

twelve hours—less one for *dejeuner*—apart from extra calls. Their work is not exactly laborious, but it is wholly under ground, in heat, cold, wet, and offensive odors. The men are mostly all married. They, as a body, are agile and slender. Some are over 56 years of age. Unlike the gravediggers, they are not state functionaries, so not entitled to any pension on reaching a limited age. A gravedigger must retire at 65, and has about one franc a day pension. The oddest circumstance about these classes of labourers, and also of the night soil men, is their exemption from all disease. The Municipal Council is puzzled what to do with the city sewage, as no suburb will have it. Ultimately it must be run into the sea. If so, scientists say it would be a source of food to fatten turbot, soles and plaice.

A concierge, with a family of five young children, was dazed by one of her lodgers making 78 fr. at a race course, after putting down 5 fr. She had just received the tenants' quarter rents, 1,700 fr. She went to the race course, put the money down on a horse "certain to win," and lost. On reaching her lodge, the landlord was awaiting her, to receive his rents. "Tableau!" as the French say.

Z.

CORRESPONDENCE.

DILLON DIVORCE CASE.

(Letter 2.)

To the Editor of The Week :

Sir,—Since my first letter to you on this subject, I have read (what I could not before) the full official report of the Senate debates on the case. They cover a hundred and one pages of Hansard. They glow throughout with a fervour scarcely to be looked for from such a source, evincing in our "Upper House" a force of sentiment and expression truly dramatic. On this head, however, I forbear from further comment at present, and shall confine myself to the strictly legal aspects of the case as developed in the arguments on both sides.

The main facts of the case have been already stated. The incidents from which the controversy arose appear in the minutes of procedure of the committee in the case :

EXTRACT.

(On opening procedure, immediately after filing of "Marriage Certificate," "Exhibit No. 1.")

"The following question being put to the witness by the Honorable Mr. Kaulbach :

Q. 'Are you an Irish Roman Catholic?' was objected to by the Honorable Mr. Loughheed who moved the question be struck out of the evidence as irrelevant to the issues.

The committee divided thereon :

YEAS.—Honorable Messrs. Ferguson, Gowan, McInnes (B.C.), McKay, Loughheed, Read (Quinte).—(6).

NAYS.—The Honorable Mr. Kaulbach.—(1).

So it was resolved accordingly.

The following questions were successively put by the Honorable Mr. Kaulbach :

Q. "'Were you married according to the rites of the religious denomination to which your wife belonged?'

Q. 'Or according to the rites of the church to which you and your wife still belong?'

Q. 'Have you the same religious faith that you had then?'

Q. 'Do you believe in the validity of a divorce, a *vinculo* granted by this Parliament?'

And being severally objected to by the other members of the committee, on the ground that the questions are irrelevant to the issue, it was in each case and upon the same division as above,

Resolved, That the said questions shall not appear in evidence.

The following question having been put by the Honorable Mr. Kaulbach :

Q. 'Have you been faithful to your marriage vows, as far as adultery is concerned, up to the time you instituted proceedings for this divorce?'

The question ("instantly," as appears in report of debate) was objected to by the Hon. Mr. McKay.

The following answer (thereon) was made by the witness :

A. 'I decline to answer on the advice of counsel.'

Hon. Mr. Loughheed moved that the question and answer do not appear in the evidence.

The committee divided thereon :

YEAS.—Hon. Messrs. Ferguson, Gowan, Loughheed, McInnes (B.C.), McKay, Read (Quinte).—(6).

NAYS.—The Hon. Mr. Kaulbach.—(1).

So, it was resolved accordingly.

The following questions by the Hon. Mr. Kaulbach and the answers thereto by the witness :

Q. 'Up to the time you went to Paris, had you during your married life criminal conversation with anybody else?'

A. 'Most certainly not.'

Q. 'Up to the time you were separated?'

A. 'During the whole time of my married life up to the time I separated from my wife in Paris.'

It was resolved, on the same division as before, that the said questions and answers shall not appear in the evidence.

Counsel for the Petitioner enter a formal objection on the Petitioner's behalf to all the above questions put to the Petitioner by the Hon. Mr. Kaulbach, and to the reception of any evidence of the nature thereby sought to be obtained."

On the following day, according to adjournment and notice, the committee met, and, on the same division, (6 to 1) reported in favor of the Bill, with the following "statement of opinion" by the chairman, (Hon. Senator Gowan), entered, by resolution, on the Minutes thus :

EXTRACT.

