

the amendments made by the Legislature Council to the bill to declare the Monument erected at St. Eoy to the memory of the braves of 1760, to be public property, were taken into consideration and agreed to.

On motion of Mr. McKellar, the bill from the Legislative Council intituled: "An Act to amend the Municipal Act of Upper Canada, by restricting the class of Voters on By-laws for the creation of debt," was read the first and second times, and the Rule suspended in relation thereto, and referred to the Select Committee appointed to take into consideration all bills (after the second reading), petitions, etc., relating to the Municipal and Assessment Laws of Upper Canada.

Mr. Ferguson (South Simcoe), attended in his place, and stated that at the time of the meeting of the Select Committee on the Brockville Election Petition yesterday, he was engaged in attending to matters of business, and quite forgot the hour of meeting, until it was too late—and having certified the same on oath, he was excused by the House.

The following bills were severally read a third time, and passed:—

To compel Informers suing for penalties, in certain cases, to give security for costs.

To amend the Act to incorporate the Asylum of the Good Shepherd of Quebec.

To incorporate the French Canadian Butchers' Benevolent Society of Montreal.

From the Legislative Council, intituled: "An Act to amend the Charter of the Eastern Township Bank."

To incorporate the Children's Industrial School of the City of Hamilton.

From the Legislative Council, intituled: "An Act to authorize the Lord Bishop of the Diocese of Ontario, and the Rector of Kingston, to dispose of the Queen Street School Property in the City of Kingston."

To incorporate the Humane Society of Canada.

To incorporate the Board of Trade of the City of Hamilton.

From the Legislative Council, intituled: "An Act to amend the Act respecting the Surrogate Courts."

The bill to amend the Act respecting the Election of Members of the Legislature was read the second time on a division, and referred to a Select Committee of Hon. Messrs. Rose, Dorion (Hochelaga), Mowat, McGee, Cauchon, Desframbourg, Langevin, and McDougall, and Messrs. Mackenzie (Lambton), Walsh, Beaudin, Price, Wood, Dunkin and Geoffrion.

The bill to amend the Act respecting the Elections of Members of the Legislature was read a second time on a division, and referred to the Select Committee on bills respecting Election of Members of the Legislature.

The bill to amend Chapter 6 of the Consolidated Statutes of Canada, respecting the Election of Members of the Legislature, was read a second time, and referred to the Select Committee on bills to amend the Act respecting Election of Members of the Legislature.

The bill to protect settlers in certain cases, in Lower Canada, was considered in Committee and reported.

Mr. Dorion (Drummond and Arthabaska) moved that the bill be read a third time to-morrow.

Hon. Mr. Rose moved, in amendment, that the said bill be not read a third time to-morrow, but this day six months.

Yeas.—Messrs. Alley, Ault, Bell (North Lanark), Bell (Russell), Biggar, Bown, Cameron, Carding, Cartwright, Cockburn, Carrier, Dansford, Ferguson, (Frontenac), Galt, Harwood, Higginson, Jones (North Leeds and Grenville), Jones (South Leeds), Knight, Macdonald (Glengarry), Macdonald (Cornwall), Macfarlane, MacKenzie, McGee, Pope, Pomere, Powell, Price, Rose, Ross (Dundas), Ross (Prince Edward), Shanly, Simpson, Street, Wallbridge (North Hastings), Walsh, Webb, Wilson, and Wright (Ottawa County).—39.

Nays.—Messrs. Archambault, Beaubien, Bellerose, Blanchet, Brassas, Bowman, Bronsseau, Buchanan, Burwell, Caron, Cauchon, Chapuis, Corneille, Goupin, Gowan, De Hochelaga, Denis, Dorion (Hochelaga), Dorion (Drummond and Arthabaska), Duckett, Dufresne (Iberville), Dufresne (Montreal), Durkin, Evanturel, Fortier, Gagnon, Gaudet, Geoffillon, Holton, Houde, Huntington, Huet, Irvine, Joly, Labreche-Viger, Laframboise, LaJolie, Langevin, Macdonald (Toronto West), Attorney General Macdonald, McIntyre, Mackenzie (Lambton), Mackenzie (North Oxford), McDougall, McGivern, McKellar, Mowat, Munro, O'Halloran, Piquet, Parker, Perras, Ptasounski, Poullet Poullet, Raymond, Kewell, Scatcherd, Ross (Champlain), Bymal, Scatcherd, Seebir, Smith (Toronto East), Stinson, Sylvain, Tasse, Thompson, Turcotte, White, and Wright (East York).—70.

