

seems to me, is manifestly of course. We are all told in the marriage services of the churches, in this country at any rate, that the purpose of marriage is the procreation of children. Well, whether or not the spouses both understand and believe that to be so, I take it that it must be universal that any man and woman intending to get married, and going through the ceremony of marriage, do it with the then present intention, at least, that they two will, at any rate for a while, live together. The intention is not that they are to live apart, that one is to have one home and the other another home, but the very idea of matrimonial union involves the living together of those two persons from that time forward, at any rate for a certain length of time.

So I submit to you, honourable gentlemen, that it is a fundamental principle that marriage signifies such a unity between the spouses that for them, as long as their matrimonial union lasts, there cannot be at any one time two domiciles—there can be but one matrimonial domicile. I consider that a fundamental principle of civilized matrimonial law; not merely of English law, but of the law of any civilized people. It is the very essence of the relationship of husband and wife that there should be thenceforward the one, and but one, home for them both.

Then I say that even if for any reason these two spouses are not in fact living together, there is still but the one domicile, the one place which is the matrimonial home of the two. Now, the rule of our law is that that one domicile is the domicile of the husband; and that is the consequence of the union between man and woman which has been brought about by the marriage.

On motion of Hon. Sir Allen Aylesworth, the debate was adjourned.

#### DIVORCE BILLS

##### FIRST, SECOND AND THIRD READINGS

Hon. Mr. Copp, for Hon. Mr. McMeans, Chairman of the Committee on Divorce, presented the following Bills, which were severally read the first, second and third times, and passed:

Bill U9, an Act for the relief of Ruth Oretta Taaffe.

Bill V9, an Act for the relief of Frank William Benson.

Bill W9, an Act for the relief of Hilda Rebecca Allison.

Bill X9, an Act for the relief of Sydney James Black.

Bill Y9, an Act for the relief of Llewellyn John Chubb.

The Senate adjourned until to-morrow at 3 p.m.

Hon. Sir ALLEN AYLESWORTH.

## THE SENATE

Friday, June 7, 1929.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

### YUKON QUARTZ MINING BILL

#### FIRST READING

Bill 343, an Act to amend the Yukon Quartz Mining Act.—Right Hon. Mr. Graham.

#### SECOND READING

Right Hon. Mr. GRAHAM moved the second reading of the Bill.

He said: Honourable gentlemen, if I may be permitted, I will read the explanation of this Bill which has been handed to me by the Department of Mines.

The Act to amend the Yukon Quartz Mining Act seeks to overcome a danger to the recorded owners of mineral claims in the Yukon Territory which has arisen through a recent judgment of the courts. This judgment is to the effect that title to a mineral claim can only be maintained in case it can be shown that the original locator of such claim strictly complied in all respects with the terms and conditions of the regulations at the time in force as to the proper size of the posts employed, the erection of the required mound of earth or stones around the base of the post, the discovery of mineral in place prior to location, etc.

This judgment is based on legal precedent, being a decision rendered by the Supreme Court of Canada in the case of Manley versus Collom, and reported in volume 32 of the Judgments of the Supreme Court, page 371.

Under this judgment it is feared that innocent purchasers of mineral claims for which entries were granted many years ago, who accepted the grants issued by the Crown as proof that the claims had been properly located, thus justifying the large expenditures in development subsequently incurred, may now sustain very serious loss through having their titles contested, while being quite unable, after the lapse of years, to prove that the original locator staked the claim in strict conformity with the provisions of the regulations.

This judgment would appear to indicate that not merely a substantial compliance with the requirements of the regulations is necessary, but that all details as to the exact height and width of the posts, the precise dimensions of the mounds surrounding the same, etc., must be shown to have been complied with.

The amendment is for the purpose of providing that if a substantial compliance with all the requirements of the regulations has been made, so that other prospectors may not be misled, the location may be accepted as valid.

Hon. W. B. WILLOUGHBY: I should like to say a word or two on this Bill. I am not opposing it, for I can quite see that a Bill of this kind may be very much in the public interest. But there are one or two provisions that I think might very well and very prop-