

The offence was committed long subsequent to that first suspicion, and the suspicion was not the ground on which relief is sought. The facts on which the petitioner comes to this House for relief are facts which occurred long subsequent to that first suspicion. Dixon continues: "It is an additional forgiveness on a full knowledge of all antecedent guilt—" Now, there is no evidence, as hon. gentlemen will see from a perusal of the report, that the petitioner had any knowledge whatever of antecedent guilt on his wife's part—"the condition being that the offence shall not be repeated. In order to found it there must be a complete knowledge of all the adulterous connection and a condonation subsequent to it."

Now, I do not think there is an hon. gentleman in this House who will for one moment say that this case is one in which the doctrine of condonation can be made applicable; for here we find it laid down and particularly emphasized in this book, which I take to be the standard work on the question, that there must be complete knowledge of all the adulterous acts and a subsequent forgiveness of them. It is a condonation of the conjugal offence with a full knowledge of all the circumstances. Now, what are the facts? If ever there was a case of an audacious contravention or violation of law it is in this particular case on the part of the petitioner's wife, in the fact of her being married to this Mr. Simpson without having obtained a divorce in this country, and that she is living at the present time with this Mr. Simpson as her husband,—her husband, the petitioner, being still a resident of this country and not divorced from her—

HON. MR. KAULBACH—Having obtained a divorce.

HON. MR. LOUGHEED—The hon. gentleman from Lunenburg appears to lay considerable stress on the fact that there was a divorce in the United States. As I understand, this House does not recognize that divorce one way or the other. So far as this House is concerned, the decree of divorce obtained in the United States is in this chamber so much waste paper, and the committee very properly refused to consider the evidence of that divorce.

HON. MR. KAULBACH—No evidence was tendered.

HON. MR. LOUGHEED.—I am quite correct in saying that the evidence was excluded by the chairman of the committee as to this particular divorce. Now, as to the ground of delay, very great stress has been laid on that by the hon. gentleman from Lunenburg, but there was a very clear and distinct explanation of this delay. We find that this petitioner was insolvent in 1880, and to such an extent had he failed that he had to leave his home in 1881 and go out on the Northern Pacific and work, as I take it, as a railway navvy. In 1882 and 1883 we find him drifting to British Columbia and there working on the railway.

HON. MR. KAULBACH—As a contractor.

HON. MR. LOUGHEED—There was no evidence before the committee that he had any means by which he could prosecute a case for obtaining relief. On the contrary, he states very emphatically that he was not in a position to furnish the necessary means to obtain this legislation. Those of us who are acquainted with the circumstances of such a man know perfectly well that when he was living at a distance nearly 3,000 miles from Ottawa he was not in a position to provide the necessary means, under the circumstances related by him as to his occupation, for the purpose of prosecuting his case. He states most emphatically, in evidence, that he was not in a position to do so. I take that to be a most satisfactory explanation as to the delay. Now, let me cite to hon. gentlemen from the same authority that I have already been quoting from:

"Unreasonable delay is another ground for the exercise of the discretion of the court. It is such as makes it appear that the petitioner is insensible to the loss of his wife, and it might almost be said to be equivalent to condonation. Again, it has been spoken of as meaning culpable delay, somewhat in the nature of connivance or acquiescence."

Can it be said there is one scintilla of evidence as to this man's conniving at the marriage of his wife at the time he left? There was not a shadow of doubt that his wife had any improper dealings with Simpson. This authority continues:

"A husband whose pecuniary circumstances were embarrassed postponed proceeding until he could bring forward conclusive evidence of his wife's guilt. Delay held reasonable.

"Lack of means to proceed earlier, though a long time has elapsed since the commission of the acts complained of, will be a satisfactory explanation of the delay."