

In all cases Parliament inquires particularly of the petitioner as to the collusion or connivance to obtain a divorce, proof of which is fatal to the application. "The Ecclesiastical Courts intended by the word *collusion*, an agreement or plan between husband and wife that one of them should commit, or appear to commit, some act upon which the other could proceed to institute a suit. That is not the meaning in which the word *collusion* is used in the English Divorce Act, which contemplates an agreement between the parties as to the institution or conduct of the suit itself; for example, where the respondent in pursuance of an arrangement with the petitioner, forbears to resist a false case, etc., or in any way becomes a party to a conspiracy to obtain a decree from the Court. The House of Lords regarded collusion in the same light as the Divorce Court now does under the statute. Where the petitioner has brought about the adultery charged against the respondent by acts expressly directed to that object, where in fact he or she has procured the commission of the offence, there is *connivance*" (a).

Having glanced at the origin and history of Parliamentary Divorce in England and Canada, and indicated them as clearly as the crude and unsettled character of the principles upon which relief may be granted will admit, we will now proceed to briefly explain the procedure observed in relation to such applications. This is regulated by a few Rules or Orders of the House, evidently framed after those of the House of Lords, and they relate more especially to forms of procedure than to the means of determining the merits of an application. In all unprovided cases reference is had to the Rules and Decisions of the House of Lords (b).

Divorce bills originate in the Senate as a matter of course, but there is no reason why they should not originate in the Commons (c). In dealing with matters of divorce, as has already been said, the Senate does not sit in a judicial capacity, tied down by certain laws or precedents, but it sits as a quasi-judicial and a legislative body, which has full power to act according to

(a) *Pritchard on Divorce*, 119, 5, 6.

(b) Rule 81, Senate.

(c) Senate Debates, 1877, p. 227, Sir Alexander Campbell.