

ought not to be put to the risk of determining whether it was, or was not, well founded, and were, therefore, entitled to pay the money into court, and he, therefore, allowed the appeal.

The Act seems to us clearly to recognize the fact that, in circumstances such as existed in *Re Croskery*, the mortgagor's wife's inchoate right of dower is to be protected, and this can only be done effectually either by setting apart a sum to be invested, the income of which during the husband's life would be payable to him or exigible by his creditors, and the capital of which would have to be preserved, until it was seen whether or not the wife survived her husband. If she did, it would be payable to her, and if she did not, it would be payable to the mortgagor, and be exigible by his creditors. Or, on the other hand, the wife's interest may be ascertained, on the principle on which deferred annuities are valued, and her claim satisfied by a present cash payment in accordance with such valuation.

DIVORCE.

WHilst we are thankful that in this country we have not the facility for dissolving the marriage tie, which is, unfortunately, only too easy in the country to the south of us, and now not much better in England, we are glad to know that the procedure in our Divorce Court has been at length placed upon an intelligent, and as far as possible, on a satisfactory footing. The rules, orders and forms of proceeding of the Senate of Canada have, as we have already announced, been definitely settled and adopted by the Senate. They may well be published (which is done in another place) for the benefit of all parties who may have occasion to refer to them.

In the exhaustive and interesting speech made by the Hon. Mr. Gowan, in moving for a special committee to frame these rules and forms, and for regulating the procedure upon applications for divorce before the Senate, the whole subject was fully laid before the House, and an historical review given of the origin and position of the divorce law in this Dominion, and its various Provinces. Ample reasons were also given for the suggested changes in the then procedure. Were it possible, we should like to quote very largely from it, but must content ourselves with the following extract which shows the careful thought bestowed on the subject :—

"It has been urged that the establishment of a divorce court similar to that of England is desirable in order to secure cheap, speedy, sound and uniform administration, and that the machinery for divorce should be purely judicial, rather than quasi judicial and legislative, and arguments, of more or less cogency, have been used in favour of a special court.

"I am free to admit that a proceeding of a judicial character by a legislative process is not without inconvenience; but upon public grounds I should not desire to see Parliament divest itself of control in a matter which lies at the very foundation of morality, and the purity of domestic life, and consequently the well-being of society.