rights and ordinances as is attempted to be done in this case for the first time in Canada."

Nothing else of the nature of a "minority report" being presented, it was contended by several speakers on the other side that really there was no such report before the House—that these "propositions" presented no facts—nor asked for any special order or instructions from the House for enquiry and report on any of the points stated or suggested by the "propositions" in question; that there was nothing in these on which the House properly could refer back the committee's report for further action by it on the Bill.

As to the propositions *per se*, it is unnecessary to comment. On their face they were such as the House could not seriously take up; and, ultimately, they were disposed of, indirectly in that sense.

The real ground of opposition was that stated in my first letter, viz., That the Petitioner being a Roman Catholic, was not, *under any circumstances*, entitled to divorce. That—throughout the whole debate—was the argument of the opposition. This incontestably appears from the following (*inter multa alia*) words, as reported, of leading speakers on that side. To make a citation or two!

In page 19 of report of debates on 15th May last is the following: [*Note.* I thus cite from advance sheets, as the reports are not yet bound nor otherwise paged]:

EXTRACT.

"Hon. Mr. Bellerose—It is divorce." (This was in reference to the Hon. Senator Ogilvie's objection to apply the term to a mere "separation," judicial, "from bed and board") —"and so called"—Mr. Bellerose proceeds to say—"in the laws of England. In England it is called divorce from bed and board, which is different from divorce *a vinculo*, which is asked for in this case. . . "But I was told those parties are Catholics, 'the woman is a French woman.' I rose then and said, 'I take objection.' I am not responsible for those parties whom I do not know, but I am responsibe for parties whom I know, and I cannot remain silent, but must defend such immoral legislation when it is possible for me to do so. If you refer to the Civil Code of Quebec you will find that it states positively that the tie of marriage is a tie which no man can sever. I refer your honours to article 185 which reads thus: 'Marriage can only be dissolved by the natural death of one of the parties, while both live it is indissoluble.'

That is the law of Quebec, and is this Parliament ready to vote that down? Is Parliament prepared to say that those people, though they are Catholics, though they know that they are not free to marry and in violation of the laws of their Province, shall be given full liberty to marry and so live in adultery under the protection of a Federal Act of Divorce?

I am sure with all those considerations there will be a pause before the House takes the responsibility of proclaiming to the world that we in Canada have granted the right under the sanction of law to a man to live in adultery for life."

"Hon. Mr. Scott moved the adjournment of the debate."

On the following day the Hon. Mr. Scott opened the debate thus:

EXTRACT, PAGE 2.

"Hon. Mr. Scott said: Except when some important constitutional question had to be discussed in connection with bills of divorce before this Chamber, it has not been the practice of the Catholic minority here to enter on a debate on the merits of such bills. . . "They were usually allowed to go on a division, but when a new deparaure takes place, and the fathers and mothers of 2,000,000 of the people of this country are told that the Parliament of Canada is superior in spiritual matters to the ecclesiastical laws of their church, and that, for cause shown and on compliance with the conditions that are required by a divorce committee that is deputed to inquire into the question, they can obtain divorces, it becomes then a very grave question whether the attention of this Parliament ought not to be called to a departure that is new and one that is not warranted under our constitution." . .

(Page 3). After citing article 185 (*ad rem*) of the Civil Code of Quebec, he continues: Now this Senate proposes to repeal the Civil Code of Lower Canada by passing this Bill. It is proposed to set aside the ecclesiastical authority which has prevailed in Lower Canada since it was guaranteed by the Crown up to the present time, and also to set aside and repeal the Civil Code of Lower Canada which has been guaranteed over and over again . .

(Page 9). "And what do you propose to do? To create a

CRISIS

in our history by granting a divorce of this kind."

And so—during seven days of prolonged session—poured forth the torrid stream of this remarkable debate. Needless to follow it, impossible to adequately represent it, in this brief note of it. Suffice it to say, while the attack was, essentially, a *petitio principii*, with much *suppressio veri*, and even *suggestio falsi*, with the *perfervidum odium theologicum* pervading the fierce deliverance, there was on the other side a markedly dignified tone of reticence in reply. Some of the members, however, spoke of the Bill, meeting aboundingly every point of attack. Amongst these was the hon. member for Winnipeg (Mr. Boulton) specially charged in the debate, by Senator Bellerose, as belonging to the Church of England, and therefore expected to be on his side.

EXTRACTS.

(Page 15 of Debates of 17th May).

