



TRUTH FOR THE PEOPLE

OLD SERIES.—17TH YEAR.

TORONTO, ONT., APRIL 10, 1886.

NEW SERIES.—VOL. VI. NO. 288.

THE SENATE AS A DIVORCE COURT.

Now in order that we may not be mistaken upon the subject which we have chosen for brief discussion we may set out by chronology that abhorrence which every one who respects the social proprieties must feel, of the frequency of divorce in these communities where divorce, as to cause for action, and to methods, is made easy. To undermine the foundations of the marriage tie by making divorce easy, and therefore frequent would be to throw society back again into its original and barbaric beginnings. But the question which we shall endeavor to discuss now, mainly, is, Does the refusal of the Parliament of Canada to give Divorce Courts to certain provinces under the Confederation, lessen the number of applications for the dissolution of the marriage tie?

We may be permitted to state some of the history in connection with the question. On the 2nd of May, 1879, Mr. Hooper, of Lennoxville, gave notice of a bill to enable the Court of Chancery of Ontario to dissolve the marriage contract in certain cases. Mr. Anglin, aiming to be more orthodox than the Pope—who has on special occasions granted divorce, and also does not hesitate to authorize separation mensa et thoro—opposed the measure in its first stage. Leave to introduce the bill accordingly was refused on division. In Ontario no divorce court existed before Confederation, so that a husband or wife seeking dissolution of the marriage tie for whatever cause was first obliged to present a petition to the Senate; when, if the latter body was satisfied that justifiable grounds existed for the request, an act of Parliament authorizing the divorce was passed through both branches of the legislature.

This condition of things, as we have said, had been felt to be intolerable, and it was resolved by certain persons to make a strong exertion to remedy such a state of affairs. But very few scarcely had, or have now, the moral courage to advocate for the Province of Ontario a properly constituted, a dignified and efficient court of divorce; because as soon as any man raises his voice to advocate the same, some hyper-moral individual will say, "O, he wants to make separation between man and wife easy; he would undermine and overturn society by the disorganization of families;—let us oppose him and make relief in such cases as difficult as possible." The result is that the agitator gets frightened, the matter drops, and the Senate goes on dabbling with *seuils gusto*, and without judicial demeanor, in the tub where husbands and wives come to wash their soiled linen.

But a headstrong person at our elbow says, You may abuse the Senate in all sorts of epigrammatic style; you may prove to us, and convince us, too, that their occupation is unsavoury, yet the fact remains that the existence of the Senate as a forum of first appeal, instead of a ready, executive Court, imposes a great check upon divorce.

New this is exactly what we deny. New

Brunswick has a Divorce Court; if we are not mistaken Nova Scotia and Prince Edward Island have also one each. But it is a matter of statistics that the number of divorces in the Province of New Brunswick has not been greater, *has not been so great*, in proportion to population as the number in Ontario with its lack of proper divorcing machinery. It is the custom with persons in Ontario who desire a dissolution of the marriage tie, to cross the line and find relief,—a relief which is almost immediate in near courts in republican territory, should they find it inconvenient to remain till the wheels of the Senate make their slow revolutions.

But we know of no case where the Senate has refused to introduce a bill authorizing separation when there was before it evidence acceptable to a properly constituted divorce court; and if it wishes to avoid the charge of having added to its other qualifications that of being a sample-house of obscenity, it will ask Government to take the unsavoury jurisdiction out of its hands, and confer it upon a properly constituted a dignified and efficient court of justice.

We repeat, that if those provinces not affected by the theological sentiment of Quebec have proper courts to deal with the question of the marriage tie, and since the existence of such courts do not lead to the frequency of conjugal separation, that the same functions should be given to the judiciary of Ontario. To turn the Senate into a Divorce court is to give new and unnatural functions to the legislature, and to usurp those of the proper courts of justice.

Financial affairs at Ottawa are not looking so prosperous as they had been during the first years of the regime of the National Policy. The following is a statement of Dominion revenue and expenditure for the month of March and the past nine months compared with the returns for the same period of 1884 and 1885:—

	Mar., 1886.	Mar. 1885.
Customs.....	\$2,099,094	\$1,533,800
Excise.....	1,917,859	462,405
Postoffice.....	127,301	139,238
Public Works, Railways, etc.	231,380	151,207
Miscellaneous.....	291,431	153,194
Total for Mar.....	\$5,337,063	\$2,380,335
Receipts to 25th Feb.....	19,523,220	20,568,748
Total for nine months.....	\$25,165,282	\$23,249,079
Expenditure for Mar.....	\$1,658,235	\$1,249,213
Expenditure to 25th Feb.....	24,544,400	21,375,700
Total.....	\$26,202,635	\$22,125,013

