

*Divorce Jurisdiction*

legislation can, in no wise, affect the religious beliefs or the rights of the provinces concerned.

But this is just where they are mistaken. At the present time, the exchequer court is not authorized to hear divorce cases from Quebec and Newfoundland, unless some bill like this one allows it to do so. If the bill were adopted by parliament and became part of our statutes, it would lay down a rule according to which, in Quebec and Newfoundland, marriages might be broken on grounds of adultery. It would thus imply a recognition of the principle of divorce and of the dissolution of marriage—a thing which no real Catholic could accept with a clear conscience.

Quebec's civil code stipulates that only death of one of the spouses may release the other from the promises exchanged during the marriage ceremony. This legislative text supersedes all other texts, including the British North America Act.

When the provinces affected wish to recognize divorce, they can take the necessary steps. I declare that our mission is not to impose upon them a measure which they do not want.

The majority of the population of Quebec is against divorce but there is a minority which wants to have access to divorce. The rights of that minority have not been encroached upon and it does not deem to have been discriminated against, for, since 1867, it has the right to petition parliament for a special act granting the right to a divorce.

I believe that this minority should not be deprived of this right; that is why I believe we must maintain the present procedure, however reprehensible it may be.

I am strongly opposed to the adoption of the bill introduced by the hon. member for Winnipeg North Centre.

(Text):

**Mr. Knowles:** Will the hon. member permit a question? Could he say in what way the handling of divorce by the exchequer court would be any more offensive to the views of the people of Quebec, or any more offensive to the British North America Act, than is the handling of divorce session after session here in the House of Commons?

**Mr. Dumas:** Mr. Speaker, I shall say to the hon. member that by agreeing to the passage of this bill we would recognize divorce.

**Mr. Knowles:** You recognize divorce three hundred times every year.

**Mr. Dumas:** This procedure is permitted by the British North America Act. It has been recognized, and is the law, that wives

and husbands can come to the other place and explain their case. A bill can then be sent here. Since 1867 this privilege has been extended to those who want a divorce. In the case of Quebec it is a privilege of the minority, and this procedure is the only way we can protect the rights of the minority.

**Mr. Maurice Boisvert (Nicolet-Yamaska):** Mr. Speaker, I had no intention of taking part in this debate. In doing so I am sure of one thing, and that is that the hon. member for Winnipeg North Centre (Mr. Knowles) has not a copy of my text, because I have none. I shall speak in French about this very important matter which concerns Quebec. I am opposed to this legislation, and the hon. member knows quite well why I am opposed to it.

(Translation):

First, as far as the principle of the bill is concerned, section 2 states as follows:

The Exchequer Court of Canada hereinafter referred to as "the court" shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec . . .

We are opposed and always will be opposed to the dissolution of marriage, because it destroys the most essential element of our society, the family. Dissolution of marriage wrecks not only the home but the family, upon which rests the kind of society in which we live and wish to continue to live.

The family has been defined—and I know that my hon. friend from Winnipeg North Centre (Mr. Knowles) is a Christian, like the rest of us—as a society based upon natural law and formed according to a God-made pattern for the reproduction of the human race.

I do not have to demonstrate that divorce has become a plague in every country of the world. In contributing to the increase of divorce we are not rendering any service to society and the family.

Let us examine the figures given in the Canada Year Book for 1951. Before 1900, divorces in this country averaged approximately twenty a year. For instance in 1918, we see that there were 114 divorces in Canada, and 608 in 1926. We also see that in the province of Quebec, 177 divorces were granted in 1945; 290, in 1946; 348, in 1947; and 292, in 1948.

On the other hand, considering the number of divorces in provinces where divorce is granted by a court of justice, we find in Ontario 1,940 divorces, in 1945; 2,639, in 1946; 3,509, in 1947; and 3,107, in 1948.

We also find that divorces are granted by the thousands where special courts have been set up, while in the provinces where divorce