The main motion was then agreed to and the bill ordered for a third reading to-morrow.

The bill for holding Vessels liable for debt

was considered in Committee, and progress reported.—The Committee obtained leave to sit again to-morrow.

The bill to alter the boundaries of the Counties of L'Assomption, Joliette, Berthier, and Montcalm, for electoral and other purposes, was considered in Committee, reported, and ordered for a third reading to-morrow.

The House then adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, June 2nd, 1864.

The SPEAKER took the Chair at three o'clock.

THIRD READING.

The bill to admit John Thompson Huggard to practice as Barrister in the Courts of Upper Canada, was read a third time and passed.

The amendments made by the Committee on Private Bills on the bill to incorporate the Seamen's Union Bethel of Montreal were, on motion of the Hon. Mr. Ferris, concurred in, and the bill was read a third time and passed.

QUEBEC TYPOGRAPHICAL SOCIETY.

Hon. Mr. LEBELLIER DE ST. JUST moved the concurrence of the House in the amendments made by the Committee on Private Bills and Standing Orders on the bill to incorporate the Quebec Typographical Society. The amendments were concurred in, and the bill was read a third time and passed.

SURGERY AND ANATOMY.

Hon. Sir E. P. TACHE presented a bill to amend the act relating to the practice of surgery and the study of anatomy.

BILLS FROM THE ASSEMBLY.

The SPEAKER stated that he had received a message from the Legislative Assembly, to the effect that that body had passed the following bills without amendment:—

To enable the Rectory of Kingston to dispose of certain property.

To amend the Eastern Townships Bank. Perfecting Surrogate Courts.

SEVERAL DIVORCE BILLS.

Hon. Mr. CURRIE moved that the Counsel for the petitioner be authorised to examine at the Bar of this House any witnesses to prove that the necessary preliminary steps to the second reading of the bill for the relief of James Benning had been taken.

The motion having been carried, the Counsel for the petitioner proceeded to examine Frederick B. Gerald, of Montreal, as to the services upon Janet Mary Leslie, the wife of the petitioner, of a copy of the bill, and other papers, all of which he reported as having duly served by delivering the same to Janet Mary Leslie, herself, at her residence, on the 25th May last. The witness was then permitted to withdraw.

Hon. Mr. CURRIE said that, in seconding the bill for the divorce now sought, he understood the parties had been married for ten years, at the end of which time Mr. Benning found that his wife had been unfaithful to her marriage vow. That a deed of separation was then agreed to between the husband and wife, and that the only object of the bill was to confirm the said agreement. He believed there was no disposition on the part of the unfortunate woman to oppose the bill.

Hon. Mr. McCREA thought the rules of the House required that the petitioner himself should be examined as to collusion between him and his wife before the second reading of the bill.

Some conversation ensued on this point, but the Speaker decided that it was in order to read the bill the second time first, and that their witnesses could be heard under oath in support of the allegations.

Hon. Mr. CAMPBELL could not agree with the hon. Speaker, and held that if the petitioner was to be examined at all, it should be done before the second reading, and reasoned upon the Rules in support of his opinion. This was necessary, he said, to enable the House to decide whether they would be justified in proceeding with such bills, and it was for this very purpose that this examination was provided for.

Hon. Mr. McCREA held the same opinion. Hon. Mr. BOULTON said he had been present on two previous occasions when divorce bills were sought from the House, and the course pointed out by the hon. Commissioner of Crown Lands was the correct one.

