

The WOMEN'S PARLIAMENT of CANADA

THE QUESTION OF THE MONTH

SHALL THERE BE WIDER DIVORCE LAWS?

The Affirmative

Why We Must Have Wider Divorce Laws

By KATHLEEN ELIZABETH STEACY

Author, and Authority on Social Service Problems

IT is impossible to consider, intelligently and adequately, the procedure under which divorce may be obtained unless we understand the conditions under which marriage may be contracted.

Were all unions happy, and between persons fit and fitted for marriage and suited to each other, there would be no reason for a Court of Divorce, no cause for separation.

Marriage is the nucleus of the family; the child is the product of the home; the home is the foundation of the nation; what, then, does the State do to ensure desirable marriages and to prevent those that are productive of evil? What does the State do for the welfare of the child—the child who is born without volition of his own? What does the State do to protect the integrity of the home, without which the State itself could not exist?

Marriage: Its Conditions

The Legal Age of Marriage: A valid marriage cannot be contracted by a man under the age of fourteen, or by a woman under the age of twelve years—unless to prevent illegitimacy—in any province except Ontario, where the age is fourteen, and in Manitoba, where each must be sixteen.

Insanity: Insanity bars marriage on the ground that without reason there can be no consent. Mere weakness of understanding is not sufficient. The insanity must exist at the time. A valid marriage may be entered into in a lucid interval, provided the person has not previously been found a lunatic by commission.

Drunkenness: Drunkenness at the time of the marriage may or may not render it void, depending on the circumstances.

Relationship: Marriages are forbidden between certain degrees of sanguinity and affinity, but marriages contracted within these prohibited degrees are not void, as in the case of a bigamous marriage, but only voidable. A man may not marry his grandmother, but if he does, the marriage is valid until it is set aside, thereby rendering children illegitimate who may have been born in lawful wedlock.

Disease: Marriage may be consummated though one have a communicable and incurable disease, the presence of which was not known to the other; and the person thus marrying is not subject to any penalty at law.

Banns: Marriage must be by banns or license.

Banns must be published before or after the Sunday service from the pulpit in the pastoral charge where one of the parties has resided for at least fifteen days immediately preceding said publication. License:

Affidavit must be taken to these ten questions: Name, age, residence at time of marriage, place of birth, condition of life (married, single, widow, or widower), occupation, religion, name of father, maiden name of mother, intended place of marriage. Should subsequent events prove that any of these facts has been misrepresented and sworn to falsely, the party is open to prosecution for perjury. (Note: From license issued by the province of Ontario.)

Thus the State safeguards marriage: protects the child against unfit parents; ensures the integrity of the home. And having laid down laws that are utterly inadequate—that give a child of twelve the status of a man: that permit a valid marriage to be contracted during a lucid interval with no thought of or care for the years of insanity that may follow: that place drunkenness on an intelligent level with sobriety; that make marriages within the prohibited degrees voidable, but not void: that legalize the spread of incurable and loathsome disease: that make a fifteen days' residence of one sufficient guarantee of the past of both—then the responsibility of the State ceases, provided the couple thus united do not become a public nuisance, charge, scandal, or menace. Should they become a public nuisance, the State arrests them for disturbing the peace, for assault and battery. Should they become a public charge, the State sends them to a home or to jail. Should they become a public scandal, society and public opinion force them to boil their differences down to the dimensions of their own four walls—and their own hearts. Should they become a public menace through violence or known disease, the State sends one to jail, the other to the hospital. The State protects itself. But release or redress for the man or woman who is the sinned against rather than the sinner? NO!

The State is not responsible for the birth of children born of immature parents: of children born feeble-minded: of children born with a craving for drink: of children born diseased: of children born in wedlock, but rendered illegitimate. The State is not concerned whether the man and woman be physically fit and free from disease, nor if the man be able and willing to provide and maintain a home.

But the State does provide hospitals, refuges, homes, reformatories, juvenile courts, asylums, jails, where a philanthropic effort is made to correct and care for the child of ill assorted, unhappy, immoral and unholy marriages.

The Church endeavours to do what the State neglects, and in the "I require and charge you both as ye will answer at the dreadful Day of Judgment—if either of you know any impediment why ye may not be lawfully joined together in matrimony, ye do now confess it. For . . . so many as are coupled (Continued on page 26.)



THE OBJECT OF THIS PAGE

Is plainly to give the women of Canada a voice in the solving of great National Problems. Below are three ballots. Read the two sides of the debate, then mark your ballot, expressing whether or not you want wider divorce laws in Canada, and have any other women members of your household, or neighbors, sign the other two. Send them to

The Women's Parliament
of Canada,
62 Temperance St.,
Toronto, Ont.

The Negative

Why We Must Not Have Wider Divorce Laws

By REV. A. WYLIE MAHON, B.D.

Author of "Canadian Hymns and Hymn Writers," "Bible Characters in Canadian Literature," etc.

