

*Divorce Court for Ontario*

Huron (Mr. McMillan) is not in any sense an amendment to the bill. It may have been an amendment in a technical sense to the second reading. We have before us at the present time a definite piece of legislation. The so-called amendment does not propose to alter that piece of legislation and so is no real amendment. As somebody behind me suggests, it is a red herring. Undoubtedly it is a red herring, and I am surprised the Prime Minister, after having so carefully outlined the situation, should attempt to have us follow that red herring. Certainly under the circumstances I would think any hon. member who is in favour of the bill would vote against the amendment. We can all agree, as the Prime Minister said, in a general way with the vague idealism of the amendment. We all want to preserve the sanctity of the home; we all want to see the number of divorces lessened and that kind of thing; we all agree with that, but I am not going to be led aside by the mere appearance, by "a pious platitude" as somebody suggests, well knowing that by voting in favour of it, I would definitely defeat the bill. I cannot understand how the Prime Minister can take the position he does if he is really in favour of legislation of this nature passing. He is simply throwing out one obstacle after another. Not content with the one red herring placed before us by the hon. member for South Huron, he proceeds to place a second one before us in case the first one should fail.

I would call upon all hon. members who are in favour of the passage of this bill to vote down the amendment. It is the only thing we can do and I think the country at large will quite understand our attitude. I am not a bit afraid of their accusing us of wanting to break up the home or anything of that kind. That is all nonsense.

The Prime Minister, moreover, would like to throw upon me the responsibility of saying that I will accept an amendment when the bill comes into the committee stage. I do not think that is quite fair. I am only a private member of the house. The Prime Minister himself can introduce this amendment just as well as I can. If he is in favour of it and thinks it will improve the bill, it seems to me it is his duty to introduce such an amendment. It is not for me to say whether I will accept it or not. It is a new question that is being thrown into the arena to-night. I should like to have further time for consideration of such a matter as this and so far as I am concerned I do not intend to give any undertaking in regard to it. When that amendment is introduced when the bill is in committee, it will be time for us to consider whether it is a wise

[Mr. Woodsworth.]

provision or not. I would call the attention of the house to a dispatch which I noticed in the Toronto Daily Star of Saturday, March 22, as follows:

Implied proposals that the Ontario divorce court bill may only become operative on resolution of the Ontario legislature have brought from Hon. Howard Ferguson the statement that the provincial authorities would refrain from making any representations to the federal parliament.

Reverend F. Summerhayes of Toronto wrote Premier Ferguson expressing the hope of the Anglican council that his government would see its way clear to signify to the Dominion government their approval of the establishment of this court. The following reply was received by Mr. Summerhayes from Mr. Ferguson:

"Under our system of government you are, of course, aware that the members of the federal house represent the people in the same sense that members of this legislature represent the public. They are in the same position to express the sentiment of the province as a whole as would be the members of this legislature. It has been the recognized policy that provincial legislatures as such should refrain from making representations to the Dominion parliament, and that course has rarely been departed from.

In the present instance I feel quite sure that the federal authorities and the members of the federal parliament would resent our entering a field which is exclusively within their sphere of action."

That is the position of Mr. Ferguson, and I think it is quite a correct one. Under the British North America Act, which is so frequently quoted by the Prime Minister, the question of marriage and divorce rests with this parliament and not with the provincial authorities. The Ontario members who are here, as Mr. Ferguson quite rightly says, represent the province of Ontario just as much as do the members of the provincial legislature, and when the question is one of marriage and divorce they have the right to represent the province of Ontario and the provincial authorities have not that right.

Frankly, I am rather disappointed at the attitude of the Prime Minister. He is making this a political question and so he wants to throw the responsibility on the Premier of Ontario. So far as I am concerned, I did not take the matter up from the standpoint of party politics. The reason I was asked to introduce the bill two years ago was simply because some of the eastern members were tied up by political considerations and I, coming from the west, was not so directly involved. I think that was the real reason why hon. members of the Senate asked me to sponsor the bill a year or two ago. As the bill has proceeded on its course I have found politics in the Senate and also in the house, altogether too much politics. It would seem to me, although the Prime Minister put up a very plausible argu-