The SPEAKER said that the course pursued in the two cases named was not the same in each case, and he thought it was optional for the House to take either course.

Hon. Mr. CURRIE moved that the petitioner be excused from attending at the bar for examination.

Hon. Mr. McCREA thought this would be a most dangerous evasion of an important rule, and Hon. Mr. Dickson agreed with that member in his view of the matter.

Hon. Mr. CURRIE then withdrew his motion.

The SPEAKER thereupon informed the House that the petitioner, Mr. Jas. Benning, was in attendance below the bar waiting to be examined.

The Clerk then administered the oath to the petitioner, who, on being questioned as to whether there was or had been any collusion or connivance between Janet Mary Leslie and himself for the purpose of dissolving their marriage, declared there was not, and that there never had been such collusion or connivance. Hon. Mr. CURRIE then moved the second reading of the bill.

Hon. Sir E. P. TACHE said as a matter of duty he would be obliged to oppose the measure.

Divorce was both anti-Christian and anti-social. In support of the former we had the authority of the Gospel, and in support of the latter had the experience of society in the sad results which had always followed. The Mosaic dispensation allowed of divorce, but our Saviour restored marriage to its original sacredness. The hon. member went on to quote from the Mosaic account of the creation of the woman from man's own side (reading the narrative in Genesis). In course of time the passions acting on human weakness brought about a desire for change, and probably the people prevailed on their law-giver to give them the relief which was afterwards condemned by our Lord. The Hon. Col. proceeded to read what Christ said in condemnation of putting away wives for any cause save fornication (hear, hear), giving the accounts as reported by the several Evangelists. He admitted that when a woman had committed adultery her husband might put her away, though he that married the woman that was put away, committed adultery. The Apostles and the Fathers condemned the putting away of wives. The hon. member next proceeded to show that it was anti-social and immoral to bring about such separations. It was destructive of the family-institution; and, if the family-institution were impaired, the social edifice would necessarily crumble and fall. The children would be separated like the parents, and much sorrow and suffering would be sure to follow. Such children never could be educated. They might be instructed, but not taught their duties to themselves and others as they would have been in the family circle. The hon. Colonel referred to the evil effects of divorce in the United States, and to the large business now being done in the Divorce Courts in Great Britain. He had always opposed such bills, and he would be wanting in his duty if he did not protest in this case.

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LEGISLATIVE ASSEMBLY.

THURSDAY, June 2nd, 1864.

The "press" difficulty again presents us from laying before our readers a report of today's proceedings in the Assembly; but the misunderstanding may now be considered to be at an end. The reporters met in their room at three o'clock, but, up to that hour, no answer had been received to their request for information as to whether the order excluding strangers from the reading-room was intended to apply to them. After some discussion, an adjournment took place until half-past seven o'clock, when it appeared that the "powers that be" had finally condescended to recognise the Fourth Estate by returning an answer to their letter. The meeting, which was very numerously attended, having been called to order—Mr. B. Chamberlin (Montreal Gazette) in the Chair, and Mr. J. K. Edwards (Toronto Globe) acting as Secretary—the Chairman laid before the meeting the following letter:—

"SPEAKER'S CHAMBER,
Legislative Assembly,
2nd June, 1864:

"B. Chamberlin, Esq.,
"Ed & Prop.,
"Montreal Gazette."

DEAR SIR,—I am instructed by the hon. the Speaker to acknowledge receipt of your letter of yesterday, enclosing a series of resolutions passed at a meeting of the Reporters of the Press; also your letter of this day, asking for an explanation of the order excluding the public from the Reading-room of the House before noon of each day. He desires me to state that your communication of 21st ult. was duly read and submitted to the House at 3 o'clock p.m. yesterday, and the reply furnished to you this morning was the only reply authorized by the House.

"Mr. Speaker desires me further to inform you that for his part, he had proposed to the House that tickets should be issued to Reporters and Correspondents of the Press, and that ex-members of Parliament or Government

gentlemen attending Resolutions Committees claiming their seat, and their Counsel, should be admitted to the Reading-room at all hours.

