

tion, under the present English Divorce and Matrimonial Act. In that case it was laid down that the applicant should, before presentation of the petition for a bill of divorce, present a petition making out a case for being allowed to seek a divorce without complying with the rule of the house respecting payment of fees. The petition would then be sent to the committee on standing orders for consideration, and report to the house whether the rule should be suspended. The privilege, when granted, is of no great benefit to the applicant, as the remission of the fee of \$200 takes off but a small part of the applicant's expense. The advertising of the application in the *Canada Gazette*, and two local papers, the fees and travelling expenses of the petitioner and witnesses to and from Ottawa, and their hotel expenses while there, together with the fees of the local and the Ottawa solicitor, are really the substantial part of the expense.

Assuming that the costs of an action for a decree from a Court of Divorce, were one established in Canada, would be about equal to the costs of an ordinary contested Superior Court action down to judgment, I doubt if the costs would be much less than those attending the obtaining of a Parliamentary Divorce. In the cases in which I have been employed I have kept a record by items of the work done in each case, and the sum total, exclusive of the Government fees, printing, advertising, travelling and hotel expenses, amounts to about the costs of a contested action in the High Court of Justice.

I trust, however, that your timely article will be the beginning of an agitation which will eventually result in the establishment of a Divorce Court for this Province at least. The weak point of the present system is not the expense, but the uncertainty as to law and evidence, which results from matters of a strictly legal character being dealt with by laymen and a few members of the legal profession, who are unable to view such applications in a calm judicial spirit. The honourable gentlemen of the Senate assume to conduct proceedings incidental to divorce in a judicial as well as a legislative character, but the occasion is rare indeed that they ever rise to the former level.

A glance at the debates and journals of the House in the Campbell case will disclose bursts of passion and partizanship happily unparalleled in judicial circles. Frivolous technicalities of which country fence-viewers would not be guilty are frequently interposed. The religious convictions of a large number of the members of both houses also prove a stumbling block, as no argument, legal or otherwise, can successfully refute them. The really only redeeming point in the system is the suppression from the public of the evidence taken by the Select Committee.

Yours truly,

Ottawa, January 27th, 1888.

J. A. GEMMILL.