

of her mother testified as to the adultery of her father. That was the sole testimony in this case, and I would ask the legal members of this house if any court of law would render judgment, even in a trivial case, upon the testimony of a child fifteen years of age, as against one of the parents?

Mr. YOUNG (Toronto): On a point of order, Mr. Chairman; anyone looking at page 10 of the evidence will find that the statement just made by the hon. member is not quite correct. I refer to the following:

By Mr. Kelley:

Q. What did your husband tell you when you asked him about living with this woman?—A. He just told me that he was living with this woman for about two years.

There is not only the uncorroborated evidence of the child but also the admission of the husband.

Mr. BOURASSA: I said previously that the testimony of an interested party is not testimony at all, and I repeat that the only witness apart from the petitioner was the fifteen-year-old girl.

Mr. STINSON: There is the man's own admission.

Mr. BOURASSA: Yes, but the man did not appear and the woman simply said her husband admitted doing a certain thing.

Mr. STINSON: She is a competent witness.

Mr. BOURASSA: I am not discussing this matter from the legal point of view; I am now addressing myself to the people who are not desiccated by law and have preserved some sense of humanity. Here is a poor woman who finds herself in the position of asking for a divorce; she thinks she is entitled to a divorce. That is her business, with which I am not concerned. She testifies against her husband, who does not appear. They never appear in these cases, apparently; most of them only appear when the police agent is sent to catch them under the proper or improper conditions which are required to make a case.

Mr. JACOBS: They also appear at the second wedding.

Mr. BOURASSA: Yes, both or either of them. The other witness is the girl, who says that she lived for months with her father. I shall not enter into a discussion of the details of this case; they are sufficiently repugnant, but the girl admitted that as long as she lived with her father she never spoke about the matter because he had forbidden her to do so. Then she went to live with her mother, and when the mother asks for a

divorce the girl comes before the committee of the senate and gives her evidence. I remember having read in books of history that many times tribunals have refused to listen to such testimony; they have refused to put a child in the cruel position of having to testify against her father or her mother, but evidently this parliament is above such considerations. One of these days we may expect to have babies testify before the committee of the senate that they were born of adultery.

I am not a lawyer—like Sir Charles Tupper I was on the point of saying, "thank heaven!"—but I must say that the idea of deciding a case in law, whether civil or criminal, in such a manner revolts my feelings of humanity. Someone, I think, has interjected that this is a Roman way of thinking, but in my opinion it is a human way of thinking. Whether we are pagans or infidels or whether we belong to any sect imaginable, I cannot put it into my clumsy head to think that bringing a child born of lawful or unlawful union, to decide on the fate of either its father or mother, is the right kind of justice. I cannot put it in my clumsy head to think that a so-called representative body of a so-called civilized country should pass that sort of legislation.

To complete my idea, in a sense I regret that these two circumstances should be connected in this case; I would far rather have seen them separated. There is the principle to which I directed the attention of the committee in the beginning, the moral inability of this parliament to pass legislation contrary to the basic law of any religious community so long as only members of that community are concerned; secondly, the point of fact which I have just made. By mere accident they are connected together in this case and, therefore, I thought I would bring them to the attention of the committee. As regards the previous cases, and the cases which will follow, I leave it as it is for the time being. But on this bill, I hope we will get some pronouncement on the part of the representatives from the province of Quebec, because their silent attitude would stand in such contrast to the attitude taken upon the occasion to which I have referred, that it would give the people cause to doubt what has become of the sense of social duty of some of our representatives.

Mr. MARCIL: Mr. Chairman, I wish to repeat what I have already said. The people of Ontario and the people of Quebec have never accepted divorce. The question of divorce has never been submitted to the people, and I know if the province of Quebec were asked to express their view on any proposal accepting the principle of divorce it