

*Divorce*

sions, it was decided that this question of divorce would be restricted as much as possible. This was a concession which the Fathers of Confederation had, perhaps, no right to make. It was a compromise that the representatives of the French Catholic minority made with the representatives of the English Protestant majority and it was then agreed upon, that a *modus vivendi* would exist, in order that harmony and peace might predominate in the country and that there might be a court established here to provide for divorce cases. It was, in other words, the tolerance of a social evil. Ever since that time, those who were at the helm of the affairs of the country have recognized the mutual concession agreed upon and have observed it. From time to time, members have risen in this House in an effort to establish divorce courts, to widen the scope upon which divorce might be obtained or to suggest new motives for the granting of relief. But, I must say, to the credit of the representatives of our English speaking fellow-citizens that these statesmen came to an understanding with the representatives of the French race so as to preserve Confederation within the sacred principles upon which it had been founded. I shall mention but one incident to that effect. In 1875, a member rose in this House to request the establishment of divorce courts so as to facilitate the granting of relief in this country, and the Prime Minister of the day, Sir John A. Macdonald, made the following statement which is reported as follows in the Hansard of that date:

So far as his own personal opinion was concerned, he would vote against the resolution, for there was no reason why we should establish courts of divorce in Canada. While he would not go as far as the hon. members from Lower Canada, and declare that divorces should not be granted under any circumstances, he thought there should be no encouragement given their procurement.

And further on he says:

Amongst the moral triumphs which Mr. Gladstone had achieved there was none so great as his defeat when he protested against the establishment of a divorce court in England, which had not been productive of any beneficial effects.

Further on he still adds:

While divorce was not prohibited in Canada, and while parties to domestic misery and unhappiness might obtain relief, nevertheless under the present system no encouragement was given to those cases, and he would be very sorry to see any tribunal established which might be the means of inviting other dissatisfied couples to apply for a divorce.

The practice of those who have taken part in the administration of the affairs of the country has always been to oppose measures which aimed at widening the bases of this [Mr. Fortier.]

legislation of tolerance. They did not wish to further encourage divorce, and they always strived to maintain within reasonable bounds this intricate question of divorce. As a Canadian citizen it is quite proper for me to state that, guided by the British North America Act and the views expressed by the statesmen of this country, we are right in opposing divorce.

It was argued in the course of this debate that there were, in this House, a number of members who thought that the bill contained no obnoxious clauses against Catholics or those who represented the minority, and consequently there existed no grounds for us to oppose such a measure. We protest because it is our right to do so, because we believe it our duty to combat the social evil which spells divorce and that if we must tolerate it, we shall only do so in a measure conforming with the carrying out of the compromise agreed upon. And, one should be grateful to us for the stand, because we show by our attitude that we are attached to our traditions, institutions and to the British North America Act, and thereby prove the interest we take in the whole country. One should be grateful to us, because in taking this stand we claim to be in the right path, and were we but a few in this House, to protest, I feel confident that we are right in the end and that divorce should be restricted within the most limited bounds or disappear entirely. It is in the countries where morals are more or less forgotten that we find these divorce laws, which are the desecration of a sacrament. In a young country like ours, it is well that we should shun any such legislation of a nature to make divorce still easier to obtain, instead of limiting it, and this is why we most strenuously oppose the adoption of the bill introduced by the hon. member for West Calgary (Mr. Shaw).

Mr. ANDREW McMASTER (Brome): Mr. Speaker, I have not had the pleasure of listening to this debate, but I think there are certain aspects of the question which, perhaps, it would be proper for me to emphasize in this House.

I am as desirous as anyone in this House to see divorce kept within proper limits. In my humble opinion there is about one cause and one cause only which gives to civilized people the right to dissolve the marriage bond; and if that right is granted—and it has been granted, Mr. Speaker, in every civilized nation in the world—then I think it is proper that that right should be granted to men and to women on an absolute equality. I would go further and say that it should be granted