

# The Ne Temere Decree; its Purpose, Effects and Relation to Canadian Law and Religion.

By Sir Richard Scott, (Senator.)

The Ne Temere decree, its effects, objects, and opposition is a subject of an interesting letter just issued by Sir Richard Scott. An authority on marriage laws of Canada and divorces and bigamy statistics, he comprehensively discusses the situation in Canada, and particularly in Quebec, as it stands today. Several instances of unfortunate marriages are cited. Says Sir Richard:

"At the Ecumenical Session of the Methodist body recently held in Toronto, following the example of the other religious councils—Anglican, Presbyterian and Baptist—which met in conference in that city during the past summer, a resolution was adopted strongly condemning the 'Ne Temere' decree, and at the instance of Bishop Hamilton the entire conference is reported in the press to have stood as one man to 'denounce this outrage.'"

In equally strong language the conference with equal unanimity condemned the laxity of the divorce laws and certain marriage customs "styled rude and barbarous," adding:

"From the first Methodism has held marriage to be a divine institution, sacred and inviolable, indispensable to social order and to the security and well-being both of the church and the state. This is a time when it is more emphasized than ever in the past, that we must bear witness to this our abiding faith in this most sacred institution."

"We desire to express our earnest disapproval of all hasty and ill-considered marriages. Further, to record our most emphatic protest against easy and unjustifiable divorce. Unless something is done to check this mad tendency we fear that the foundation of this primal and indispensable institution will be undermined."

"We commend the stand taken on this subject by all the branches of Methodism represented in this conference, and we bear glad testimony to the fidelity of Methodist ministers in refusing to become partners in this divorce evil by performing marriage ceremonies for unlawfully divorced people. We sincerely hope that in the future, as in the past, Methodism will stand on the impregnable foundation of Holy Scripture in proclaiming to the world, 'Those whom God has joined let no man put asunder.'"

"This was likewise adopted unanimously, amid a chorus of 'hears, hears' and applause. The galleries of spectators were quite as much enthused."

## MENTIONED NO METHOD.

The conference, while expressing its earnest disapproval of all hasty and ill-considered marriages, and while condemning the Catholic rule prescribed in the Ne Temere with the object of preventing such chances now becoming so general, failed to suggest any method for adoption that would check this rapidly increasing evil. As the resolution affirms the doctrine that marriage is a divine institution, sacred, and inviolable and indispensable to social order and to the security and well-being of the Church and State, Methodism is quits in accord with the Catholic Church in that important matter. But while recognizing hasty and ill-considered marriages as the greatest social evil of our times, the conference might have aided in diminishing the long and yearly increasing list of divorces and of indictments for bigamy by pointing out some manner by which the evil might be checked.

Consider for the moment what is the result of those free and easy marriages hastily contracted. Divorces are yearly increasing; bigamy is becoming a common offence, and the press of the Dominion is constantly reporting cases of wife desertion. In proof of these statements, let me briefly refer to certain facts which illustrate the evils more forcibly than could otherwise be done.

## DIVORCE GROWTH.

If a return of all divorces granted since Confederation moved to the Senate last session the facts were disclosed: In the years after Confederation seven divorces were granted; in the next ten years sixteen were granted; in the following ten years thirty-six divorce bills were passed; in the next ten years, ending in 1907, fifty-nine divorces were granted; and in the last three sessions forty-four were granted. If the yearly increasing average is kept up, the current ten-year term will show over two hundred and fifty divorces. And it must be remembered that there are divorce courts in four of the provinces. Up to the year 1906 Nova Scotia, New Brunswick and British Columbia had granted one hundred and forty-five divorces, British Columbia leading with seventy-two. These figures do not, of course, include the many wife desertions that are constantly occurring, chiefly in the cities and towns. If the records of the Children's Aid Societies and other relief organisations were examined they would show a long

list of families left in distress by fathers who have abandoned wives and children, to be cared for by the public, and, ignoring the divorce court, have picked up another mate, and found a clergyman ready for a couple of dollars to perform this marriage ceremony.

In proof of that statement let me refer to the last published report of Criminal Statistics. It will be found in No. 9 Sessional Papers, 1910, pages 18 to 22. The total number of indictments for bigamy in the year were fifty-nine, acquittals twelve.

Of the convictions, there were two in Nova Scotia, two in Quebec, four in Manitoba, and thirty-five in Ontario. Fourteen of the latter were in the county of York (Toronto), with twelve convictions. The residences of nearly all those charged were in the cities and towns. The actual number of those who committed bigamy in that year would probably be three times the number of those charged, as it is usually only those who remain in localities near where they previously lived who are prosecuted. Those who remove to distant points or who leave the country are not again heard of, and often the deserted wife is glad to be rid of a worthless spouse.

## BIGAMY STATISTICS.

The number of indictments for bigamy that year in Ontario were forty, against six in the Province of Quebec (three of those being in the city of Montreal).

An examination of the Criminal Statistics for this preceding year will show that bigamy is on the increase, except in the Province of Quebec, where the average number of charges does not exceed three per year, nearly all being in the city of Montreal. Those facts should convince the most sceptical that the marriage law of the Catholic Church, the keynote of which is publicity, is some protection against those "hasty and ill-considered marriages" which the Methodist body so deeply deplored. How else can one explain the extraordinary difference in the number of bigamy charges between Ontario and Quebec?

## WOMAN'S LIFE RUINED.

As illustrating the risk that a man will take and hope to escape the charge of bigamy, I may mention a case which recently came under my observation. A respectable Protestant girl just out from England, hired as a nurse in a family in Ottawa, and shortly after meeting casually a Catholic mechanic earning good wages a friendship sprang up, and after a time