

CORRESPONDENCE.

THE DILLON DIVORCE CASE.

To the Editor of The Week :

Sir,—As this case is of some exceptional public interest, it may be allowable, perhaps, to thus say a word or two about it in your generous columns.

On the general question of "Marriage and Divorce"—a subject relegated (very properly) by Section 91, sub s. 26 of B.N.A. Act of 1867, exclusively to Dominion jurisdiction—I shall not here enter, but shall confine myself to the particular points incidental to the case.

FACTS.

The petitioner is a Roman Catholic, resident permanently in the Province of Quebec, where, while there domiciled, he married the respondent, then (as still) also a Roman Catholic.

After a marital union of four or five years, during which children were born unto them, the misconduct of the wife became such as to call for a separation (*a mensa et thoro*). This, on the counsel of parents on both sides, was done. To avoid the scandal of such life in the city of Montreal, where the husband, in high honourable mercantile life, lived and earned his living, he took her to Paris and left her there with her father. Shortly after that she, voluntarily, returned to Montreal, and quietly resided there with her mother during six years, with permission to visit her children once a week at their residence with the parents of the husband; she (the wife) receiving from her husband an allowance of fifty dollars a month—all without protest or objection on her part.

Then appeared on the stage in Montreal a certain personage from Paris assuming to be a Count de Villeneuve, with whom the wife "openly, wantonly and flagrantly lived on the principal street in Montreal in adultery—and with him had gone to Quebec and registered there as Madame de Villeneuve—and subsequently, when his extradition was pronounced," (on a charge of forgery) "accompanied him to France, where he is now incarcerated."

Such is the evidence, of record, in the case.

There was no defence on the part of the respondent, but, for reasons best known to themselves, one or two Roman Catholic members of the Senate Committee on the Bill made a strenuous effort to defeat it on the purely gratuitous ground—as appears from the evidence—that the petitioner had been unchaste. The majority of the Committee, on the spontaneous objection of the Hon. Senator McKay, ruled against such line of question, even on cross-examination. There was no demur by the petitioner to answer for himself in such attack, but his counsel (J. A. Gemmill) strongly advised him against it as utterly illegal. Failing to make out the *tu quoque*, of adultery, against Mr. Dillon, his enemies (on the Committee) then charged him with being a Roman Catholic, and, "therefore," not entitled to divorce.

This, really, has been the ground of the extraordinary efforts in both Houses, but most demonstrably in the Senate, to throw out the Bill. Simply stated, the ground was this: *Being a Roman Catholic, Dillon has no right to divorce!*

Happily! Parliament in Canada, by a majority in Commons of three to one (67 to 22), finally ruled otherwise.

LEX.

Ottawa, 23rd July, 1894.

A NOTABLE DIARY.*—II.

THE WATERLOO CAMPAIGN.

When Captain Tomkinson's regiment disembarked in Belgium the six troops forming the three squadrons numbered 330. Although the French attacked the Prussians at 4 a.m., on June 15—owing to their negligence—Wellington did not learn the full facts till 7 p.m. instead of at noon. Thus Tomkinson's regiment only got orders at daylight on the 16th to march, being then apparently over 40 miles from where the French attacked Wellington. As during this brief campaign—the country being open—so much on both sides depended upon the cavalry, he gives some general remarks upon the subject. I quote a few:—Wellington's foreign cavalry were inefficient. He reckons Wellington's effective cavalry present on the field of battle—including those of the King's German Legion—equal to our own—at 6,000. The French had 15,000 at Waterloo, of whom at least 12,000 actually came into contact with our troops. "It is an awful thing for infantry to see a body of cavalry riding at them full gallop." In those flint-lock days the muskets were not true for more than 90 yards, and on the average could only be fired once a minute. Cavalry charging at eight miles per hour would cover 234 yards in a minute. "I have seen the best of troops more afraid of cavalry than any other force. Of all troops to resist cavalry I should select the Scotch. . . . In any service where quickness is required I do not think they are equal to others." The night—17th—before Waterloo the rain was continuous and heavy, and the ground where his regiment bivouacked became knee-deep in mud. No tents were up.

