

BILL INTRODUCED.

Bill (13) "An Act to amend the Act to incorporate the Alberta Railway and Coal Company." (Mr. Read, in the absence of Mr. Ogilvie).

THE WALKER DIVORCE CASE.

HON. MR. SANFORD moved the adoption of the report of the Select Committee on Divorce *re* the petition of Emily Walker. He said: In view of the statements made by the chairman of the committee that it merely refers to an omission on the point of collusion and connivance, I ask that the report be adopted.

HON. MR. KAULBACH—I was surprised to find that this report did not contain the objection that I made before the committee. Rule "J" requires the committee to report upon "the petition, the proposed Bill, &c." Now, I felt that by concurring in the statement that the Bill was sufficient I would be committing myself to the position that if the allegations in the Bill, as connected with the petition, were proved, the petitioner would be entitled to a divorce. I was not prepared then, and I am not prepared now, to take such a position. It is doubtful, even if the allegations in the Bill can be proved, if we can grant a divorce in this case. I contended in the committee, and I contend now, that when we report that a Bill is not only regular, but sufficient, that we declare that if the allegations of the Bill are sustained it should pass. When persons who are under age choose to go through a mockery of the marriage ceremony they have no right to come to this House and ask us to dissolve the tie when they discover that it is binding. The question is, whether this is not a case which the courts of Ontario should take cognizance of. If they can, this Parliament has no right to interfere. In Ontario there is a court which can grant a divorce *a mensa et thoro* and also to decree alimony. If they have power to declare that this was no marriage from the beginning we should have a decision on that point from the court. If they should decide that there was no marriage we cannot grant a divorce. I want to keep myself straight on this question. I expected that the report would contain a

note of my objection, but as it does not I want to define my position. The report declares that the Bill is regular, and it seems to me that, in a matter of doubt, we are pre-judging the case by saying that if the allegations of the petition and Bill are sustained before the committee a divorce should be granted. I am not prepared to say how I shall vote after a full consideration of the matter, but I wish the House to hesitate before adopting the report. I should like to have the views of the leader of the Senate on the subject. I do not think we intended, when we adopted the new rules, that a preliminary report of the committee, like this before us, should commit the House to the extent that this does. I do not think that the chairman of the committee expressed an opinion on the matter, but under the rules the committee were obliged to report as they have done.

HON. MR. DICKEY—I have no fault to find with the course that my hon. friend has taken, and I am quite sure that he has set himself right, as far as his opinion goes, before the House, differing, as he has correctly stated he did, from the other members of the committee. I am sure he will be satisfied with a statement of his objection and allow this report to be adopted, because it is simply on the defects of the petition. It is merely asking to have the petition made right, according to the rules. If we had not taken that course we should have been receiving a petition and confirming a Bill improperly. Therefore, I think the report should be adopted. We have had two or three cases already of this kind where no objection was taken. Still, I have my own opinion, and I reserve it, as my hon. friend has done. I do not know but we may be found standing together when the case comes before the House; but we have not reached that point yet, and I think I shall be best consulting the convenience of the Senate by saying no more on the subject now. I hope the House will adopt the report.

The motion was agreed to.

The Senate adjourned at 6:10 p.m.