"This suggestion was not accepted by the House, therefore Mr. Speaker has not considered himself justified in altering the order adopted by the House of the 31st May.

"I have the honor to be,

"SIR,

"Yours &c., &c.,

"G. H. MACAULAY,
"Speaker's Secretary."

Moved by Mr. J. K. Edwards (Toronto Globe) seconded by Mr. S. J. Jones (Hamilton Times)—

That the representatives of the Press have taken into consideration the letter of the Honorable the Speaker, of this day, informing them of the nature of the order of the 31st ult., by virtue of which they have been excluded from the Reading-room;

That, having for a time refrained from taking their usual places in the Gallery of the House, in order to mark their sense of an act of discourtesy to which they conceive they have been needlessly subjected, they feel that they have now maintained this protest for a sufficient period to preserve their own feelings of self-respect, and to vindicate the honor of the profession generally;

That, having by the stand they have taken since Tuesday last, amply satisfied what they owe peculiarly to their profession, they consider the time has come when they should again enter on the discharge of the duties they owe to the public, who look to the press accurately to report and faithfully to comment on the proceedings of the Legislature;

That they therefore resume their places in the Gallery at three o'clock to-morrow.

Moved, in amendment, by Mr. Gregg (Toronto Leader), seconded by Mr. McDonnell (Quebec Chronicle)—

"That a sense of consistency should restrain the members of the press from entering the Galleries again this session, with the indignity of which they complain remaining undressed."

This amendment was put to the vote, and lost, on the following division—

Yeas.—Mr. Clenaghan (Woodstock Times), Mr. Fabre (Quebec Canadian), Mr. Lindsey (Toronto Leader), Mr. McDonnell (Quebec Chronicle), Mr. Lahaig (Quebec News), Mr. Gregg (Toronto Leader), Mr. Roger (Quebec Mercury), Mr. Gelinax (Montreal Mirror), Mr. McLean (Perth Herald).

NAYS.—Mr. White (Peterboro Review), Mr. I. Watson (Quebec Chronicle), Mr. ——— (Montreal Order), Mr. Ols. Daoust (Montreal Post), Mr. Aubin (Quebec La Tribune), Mr. L. H. Fréchette (Courrier d'Ottawa), Mr. S. J. Watson (Quebec Daily News), Mr. Berthelot (Courrier de St. Hyacinthe), Mr. Jones (Hamilton Times), Mr. Kirby (Montreal Herald), Mr. Edwards (Toronto Globe), Mr. Hubertus (Kingston British American and other dailies).

The main motion was then carried on the same division reversed.

The Chairman expressed himself favorable to the view taken by the majority.

On motion of Mr. McDonnell, seconded by Mr. Hubertus, it was

Resolved.—That the thanks of the meeting are due and are hereby tendered to the Chairman and Secretary.

The meeting then adjourned.

Ref. Bourne's June 2, 1864.
Bonmar divorce bill
Continued

Hon. Mr. CHRISTIE said he agreed with the hon. Premier, that the utmost caution should be observed before dissolving the marriage-bond. With him, he regarded it as a most sacred relation, and one which ought not to be broken, excepting under the circumstances indicated by the highest authority. But the hon. Premier should recollect that the opinions he had adduced were not always those acted upon by the Church of Rome. In the case of Henry the Eighth, the most libidinous and bloody-minded monarch who had ever disgraced the British Throne, the Pope had granted a divorce.

Hon. Sir E. P. TACHE—No; it was because the Pope would not grant him a divorce that he separated from the Church of Rome.

