

Hon. Mr. LANDRY—Is that not a new departure for the government ?

Hon. Mr. SCOTT—It is a new departure.

Hon. Mr. LANDRY—Because last year we had a similar Bill before us and I think the hon. minister stated that the principle contained in the Bill now before us was a vicious principle.

Hon. Mr. SCOTT—This Bill is specially adapted to the position Judge Killam holds. He had twenty years' service and he naturally declined to accept the other position unless some provision was made that when he had to retire his twenty years service should count, and that any additional years on the board as chief commissioner should be added to the twenty years of his service as judge.

Hon. Mr. LANDRY—It was precisely that principle that was declared vicious by the hon. gentleman.

Hon. Mr. SCOTT—I do not recollect the circumstances.

Hon. Mr. LANDRY—The circumstances were these: A Bill was introduced by the government granting the same advantages to persons who had served as lieutenant-governors. I suppose the hon. gentleman remembers now? The government dropped that clause because they found it very vicious.

On subclause (c) of clause 3,

Hon. Mr. LOUGHEED—I should like to make an observation with reference to subclause (c). It seems to me the principle is a vicious one of perpetuating, so to speak, or continuing in office the chief commissioner to a period of age when he cannot give such services to the country as might be required. I do not think that provision should be made empowering the commissioner to remain in the office of chairman of the board of railway commissioners up to the age of 75 years. The duty devolving upon such an officer is very considerable, necessitating physical and mental vigour, and I do not think a man of those years can render satisfactory services to the country in such an office.

Hon. Mr. TEMPLEMAN—The hon. gentleman thinks he should be chloroformed.

Hon. Mr. SCOTT.

Hon. Mr. LOUGHEED—There is a very wide difference it seems to me between the office of judge and the office of chairman of the railway commission. I can very well appreciate a judge performing his duties up to that age very satisfactorily, but the duties performed by the chairman of the railway commission are entirely different.

Hon. Mr. SCOTT—It was thought in dealing with this matter to take the law as it existed to-day in reference to the judges. The point my hon. friend raises is not likely to arise in this case, because, as he knows, the appointments of the railway board are for a fixed period, ten years, and the question would have to come up at the expiration of that time. His term of office would absolutely cease at the end of ten years.

Hon. Mr. LANDRY—Would that law apply to judges who have accepted positions in the Senate ?

Hon. Mr. SCOTT—I am unable to answer.

The clause was adopted.

Hon. Mr. BAIRD, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The senate adjourned .

SENATE.

Ottawa, Friday, March 17, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (K) An Act for the relief of George Pearson.—(Hon. Mr. Perley.)

Bill (L) An Act for the relief of George Dance Harper.—(Hon. Mr. Kerr, Cobourg.)

Bill (76) An Act respecting the Red Deer Valley Railway Company.—(Hon. Mr. Kerr, Cobourg.)

AMENDMENT TO THE AUTONOMY BILL.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to ask the hon. leader of the House if he would be kind

enough to favour us with a declaration similar to the one which I heard was to be made in the Commons to-day, with reference to the amendment that the government propose to make to the Autonomy Bills, if the matter is decided.

Hon. Mr. SCOTT—I am not aware that any amendment is to be proposed in the House of Commons to the Autonomy Bills.

Hon. Mr. LANDRY—Not the amendment, but the announcement of the amendment.

Hon. Mr. SCOTT—I am not aware that the matter is to be brought up.

Hon. Mr. MACDONALD (B.C.)—Stick to your guns.

PRYOR DIVORCE BILL.

THIRD READING.

Hon. Mr. YOUNG moved the third reading of Bill (B) An Act for the relief of James Arthur Pryor.

Hon. Mr. DOMVILLE—I object to the passage of this Bill on principle. I object to divorce cases being brought here at all. I object on principle, and I object to this measure in particular, because I hold in my hand the evidence, and I can find nothing in law or scripture to warrant a divorce on such grounds. I am told it is not the custom to debate before the House any evidence taken in the committee. I think it would be a very sad thing for the country at large if divorces are to be granted on such trivial matters as are contained in this document and without any proof of facts at all. With these remarks I move in amendment, seconded by the Hon. Mr. McDonald (C.B.), that this Bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. POWER—I have not had the pleasure of reading the evidence to which the hon. gentleman from Rothesay has referred, but he is perfectly in order in discussing the evidence. It has been printed so that it may, if necessary, be discussed here, and if it appears the evidence does not make a sufficiently strong case to warrant the House in passing the Bill, then the House would not be justified in passing it. We have in the past, on various occasions, discussed evidence in connection with divorce bills, and I think the House would be very

glad to hear from the hon. gentleman his reasons at length, citing the evidence.

Hon. Mr. McMULLEN—As a member of the Divorce Committee, I can honestly say that in every instance the committee has been most careful in taking the evidence to see that the charges were sustained, and it is only when it is clear beyond all doubt that the respondent is guilty of conduct warranting a separation that divorce is granted. I do not challenge the opinion of my hon. friend on the evidence he has read, but I think he must have turned over two pages at a time if he has come to the conclusion that the charges in the Bill have not been sustained by the evidence. The conclusion of the committee was that the defendant had been guilty of acts which would warrant this House in granting a divorce. In no single case has the Divorce Committee ever recommended a divorce unless the charges in the Bill have been proven beyond a doubt. This case is no exception.

Hon. Mr. ELLIS—In this case the hon. gentleman from Rothesay (Hon. Mr. Domville) says that the evidence does not contain proof of the charges set forth in the Bill.

Hon. Mr. DOMVILLE—Not to my mind.

Hon. Mr. ELLIS—I have not read the evidence and, therefore, am not in a position to vote on the question. I do not desire to read such matters unless I am compelled to, and I have not read the evidence in this case. I would suggest that it would be well to let the third reading of this Bill stand until members have had an opportunity to read the evidence.

Hon. Sir MACKENZIE BOWELL—I am in precisely the same position as my hon. friend who has just spoken. I was away a few days and on my return found the evidence on my table, but have not had time to read it, and, therefore, would not be justified in recording a vote after the statement that has been made by the hon. senator from Rothesay. In order to justify the votes which I give in the Senate on divorce bills, I must be convinced that the evidence is of such a character as to warrant us in granting a divorce. We in Canada have laid down one principle, and that is that divorce shall not be granted except on proof of the commission of one crime. If that has