

expressed great alarm and sought in every way to repair the injury. Finally he struck his wife with a chair, and killed her, and awoke the next day in jail, and manifested the most profound sorrow. While he disclaimed all knowledge of the crime, he was anxious to die, and welcomed his execution. This case was a periodical inebriate with maniacal and homicidal tendencies. His changed conduct, and unreasoning, motiveless acts, pointed to a condition of trance. His assertion of no memory was sustained by his conduct after, and efforts to find out what he had done and repair the injury.

[To be continued.]

#### PARLIAMENTARY DIVORCE.

Mr. J. A. Gemmill, author of the work reviewed *ante* pp. 162-8, replies to the communication of Mr. J. L. Archambault, Q.C., (p. 260) as follows:—

I have read with much interest the letter of Mr. J. L. Archambault, but I cannot agree with all he says. He begins by referring to what he terms the *alarming increase* of petitions to Parliament for divorce. I have been employed professionally in almost every divorce case before Parliament during the last half dozen years and can therefore speak with some degree of confidence. My researches show that notwithstanding a rapidly increasing population in Canada the number of divorces granted annually by Parliament is not increasing, the figures being as follows:—1877, 3; 1878, 3; none during the next five years; 1884, 1; 1885, 5; 1886, 1; 1887, 5; 1888, 3; 1889, 4, and for 1890 only 4 applications. Contrasted with the 25,000 divorces granted annually in the neighbouring United States our figures are certainly insignificant.

As to the impropriety of granting divorces, the learned gentleman no doubt makes out a strong case from the standpoint of his own religious creed, but the Canadian community being a mixed one, other views must necessarily exist approving of divorce. The mere fact that it is now a dogma of the Roman Catholic church that marriage is indissoluble, does not strengthen Mr. Ar-

chambault's position, because it is well known to the student of history that there was a time (and not very remote either) in the history of the Roman Catholic church when the dissolution of marriage was permissible.

I am not sufficiently familiar with the Civil Code of the Province of Quebec to follow Mr. Archambault in his argument that the unlimited power given the Dominion Parliament by the B.N.A. Act of 1867 to deal with marriage and divorce conflicts with the code, but as a good citizen of Canada, tolerant of all views, he will doubtless acknowledge the justice of the reason put forward by the late Sir G. E. Cartier on conferring this unlimited power upon our Parliament. That enlightened statesman said that at the time of the formation of the Confederation, the question of divorce had been left purposely to be decided by the Federal Parliament, which had a Protestant majority, and taken away from the Legislature of Quebec, the majority of which was Catholic, because it was against the creed and conscience of Catholics to vote for divorce in any circumstances whatever. This was done in order that justice might be done to Protestants. The Catholic Bishops of Canada, knowing that the inhabitants of Canada formed a mixed community, approved of this course, and he (Sir George) had reason to believe that the Holy See did so too. The conclusion arrived at was with a view to the protection of minorities, otherwise the minorities in Ontario, Nova Scotia and New Brunswick could have no claim to their rights being respected in the same manner as they are now. (*See Dominion Parliament Debates* 1870, p. 694.)

Again, it must be remembered that the western provinces of Ontario, Manitoba and the Northwest Territories are unprovided with a law authorizing the judicial separation obtainable under the Quebec code, neither have they the Divorce courts which were created in Nova Scotia, New Brunswick and British Columbia prior to the entry of these provinces into the Federal union, and which courts continue to exercise their functions. It will be admitted that there is no