Hon. Mr. Boulton—I am quite aware that the hon. gentleman (Hon. Mr. Kaulbach) laid down several propositions. The first was the question of public policy contained in the remarks I have just read. Of course they present to this honourable House two views of the case that we are now called upon to discuss. The question of public policy of permitting a divorce to be granted where both parties were Roman Catholics, or, as the hon. gentleman perhaps would have it said, both parties belong to the Church of England. It is contended because it is against the tenets of the Church, that therefore we, as members of Parliament, should withhold from the suppliant that justice he asks at our hands. In view of that position, the question of whether it is wise or right for us to grant a divorce to the suppliant sinks into insignificance. In deciding whether the (page 15) petitioner is entitled to a divorce, on the evidence, I have to rely more upon the finding of the committee than upon the debate on the evidence in this honourable House. The committee probed the evidence much more deeply. They had better opportunities to judge whether it is right that a divorce should be granted in this case or not, than we are able to judge in the course of a debate upon the evidence as presented to us. For that reason, I am much more inclined to vote upon the merits of the question as the committee have found for us, than upon anything that has been presented to me in the course of this debate. What I do know is that we have a divorce law. The right to divorce is limited, certainly, to one offence, and that is adultery.

Hon. Mr. Scott—We have no divorce law. We have only jurisdiction over divorce.

Hon. Mr. Boulton—We have a divorce law to this extent, that whenever adultery can be proved, a petitioner can ask for a divorce.

Hon. Mr. Scott—We have passed no law on the subject.

Hon. Mr. Boulton—We are a law unto ourselves, as the hon. member from Lunenberg (Hon. Mr. Kaulbach) has shown. If we go on year after year pursuing a certain policy, that very fact makes it law, and therefore, I say, we have established by precedent, by our acts year after year, that we have a divorce law, and that that divorce law is administered by the Senate of Canada. There are certain rules which we have laid down, and the Divorce Committee is one of the methods by which we get at the evidence. We are here acting as judges, while the committee finds the facts for the Senate. . . . But there has been imported into this discussion a principle that I think should not be allowed to go without discussion, and that is, that we should withhold from a portion of the population the liberty which our people generally enjoy, because the tenets of the church to which they belong prohibit them from taking advantage of that law. The hon. member from Ottawa (Hon. Mr. Scott) went even further than that and said: "It is a matter of public policy when you consider that there are 2,000,000 (two millions) of Catholics in Canada, and it would be absurd for us to say that the laws of Parliament shall exceed the ecclesiastical laws which govern those 2,000,000 of people." That is a departure that I certainly cannot agree with. I hold it quite as much a matter of conscience with me that no act or vote of mine on the floor of Parliament shall be such that I will help to withhold from any section or any portion of the people of Canada, the liberties I enjoy myself. That is the constitution that has been handed down to us generation after generation; the constitution that has been fought for manfully and won, under many difficulties, and great odds in the past. Our constitution is the machinery we adopt for the management of our national family; and as we maintain and enforce its principles, so will the national character be strengthened or retarded. It is our duty to hold on to all the liberties that we possess, and advance with the enlightenment of the time, and secure for our people greater liberty from day to day. So far as my hon. friend from De Lanaudière (Hon. Mr. Bellerose) is concerned, I willingly acknowledge that as a French-Canadian he occupies a somewhat different position from those who belong to the rest of the population, in so far that certain rights were accorded to the French-Canadians a century and a half ago. But so far as those ancient rights are concerned, they have been replaced now by the British North America Act, and that Act is the foundation of the constitution of Canada, and the guarantee of the liberties of its population. That Act contains the information that must guide us in our legislation, aud we have to consider what will be the effect of our legislation on the future government of this country and on the moral welfare and the physical well-being of our people. If we want our country to prosper and progress from the Atlantic to the (page 17) Pacific, with all its diverse interests, with all its religious divergences, with its racial difficulties—if we are to build up Canada to be a happy and progressive community—we have to stand by that constitution and not depart from it one jot or iota, except in a spirit of progression, certainly not in a reactionary one.

It was this feeling that brought me into discussion of a case such as this, and presenting my views to this honourable House. I would refer back in order to show how far the difficulties of the past have assisted in moulding the constitution under which we live today, and how those rights were fought for, *won*, and handed down to us from generation to generation. I would refer as far back as the time of Henry the Second.

Hon. Mr. Poirier—Divorces did not exist at that time.

Hon. Mr. Boulton—I am quite aware of that, but several centuries after that there was a very celebrated divorce case which turned upon much the same principle. I am discussing the ecclesiastical laws referred to by the honourable member from Ottawa. I refer to the divorce of Catherine of Arragon from Henry the Eighth. I would refer you to what Froude says in his digest of that celebrated case:

"The legislation of Henry VIII., his Privy Council and his Parliaments is the *Magna Charta* of the modern world. The Act of Appeal and the Act of Supremacy asserted the national independence, and repudiated the interference of foreign bishops, prince or potentate within the limits of the British Empire?"

He goes on to tell:

"On the 10th of May, Cranmer, with three