

the Committee on Banking and Commerce was to give all parties an opportunity to be heard.

THE SPEAKER—I think it is right that hon. gentlemen should be reminded that when this matter came before the House it was specially mentioned that a number of depositions were coming here, and it would be more convenient to have the Bill referred to the Committee on Banking and Commerce.

HON. MR. DICKEY—This is no unusual or extraordinary course. We did the same thing the other day with the Government Bill—the Railway Bill—very much for the same reason, for the convenience of the parties, and it was quietly disposed of after a patient hearing of all parties interested. I am not one to object to the course pursued in this instance.

The motion was agreed to.

REFUNDING FEES IN DIVORCE CASES.

MOTION.

HON. MR. SANFORD moved—

That the fee of two hundred dollars, paid to the Clerk of this House by Emily Walker in presenting her petition for an Act to dissolve her marriage with Alfred Percy Walker, be refunded to her, less the expenses incurred. Also, all the exhibits filed by the petitioner at the hearing of the evidence.

He said: In making this motion I have simply followed the usual procedure in this House in connection with divorce cases, where parties applying have failed to secure relief.

HON. MR. MILLER—Of course, it has been the practice of this House and the other House also to return the fee where Bills have failed to get through, but I think it is a question worthy the consideration of this House whether, especially in cases of applications for divorce, this rule ought to prevail. We know that those cases involve very heavy expense. I am told that in one case this Session the expense to the country will be about \$1,000. Under these circumstances, I do not know that it is a wise policy to return any of the \$200, as is done in other cases. It is worthy of the consideration of the House. I do not oppose my hon. friend's motion, but I think in these divorce cases an exception should be made, and where the expenses have largely exceeded the \$200

paid in connection with the Bill, no part of that money should be refunded.

HON. MR. KAULBACH—I do not rise to oppose this motion, for I think this is an exceptional case. I should like to see the petitioner in this matter get back the balance, after paying the expenses incurred, because I think that, as a result of the decision in this case, Parliament will be relieved of applications of a similar nature. I think it has been beneficial to Parliament and to the country that it has been decided that we will not grant divorce except for a cardinal offence. The hon. gentleman from Hamilton assumes that it has been usual to make application for a refund when a private Bill has not passed. It has been done, but it is not the usual course. It is not the desire of Parliament that we should make divorce as cheap as possible. In no other court to which people apply for relief do they get a return of the deposit, especially where the expenses are so much in excess of the amount paid in. What I think is an injustice is that the \$200 paid in goes immediately to the credit of the Receiver General, while the costs of these divorces are charged to the contingent accounts of the Senate. That is not right, and some means should be taken to make a change, so that it will be shown that the contingent account is so much less the amount expended in connection with divorce cases. I think the case which is under consideration is one in which the money ought to be refunded.

HON. MR. DICKEY—I should be the last person to oppose anything in the way of discouragement to these divorce proceedings; at the same time, I think the House will not be disposed to introduce a new principle, applicable for the reason that the rule requiring the deposit of the \$200 is the same rule with regard to all private Bills, and if it is suggested that we should change the principle here it would be necessary to introduce a new rule with regard to divorce proceedings. Therefore, it is a matter that might well be considered. I differ from the hon. gentleman who has just taken his seat, that the fee for those private Bills—and I speak of it solely as one of a class of private Bills—is a fee of indemnity. It is intended to protect this House against expense to a certain extent, and the House has thought