The Legal News.

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In the interesting discussion before the Court of Appeal, with reference to the mode of attacking the constitutionality of an Act of incorporation, the case of *Forsyth & Bury*, 15 Can. S.C.R. 543, was not cited, so far as we are aware. Yet, as the decision of a higher Court, it is of interest, and it appears to throw some light upon the question raised in the action taken by the Society of Jesus against the "Mail" company. The constitutionality of the Anticosti Company's charter was not attacked by the appellant (in the case cited) before judgment, but only upon the report of distribution; yet two of the judges, Chief Justice Ritchie and Mr. Justice Gwynne, thought that even then the appellant was at liberty to raise the objection. Mr. Justice Strong considered that the constitutional question could not be raised upon the report of distribution, but he observes: "By her own omission to raise the objection she now insists upon in the proper manner and at the proper time, that is, *by plea or defence before judgment*, the appellant has precluded herself from insisting on the matters she has raised by her opposition." Mr. Justice Fournier says:—"C'est après avoir plaidé côte à côte pendant plus de deux ans comme parties au même procès que l'appelante s'imagine de soulever cette question, lorsqu'il ne s'agit plus que d'exécuter le jugement. . . . Après l'avoir considérée comme corps légal pendant deux ans, il est *trop tard maintenant* pour lui nier son existence." This appears to coincide with the view expressed by Mr. Justice Strong. Mr. Justice Taschereau's remarks are too brief to give any hint of his opinion on the question of pleading unconstitutionality. His honour simply says the appellant cannot raise the question. But if his honour had differed from what had been stated by his colleagues, he would probably have expressed himself more fully.

NEW PUBLICATIONS.

KENT'S COMMENTARIES ON AMERICAN LAW. New Edition, by Wm. M. Lacy, of the Philadelphia bar. Vol. 1. The Blackstone Publishing Company, Philadelphia, Publishers.

The above work is No. 32 of the Text-Book Series, comprising new editions of standard works, issued monthly by the Blackstone Publishing Company. The book is clearly printed, on good paper, and students especially will prize this opportunity of getting so valuable a treatise at an extremely moderate price. The foot notes of the editor are distinguished from those of Chancellor Kent, the former being designated by figures, and the latter by letters. One of these gives a very clear statement of the appellate jurisdiction of the Supreme Court of the United States.

MARITIME COURT RULES. By Messrs. Howell and Downey. Rowsell & Hutchison, Toronto, Publishers.

This book, containing the General Rules (1889) and Statutes, with forms, table of fees, etc., of the Maritime Court, Ontario, is the joint production of Mr. Alfred Howell, barrister, and Mr. Alexander Downey, official reporter of the Court. The new rules, forms, and table of fees which came into operation 1st May last, supersede the rules of 1878-9, and effect almost an entire change in the practice and procedure of the Court. An alphabetical list of the reported cases is given, with heads of subjects. There is also a good general index to the book. Those who have business before the Maritime Court will find this publication a great assistance to them in their work.

SECOND ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION, 1888. Washington: Government Printing Office.

The labours of the Interstate Commerce Commission are pretty generally known Their reports contain a great deal of valuable information on the subject of the laws which regulate commerce. Important English and Canadian statutes are quoted. The decisions given by the Commission are interesting and

important, and the publication altogether is one which may often be consulted with advantage.

FEDERAL GOVERNMENT IN CANADA. By John G. Bourinot, D.C.L. Baltimore: N. Murray, Publication Agent.

This important work by the learned Clerk of the House of Commons in Canada, is issued in the seventh series of the Johns Hopkins University Studies in Historical and Political Science, edited by Mr. H. B. Adams. The book comprises four lectures, read last May before Trinity University, Toronto: I. Historical outline of political development. II. General features of the Federal System. III. The Government and the Parliament. IV. The Provincial Governments and Legislatures. We cannot do more at present than direct the attention of our readers to the appearance of this extremely interesting treatise. At a later period we may have an opportunity of recurring to it. The book, it may be stated, is indexed, and is printed in the neat and substantial style of the Johns Hopkins University publications.

JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

LONDON, July 27, 1889.

Present: THE LORD CHANCELLOR, LORD HOBHOUSE, LORD MACNAGHTEN, SIR RICHARD COUCH.

GILMOUR et al. (defendants), Appellants, and MAUROIT (petitioner), Respondent.

GILMOUR et al. & ALLAIRE.