Although Mr. McLellan received about three million dollars of extra revenue during March, yet he is left with a deficit of \$1,037,354 at the end of that month. The Opposition newspapers are delighted that Canada is falling in debt, not indeed that it pleases them to see our financial embarrassment increase; but they gather from the fact that the policy originated by Sir Leonard Tilley was wrong, and that the doctrine of direct taxation suggested by Sir Richard Cartwright was most desirable. They seem to find in the falling off in duties

upon imports a proof that the country is going to the dogs. During the first year of the National Policy we had a surplus of revenue above expenditure; and now the deficit is taken as proof of a retrogression. A hackneyed question like "Protection v. Free Trade" is not an inviting one for discussion, and we write about it at all only after offering an apology. But we take it that this falling off in revenue under these later N. P. years is a proof, and a rather strong one, of the success of that policy. For the very *raison d'être* of National Policy was to prevent imports; to put the country in a position to do its own manufacturing. Of course there are certain products of the soil, and divers articles of commerce, not indigenous to this country which must be imported. These everyone has admitted should be permitted entry with as little hampering as possible; but, if, instead of paying four millions in the year to New England sugar refiners, and double that amount to the weavers of cotton in Massachusetts, we give it to our own working people, we have reason to rejoice; and it is not a cause for sorrowing that we are unable to show revenue upon articles which we do not import, for the simple reason that we have taken to making them ourselves. Therefore it is that we are unable to agree with the opponents of Government in their criticisms respecting the deficit.

Professor Huxley, who is a better authority upon fossils than upon enlightened public policy, writing of the proposed Home Rule scheme, says: "I am as much opposed to the Home Rule scheme as anyone possibly can be, and if I were a political man I would fight against it as long as I had breath in me. Nothing but some sharp and sweeping misfortune will convince the majority of our countrymen that the government's 'average opinion' is merely a circuitous mode of going to the 'devil' and that those who profess to lead, but in fact slavishly follow the average opinion, are simply the fastest runners and the loudest squeakers of the herd which is rushing blindly down to its destruction. 'Have we one real statesman?' he asks. 'Is there a man amongst us of the calibre of Pitt or Burke, to say nothing of Strafford or Pym, who will stand up and tell his countrymen that this proposed disruption of the union is nothing but cowardly wickedness, an act base in itself and fraught with immeasurable evil, especially to the people of Ireland, and that if it cost his political existence or his head he is prepared to take any and every means to prevent mischief?' A man who has lived so much of his life among the relics of antediluvians and ancient remains, must naturally be expected to bring his preferences for the antique into any field wherein he may choose to enter for discussion. It only remains now to get Mr. William Morris and Oscar Wilde into the field, to give some further enlightenment to Mr. Gladstone. We have had Dr. Wild, Goldwin Smith, and Mr. Fanston on this side of the water 'instructing' the 'heart of the empire'—why should not the pre-

cedent so set be followed in England? The weather prophets have likewise to be heard from.

A second article on "The Rights of Labor," by Rev. E. A. Stafford, A. B., appears among our contributors this week. Mr. Stafford treats the question comprehensively, fairly and logically. He suggests means by which the present difficulties between capital and labor may be overcome, and points out the duty of politicians and public teachers in the premises. Another characteristic article by Mr. John Fraser will be read with great interest by old and young. Following up the statistical treatment of the liquor traffic in this country, Mr. T. W. Casey supplies a second contribution upon this important subject. The figures which he gives are suggestive and should cause the public to stop and reflect. "Flowers that Bloom," by Mrs. Jack, is full of valuable suggestions for lovers of garden and house plants.

Some persons in England seem to be of the opinion now that Mr. Gladstone is courting defeat on the Irish Home Rule question. For ourselves we are unable to believe that a statesman of such a stainless character could stoop to a resort so dishonorable.

Our neighbour the *Mail* has been unfortunate during the past year or two in the matter of fires, the upper portion of the building having been again consumed. The destruction of the Central Telephone offices, which were located in the building, has been a source of much inconvenience in the city and this fact emphasizes the inadvisability of putting any system of public convenience at the mercy of casualty. Twice now since the establishment of the telephone system the offices have been burnt, and the community deprived of its convenience. We suppose that it would be impossible to establish a rival system; but the greatest possible guarantee against fire should be provided. The building ought to be fire proof; and the offices ought to be perfectly impervious to flame. It is, we think, the duty of the company to attend to this matter and protect the community against the inconvenience and confusion arising from such accidents. We have come now to rely upon the telephone as a medium of local communication, and have done away with the methods through which we had formerly been accommodated; it is therefore the duty of the company to give us guarantees against the recurrence of preventable accidents.

Prof. Huxley seems to deny to Mr. Gladstone the right of entering the field of scientific discussion. At any rate upon that field the professor completely pulverizes the statesman. We notice with some little astonishment that professor Huxley has just entered upon Mr. Gladstone's "peculiar fields;"—for he appears with a paper on Home Rule for Ireland. Now it shall really surprise us if Mr. Gladstone does not inflict upon the mighty evolutionist a punishment similar to that which he himself the other day received at the hands of Darwin's illustrated disciple.