

respected throughout the world as any courts and judges in other parts of the Dominion of Canada or England, and ever since I have been able to understand public affairs I have been in the habit of seeing those judges in those courts doing precisely what we are asked to-day to do—setting aside marriages between minors, or between a minor and a major, contracted without the consent of their parents. That is the law at this moment in at least one-third of the Dominion of Canada, and I cannot agree with my hon. friend from Halifax in believing that the Senate is so ridiculous or contemptible as to be held up to the scorn of the whole world because it acts on the proposition that minors cannot marry without the consent of their parents, or that the Senate by passing this Bill will be dragged down to the low level of Quebec. I propose to vote for this Bill and I desired to give my reason for doing so. I did not wish to be held up as consenting to something which was going to have such a baneful effect on the character of the Senate, and I think it only right to say that if the Senate is to be discredited by passing this Bill it will be discredited in company with all the courts of justice and the laws which have existed since the Province of Quebec was settled, and which prevail there now.

HON. MR. BELLEROSE—I should like to know whether, under the laws of Ontario, a marriage with minors without the consent of their parents is void? In Quebec minors cannot contract a marriage and the courts can declare such a contract null. If in Ontario there is no such law, then it will make a difference with us. In one instance we will have to vote for the report; in the other we will have to vote against it. I should like to have an answer to this question from some lawyer in the Province of Ontario.

HON. MR. DICKEY—The principle is the same in both Provinces.

HON. MR. POWER—In Ontario it is not. The Ontario courts have decided the other way.

HON. MR. MASSON—The question is, whether, in the Province of Ontario, they have relief by law.

HON. MR. DICKEY—No.

HON. MR. MASSON—Am I to understand that in the Province of Ontario minors can contract marriage?

HON. MR. POWER—Yes.

HON. MR. MASSON—If that is so, the sooner Ontario passes a law to prevent such marriages the better.

HON. MR. O'DONOHUE—In Ontario the marriage contract between minors is like any other contract between minors; if it is brought before a court before it is consummated by cohabitation it can be annulled and the contract set aside. Minors are not competent in Ontario to make a contract of any kind. They are all voidable contracts when made by minors, but the place to try whether they are void or voidable is in the courts, not before Parliament.

HON. MR. DICKEY—I have under my hand a decision of Chancellor Boyd in a recent case, *Lawless vs. Chamberlain*, which puts it beyond all question that the ordinary courts cannot grant relief in this case, and Parliament is the only tribunal that can be appealed to.

The Senate divided on the motion, which was adopted by the following vote:—

CONTENTS :

Hon. Messrs.

Abbott,	MacInnes (Burlington),
Cochrane,	Merner,
Dickey,	Montgomery,
Glasier,	Perley,
Haythorne,	Read (Quinté),
Lewin,	Reesor,
Lougheed,	Reid (Cariboo),
McClelan,	Sanford,
McKay,	Stevens,
McKindsey,	Sutherland,
Macdonald (B.C.),	Vidal.—22.

NON-CONTENTS :

Hon. Messrs.

Almon,	McCallum,
Bellerose,	O'Donohoe,
Boucherville, de,	Pâquet,
Clemow,	Poirier,
DeBlois,	Power,
Dever,	Prowse,
Grant,	Robitaille,
Guvremont,	Ross,
Kaulbach,	Sullivan.—19.
Masson,	

HON. MR. SANFORD moved that the Bill be read the third time to-morrow.

The motion was agreed to

The Senate adjourned at 6.10 p.m.