cisely and clearly, the origin and history of Divorce in England and Canada—the whole with an array of authorities on each head drawn from standard reports.

Then follow the New Rules, specially framed (*consolido*) by the Honorable Senator J. R. Gowan, (formerly an Ontario Judge), in 1888, from about a hundred of the old rules of the Canadian Upper House, passed from time to time, and which, in their confusion and perfunctory character had become rather an obstruction to due procedure. With the rules are also given, in utmost detail, the forms of procedure at every step.

Then we have a very interesting synoptical report of all the cases before Parliament during Confederation, concluding with the leading case of *Tudor-Hart*, from the Province of Quebec—a case of wife against husband, for adultery and cruelty. Counsel for petitioner, *J. L. Morris, Q.C.*, and *J. A. Gemmill*; for respondent, *A. W. Atwater* and *Alex. Ferguson*. We forbear from even stating the numerous facts and legal points set up on both sides and urged with much ability, but desire, in view of their special public importance, to give what may be considered as the highest legal opinions in our Parliament, or at least in our Senate, on the subject. On the report of the Committee charged with the case, the discussion of the House, on the Bill, was markedly animated—not from any party feeling—so far as appears—but from a sincerity of divergence of views on the subject. *For* the Bill the leading speakers were Judge Gowan, and Mr. Abbott, the Leader of the House. *Against* it, Senators Dickey, Kaulback, MacFarlane, Power, and Trudel. The speeches are (in this particular case) given in Mr. Gemmill's work in citation from the official report of Senate Debates. As chairman of the Committee, Judge Gowan opened the debate. We give his words. They are well worth reading—not only for their forensic merit, but for their advanced intelligence on this somewhat obscure and decidedly troublous theme:—

(*Senate Debates*, 1888, *p.* 598 *et seq.*)

"Hon. J. R. Gowan.—In dealing with bills of divorce, the senate is engaged in one of its most important duties. To sever the sacred tie of marriage is a serious act, and the most careful consideration of each case is incumbent upon us all. Not merely because of the operation upon the marriage *status* of the parties concerned, but because Parliament, unlike a Court of Justice, is not tied by fixed limits, but may bring in view considerations of expediency or public advantage when making a law, may, and I think should, have in regard the effect in relation to morals and the well being of society." . . . "The senate, as a constituent of Parliament, is possessed of this case, and Parliament, I maintain, in passing a law touching the *status* of the parties is not limited or restrained, — any law it may deem in the interest of morals and the good order of society. In this, therefore, it differs from ordinary tribunals."

Addressing himself to another point, in answer to the pretension that precedents from the English House of Lords should guide us, he said, "Under the Constitutional Act of Canada, Parliament has no restrictions, and none can exist, except as imposed or enacted by Parliament itself. The Senate and the House of Commons can each regulate its own procedure, but neither body nor both bodies together could diminish or control the substantial action of Parliament, or the Constitution would be at an end. In shaping action or legislation on a bill of divorce upon facts in evidence before us, we naturally look to the House of Lords, hoping for light, and to see what others have done in cases similar to those in which we are called upon to deliberate and act. But we have never bound ourselves to accept their decisions as authoritative and conclusive. We follow 'precedents' where they commend themselves to our judgment, and we decline to follow them where they do not; and rightly so, for the decisions of the House of Lords on bills of divorce have not the weight that attaches to the decisions of the regular legal tribunals. The majority determines, and in the minority, on a vote, may be found men of learning, wisdom, and experience, expressing opinions adverse to the determination, more in accordance with the eternal principles of truth and justice. The 'precedents' in the House of Lords reach back for some 200 years before 1858, when the Divorce Court was establish-