Nicolet-Yamaska has established, with adequate proof, that the creation of a divorce court placed under the jurisdiction of the exchequer court would bring about an increase in the number of divorces in the province of Quebec; my colleague has based his thesis on statistical data, referring to the number of divorces granted in other Canadian provinces which have their own divorce court. If you care to study this data for a while, you will see that the divorce petitions from the province of Quebec, which are directly addressed to parliament, are those of immigrants who have just entered Canada and are imbued with ideas prevailing in certain parts of Europe. Only very occasionally is it possible to find among the divorce petitions from Quebec a few submitted by people who have long been residents of the province. Most of the petitions are signed by newcomers who are not familiar yet with the traditions of our old province, and who do not know about the things which have built up the strength of our ethnical group.

[Mr. Boisvert.]