

truth or falsity of the facts alleged determined, and to that extent there is an analogy to the proceedings of a court. But whether, by reason of the facts proved, the prayer of the petitioner should be granted, opens considerations for Parliament which could not be permitted to judges when called upon to pronounce what the judgment should be. Further, in criminal cases the executive may be called upon to decide whether, in view of all the facts and circumstances, the judgment of the court should be carried in effect or modified. Now, Parliament may be said to unite in itself all these three duties and functions. It decides whether the charges are proved, whether they constitute such a case as should entitle the parties to a special act for relief, and what relief, if any, should be granted to the party, in view of all the circumstances; and Parliament may, and ought always, to have in regard, not merely the question as it affects the parties, but the effect in relation to morals and good order—the effect which the passing a particular law might have upon the well-being of the community. Parliament, as the supreme power, has its duties and responsibilities, and cannot compromise the well-being of society which has been entrusted to it under the constitution. These are the considerations which brought me to the conclusion that, in the present aspect of the question, any delegation of the power respecting divorce would be inexpedient."

Were it not for the determined opposition on religious grounds of a large number in the legislature, it is quite likely that we should legislate in the same direction as England and the United States; but whilst the argument in favor of a divorce court is both plausible and forcible from the standpoint of its advocates, we cannot be sorry that Mr. Macdonald, having felt the sense of the House, consented to withdraw his bill without a division.

COMMENTS ON CURRENT ENGLISH DECISIONS.

PRINCIPAL AND SURETY—RELEASE OF SURETY BY GIVING TIME TO PRINCIPAL—PROPERTY OF SURETY HELD AS SECURITY RELEASED WHEN SURETY IS RELEASED—PRACTICE—PARTIES TO REDEMPTION ACTION.

Bolton v. Salmon (1891), 2 Ch. 48, is a decision of Chitty, J., in which two points are discussed. The action was a redemption action, brought by a puisne mortgagee to redeem a prior mortgage. The mortgage which the plaintiff claimed to redeem was of two undivided one-fourth shares in a farm, and also of a charge in the entirety of the whole farm, and was made by Susan Booty and Sarah Buckenham. The plaintiff's mortgage was made by Sarah Buckenham and others. Susan Booty's share was not represented in the action, and it was held that the action was defective for want of parties. "Where a mortgage is made by two tenants in common, both of them must be parties to the action to redeem; one cannot redeem in the absence of the other," per Chitty, J., at p. 52.

The other point was this: Sarah Buckenham had joined in the mortgage under which the plaintiff claimed as surety for John Buckenham; time had been given to John Buckenham without the consent of Sarah, in consequence