

not having seen her, though she may have been very good looking, my feelings are entirely against her, and I cannot in justice grant a divorce, and I simply will not vote for it.

HON. MR. LOUGHEED—As a member of the committee, I would ask the indulgence of the House while I make a few statements relative to this Bill. Before touching upon the facts of the case, I might observe that the principal consideration which entered into the minds of the committee in framing this report was based upon this fact: that in the first place Parliament is not limited by any means in granting whatever relief may be sought, and that if the circumstances are of such a nature as to warrant the intervention of Parliament, the committee might consider itself justified in placing those circumstances before the House, and recommend to the House to grant the relief sought for. We know very well that very few cases of this kind come before Parliament for consideration. There are very few precedents, and very few authorities which might be said to govern a case of this kind. I might observe, in the last place, that my hon. friend from Lunenburg is somewhat astray when he says there are no precedents where divorces have been granted in England for any other crime than adultery. The opinion prevails amongst many members of the profession that the Act 26 George 2nd was in operation in Canada, and that the marriage of minors without the consent of parents was null and void. The mere fact of entering into the marriage was a nullity; but I find several legal decisions of a very recent date holding that owing to the repeal of that Act in England it is not in operation here, and consequently a marriage entered into by minors might be a valid marriage. So that there are numerous cases in England, and, I have no doubt, in Canada, in which minors entering into a marriage entered into a null and void contract. If this Act had been in operation here, as is contended by some lawyers, even at the present time, this marriage would have been null and void; therefore, I think this is a case worthy the consideration of this House. It turns upon this very delicate point: This Senate would not for one moment hesitate to grant the relief sought for if it were held that that Act was in force. The tendency of modern law has been to

relax the legal restrictions which have been placed upon marriage. That, I think, is generally admitted, and there is a greater relaxation now than there was half a century ago. At that time this marriage would have been null and void. If we come to the conclusion that because by an Act of the English Parliament, this Act that I refer to, 26 George 2nd, was repealed, therefore, it must necessarily alter not only the law of this country, but alter the position which would be taken as well as the principle contained therein by this House with respect to a marriage of this nature. Therefore, I say that half a century ago, where such a marriage as this would have been a nullity by reason of the repeal of this Act, hon. gentlemen should not necessarily come to the conclusion that this case is not one for the consideration of this House and the intervention of the powers of this Parliament. I submit that is the very best way we can present this case; leaving out of our consideration the fact that that law has been repealed, then should not the law be to-day as it was half a century ago, so far as the moral principle involved therein is concerned, and with the tendency which I adverted to a moment ago as to the general relaxation of principle in respect to granting relief in matters of marriage, why should we not exercise the power which is inherently vested in this House, the same as a court would exercise it half a century ago, before the repeal of the Act? The functions of Parliament are of such an extraordinary a nature that it is proper for them to exercise those functions on extraordinary occasions. We have frequently brought before us cases in which it is considered proper that Parliament should exercise its powers relative to circumstances which warrant its action. I say in this case the circumstances fully warrant our interference. In the first place, we have come to the conclusion that there was a marriage in this case; we have come to the conclusion that there was a technical marriage, but those elements which enter into a marriage in fact did not come into this marriage. There are extenuating circumstances attendant upon it which make it in the strictest sense of the word a technical marriage. We find that this couple entered into the marriage without the consent of their parents, being minors. This is a consideration which