

Mr. HEAPS: I move that the committee rise and report progress.

Some hon. MEMBERS: No.

Mr. HEAPS: I am rather in doubt as to what would be the effect if we rise and report progress now. I am under the impression that if the committee rises and reports progress we will have to proceed with the third readings of the other bills which have been reported. If that is the case I would like the motion to stand, otherwise I would withdraw it.

The CHAIRMAN: Do I understand that the hon. gentleman is moving that the committee rise and report progress on this bill?

Mr. HEAPS: No, on all the bills; but before the motion is put I would like to know whether it would mean that the other bills will receive third reading now. I do not want to prevent them from being read the third time, but I am opposed to this bill.

The CHAIRMAN: Bill 348 is now before the committee and it will be necessary for the committee to decide if this bill should stand while we report progress on the other bills. Is it the desire of the committee that the proceedings in connection with Bill 348 and Bill 296 should stand for the moment while progress is reported on the other bills?

Motion agreed to.

CHARLES EDWIN WALKER

The house resumed from June 11 consideration of the motion of Mr. Sanderson for the third reading of Bill No. 296, for the relief of Charles Edwin Walker.

Mr. FRANKLIN SMOKE (Brant): In the absence of the hon. member for Perth (Mr. Sanderson) I beg leave to move the third reading of this bill. I have read very carefully the evidence taken before the senate committee and I think it proves conclusively the charges alleged in the petition. An adjournment was asked for by the respondent for the purpose of producing a cousin named Mrs. Henderson. The adjournment asked for was not allowed but one of ten or twelve days was granted. Mrs. Henderson did not appear at the adjourned hearing, and counsel for the respondent appeared simply to ask for the expunging of certain portions of the evidence. The senate committee then heard the further evidence and found in favour of the complainant. The evidence which it was alleged Mrs. Henderson would give was in the nature of an alibi. The respondent and Mrs. Henderson were residing together, but it is not

reasonable to suppose that Mrs. Henderson would have been able to prove where the respondent was on the three occasions upon which it was alleged offences occurred. One might have happened in one month, the next one two months later, and so on; therefore the evidence as to an alibi could not be conclusive. The bill was referred by this house to the private bills committee and the complainant and his lawyer were present but no one appeared for the respondent although the agent in Ottawa was notified. I therefore beg to move that the question be now put.

Mr. ADSHEAD: I was a member of the private bills committee—

Mr. SPEAKER: Do I understand that the hon. gentleman is moving the previous question?

Mr. SMOKE: Yes.

Mr. GARDINER: When the bill was before the house I understand that the hon. member for St. Lawrence-St. George (Mr. Cahan) moved an amendment thereto; has Your Honour that amendment?

An hon. MEMBER: There was no second.

Mr. SPEAKER: The records show that there was no amendment. If the hon. leader of the Progressive party (Mr. Gardiner) will read No. 43 of the order paper he will find that it reads as follows:

Resuming debate on the motion of Mr. Sanderson for the third reading of Bill No. 296, intituled: "An Act for the relief of Charles Edwin Walker" (Without amendment).

There is no amendment before the chair, but the previous question is always debatable.

Mr. ADSHEAD: Do I understand Your Honour to rule that it is not debatable?

Mr. SPEAKER: It is debatable.

Mr. ADSHEAD: As I remember the case, there was a material witness who was unable to appear before the senate committee because she had undergone a very serious operation. This witness was to prove an alibi for the respondent. It would be a very serious matter to this lady if a divorce were granted upon the grounds of adultery without her being given every opportunity to prove otherwise.

Mr. SMOKE: I rise to a point of order. If my motion is debatable the subject matter referred to by the hon. member who has just taken his seat should not be discussed. He is discussing the merits of the case.