Location ticket—Right of holder to interim injunction to restrain trespassers from cutting timber—Disputed title.

HELD:—(*Affirming the judgment of the Court of Queen's Bench, Montreal, M. L. R.*, 3 *Q. B.* 449):

1. *That a location ticket issued by the Crown Lands Agent acting for and on behalf of the Government of the Province of Quebec, is, in effect, a promise of sale of the lands to which it applies, subject to the fulfilment on the part of the locatee of the conditions on which it is granted, and gives the locatee absolute possession of such lands, and all the rights of action against trespassers, which he might exercise if he held such lands under a patent from the Crown.*
2. *That the holder of such location ticket was entitled to an interim injunction, to restrain lessees of Crown Timber limits under a license from the Commissioner of Crown Lands for the Province, from cutting timber on the lands held under the location ticket previously granted, until the question of title should be determined by the Courts.*
3. *The Court, as a general rule, will not decide a question of title upon a writ of injunction, more especially when there is a third party interested (here the Government of Quebec) who is not a party in the cause.*

These appeals were from judgments of the Court of Queen's Bench, Montreal, Sept. 23rd, 1887. For full report of the judgment delivered by the Court below, see Montreal Law Reports, 3 Q B. 449-485.

The judgment of their lordships was delivered by

LORD HOBHOUSE:—

Gilmour and others v. *Mauroit.*

In this case the Superior Court issued an order enjoining the defendants, who are the now appellants, to discontinue and cease all lumbering and other works in connection therewith on certain lots of land in the possession of the complainant, who is the now respondent.

The defendants appealed to the Court of Queen's Bench, who issued the order now appealed from. It is in the following terms:—

"Considering that the respondent has established that on the 21st day of April, 1886, he has obtained from the Crown Lands Agent, acting for and on behalf of the Government of the Province of Quebec, a location ticket for lots numbers 62 and 63 in the sixth range of the township of Egan, in the district of Ottawa, and had possession of the said lots of land when the act of trespass complained of by him was committed by the appellants;

"And considering that, by the license granted by the appellants to cut timber on the lands therein described, all lots or parts of lots for which a patent or a location ticket had previously been granted were excluded from the operation of the said license;

"And considering that the respondent has established that he had a *primâ facie* title to the possession and property of the said lots of land, such a location ticket being a promise of sale from the Government of the Province of Quebec, on the conditions determined by law, with possession, which entitled the said respondent to claim and obtain an injunction enjoining the appellants, who, having no title to cut timber on the said lots of land, are by law considered as having cut by trespass the timber mentioned in the respondent's petition, until the said appellants had established in the regular course of law the insufficiency of the respondent's title and their right to cut the timber on the said lots of land;

"And considering that there is no error in the judgment rendered on the 24th day of February, 1887, by the Superior Court for the district of Ottawa, sitting at Aylmer, except in the expression that the writ of injunction issued in this cause was declared to be perpetual, which might exclude the appellants from hereafter asserting in due course of law their right to cut the timber on the said lots of land;

"This Court, for the above reasons, doth maintain the said writ of injunction, and doth enjoin the said Allan Gilmour, John Gilmour, David Gilmour and John David Gilmour, defendants below, now appellants, to discontinue and cease all lumbering and all operations and works in connection therewith on said lots numbers 62 and 63 of the sixth range of the township of Egan, in the district of Ottawa, now in possession of the respondent, under and in virtue of a location ticket granted to him, and bearing date 21st day of April, 1886, under the penalties ordained and prescribed by law."

The defendants complain, first, that the injunction, though not intended to be perpetual, is in fact made so, and that they are excluded from hereafter asserting any right to cut timber on the land in question. It is true that the mandatory part of the order is indefinite in point of time, and if unexplained might read as being perpetual, but taken in connection with the expressed motives, it is plain enough that if the defendants have a better title to assert they may do so in a proper suit.

The principal contention of the defendants is that the plaintiff has not shown any valid title to the land, and in order to show the precise bearing of this contention, the positions of the parties must be stated.

The plaintiff claims title under a license of occupation, commonly called a location ticket, granted to him on the 21st April, 1886, by the Agent of Crown Lands. The license states that the plaintiff has paid $12, being one-fifth of the purchase money of 200 acres of land contained in lots Nos. 62-63, in the township of Egan, the balance being payable in four equal annual instalments. The grantee is bound to take possession within six months, to continue residence and occupation for two years at least, to clear or cultivate at least 10 acres in the 100, and to build a habitable house of a certain size. Before his patent is issued, he is not to cut wood except for clearance, fuel, building, or fences. The sale is expressly made subject to all timber licenses actually in force.

