

should not be lost sight of, and which was an element a few years ago that would of itself have rendered the marriage null and void.

HON. MR. POWER—Will the hon. gentleman point out in the evidence where the man is a minor?

HON. MR. LOUGHEED—The statement was made before the committee, and the committee were satisfied that the man was a minor though looking over the examination as taken by the stenographer I do not find that the statement is given as evidence. But the committee thoroughly satisfied themselves that the two were minors. At all events, she was a minor, and under the Act of George the 2nd the marriage would have been void. The next factor which enters into our consideration in this case lies here, that these two did not comprehend the nature of the solemn contract into which they had entered. That must be apparent to all gentlemen who read the evidence, for we find from the woman's evidence that the husband never made any statement to her after the marriage contract had been entered into as to their performing the functions which relate to the marriage. He never provided for her a house; he never made any preparation to give her a home; he never intimated that he would support her; he never spoke to her about future intentions, but I find him casually visiting her on a couple of occasions, and then absolutely deserting her, and having no correspondence whatever with her until a date long subsequent. She states in her evidence that she did not comprehend that she was his wife at the time. She states that distinctly, that she did not comprehend the act that was solemnized, or that she was a wife in anything but in name. The hon. gentleman from Lunenburg, I might say, has endeavored in every possible way to torture the evidence that has been adduced for the purpose of leading this House to a conclusion which is really contrary to the facts found by the committee. My hon. friend prefaced his remarks by saying that he was pleased to state to the House that the committee were unanimous in their finding of the facts, but I must demur from the statement of the hon. gentleman when I take into consideration the fact that he endeavored to impress upon this House that

we came to the conclusion on facts which are entirely at variance with the merits of the case. I say that the committee were unanimous in the conclusion at which they arrived relative to the merits of the case, and that the woman did everything which devolved upon her relative to merits which would warrant us in granting the relief which is sought, were it not for the barrier which raised itself before the hon. gentleman's vision, namely, that we could not grant divorce here except for adultery. The hon. gentleman stated to the committee that were it not for that he should be pleased to support the Bill. I say here, my hon. friend's version and review of the facts would be entirely at variance with the finding to which I have referred. Speaking of precedents, I submit to the House that the Laval case is a precedent which would justify the House in granting the relief here sought for. When we speak of precedents or authorities we must take an Act of Parliament as we find it—we must read the Act as it appears on its face and interpret it accordingly. Now, if hon. gentlemen will look at this Act they will find it exceptional in this respect, that Parliament has declared that "the marriage was null and void." To declare that the marriage in the Laval case was null and void, it must refer to facts antecedent to the marriage that was entered into with Fralick—the second marriage. If you look at the enacting clause of chap. 128, 51 Vic., you will find that Parliament declared this marriage to "to have been null and void and the same is hereby annulled to all intents and purposes whatever." That is to say, that Parliament declares by this Act that when this marriage was entered into it was a null and void act, and no marriage, and therefore I say that Parliament has placed upon the Statute-book here a precedent which is on all fours with the case before us. This marriage of William Arthur Lavelle was entered into the same manner as Emily Walker entered into marriage, yet we find Parliament declaring that although they entered into that marriage, and had not consummated the marriage though there was a performance of the ceremony, the same as in this case before us, that that marriage was null and void. Now, Parliament having declared that it does not rest with hon. gentlemen to say that that declaration could have alluded to some subsequent event