

stances ought to be dealt with by Parliament.

[Mr. Macdougall read the remarks of several law Lords upon the subject.]

Upon that view of the power of Parliament and the exigency of the case, Miss Turner's marriage was dissolved, although it was admitted by the lawyers in the House that the Scotch courts could, and would if properly approached, decree the marriage to be null. The House said:—"This case requires promptitude; it is legally before us; we can deal with it; we can cut the Gordian knot," and they did it. I have cited Miss Turner's case simply to show an exercise of the power of Parliament, where the Courts could have furnished a remedy. In the case of my client, desertion being admitted and cruelty proved, she would be entitled in England, or in Quebec, or in Nova Scotia, or New Brunswick, to demand judicial separation and alimony, and the custody of the children—but under the laws of Ontario she must come to this Parliament, the only power that can remedy her wrongs.

[Mr. Macdougall at some length—supporting his view by reference to the authorities—argued that Mrs. Campbell was remediless, even to the extent of alimony, owing to the limited powers of the Court of Chancery, and the position of her case in consequence of Mr. Blake's judgment. He concluded his address, which had occupied two sittings of the Committee, as follows] :—

Gentlemen. I submit in conclusion, that to turn my client away from this court after the case she has proved, I believe to your satisfaction, would be a great wrong to her, a great failure of justice, a great scandal upon our laws and institutions. The husband petitioner has asked for one kind of divorce;

the wife-petitioner for another. I ask this committee to report, that the preamble of this Bill has not been proved; that on the contrary, the evidence shows that a grievous wrong will be sustained by one of Her Majesty's subjects in Ontario, unless the high powers of Parliament are exercised to grant her the limited divorce she asks, and to provide, by law, for the maintenance of herself and her child or children. I ask the Committee to report that, while Mrs. Campbell is not guilty of the crime of adultery, her husband has been guilty of great cruelty; that he first deserted and then drove his wife from his house; that he has refused to maintain or provide sustenance for her or her youngest child without lawful excuse, and that, under the circumstances, she is entitled to have the Bill amended in accordance with the prayer of her petition.

[The Committee adjourned until the next day, and reported the preamble of the Bill not proven. The Senate referred back to the Committee, Mrs. Campbell's petition, with instructions to enquire into its allegations, and, if true, amend the Bill accordingly. Mr. Macdougall addressed the Committee on the charges in Mrs. Campbell's petition, pointing out the evidence already taken which supported them. He also submitted draft amendments to the Bill. The Committee found all the allegations in Mrs. Campbell's petition proved, and reported the fact, with the proposed amendments of the Bill, to the Senate, where the question was, by resolution, ordered to remain until next session. It would have been impossible to carry the amended Bill through the Commons, as the session was within two or three days of its close.]