

some serious cases, one in particular—the White case—and if it had not been that one of the members of the committee was a medical man, we would have experienced great difficulty, because some of the questions had to be approached with a great deal of delicacy. There were questions put to one of the witnesses which almost paralyzed some of the members, but which had to be asked, the witness not being disposed to answer. If it had not been for the presence of medical men on that committee I believe we would have failed to elicit the evidence as thoroughly as we did. I remember my hon. friend from Halifax (Mr. Almon) saying that the evidence was given in such a gross manner that it shocked even him, and he thought the questions were put in an unscientific manner to elicit such replies. As this is a matter of great importance, involving the investigation of difficult and delicate questions, it differs from all other committees, and it seems to me that it is quite immaterial whether all the Provinces are represented upon it, so long as we secure the services of the best qualified members of the Senate. We should know nothing of provincialism in this House. I can understand why it should have some influence in the selection of the other committees, where the members are minutely acquainted with questions affecting the interests of their constituents, and therefore the selections should be made with a view to giving representation to every section of the Dominion; but in this matter we are dealing, not with local subjects, but with matters of a judicial character. It is, and will be at all times, unsatisfactory to consider these cases of a judicial character by legislative process and proceedings, and, as some would have it, bound by no precedents. The decisions cannot possibly be uniform, but since we are obliged to deal with them we should have a committee selected independent of provincialism altogether. The courts of justice—even the Supreme Court, the highest court in the land—are not representative of the Provinces, with the exception of the Province of Quebec, which, owing to its code of laws, requires special representation. The Government have said with regard to the other members of the Supreme Court that it is not

necessary that they should come from several Provinces, although they have been taken, thus far, from the great divisions of Canada. The Government have further told us in this House that it is not necessary in the selection of members in the Cabinet that every Province should be represented—that the best men, who command, by their ability and their public career, the confidence of the people, should be selected. Therefore, when my hon. friend has come to this determination that, in the appointment of this committee, affecting sacred rights, the public morals and interests of society, provincial representation should be recognized, he, by that means, destroys chances of securing the most essential qualification—that the best men for the purpose should be got. At present we have no basis at all for divorce proceeding; we have no basis on which a petition for divorce should be brought. Last Session, when my hon. friend, the leader of the Government here, closed a debate on a divorce case with greater ingenuity and force, and I must say temerity, than he would have exercised if he had not closed the argument, he declared that we were paramount to all law and precedent—that we could ignore the established mode of procedure and decisions of the past, and set ourselves in opposition to the decisions of the Quebec courts on the same issues and evidence with which we have been dealing—that we should disregard all that, and form our opinion on our own best judgment and discretion. That is the position that my hon. friend took; and, therefore, I am not so much surprised that in the appointment of a committee of this kind he does not consider it essential that the selection should be made with any view to the judicial decisions to be arrived at. My hon. friend went so far—he and the hon. member from Barrie (Mr. Gowan)—as to say that we were far in advance of England as regards the rights of women and preserving the dignity of womanhood and their essential position in society. He went back so far as to show that in the past divorce decisions in England men were permitted with impunity to use physical violence to their wives and keep concubines in their houses. He might as well have gone back to a time when what we now consider petty larceny