

3. At what dates were they so released from imprisonment?

4. Have any of the licenses of ticket of leave so granted been revoked; and if any, how many?

He said: Mr. Speaker, the motion as I gave notice of it, contained the following as paragraph 2: 'What are the names of such persons.' In view of the remarks made the other day, when this subject was up in the House, by my hon. friend the Minister of Justice (Hon. Mr. Fitzpatrick), I ask leave to amend the motion by striking out that paragraph.

Motion agreed to.

PREROGATIVE OF PARDON.

Mr. T. CHASE CASGRAIN (Montmorency) moved for:

Copies of all Orders in Council, documents, papers, correspondence, &c., in relation to the exercise of the prerogative of pardon exercised by His Excellency the Governor General in cases of conviction of offences against federal or provincial laws, since the first day of January, 1902, to the 12th of March, 1903; and a statement showing:—

1. The number of the persons in whose favour the prerogative of pardon was so exercised during the said period.

2. Of what offences the said persons had been convicted.

3. The penalties to which the said persons had been condemned.

4. The dates when the convictions were pronounced against the said persons.

5. And what date the prerogative of pardon was exercised in each case.

He said: In this case I have to ask the leave of the House to amend my motion in somewhat the same way as the one that has just been carried. The motion as I gave notice of it, called for 'the names of the persons in whose favour the prerogative of pardon was so exercised.' I ask leave to amend that by substituting 'number' instead of 'names.'

The MINISTER OF JUSTICE (Hon. Charles Fitzpatrick). Perhaps my hon. friend would allow that motion to stand for the present. It is my intention to oppose it on the ground that it is contrary to the well-established usage in England, and also to the practice which has been adopted in the Justice Department. I make this suggestion because I have not been able to put my hand upon the particular case in which this rule was adopted in the Justice Department when Sir John Thompson was head of that department. I hope to have it within a day or two. I move that the debate be now adjourned.

Mr. BORDEN (Halifax). Will the Minister of Justice look up the authorities?

The MINISTER OF JUSTICE. Yes.

Mr. BORDEN (Halifax). Perhaps there would be no objection to furnishing us with a copy of that memorandum in the meantime.

Mr. CASGRAIN.

The MINISTER OF JUSTICE. I will have a copy made and send it to the leader of the opposition as soon as I have found the particular case I refer to.

Motion agreed to, and debate adjourned.

A DIVORCE COURT.

Mr. JOHN CHARLTON (North Norfolk) moved:

That this House is of the opinion that the laws of Canada should clearly and within narrow limits define the causes for which divorces may be granted. But that the present system of granting divorces by legislative enactment is unduly expensive, and often capricious, and unreliable. That if cause for divorce may exist, the means for obtaining a decree should be rendered less expensive than at present. And that as the justification of divorce by virtue of law, defining adequate cause, can only be established by investigation and evidence, the proceedings upon which such decree may be obtained are judicial in their character; and that consequently divorce proceedings should be taken before, and decree of divorce emanate from a properly constituted divorce court.

He said: I stated last session upon an occasion when a divorce Bill was before this House, and when assigning reasons for my reluctance to act in a judicial capacity upon a matter of which I knew nothing, that I should this session introduce a motion asking for a change in divorce proceedings in the Dominion, at the same time laying stress upon the fact that in my opinion the method of granting divorces in Canada was unique in the respect that the decree emanated from a court not one-third, perhaps, the members of which knew anything of the case upon which they were passing judgment; that divorces were often subject to capricious influences, were uncertain in their character, and were in all cases expensive. For that reason I expressed the opinion then which is expressed in the resolution I have the honour to place in your hands now, that the method pursued in this country in divorce proceedings should be changed, and that the proceedings should take place before a judicial tribunal and not before a legislative body. The member of this House, the member of the Senate, on such a case acts in the capacity of a judge, and I have never felt in my thirty years' experience in the Canadian House of Commons that the question of divorce was treated with that degree of solemnity that it is entitled to. There has generally been manifested a spirit of levity, and often indeed influences have been brought to bear in securing a result which had little or nothing to do with the merits of the case. A member of this House in nine cases out of ten, if he has any opinion upon the matter at all, founded upon investigation, takes for granted the evidence that is received in another body, takes for granted the evidence in securing which he had no participation. He knows