"This Bill has been referred to us by the Senate, and, I take it, the committee has the power delegated by the House, under its Orders and Rules, and none other. For what is not comprehended in the reference, leave to report must be had. What are our duties on the reference is prescribed by Rule 112. They are :

'1. To inquire into the allegations set forth in the preamble of the Bill, and take evidence touching the same, and the right of the Petitioner to the relief prayed therein. [The italics are as given in the report.]

'2. After the hearing and inquiry they are to report to the Senate, accompanying their report by the testimony of the witnesses examined and all papers and instruments before them.'

'Rule 115 provides : If adultery be proved the party from whom the divorce is sought may, nevertheless, be admitted to prove condonation, collusion, connivance, or adultery on the part of the Petitioner.'

'Any of these the Respondent may offer evidence upon, which the committee would be bound to receive and consider. The latter part of the rule declares expressly that condonation, collusion, or connivance is always a defence, and as respects these imposes a duty on the committee of inquiring into them.'

'The matter of adultery on the part of the Petitioner is not so provided for, and is left to be provided for as a counter-charge. I think it would be usurpation of authority for a committee to inquire into matters not committed to them, and we should, moreover, be occupying a somewhat anomalous position in undertaking the double function of accusers and at the same time judges. I can quite see that suspicious circumstances might present themselves in any case, which would demand a searching inquiry in the interest of morals ; and this contingency is provided for by the Rules. A report of the committee with their reasons for desiring intervention by the Minister of Justice might be made. Should the Senate adopt such a report, and the Minister of Justice be of

opinion that the public interests call for his intervention, then a further inquiry would follow. Such a proceeding would be analogous to the practice in England of intervention in divorce cases by the Queen's Proctor ; but this case does not suggest such a course. I think, therefore, the committee rules rightly in declining to pursue a question not submitted properly to them, and not advanced as a counter charge or growing out of the evidence before them.'

"They had to determine if the preamble to the Bill was proved ; there was nothing even to suggest any condonation, collusion or connivance ; moreover, of these, the petitioner purged himself on oath.

"There was a subordinate question upon which I did not, at the moment, feel quite so clear ; whether questions put by a member of the committee which were ruled out should be reported to the House. Upon consideration, I think they need not. They are on record, should the House desire to inquire into them, and to pass in review upon the decision of their committee. The course, as I understand it, is this : The committee report results, not discussions, or conduct, or language of members. As regards certain questions asked the Petitioner by a member of the committee, touching the religious belief of the Petitioner, and his opinion of the validity of Parliamentary divorce, I regret they were put ; they are matters which concern the Petitioner alone.

"He comes as a citizen, praying for relief under a provision in the constitution which enables it to be granted by the Parliament of his country, and a man's creed, whatever it may be, should not close the doors to him for lawful redress.

"The general rule, no doubt, is, that no report of a committee can be accompanied by any statement or protest of a minority. In divorce cases it is otherwise—the minority may bring in a report stating the grounds on which they dissent from the report of the committee, so that course is open to the member who object to our report in favour of the Bill."

"Resolved to report, recommending that the Bill be passed without any amendment."

On the fifteenth of May, on motion by Hon. Senator Gowan (Chairman of the Committee) the report was brought before the House.

What the minority report (if such, in form, or otherwise there was) does not appear either in the printed minutes of procedure or report of debate ; but in the opening speech in objection, in the House on the part of Hon. Senator Kaulbach, we have this in Hansard (page 67 of debates of 15th May) :

"I wish to submit several propositions to the House. They are as follows : 1. To grant this application for divorce would not be in the public interest *salus populi suprema lex*.

"2. It would not tend to the peace and order and good government of Canada which in this matter of marriage and divorce is exclusively within the legislative authority of the Parliament of Canada, as provided by the 91st section of the British North America Act.

"3. Petitioner having separated from his wife without lawful cause is not now entitled to divorce."

"4. Petitioner having since then committed adultery is not entitled to divorce."

"5. Petitioner having contributed to his wife's adultery by desertion is not entitled to divorce."

"HON. MR. MCCALLUM—Does the hon. gentleman give that as a notice of motion?

HON. MR. KAULBACH—No, I am simply stating these propositions, and I hope, before I am done to establish them all. I think I have already established the first and second. I contend that in the Province of Quebec, where three-fourths of the people belong to the Church of Rome and respect their sacred relations and obligations, we should not now endeavour to do violence to the conscience of that great body of Christians, who by precept and example inculcate pure and virtuous living, and to break down the obligations and