well as lawyer, judges and attorney-generals—that it should be in the hands of all, to enable every one who takes an interest in the subject to form an intelligent opinion, and to enable me, who has taken some pains on the subject, to get the views of those who differ from me."

No action will be taken this session in reference to this matter.

RESPECTING DIVORCES.

We can scarcely regret that the bill introduced into the Senate by Senator Macdonald, respecting divorce, has been withdrawn, at least in view of the present information on that subject. As explained by the introducer, the act did not contemplate the establishing of a divorce court, but would give jurisdiction to the superior courts of the various provinces to adjudge the dissolution of marriages or order judicial separations on the ground of adultery or desertion by the husband. One argument for the act was that we should have the best tribunal possible for hearing and deciding questions of such vast importance, and that no religious scruples should be allowed to interfere with the free course of law and justice, nor to stand in the way of enacting laws for the good of the subject, regulating the forces touching social life. It was also urged that religious precepts and example are not sufficient to control humanity in the paths of virtue and honesty, and that the strong arm of the secular law is necessary. It is true that the present parliamentary system, by reason of its expense and intricate formula, deters many from applying for divorce; but whilst this is so, it cannot, on the other hand, be denied that facilities in this direction have not conduced to morality either in England or the United States. We are, therefore, at present inclined to take the views expressed by the late Premier of Canada, who preferred the present system, inasmuch as it does thus offer considerable impediment to the granting of divorces. The remarks of Mr. Senator Gowan in opposing the second reading of the bill are in point:

"In entertaining applications for divorce and making a law to set the parties free to marry again—changing their status—Parliament can properly bring in view considerations of expediency or public advantage. A court of justice is necessarily restrained within fixed limits, and its procedure controlled by fixed rules, in matters assigned to it for adjudication between party and party. Parliament would be making a law, and the supreme power of the State (within constitutional limits, of course) would have to consider what would most tend to the public good. The courts but expound and administer law which Parliament enacts. The point is forcibly put by a learned writer on the sources of law; the functions of the legislator are in reality not legal but moral. With him the primary enquiry is, What ought to be? And he only enquires what is, to suit his provisions to the law, already in force. With the lawyer, on the other hand, what is, is always the primary enquiry, and there his enquiry stops.

"It is true, applications for divorce have always been based upon a specific charge, and the facts necessary to support that charge established by satisfactory evidence, and so far the proceeding is *quasi* judicial. Inquisition is made and the