

HON. MR. McCLELAN—My opinion is, that so far as discredit to the Senate is concerned, it might deserve it if we refused to pass the Bill. As a member of the committee, and one of the six who agreed to report this Bill without much difficulty after hearing the evidence, I must say that this is a case, whether there is a precedent for it not, in which the Senate should grant the legislation sought. If there is no precedent we should make one. I cannot see why we should not act on the same grounds as Parliaments have acted when precedents were first established. If this is a case that is entirely new and exceptional it is one that is not likely to occur again; and if a similar case should occur again this could be quoted as a precedent. I think we are justified in taking into consideration the circumstances of this unfortunate affair, and granting the separation as requested by the petitioner. Whether we have a precedent or not, I think we should pass the Bill. However, from the working of the Bill in the Laval case, I think that that would be a precedent for those who really require one, because in that particular case it was stated that inasmuch as the consummation of the marriage was not entirely proven, therefore the Bill should be granted. So far as that goes it is a good precedent for this case, because no one disputes the fact that it was made clear that the marriage in this instance was not consummated. But there are other circumstances which have been brought forward by my hon. friend from Amherst, who acted as chairman of the committee during the progress of the investigation of this case. There was the fact of its being a marriage of minors, or at least the bride was a minor, and we have had sufficient evidence to justify us in concluding that they were both minors at the time of the ceremony. We have the fact that the marriage was clandestine, and contrary to the wish and inclination of the young lady's parents. The father of the young lady died, unfortunately, two or three weeks before the ceremony took place. Ten months after the ceremony the mother, on finding out the fact that her only remaining daughter had contracted this marriage, immediately fainted away, and has been afflicted with paralysis ever since. Not only were they minors who could not lawfully contract a marriage without the consent of their

parents, but it is stated in the form of license used in Ontario that where any fraud or evasion of truth occurs the contract shall be null and void. That is a matter that does not come within our cognizance, inasmuch as the marriage ceremony makes the marriage a legal one. We have, then, the clandestine nature of the marriage, the fact of their being minors, the absence of the consent of the parents and guardians, the fact that there was no consummation whatever of the marriage, and in point of fact the desertion on the part of the husband, because what constitutes desertion is when the husband fails to provide a home and do those things which a husband would naturally be expected to do. There was not only no evidence to show that he had provided such a home, no evidence to show that he invited his wife to live with him, but shortly after the ceremony he left her at her father's house. There was no consummation of the marriage, no cohabitation, and soon afterwards he went to Texas to live, and from there he has written letters to her, addressed to her in her maiden name. It was not set up at all, and was not considered a necessary part of the investigation or conclusion of this case, that the Laval case was an exact precedent. It was not considered—I can only speak for myself—that it was absolutely necessary that we should follow that precedent, or that we should search out any particular precedent applying to this case, but we felt that the circumstances of this particular case were such that Parliament would be justified, and not only justified, but would be doing their duty, to grant this Bill, and hence they came to such a unanimous conclusion to recommend it to the House. I firmly believe if there is any discredit to be attached to the Senate—and I am sure there will not be any whichever way they decide—the discredit ought more surely to rest on them for rejecting this Bill than for passing it.

HON. MR. ABBOTT—I do not propose to prolong the discussion, but I have learned something from my hon. friend from Halifax which I did not know before, and I wish to say a few words about it. I have lived all my life in the Province of Quebec, where we have judges and courts as respectable and as much honored and