

ment, he himself is lending himself to party politics in regard to this bill. I am sorry that should be the case, because the matter should be decided on its merits. I will say simply this, that some of us will vote down the amendment as the only possible way of reaching the bill and I think it is fair that members should have an opportunity of voting on a bill that has been so fully discussed as this one. There is only one way we can get a vote, so we intend to vote down the amendment, not because we are out of sympathy with the sentiments contained in it, but simply because it was brought forward to defeat the bill.

After that and when the vote on the second reading is carried, if there is an amendment such as the Prime Minister has suggested, I for one shall be prepared to give full consideration to it. We can vote on that after we decide the principle involved by the vote which we are about to take.

Mr. J. C. BRADY (Skeena): Mr. Speaker, this is the first time in three years that I have spoken upon this very important question and to-night I do so because of the great importance of the bill which is before the house. I have given very careful consideration to the various arguments that have been presented to the house during the last two years, and I find that the question before us to-night is not one involving the principle of divorce. We are not dealing with divorce; we are dealing with only one aspect of the question, namely, whether it is to the benefit of the people of Ontario that the procedure under which divorce is granted shall be taken from the federal parliament and passed over to the legislature of Ontario and Quebec, as the case may be.

Looking over the record of divorce in Canada and particularly in reference to Ontario and Quebec, I find that in 1774, 1791 and 1848 the various parliaments assumed the right to grant divorce. This is exactly as it is laid down in the various parliaments preceding confederation. I find that in Ontario and Quebec to-day there is a moral right to divorce, provided adultery is shown on application to the parliament of Canada, but there is no legal tribunal to which an applicant domiciled in either of those provinces can apply.

Furthermore it is obvious that the number of divorce applications that are being made to parliament is becoming so great that it is impossible for any member of parliament, however conscientious he may be, to carry out his parliamentary duties and sit on each of these cases so as to give them consideration in a judicial and fair-minded manner. That is conceded to those who wish to take the right

of granting divorce from the federal parliament and give it to the legislature of Ontario. The Nickle bill of 1919 set the question forth in these words:

The interests of the country demand that something be done to facilitate divorce.

It is evident, therefore, that the purpose of handing over the right to pass upon divorce from the federal parliament to the legislature of Ontario, is to facilitate divorce.

An hon. MEMBER: To the courts of Ontario.

Mr. BRADY: To the courts of Ontario. I want to get this clear before the house to-night. In the Quebec conference of 1865, Solicitor General Langevin used these words:

We found this power existing in the constitution of the various provinces, and not being able to get rid of it, we wished to banish it from us as far as possible.

And he refers to the power granted under the English constitution. He found this power of divorce placed in the provinces.

Mr. IRVINE: I rise to a point of order. I would like to ask Your Honour whether any of those New Zealand eggs are left over, as we need them here to-night.

Mr. BRADY: I believe that we are striking at the very foundations of family life and consequently of the state if we make divorces easy to obtain which I believe will be the case if a divorce court is set up in the province of Ontario. Perhaps there is in the house a different viewpoint from mine, but we are creating a menace to the well-being of Canada if we encourage facilities which will break up the homes of this country and I intend to vote against the bill.

The house divided on the amendment (Mr. McMillan) which was negatived on the following division:

## YEAS

Messrs:

Allan,	Chevrier,
Arthurs,	Denis,
Baldwin,	Desaulniers,
Beaubien,	Descoteaux,
Benoit,	Dionne,
Bertrand,	Dubuc,
Bettez,	Duff,
Boivin,	Dumaine,
Boucher,	Dupuis,
Boulanger,	Dussault,
Bourassa,	Elliott,
Bourgeois,	Fafard,
Bowman,	Ferland,
Bradette,	Fiset (Sir Eugène),
Brady,	Garland (Carleton),
Cannon,	Gervais,
Carmichael,	Girouard,
Chaplin,	Goulet,