

or the other; I merely wish to place before them my view of this evidence, as a justification for myself in their eyes for voting as I do. Even if it were not to my mind proved as nearly with certainty and conclusiveness as circumstantial evidence will go, that he was guilty of unfaithfulness to her while living with her, then I should say I would be equally determined to vote for this bill, because after consideration of all the circumstances, I believe she did nothing which in my own eyes renders her unworthy of that relief. The adultery after the separation is of course proved. It is not disputed. The only argument I have heard with regard to that is, that the respondent was perfectly justified in it because his wife was not living with him; and we are told that if we allow a woman to be divorced because a man is guilty of adultery after she separates from him, we shall be opening the door to all kinds of profligacy. But how are we going to encourage immorality by granting this woman a divorce? People might say we are going too far in punishing immorality, but certainly no one can say we are encouraging immorality in punishing a man who has been guilty of adultery.

Hon. Mr. Kaulbach—Does not a woman who leaves her husband without cause contribute to his adultery?

Hon. Mr. Dever—Will the hon. gentleman explain to me the last line but one on page 3, the petitioner's evidence, where she is asked, "Were those suspicions confirmed?"

Hon. Mr. Abbott—Her reply is, "Unfortunately had no knowledge of any facts." That is quite consistent with the whole statement. She had not at that time investigated her husband's conduct. I just ask the hon. gentleman to consider this fact, that she did know, that her husband had admitted it. My hon. friend thinks nothing of that; that is of no consequence. If she did not see him in the act, had she no right to leave him?

Hon. Mr. Dever—That is my point.

Hon. Mr. Abbott—If she was to believe what her husband said to her on that subject, she must be convinced of his guilt. When a man blackens himself he is generally believed, and if she believed what he said to her, she was justified in believing that he was unfaithful to her. Now, I am not disposed to go into any question of sentiment in respect of this case. I think sentiment is misplaced; but I think when we as legislators—not as judges acting under a fixed rule of law laid down for our guidance, because we have none such—I say, without the least hesitation, that we as legislators, in deciding whether or not we will give this woman the relief she asked for, must consider the surrounding circumstances, and must consider also the arguments which hon. gentlemen opposite offer against our

exercising our discretionary power, whatever it may be, in the direction of granting this bill. Hon. gentlemen say, "What will be the condition of those unfortunate children if the divorce is granted?" But I ask hon. gentlemen what will it be if the divorce is refused? Two young girls of thirteen or fourteen years will be placed under the control of a man who is proved in the record to have been frequenting a house of prostitution and having criminal connection with prostitutes within a fortnight of the time they gave their evidence here. One woman when asked said it was a week ago last Saturday night; the other fixed last Thursday week, and the result of our refusing relief to this petitioner would be to place those two young daughters under the control of a man who, two weeks ago, is proved guilty of frequenting houses of ill-fame and cohabiting with prostitutes. How can hon. gentlemen be so misled by a fancied appreciation of texts of law as to think that we are doing those children an injury by protecting them from being placed in such contaminating contact with this man? Here is their mother able and willing to support them, educating them at this moment and supporting them out of her own means, and we are asked to consider that it would be a misfortune to the children to be allowed to continue under the control and training of their mother, and that we should by preference place them under the control of a man who describes himself as a thorough blackguard, who does not want to be any else; and who says his mode of life suits him. I do not see how my hon. friends can use such arguments in connection with such facts, I cannot see how hon. gentlemen can appeal to us against those children being retained by their mother, insisting that we shall thereby do them an injury, and that it will be to their advantage to be placed under the control of their father. I do not know by what process of reasoning they arrive at that conclusion, unless they have argued themselves into it, by pondering over texts which they find in law books, which are applicable only to cases entirely different from this. I do not see how they can imagine for a moment that it would be better for those children to be placed under their father's control, than under their mother's control. These are the considerations, not dealing with the minor points, which lead me to support this bill. I shall certainly vote for it, and I shall hope that it will be carried; but the fact that it is not carried, will not convince me that this woman is not justified in getting relief that will free her and her children from the control of this man.

The House divided on the motion, which was agreed to on the following division:—Contents, 32; non-contents, 19.