Hon. Mr. CHRISTIE—Then, in the case of Napoleon, the Pope had also granted a divorce, and this not because of alleged unfaithfulness on the part of Josephine, but because of the inordinate ambition of the Emperor, and in this way the head of the Church of Rome had countenanced and aided a transaction which could not be defended. The real distinction between Protestants and Roman Catholics on this subject arose from the fact that the latter regarded marriage as a sacra-

ment, while the former treated it simply as a civil contract. He did not propose to argue this subject at any length, for it had been gone over again and again, and nothing new could be advanced upon it. Besides, he had no doubt that hon. members had all made up their minds and could not be influenced by anything he might say. He wished, however, to note one or two points. The hon. Premier had said that divorce was anti-Christian and contrary to the law of Christ, but he (Mr. Christie) must say he had failed to discover any support for such opinions in the passages he (Mr. Taché) had quoted. He had referred to the 19th chapter of the Gospel according to St. Matthew, where our Saviour spoke the conversation of Christ with the Jews, who inquired for what cause a man might put away his wife, in which the Lord, after saying that "in the beginning it was not so," and that it was because of the hardness of the hearts "of the people of his day" that Moses had allowed them to put away their wives, but—quoting the Saviour's own authoritative words with emphasis—He said to them, "but I say unto you that whosoever putteth away his wife, save for the cause of fornication, causeth her to commit adultery," &c., &c. There were two positions—first that divorce was proper and lawful in cases of infidelity, and second that the party guilty of the wrong could not marry again. This, he would not doubt, was the clear teaching of the passage. Our Saviour condemned divorce for any and all other causes than adultery, but admitted that for adultery it might be resorted to. Neither Mark nor Luke had stated the case with equal distinctness; but surely the hon. Premier would not say that the Scriptures were not consistent throughout in their teaching. If the permission was clearly given in one place and not denied elsewhere, the silence of other parts could not invalidate the specific averment. With regard to the reasoning of the Apostle in 7th Romans and in 1st Corinthians, 7th chapter, the reference there is to a practice then prevalent among the Jews converted to Christianity, of divorcing their heathen wives, which he positively condemned. This had nothing whatever to do with the real question at issue. With regard to the immorality of the practice, he (Mr. Christie) thought the charge was sufficiently disposed of by the express words of Christ, which had been quoted. He could not sustain anything immoral in its nature or tendency, but he clearly and explicitly permitted divorce for cause of fornication. He (Mr. Christie) admitted there were great evils connected with permitting divorce for other causes, and thought the marriage bond was much too lightly esteemed. The consequences were truly deplorable, and he would regret ever to see the day in Canada when divorces could be had with as much facility as in some other countries. He hoped that the rules which rendered divorce so difficult in Canada would be adhered to rigorously. In 23 years there had been only four cases, and he trusted they would not hereafter multiply. But when a case in which the guilt of the party was so clear as this was presented itself, and the sufferer sought relief, he thought it would be an extreme hardship to deny it. Nothing in his mind could be more revolting to the feelings of a sensitive and honorable man than to be allied beyond the power of emancipation to a woman who had treated him so infamously. The hon. Premier had not painted too darkly the consequences of such wrongs, but the consequences were not due to the divorce, they were antecedent, they flowed from the crime. As to the results in respect of the children, he believed the divorce of one of their parents would be the most solemn and salutary lesson they could receive at the hands of Parliament in regard to the evils which had brought it about, whereas their living with a parent who was vicious and dishonored to meet, of necessity, he highly injurious to their moral sense. He hoped the House would allow the bill to be proceeded with, for the evidence was such as to show that the petitioner was entitled to relief.

Hon. Mr. CAMPBELL, in allusion to the expression of Hon. Mr. Christie, said that Henry the 8th was a most libidinous and bloody King, &c., and enquired if he had read "Froude" on the subject.

Hon. Sir E. P. TACHE—The great schism in England was brought about just because the Pope refused to divorce Henry the 8th from Anna Boleyn. Then, in the case of Napoleon, the Pope only annulled a marriage which had not been celebrated according to the rites or with the authority of the church.

Hon. Mr. CHRISTIE—Then if not really married there needed no divorce.

Hon. Sir E. P. TACHE—It was well known that during the French Revolution there were persons who exercised ecclesiastical functions who had never received authority from the

church, and it was by one of those that Napoleon was married to Josephine.

