

drove the respondent to Palmerston, speaks of what happened when he went to the room in the hotel where Mrs. Clapp lodged. He is asked :—

“Q. Did you see Pingle in the room? A. No. Q. Did you hear his voice? A. I heard voices before I came to the door. Q. Did you recognize any of the voices? A. Not at that time.”

That is what he says. The next witness, Watt, the son of the proprietor of the hotel, states that he did not recognize the voices. There is not a word about a man being in the room.

HON. MR. LOUGHEED—Look at the last question on page 15 of the evidence.

HON. MR. DICKEY—Here it is: “Q. Did you here a man's voice?—A. Yes.” He had previously stated that he could not tell what the voices were. He certainly could not tell whether it was Pingle's voice or not. This case is narrowed down to these two points, the alleged adultery in the office of this man Dorland, in Detroit, and what took place at Palmerston, as to which I have now been alluding. With regard to the first, it is perfectly clear, I think—I do not wish to take the same line as my hon. friend who has just spoken on the subject—that whatever took place it has been distinctly contradicted by the person who was said to have committed this offence, and it has been distinctly contradicted by Mrs. Clapp also. We have, therefore, the oath of two witnesses against one. In regard to the other case at Palmerston, there is only this inferential evidence, that Pingle was in the room with Mrs. Clapp there. He may have been in the room; he was playing music there in the evening, and his voice might have been heard in the parlor. That charge, again, is distinctly contradicted by Mrs. Clapp, and I must confirm, as chairman of the committee, what my hon. friend has stated as regards the bearing and manner of Mrs. Clapp which I am bound to say was all that could be desired in a witness. I never heard more frank and candid evidence given than we had during the three or four days of torture to which this woman was subjected; I never saw a lady conduct herself with greater propriety than she did. The case is narrowed down to these two points, and submitted to us under these circumstances. It is a case bristling with contradiction from beginning to end.

If the House pass the bill, they are obliged to adopt the evidence of the petitioner and to reject the evidence of those who have come here to swear to their own innocence. Under the circumstances, what is the duty of the House? I wish to call the particular attention of the Senate to what really is their duty in this matter and what is the guiding star which we have before us in regard to this evidence. We have it laid down in the rules of the House. Rule Q.—“The rules of evidence in force in Canada in respect to indictable offences, subject to the provisions of these rules applying to proceedings before the said committee, shall be observed in all questions of fact.” The rule in criminal cases—and what is the rule in criminal cases? It is that the charge must be made out clearly, so as to leave no room for any reasonable doubt, and the axiom has become a proverb that it is far better that nineteen guilty men shall escape than that one innocent person shall be found guilty. Under these circumstances, I feel constrained to ask myself how can I conscientiously decide that that woman was guilty? I cannot. I am bound by this rule of evidence, which is here for our guidance, to give her the benefit of the doubt, unless the evidence is so overwhelming that it is beyond any doubt whatever—I am bound to give her the benefit of that doubt, and, therefore, I am constrained to vote against this Bill.

HON. MR. MACDONALD (B.C.) I fully approve of the suggestion made by the hon. gentleman from Amherst about the wisdom of establishing divorce courts for the Provinces that have no such tribunals. Every time that a divorce case comes before us the farce of trying it becomes apparent more and more. Members who do not go into the details of the evidence are often carried away by prejudice. There is a good deal of button-holing in the lobbies, and members have their favorites. Under such circumstances, a judicial opinion is impossible to be arrived at by this House or by any of its committees. With regard to the case itself, I will endeavor to present very briefly the leading facts as they have appeared to me, without taking either one side or the other. First of all, we have the evidence of the petitioner who proves that this woman was fond of concerts and society, and he