CANADA imports many things from the United States—Billy Sunday, for example, when we wish to give a prohibition campaign a sensational boost—but there is nothing under heaven which that great country can send us which we need less than the unsavoury divorce laws of some of the American States, which make it easy for a man to get rid of a wife who is growing old, or who burns his toast, or neglects his buttons; and which make it easy for a wife, who has met some man whom she thinks she likes better than her husband, to be freed from this embarrassing impediment to a new matrimonial venture. These divorce-made-easy laws of the United States are a byword and a hissing amongst the nations of the earth, something which the most respectable and enlightened people of the American Republic cannot refer to without blushing for shame.

No one can know much about life without learning something of the cruel hardships endured by men and women who are unequally yoked together. The world has never ceased to pity John Wesley for his unfortunate marriage. His wife was a virago who darkened thirty years of his life by her fits of violent passion, during which she more than once tore the hair from his head. In cases like this the hardship is great, but like many of the other afflictions of life, there is no honourable way out except by patient endurance and loving endeavour to bring about a better condition of

things. It is through much tribulation that those afflicted in this way climb the world's great altars that slope through darkness up to God.

Many of the sorest troubles of life have to be endured in this way. When a son or a daughter goes astray, what a tragedy of woe is enacted in the home; or when a son or a daughter, who is striving to make good in the world, is handicapped by a dishonest or dissolute father or mother, does any one propose that the parents should put away their unworthy children, or that the children should put away their unworthy parents? No law can destroy the natural relation of parent and child. The relation of husband and wife is something even more intimate than this, for the best of all books teaches us that a man shall leave father and mother and cleave—literally, be glued—to his wife. No law can undo a relationship of this kind any more than it can undo the relationship of parent and child.

Divorce is Selfish

The plea sometimes made, that our divorce laws should be wide and free enough to give relief in cases of hardship, is at root an altogether selfish one. The man in suing for divorce is making his own happiness the paramount thing, as if happiness were the chief end of man, without taking into consideration the shame and disgrace of publishing to the world the sad inner history of the home, without taking into consideration the cruel wrong inflicted upon wife and children, and friends and relatives, and the injury done to society.

There is something abhorrently selfish about this whole business. There is no better illustration of this in the literature of the world than that contained in Ibsen's "Doll's House," where a mother takes it into her head that her own life is suffering through the home relationships, although the home relationships are of the most comfortable kind. She concludes that in order to save her soul—the only thing in the world she can think of that is worth doing—she must forsake her home, and leave her husband and children to shift for themselves as best they can. Her husband pleads with her to think about the scandalous gossip of the world, and the pathos of a ruined home; but she pays no heed, for she claims that her duty to herself is paramount. Everybody else may go to Hades if she can only succeed in saving her own soul.

This repulsive spirit, which takes no thought for any one but self, which is willing to ruin homes and break hearts and degrade society and injure the state, is the one which seeks to widen our divorce laws and make it possible for those who are discontented with their marriage relationship to cut adrift.

Temporary Estrangement No Ground for Divorce

The ideal condition of married life is no doubt—

"Two souls with but a single thought,

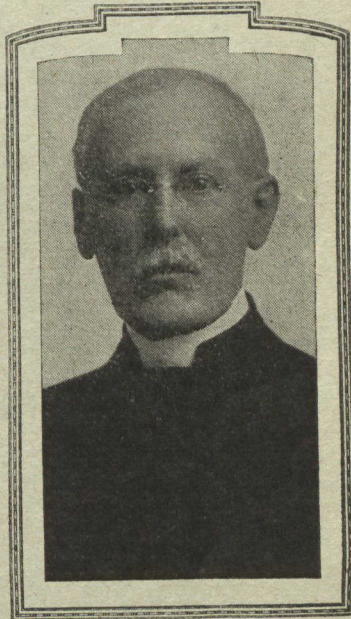
Two hearts that beat as one;"

two persons loving the same indestructible ideals, and finding in each other the embodiment of these ideals; but these happy conditions cannot always be realized in this imperfect world of ours. The husband and the wife may differ in taste and temperament, which will in the natural course of things lead sometimes to family jars, to occasional friction and misunderstandings. For aught that we can hear from tale or history, the course of true love never did run smooth; and it would be the greatest calamity that could befall our country to make it easy for those who are temporarily estranged, who feel for the time being that they have ceased to love each other, to dissolve the sacred tie which binds them together.

The very fact that in many cases in the United States, where divorce is made easy, divorced parties marry again, shows how unwise it is to make it possible for a (Continued on page 26.)



Miss Kathleen Elizabeth Steacy



Rev. A. Wylie Mahon, B.D.

BALLOT Mark X in Ballot in square indicating your vote

- ☐ I am in Favor of Divorce Courts.
- ☐ I am in Favor of wider grounds for Divorce.
- ☐ I am Opposed to Divorce Courts.
- ☐ I am Opposed to wider grounds for Divorce.

Name

Address

City

County..... Province.....
(Voters must be 21 years or over)

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