Hon. Mr. CURRIE—Well, neither have the parties in this case been married by a priest having the authority of the Church of Rome, and so upon the same principle it is right they should be divorced. (Hear, hear, and laughter.)

Hon. Sir E. P. TACHE, returning to the scripture argument, endeavored to maintain that Christ in what he had said was merely quoting the Hebrew practice; and wished to make it appear from the prohibition to marry the woman put away that it was wrong to have put her away. Marrying her would be adultery, because she was still another man's wife.

Hon. Mr. CHRISTIE maintained that the Pope had allowed the divorce of Henry the 8th's first wife.

Hon. Mr. FERGUSON BLAIR, who the reporter regrets could not be distinctly made out, was understood to say that there were several other cases in which the Pope had allowed of divorce.

After a few words more from Hon. Mr. Christie, in which he again presented the distinct declaration of our Lord as to the putting away of the adulterous wife—

Hon. Mr. DELATERRIERE rose and said the law of divorce was immoral and subversive of the fundamental basis of domestic society, and of all other society. What would become of the children educated in so immoral a school? It was well known how many scandalous prosecutions there were in England, and especially in the United States, where divorce was obtained with so much facility. They made a comedy of divorce, which, however, often ended in criminal tragedies. The hon. member went on to refer to some individual cases, and reasoned that divorce was the active cause of much immorality. That the Church of Rome had always opposed it; that it was a mere human invention; that it dated from the Lutheran era; that it was only known in France during its garchical revolution; that the divorce of Josephine by Napoleon was severely punished, for that all his disasters were subsequent to that event; that the origin of marriage was coeval with the race; that St. Paul and the Christian Fathers were adverse to divorce; that the Council of Trent had declared against it; and that, for all these reasons, he must vote against the bill.

Hon. Mr. CURRIE said that, notwithstanding all he had heard, he would vote for the bill. He had anticipated that a considerable number of members would oppose it; but the hon. Premier had conceded that people married by clergymen not having the authority of the Church of Rome might be divorced; therefore, there could be no difficulty in allowing of it in this case, since the parties had been married by a minister who had no such sanction. It had been said that the principle of divorce was anti-Christian and anti-social. Well, he thought, for one, that Christian England would compare with any other Christian nation in respect of religion or morality, and that its people were as chaste and pure as those of countries where divorce was not allowed. (There was some confusion at this time, an unusually large number of strangers being present, and some remarks of the hon. member could not be heard.)

Cries of "Question," "question"; "Call in the members."

The SPEAKER having directed the members to be called in, the question was put on the second reading, which was carried—34 to 18, viz:—

YEAS.—Hon. Messrs. Bennett, Campbell, Christie, Currie, Alexander, McDonald, Sanborn, McCrea, Seymour, Paquet, Blake, Reeser, McMurrich, Leonard, Smith, Atkins, McMaster, Crawford, Moore, Gordon, Blair, Dickson, Shaw, Ferrier, Leslie, Milne, Parry, Matheson, Boulton, Vidal, Hamilton (Inkerman), Burnham and Reed.

NON-YEAS.—Hon. Messrs. Taché, De La Terrière, Bureau, Chaffers, Malhot, Armond, Guvremont, Flint, J. Duchesnay, E. Duchesnay, Olivier, Lacoste, LeTellier, Archambault, Gormier, Proudhomme, Proulx and Malhot.

Hon. Mr. CURRIE then moved that the petitioners be heard by counsel at the bar to prove the facts alleged in the bill; and to produce witnesses to that effect.—Carried.

Mr. F. B. Gerald, the witness before examined, then, upon being desired, appeared at the bar, and in reply to a demand from the Speaker, produced an extract from the Register of the St. Andrew's Church, Montreal, in proof of the marriage of James Benning and Janet Mary Leslie, by the Revd. Alex. Matheson, at Montreal, on 22nd September, 1853, and identified the individuals as those who were parties to this cause. He further stated that the extract in question was certified by Messrs. Monk, Coffin and Papineau, the Prothonotaries of Montreal, and was in the hand-