

taken the evidence in material points, and that he has shown but little knowledge of the social habits of our villagers and country people. I may have to point out some of these mistakes and misapprehensions, but at present, I content myself with this reference to the antecedent facts of the case, which are a part of its history, that ought to be considered before you come to deal with the evidence.

The husband now applies to the only court in this country which has power to separate him legally from his wife. He comes to the Senate and says, "I demand your assistance in severing the marriage tie between myself and my wife, because I shall establish to your satisfaction that she has committed the crime of adultery." It has been the practice heretofore when clear evidence was produced that a wife had dishonored her husband, for this Senate to interfere and grant the appropriate remedy. But, following the rule observed on former occasions, I take it, that this committee will not recommend, nor the Senate vote, nor Parliament grant a divorce from the bond of matrimony in any case in which it is not clearly and indubitably proved that the crime was committed. No mere inferential conclusion will suffice. You must be satisfied beyond any question that the fact of adultery is established. I need not cite examples. The learned judge has cited some cases and authorities under the old practice in England, as to the proof which should be deemed satisfactory, and if it be necessary to review them, I undertake to say that among all the cases cited there is not one so weak in proof as this. In none of them are the circumstances of such a doubtful character; in none is there so little evidence.—where so much must rest on inference—as in the case submitted to you. For instance, one of the cases cited as parallel, is where a married woman was found in the lodgings of a single gentleman, alone with him for a sufficient time for the commission of this offence. That fact being proved, other surrounding facts showing a diminished fondness for the husband, etc., were proved, and the judge came to the conclusion that these things put together tended to produce such a violent presumption of guilt, that the court, open-

ing its eyes, and treating the question as men of common sense would treat it outside of the court, must find the fact proved. But in most of those cases the character of the house the woman visited, and the time of night she was out of her own house, as well as the proof of domestic infelicity, led to a conclusion of guilt. In one of the cases a married woman left her own house accompanied by a young man to his private lodging, entered his bedroom, and was seen going from it after a considerable lapse of time. In one instance it was a house of assignation, or prostitution, to which the married woman was taken. If anything of that kind had been proved here I might be compelled to place it in the same category, and confess that the reasoning of the judges, as quoted, is applicable; but there is no such evidence. In this case, the married woman was in her own house; her husband being away from her under circumstances which I shall presently notice. The gentleman found with her was a neighbour she had known from childhood, who was on friendly terms with the family; who had been invited to the house on more than one occasion, and had been left alone in her company by her husband. Their families had been in the habit of interchanging visits for years. On the very night of the alleged criminality they were brought together at her father's house by a visit of the two families.

It is absurd to say that there is any ground for accusation or even suspicion in a country village, where the social relations are familiar and unrestrained as we know them to be, that a young man, for years a near neighbor, and one of her social circle, should be found at the house of a married lady alone with her in the evening. Certainly there is nothing in the mere fact of such a visit in the absence of the husband, or even its prolongation under the circumstances proved, that requires explanation or justifies suspicion. But the case of the petitioner appears to be this: that his wife had shown signs of dislike and repugnance towards him previously! That, if true, may account for her seeking in the society of others, the pleasure of intellectual and friendly intercourse, which he denied to her; but it does not prove crime. The committee will see, however, that we