

HON. MR. OGILVIE—You simply want to oppose the Bill.

HON. MR. KAULBACH—I am desirous that this Bill should pass, but in a proper form, and I think I ought not to have been treated by the hon. member opposite with the insinuations he has cast across the floor of the House. Now what is the position of the respondent? There is only one charge proved, and that not in a manner that would be satisfactory in a court of justice. The question was put in a broad way, and no one asked the witness what he saw on the one occasion on which he states that the respondent, to his own personal knowledge, was guilty of adultery. The hon. member from Barrie may think that a person must be possessed of prurient taste and a desire to pry into delicate matters, if he manifested a desire to elicit the truth, but there are cases in which we ought to have no feeling of delicacy when we are exercising judicial functions. The chairman of that committee was recreant to his duty when he allowed that question to go without any explanation of the circumstances. Who is this man on whose evidence the case rests? He was a servant of the doctor, a person under him, who comes over to this part of Canada. Why he left the North-West and came to Montreal we do not know, but during the whole enquiry it was evident that he was not possessed of the friendliest feelings towards the respondent. He came back here ten years ago, and he is not able to say if he made this statement on his return or only a year ago. He is perfectly oblivious as to when he made this important statement against a person who was his superior officer. He left the North-West in 1877 and he says that this doctor was a drunken character, and adds, "I am aware that this was not the first time he had doings with these persons." He does not know it of his own knowledge, except what was stated to him by other persons. Is that sufficient evidence on which to charge him with such offences? He speaks of the doctor visiting a house which may not have been of the very best character, but is that sufficient evidence to justify a charge of habitual offences against moral-

ity? He is asked: "Did you ever see the doctor go to that place?" referring to a place of evil repute, and his reply is, "I did just once." That is all the evidence. He does not say that when he saw the doctor going there any people were in the house. There is no evidence to justify the general charge.

HON. MR. GOWAN—Yes, there is.

HON. MR. KAULBACH—You cannot draw inferences; you must have facts. There is only the one offence proved, but, as I have shown, that one case is sufficient, with the clear evidence we have of cruel desertion of the wife for ten years on the part of the husband, to entitle her to a divorce. The respondent had no excuse for his absence, because he could have returned to his wife. The Bill would pass if it were amended as I have suggested, and I do not see why my suggestion should be met in such a hostile spirit. I am willing to have this Bill passed—

HON. MR. OGILVIE—You are taking a good way to do it.

HON. MR. KAULBACH—I think I am taking the proper way to do it.

HON. MR. OGILVIE—I think so, because any Bill that you oppose the House will pass.

HON. MR. KAULBACH—That is only the assertion of the hon. gentleman, but this House I believe is governed by principles.

HON. MR. OGILVIE—You think that nobody understands the Bill but yourself.

HON. MR. KAULBACH—The House is governed by principles and will not oppose or support a measure simply because of the stand I may take with regard to it. My hon. friend may think that this House can be led away by prejudice, and induced to pass a Bill because I, forsooth, oppose it. The assertion of my hon. friend is not becoming to a member of this House. It is a reflection on the members of this body.