

reason why the inhabitants of Ontario, Manitoba and the Northwest Territories should stand in any worse position than their countrymen in the other provinces, and be thus deprived of all means of relief in matters matrimonial. Under the constitution it is obtainable only at the hands of the Dominion Parliament, and in a proper case for relief a denial of it by the representatives from more favored provinces would be at once regarded as unfair, if not tyrannical.

So far as I have heard, the advocates of the judicial as opposed to the parliamentary system of divorce, do not propose to add to the number of existing courts by the creation of a divorce court, as my learned brother fears. The idea is to give to the present Superior Court judges jurisdiction to decree divorce just as the Quebec judges now grant *séparation de corps*. If the granting of relief was confined to the cause of adultery—the single ground hitherto recognized by Parliament—the dangers feared by many from the judicial system would be minimized, and relief would not be the perquisite of the rich, as it is now.

I am unable to enter into a discussion with my learned friend as to the relative position of Church and State, but a work recently published by an Oxford M.A., "Marriage and Divorce," touches on the functions of Parliament, and in my opinion expresses sound and correct views. The extracts following will show in substance what are these views on divorce, looking at it as a question of state, a question of civil government, as affecting all members of the community universally, whether belonging to the church, believing in the principles of the church or not:—

"The Church and the State are not coordinate and identical, do not stand on the same foundation, and are not co-extensive in their range of action. Every church has a duty to perform to its own members. * * * It has certain religious principles * * * which it holds to be of importance; * * * it must naturally consider it to be its duty and its mission, in its corporate capacity, to inculcate these principles upon the members of its own body, and to enforce obedience to them by the exercise of spiritual discipline.

"But the State has no such function to perform; it has received no commission to teach any special tenets of religion; it cannot, like a church, confine its operations to any one limited body, but must deal with the whole community, with every citizen, and deal with them on uniform and general principles. The business of the State is to provide justly and impartially, as far as possible, for the welfare of all; to repress vice and punish crime; * * * because these things are injurious to the well-being of the community; to guard the rights of all; * * * for this, indeed, is one of the principal objects of social and civilized life, * * * to guard the personal liberty of all its members, especially the liberty of conscience.

"Diversity of opinion on questions of religion must arise, if men are free to think about them. * * * Let the churches hold their own doctrines and enforce their principles, so far as may be justly warranted by scripture, on their own members, but not beyond; * * * but let not the State enforce any special tenets of faith, etc., except such as may be generally accepted and approved of, * * *;" and the author sums up the subject in these words:—

"The Church and the State have distinct duties and functions to perform in relation to these questions in which religious principles are involved; the Church to teach and maintain its own doctrine and discipline among its own members; the State not having any commission to teach or enforce religious dogmas, but only to maintain such fundamental principles of religion and morality as are generally accepted by the people as being essential to the general welfare, and such as do not trespass on the conscience of any individual."

In Canada, there is no connection between Church and State. All religious communities stand on an equal footing before the law. Protestants believe divorce to be right under certain circumstances; the doctrine of indissolubility of marriage is held by Roman Catholics. Our constitution allows and provides for divorce, and any attempt to hinder Protestants in obtaining relief, even by those who do not personally approve of the measure, seems not in keeping with a just view of religious liberty.