

said that they never saw a clearer case for divorce—that this petitioner did more than most men would have done under the circumstances. He is a poor man, working on sub-contracts out in British Columbia. It was not very easy then to go round by San Francisco and up here to Ottawa to get a divorce if he had not the money. He did the best he could as soon as he got the means. Every member of the committee but two thought it was a perfectly clear case, and I hope that this House will consider it a clear case also.

The motion was agreed to, and the report was adopted, on a division.

HON. MR. CLEMOV moved the third reading of the Bill.

The motion was agreed to, and the Bill was read the third time, and passed.

DECEASED WIFE'S SISTER AMENDMENT BILL.

SECOND READING.

HON. MR. ALMON moved the second reading of Bill (U) "An Act to amend an Act concerning Marriage with a Deceased Wife's Sister." He said: In moving the second reading of the Bill I should apologise to this House for introducing a measure of this kind, that I did not leave it in the hands of the lawyers. But lawyers, although very necessary in framing Bills, sometimes muddle them, and make them less clear than they should be. I think this Bill is so clear that it speaks for itself. I will read it:

"Whereas, by An Act passed in the forty-fifth year of Her Majesty's reign, chapter forty-two, intitled: 'An Act concerning Marriage with a Deceased Wife's Sister,' all laws prohibiting a marriage between a man and his deceased wife's sister were repealed; and whereas it is desirable likewise to remove all prohibition against marriage between a man and his deceased wife's sister's daughter: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. All laws prohibiting marriage between a man and the daughter of his deceased wife's sister are hereby repealed, both as to past and future marriages, and as regards past marriages, as if such laws had never existed.

"2. This Act shall not affect, in any manner, any case decided by or pending before any court of justice; nor shall it affect any rights actually acquired by the issue of the first marriage previous to the passing of this Act, nor shall this Act affect any such marriage when either of the parties has afterwards, during the life of the other, lawfully intermarried with any other person."

It appeared to me to follow, as a matter of course, when we passed the Deceased

Wife's Sister Bill, which enabled a man to marry his deceased wife's sister, that he could marry the daughter of his deceased wife's sister; but I found on enquiry of legal authorities that this is not the case—that in order to make it lawful to marry a deceased wife's sister's daughter another Act would have to be passed. Why this provision was not incorporated in the former Act I do not know, but I suppose it was because people's passions were so aroused in the controversy that they overlooked this important fact. Now that we can look at it calmly and dispassionately, this Bill being introduced by a layman instead of a lawyer, we will take a common sense view of the matter and decide it according to the facts of the case. As the law at present stands, a man feeling that he can legally marry his deceased wife's sister thinks he is equally free to marry his deceased wife's sister's daughter, and the daughter knowing that he could marry her mother thinks the same. They marry, and what is the result? A short time after the woman finds that instead of being a wife she is a mistress and that her children are illegitimate. Some hon. gentlemen may say that this may be got over by such people going over to the United States, and getting married there. That is a marriage in the eye of God, but it is certainly not a marriage in the eye of the law. The wife may at any moment have it cast up to her that she is not a legal wife, and her children may be told by their schoolfellows, at any time, that they are bastards. I think it is our duty to remove this anomaly in the law, and I trust this matter will be considered calmly and quietly, without letting any other feelings interfere with the justice of the case.

HON. MR. KAULBACH—I may say I quite agree with my hon. friend as regards the law as it at present exists, and I infer from what he says that this is a relief Bill for people who have entered imprudently into the marriage contract. The hon. gentleman is wrong in saying that this matter was not considered when the Deceased Wife's Sister Bill was before the House. I opposed that Bill, and I brought this very question up as being the natural consequence of it—that people would next want to marry their own nieces. This is the legitimate outcome of the adoption of