

*Divorce*

Mr. SHAW: My recollection differs from that of the hon. Minister of Justice.

Mr. LAPOINTE: I am quite certain of what I state.

Mr. SHAW: My recollection of the matter still differs from that of the hon. Minister of Justice.

Mr. LAPOINTE: We cannot both be right. I know the hon. member is wrong.

Mr. SHAW: Hansard will show. Now, Mr. Speaker, the effect of this amendment is simply to eliminate divorce as ordinarily understood in this country and to establish in the rest of Canada the law of separation as it now obtains in the province of Quebec. That, I think, is substantially the effect of the amendment proposed by the hon. member for Lotbinière. It is an amazing amendment. First of all, it makes no distinction as between the innocent and the guilty, it puts them on exactly the same plane.

Mr. McMASTER: He stands for equality.

Mr. SHAW: And yet the hon. member would convince us that he stands for equality. May I ask him this question: Suppose, for example, that a couple with children secured a divorce, and subsequently they realized that they had made a mistake and would, if the law permitted, remarry and reclaim their children, what would be the attitude of my hon. friend? Would he deny that couple the right to remarry? That is the effect of his extreme and amazing amendment.

Mr. VIEN: I am ready to enlarge my amendment to cover that case.

Mr. SHAW: My hon friend should have considered this and many other things at the time he drafted his amendment. But that is not all. The amendment is wholly frail and ineffective, because the situation will be that people denied equality of rights in this country will promptly go to the United States, and there my hon. friend has no jurisdiction and can secure none by reason of his amendment. Let me tell my hon. friend a situation which is arising in this country. I have in my hand a statement from the General Statistics branch regarding divorces in Canada, published by the authority of the Department of Trade and Commerce, and I read therein the following:

A fact which throws considerable new light on the divorce situation in Canada is found in the Marriage and Divorce Bulletin of the United States Bureau of the Census. The statistics of this publication indicate the surprisingly large extent to which divorces are granted in that country to persons married in Canada. Thus, in 1922, no fewer than 1,368 divorce decrees were granted to couples married in Canada, a number more than two and a half times as large as the total number

[Mr. Lapointe.]

granted in Canada in the same year. This number also formed 36.2 per cent of the number of divorces granted in the United States during the year to couples married in foreign countries, while, at the same time, the percentage of the Canadian-born population to the total foreign born amounted to only 8.1 per cent.

The bulletin continues:

It is possible that many Canadians acquire residence in the United States for the sole purpose of obtaining divorce because, in general, divorce laws are more liberal in the United States than in Canada.

That situation would develop still further, and people denied justice in this country would simply go elsewhere to secure it.

Now, I have no objection to anyone holding conscientious views on any question, and I am prepared to concede to him my respect, as indeed I demand the same for my own views. but I do say that when we come before parliament with a simple proposition designed to establish equality between the sexes in relation to divorce, I do not think that it is either desirable or proper that an amendment, controversial in its character, should be introduced for the sole purpose of killing the bill and thus leaving the women of western Canada in the position of inequality not only with respect to their sisters in eastern Canada but also with respect to their menfolk in western Canada.

The hon. ex-Minister of Finance (Sir Henry Drayton) has suggested that if this amendment fails he is prepared to move another one, which will deny the right to the guilty party to remarry, but will not impose the same restriction upon the innocent party. I have no serious objection to an amendment of that character. If the courts were given discretion in any particular case to order that the guilty party should not remarry, then it seems to me that that would be doing only a measure of justice.

Mr. McMASTER: But would not that be likely to encourage far more illicit connections by the guilty party in after life?

Mr. SHAW: Undoubtedly there is a great deal of truth in what the hon. member for Brome says. The Royal Commission on Divorce in England in 1912 reached a similar conclusion. After examining the matter from all angles, they found that to deny even to the guilty the right to remarry would simply have the effect of increasing the number of illicit relationships, and consequently doing more harm than good. But, even in view of that finding, personally, I have no objection to some restriction being imposed on the guilty party. I do say, however, to the ex-Minister of Finance that if he moves his suggested amendment, and it meets with the