but the act of adultery was charged against her—call it by any name you please. No member of the Senate would grant a divorce on any other ground than adultery. The House decided in the Lavell case that there was a marriage in the first instance, and that after the marriage she lived and cohabited with a third person. The offensive words were stricken out of the Bill at the suggestion of some Senators who wished to protect her in her new relations with another man, but the words that remained amounted to the same thing—a charge of adultery—so that that case cannot be cited as having any bearing on the Bill that is now before the House. I am confirmed in this by the remarks of Senators Gowan and Clemow, both of whom, in supporting the Bill, said that unless adultery was proved they could not vote for it. There is no precedent here for granting a divorce except for adultery. It is a question for the House to decide whether this Bill should pass or not. Parliament possesses the power to dissolve a marriage; it is a question of public policy. Should we, under the circumstances of this case, depart from the well-established rule which prevails here, and which has never been departed from in England? I think not. It would be a precedent which would be prejudicial to public morality. We know how lax the divorce laws are in the United States, yet I do not know that they have ever dissolved a marriage in any State in the Union unless adultery, desertion or cruelty was charged. In this case there is neither; there was simply a disappointment as to pecuniary means of the husband. I do not see that this woman is entitled to relief. We cannot depart from strict justice in this matter for any consideration. She has not shown in any way that she is entitled to our sympathy; she has not shown that she has done her part to live with this man and to observe the solemn vows that she took on herself. If you pass a Bill like this you are doing a wrong to the public morals of this community. We must do justice to everybody, and this woman is not entitled to our clemency or charity, because she has been herself the transgressor. She shows no desire on her part, no effort of any kind, to treat him as a husband ought to be treated. She says they did not cohabit together. There is no evidence to the contrary, but it is a strange thing to me if they did not. It is a strange thing if, after being married, and he coming to the house some weeks or months afterwards, that there was no cohabitation. It seems to be contrary to the husband's rights and duties, and contrary to the obligations imposed upon him and her by the marriage ceremony that there was no cohabitation. This is a matter which does not tend in her favor, but rather condemns her. Therefore, as a change should not be made in our practice, we should not dissolve the marriage tie on such a pretext as this. She has not shown that he has failed in any way to perform his duty, and I do hope the House will hesitate before they relieve this woman from the obligation which she has imposed on herself under this contract. I will conclude by reading some notes that I have made on this case. They are as follows:—

"At what age can parties marry?—14 in males and 12 females. (*See* Robinson, C.J., in Regina *vs.* Bill, 15 U.C.Q.B.; p. 289); again in Regina *vs.* Robinson, 21 U.C.Q.B., p. 353; Hammick on Marriage and Divorce, Law of England, p. 43; Stewart, Marriage and Divorce, S. 56, note 3, Bishop, 6th ed., vol. 1, S. 144.

"Bishop, 6th ed., vol. 1, s. 122, p. 101—Nature of consent requisite between the parties. Must be a present assumption of the statute, *ibid.* s. 229; (*see* Stewart, Marriage and Divorce, chap. 14, s. 80 and 101); also *see* Hammick, Marriage Law of England, p. 3.

"To make marriage invalid it must appear beyond question that the marriage was the effect of compulsion, and that there was an absolute unwillingness, or almost apparent consent influenced by fear of violence, *ibid.* p. 49." "Consent is the efficient cause." Bishop, 6th ed., vol. 1, s. 229.

There is no suggestion in this case, or in the evidence, of mistake, fraud or violence.

As to consent of parents or guardians of minors: Before Lord Hardwick's Act, 22 George II., chap. 33. The absence of such consent did not affect the validity of a marriage (Hammick, p. 52), nor does it under the present Marriage Act in England. Under Lord Hardwick's Act marriages by license, where one party was a minor (not being a widower or widow), where the consent of parents or guardians was not given, were null and void. Not so marriage by banns, where the banns were