

nothing of the character of the witnesses, he knows nothing of the circumstances under which their evidence was given, he has had no opportunity to cross-question, which a judge necessarily must have in forming an opinion as to a case; still he takes the report presented to him by the other branch of this national legislature and is called upon to act on that report as a judge in a judicial capacity. In giving my vote upon a divorce case I have never felt that I was acting in a way in which I was entitled to act. I have always felt that so far as my vote was concerned, I was taking action in the dark without a proper knowledge as to whether my action was justified or not. Now, I have always felt a desire to avoid this responsibility. I have always felt that a divorce was a judicial proceeding, that if a divorce was to be granted at all, the question of granting it was a matter of law and evidence, and was a proper subject for investigation and for action by a judicial tribunal.

There is another element in this question so far as this House is concerned which may sometimes, and perhaps has often prevented the consummation of proceedings that had been initiated and passed in the other House, and that is the fact that a large element in this House is opposed to divorce and do not believe in it under any circumstances whatever; who are opposed to divorce per se, and who, as a matter of principle, will vote against any decree whatever. Now, if the case were referred to a court, and if the judge upon the bench entertained opinions which debarred him from granting a decree that the law provided for under certain circumstances, of course there could be no justice in the proceedings of that court. The very object of the court might be nullified by the prejudices of the judge, who would allow these prejudices to rise superior to the law and evidence, and to govern his conduct in that matter despite the law and the evidence. That is necessarily the case in this House, because there are members here who religiously, and conscientiously, believe that divorce should never be granted. It may perhaps be a question whether it should be granted, and if I believed that there was no warrant for granting a divorce, I should never introduce a resolution of this kind, I should never propose the establishment of a divorce court.

But I believe there is Divine warrant for divorce under certain circumstances. I believe that divorce, as the resolution provides, should be confined within the narrowest limits, and that there is only one cause that will justify the granting of a decree of divorce, and that cause is laid down in Holy Writ, laid down by the Saviour in two passages in Matthew, where it is said that divorce, except for the cause of fornication, is not permitted and cannot be granted. But for that single offence, for the offence of infidelity, I think we may say

that we have Divine warrant for granting a divorce. Well, if we assume that is the case, and we do assume it in our proceedings in this House, we do assume it in the laws in force in this Dominion—if, I say, that is the case, then the question arises, in what way that provision of the law should be carried into effect. In what way should this offence be provided for? What should be the machinery provided? Should that machinery be of a cumbersome, costly, unworkable character, liable to be set aside by prejudice, or counter influences, or political influence? Should such be the kind of a court to deal with this question, or should we establish, as has been established in all other civilized countries except Canada, so far as I am aware, a judicial tribunal, a divorce court to deal with this question?

As I stated a moment ago, a divorce decree under the law is a question of law and evidence. The proceedings are properly and strictly judicial, but the proper conduct of proceedings of this character is not attainable in the parliament of Canada. Strictly judicial proceedings, entirely free from all prejudice, entirely free from all influences that may sway the opinions of the members, or influence the decision of the case, such proceedings, I say, are not attainable in a legislative body such as this, or in any other similar body. You must have judges who will examine the case, hear the evidence, and be governed by the law in arriving at a decision, impartially governed by the law as it exists, which defines what their actions should be on the evidence that is taken, proving to them whether cause for divorce exists.

Now if divorce under the constitution is a legal right on the part of any person who is aggrieved, who is sinned against, when the offence has been committed under the law that makes it proper for him to apply for a decree of divorce, if, I say, that is a legal right, then the great mass of British subjects in Canada should be at liberty to avail themselves of that right under the law. The expense is now onerous, the inconveniences and difficulties that beset the applicant are very great. The times when this case can be tried are very infrequent, they must be tried when this parliament is in session. Witnesses, respondents, applicants all must come, perhaps from very long distances, and they must dance attendance here upon the Senate. These proceedings are surrounded by circumstances that are apt to deter people of fine feelings from attempting to come here at all. Great publicity attends these investigations and all the circumstances attendant upon a trial before the Senate, of an application for a divorce are of a repellant character, are of a non-judicial character and are of a character so antiquated and so full of objections that it is time a change was established in reference to this matter. It would be better, I believe, Mr. Speaker, to abolish the