

In Provinces following English procedure, the practice is to grant a decree nisi, not to be made absolute until after the expiration of 6 months, during which time the Crown may intervene to shew collusion, etc.

In the case of the 3 Maritime Provinces and British Columbia, there appears to be no right to appeal beyond the Supreme Court of the Province. In the Prairie Provinces appeals may be carried to the Privy Council. The latter arrangement—so long as the Privy Council continues to be the Court of last resort for Canada—would appear to be desirable, on the basis that questions of divorce are surely of as great an importance as questions involving merely comparatively large sums of money. As a matter of practice, the very nature of the cases will in almost every instance of a decree granted check the parties from going on with an appeal; as by the time their private affairs have been given the publicity of one Court, the parties will have become so estranged as to make them not desirous of continuing the marriage union.

Poor applicants and respondents may proceed in *forma pauperis*, the conditions for which should be twofold: 1st, a *prima facie* case; and secondly insufficiency of means. As the wife is very often dependent on her husband for means, and as he is bound to supply her with necessaries of life—of which divorce, as distinct from an action say for damages or on a contract, may be one—the rules in regard to him providing her with the necessary funds to prosecute or defend her case have been made similar to the rules in alimony actions. Whether innocent or guilty, she is nearly always allowed a certain amount of costs, for which the husband is primarily liable, unless she is shewn to have separate estate. Where the wife succeeds, she gets her costs as a matter of course; where she fails, she gets such amount as the Court allows.

In view of the criticism which follows it is proposed to examine in some detail the procedure to secure a parliamentary divorce. This is governed by Senate Rules 133 to 152.

The first thing to do is to be sure that the grounds exist, that there is no sustainable defence, and that the case comes within the now usually recognised jurisdiction of Parliament, that there has been no connivance, condonation, or collusion, and that there is sufficient time as detailed hereafter. As already noticed, Parliament has jurisdiction to grant a divorce to a party domiciled in any part of Canada; but, with the