

this measure, but the people who have made those remarks have never protested in this House against the passing of a single divorce bill. That is a fact.

Mr. VIEN: If my hon. friend will allow me further. I would have registered my protest every time a divorce bill was brought up but I understood it was clearly recognized by all members that by abstaining from voting we did not concur in the legislation.

Mr. MACLEAN (York): "Silence gives consent".

Mr. BAXTER: I am quite satisfied that my hon. friend who has just spoken (Mr. Vien) does not feel that he in any way consents or in any way participates in this matter. I am also quite satisfied that my hon. friend from Kindersley (Mr. Carmichael) has made no protest, and I rather think from his remarks that he has not quite understood the effect of the legislation.

Mr. LAPOINTE: Every time a divorce bill is adopted in this House, it is carried on division.

Mr. BAXTER: That is quite right. I do not want to raise any question about that at all. I am quite content with that attitude, and I am not trying to throw any reflection on any hon. member on account of voting or not voting.

Mr. VIEN: Will the hon. member please correct his statement that we "tacitly consent" to it? He is wrong in that statement.

Mr. BAXTER: If I said that, and if withdrawing it will do any good, allow me to withdraw it. That is not the atmosphere I wish to get into. It is far outside my remarks. Referring to the divorce bills that come before us, sometimes one glances at the evidence, and I think as a rule that hon. members, whatever their convictions, probably must feel that there are many cases where the woman is unfairly dealt with; and where, if her religious scruples do not oblige her to remain bound, she ought to be freed from living in what I have already described as a hell. That is very far from letting down the bars to such an extent that there would be indiscriminate divorce for trivial causes. That is something to which I would never consent, and to which I think common sense and intelligent people will never consent. But what is the difficulty about this bill when it only permits, and it does not go a bit farther, the residents of the four western provinces to obtain precisely the same relief—by means of a court properly constituted for the purpose

[Mr. Baxter.]

of hearing evidence more minutely probably than the Senate committee would hear it,—as would be granted to those residents of the western provinces by the Senate if they came here at considerable expense and a great deal of travelling. There can be no matter of principle in the length of a railway journey or the size of a solicitor's bill. If a thing is wrong it must be wrong whether it cost ten dollars or five hundred dollars. I have known of some cases, and they have come so near to my own life that I speak with the sympathy born of knowledge for women who have had to drag the chains of a vile husband through their lives, and I am prepared to stand for the equality of the sexes in this matter, and therefore I support this measure as good legislation.

Mr. MARCIL (Bonaventure): Would the hon. member allow the parties to remarry?

Mr. MACLEAN (York): The Senate does.

Mr. MARCIL (Bonaventure): There is a great difference between separating them and allowing them to marry again.

Mr. BAXTER: To my mind that is a moral question for the parties themselves, and I think each person's morals must be decided according to individual conscience. There are at least two great churches which prohibit divorce and remarriage. If a person gives adherence to the doctrines of those churches then he or she will not seek to remarry, but it is a question for each individual and it is not to my mind in any sense a question for legislation.

I wish to point out to the hon. member who has introduced this bill (Mr. Shaw) that in my judgment there may possibly be a doubt as to the constitutionality of the fourth section. This parliament has jurisdiction over marriage and divorce, but the procedure of the provincial courts is entirely a matter for the provinces. I think that the section which refers to the service of the process would be entirely a matter for the court itself to regulate; and would scarcely be a matter for this parliament to attempt to deal with. On the substantial question that underlies the second and third sections of the bill, I feel that it is only fair to put the sexes upon an equality and that it is only fair to have the same law in the four western provinces that we have in the Maritime provinces and the same law that would be administered by the Senate. It obligates no person to violate a code of their own morality and seek divorce where they believe divorce