

privilege of divorce entirely, than to continue proceedings as they have been continued and are continued at the present time. It would be better to abolish them altogether or to have a properly constituted divorce court to take cognizance of cases of this kind. I assign briefly, for I shall not detain the House at any great length on this question, the reasons to be urged against the present procedure. The first of all is undue publicity, a degree of publicity that is not beneficial to public morals, a degree of publicity that is not dignified or desirable. I assign, in the second place as a reason for a change in the method of obtaining divorce, the great inconvenience inflicted upon the parties who appeal to this House for the remedy which ought to be placed within their reach in the easiest and most expeditious manner. I assign as another reason the prohibitive cost. As the law now stands the rich man may take his proceedings here and get his redress, but the poor man is absolutely barred out from making an appeal for what he deems to be and what the law says is an act of justice. Another reason I assign for a change in the procedure is the liability to a miscarriage of justice here as has been the case and as is liable to be the case. As we all know the result depends upon the condition of the House. Those who believe that divorces are permissible under certain circumstances may be in the majority at one time while the elements opposed to divorce under any circumstances may have a majority at another time and thus the case miscarries and the Bill is lost. Whatever may be the circumstances, whatever may be the evidence, whatever may be the reasons that exist for putting that Bill through if it so happens that there is a certain element in the House in the ascendancy for the time being the Bill will be lost. That element of uncertainty exists to such an extent that justice may often miscarry. Another reason I assign is that personal interest may and often does affect the result of the trial of these cases in the parliament of Canada. These are some of the reasons for providing for a change in the mode of procedure in reference to the granting of divorces.

The reasons that I would urge in favour of a divorce court are that the proceedings before such a court are strictly judicial; no other elements will enter into the case, no uncertainty, or doubt, or political influence being exerted by the element that is opposed to divorce under any circumstances whatever. The proceedings will be strictly judicial and the case will be decided upon the evidence and under the law. Another reason is that there will be an impartial administration of the law. Another reason is that it will minimize the cost and inconvenience, not that I would admit, Sir, that it is a desirable thing to pro-

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mote divorce by rendering the thing easier, but the law assumes, when it puts upon the statute-book a cause for divorce, that it is a proper thing to apply for divorce under the provisions of the law. It assumes that where a party is sinned against to the extent that he is entitled to apply for a legal remedy he should have his remedy. If the law contemplates that the aggrieved party should have a remedy, then it is the height of injustice to make the securing of that remedy, so difficult, so inconvenient, and so excessive in cost as to neutralize the effect of the law. And so, we have under this proposed arrangement of a divorce court the minimum of cost, the minimum of inconvenience, and an administration of the law that is speedy, impartial and to a certain degree inexpensive. In addition to this we would avoid indefensible delays. Here we have a parliament meeting once a year. Perhaps an attempt may be made to institute divorce proceedings and the case will go over for another year. The delays are intolerable, the expenses prohibitive, while with a divorce court these cases could be tried promptly, tried according to the usages of law and order, and tried and decided in accordance with the evidence. Now, if divorces are to be given at all, there should be some degree of solemnity, some degree of attention to appearances in the proceedings and in the granting of divorce. Do we have that here? Are there not often scenes of levity, are there not often undignified and uncommendable features in parliament in connection with these proceedings, features that would be disgraceful to a law court if it was called upon to give a decision upon a case of such momentous consequence as that of divorce. We would invest the trial, in case we establish a divorce court and the deliverance of that court, with not only the supposition that there was justice done, but with the unquestionable fact that the decision would be in accordance with justice. We would invest these proceedings with dignity, we would have them conducted impartially in conformity with the law and with the evidence of the case and we would remove a stain from our judicial proceedings that now exists through the operation of our divorce laws the granting of divorce by this House of Commons. It is surprising, Sir, that thirty-five years, after confederation, this crude, objectionable, expensive, cumbersome, ineffectual system should be allowed to continue. It is time that this state of things was brought to an end. It is time that we had conformity in this respect to the usages of other enlightened states. It is time that we had a court established charged with the duty of dealing with these cases in accordance with the provisions of law and in accordance with the testimony placed before that court under which its decisions would be given and which would be of a