He tells an amusing tale of a soldier anxious to keep a fire going who used a wooden clock for the purpose. Forty years afterwards Tomkinson revisited the scene of battle with some friends to whom he related this fact. Whereupon his Belgian guide had the impudence to ask him for payment (as if he had something to do with it) on the score that the clock belonged to his family. Probably all about that region were aware of the following curious and honorable fact told, I think, by Gronow. After the war was ended, a Belgian farmer showed an English officer as a curiosity, an order by a British commissary for forage supplied during the campaign of 1794. He looked upon it as utterly valueless. As the receipt was a genuine document the officer advised his sending it in for payment. This was done and the account was paid. It is safe to say that nothing like this occurred in France during the Republican and Napoleonic periods, *i.e.*, necessities furnished in a foreign country being voluntarily paid for 21 years afterwards.

Waterloo, June 18.—The Dutch and Belgians were mostly raw troops. A large proportion were merely militia. They were all utterly unfit to face Napoleon's veterans. General Alava, a Spanish officer, and the Prince of Orange who commanded the Dutch-Belgians, were both at Waterloo and

*The Diary of a Cavalry Officer during the Peninsular and Waterloo Campaigns. New York: Macmillan & Co. 1894. \$3.00.

had served together on Wellington's staff in Spain. After the battle the following dialogue took place (p. 295): Question by the Prince, "Well, Alava, what do you think your Spaniards would have done had they been present on this occasion?" Answer. "Your Highness, I do not think they would have run away as (some of) your Belgians did before the first shot was fired." Alava exaggerated. The majority of the Dutch-Belgians behaved badly although placed under cover of the hill. When one was wounded two or three went away with him to the rear and commenced plundering. Napoleon gave strict orders against assisting his wounded men to the rear. "Some of the foreign cavalry did nothing but plunder the baggage, cutting at the men in charge of it, obliging them to abandon their horses and baggage." "The batmen of his regiment being experienced drew their swords and preserved theirs. The First Dragoon Guards—raw troops—thus lost all their baggage and the officers nearly all their spare horses." On going next day over the ground where the Union Brigade (English, Scotch and Irish heavies) had charged, I saw where two lines of French infantry had laid down their arms and surrendered, from the regularity of the lines of muskets." His regiment was stationed on Wellington's left. The famous charge of the two brigades of heavy cavalry which wrecked D'Erlon's corps of 16,000 infantry was carried too far. This was partly owing to Lord Uxbridge, their general, charging as a subaltern, so that there lacked a directing mind, and partly because several of the regiments had never fought before. They went into action about 2,000 strong but at nightfall did not muster 200. Part of the ground was over a foot deep in mud and many were bogged, overtaken and killed, quarter being refused.

In the evening Tomkinson's regiment was shifted to near the centre. The Foot Guards were in their front awaiting the attack of the Imperial Guard. Some half-hearted foreign battalions were behind the ridge in the rear and "our brigade was in rear" of these foreign troops keeping them from retiring. "We could not see the Imperial Guard. The smoke was very dense. From the constant roll of musketry and showers of bullets we knew it was a very severe attack. We did not know whether we had got to charge a successful or a vanquished foe. One Belgian regiment in our front, although sheltered, began firing their muskets in the air and their rear began to move off. I and another officer rode up, encouraged and stopped those who had moved furthest, and the Duke came up and also encouraged them." Some of our cavalry then formed in line in their rear and thus kept them from retreating. Tomkinson says that if that one battalion had run away at that critical moment the consequences would have been very serious. It is certain that other foreign regiments would have done the like. "The fire slackened and we were ordered to advance, not knowing who had succeeded. On getting to the top we saw the Imperial Guard running away in great confusion." He gives some curious and interesting information about the French soldiers. Through the remissness of the general commanding his brigade numbers of the French escaped. When the Prussians who had marched 12 miles through ankle-deep mud and afterwards battled three hours, ultimately fought their way to the paved highroad. "They greeted us with cheers for the stand we had