By Sec. 16 of the Public Lands Act of 1869, 32 Vict., cap. 11, such a license gives to the grantee a right to take possession of and occupy the land therein comprised, and to maintain suits in law or equity against any wrongdoer or trespasser, as effectually as he could do under a patent from the Crown, and such license is to be *primâ facie* evidence of possession in any such suit, but is to have no force against a license to cut timber existing at the time of the granting thereof.

From the 4th December, 1885, to the 30th April, 1886, the defendants held a license to cut timber over a tract of land, roughly speaking about 50 square miles in extent, which embraced lots 62-63, in the township of Egan. This license contained a proviso that all lots sold or located by the authority of the Commissioners of Crown Lands should cease to be subject to it after the 30th April following. Probably the reason for inserting a clause exempting located lots at a date after the expiry of the license was that such licensees had claims to renewal of their licenses which were recognized by the Crown officers.

The operations which led to this suit were commenced by the defendants on the 15th October, 1886. A few days later a new license, dated the 23rd October, was granted to the defendants over the same tract of land, but with the condition that all lots sold or located by the authority of the Commissioners of Crown Lands prior to that date are to be held as exempted from the license.

The defendants contend that the plaintiff's lots do not fall within the description of "lots sold or located by the authority of the "Commissioner of Crown Lands," because, though they were so sold or located ostensibly, and by the District Agent, and apparently in the course of official business, yet the Commissioner had no legal authority to make such a grant. The Forest Act of 1883, which enables the Crown to set apart ungranted lands as forest, prohibits the sale of them till after a period of ten years. The plaintiff's lots are within the ambit of a large territory set apart as forest reserve by a Proclamation dated 23rd August, 1883; therefore, say the defendants, the Crown was incapable of granting them in 1886.

The plaintiff met this objection to his title by contending first that the Proclamation was itself invalid, and then that his lots fell within certain exceptions from the forest reserve which the Proclamation specifies. On these points there has been much controversy. The Superior Court rested its decision partly on the ground that the Proclamation was invalid. The Court of Queen's Bench do not either in the motives of their judgment, nor in the reasons assigned by the majority of the Judges, take any such ground. They pronounce no opinion on the matter. And it appears to their Lordships also that the controversy is immaterial for the decision of the present question.

That question is whether the plaintiff is a person who as against the defendants has a right to be protected by injunction within the terms of the Injunction Act of 1878. The Act provides that the Court may grant a writ of injunction ordering the suspension of any act, proceeding, operation, work of construction or demolition, in the following case amongst others:—"Whenever any person who has not acquired the possession of "one year, and who has no valid title to the "property, causes work to be carried on upon "any land whereof another is proprietor "through a valid title, and of which he is in "lawful possession."

The defendants have certainly never had the possession contemplated by the Act, and their Lordships agree with the holding of the Queen's Bench, that all lots for which a location ticket had previously been granted were excluded from the operation of the timber license granted to the defendants in October, 1886. The defendants therefore had neither possession nor title.

The plaintiff is in possession for valuable consideration given by him to the Crown, in the course of dealings with the official agent of the Crown, and ostensibly by the authority of that agent. Even supposing that the Crown can annul the instrument which gives him title, it could not treat him as a trespasser. Nor whatever may be the legal powers of the Crown, as to which their Lordships say nothing, can we consider as a mere nullity the possession of land by one who has paid money for it, and has made improvements on it, and who can hardly be expected to know of legal infirmities in the Crown's title. Their Lordships consider that this is a title sufficiently valid and a possession sufficiently lawful to carry with it the right of protection by injunction; and that the Injunction Act does not open to a defendant a door of escape merely because he may be able to show that the plaintiff's title is one which cannot be made good against all other persons.

From the statement of reasons by the learned Chief Justice, their Lordships collect that the Court will not, as a general rule, decide a question of title on this kind of proceeding, especially when a third party is interested as the Crown is here, but that they are in the habit of granting interim protection. It appears to their Lordships that such a practice is in accordance with the provisions of the Act, and has been properly applied in the present instance.

Their Lordships think that the appeal ought to be dismissed with costs.

Gilmour v. *Allaire.*

This appeal is subject to the same considerations, the only difference being that the plaintiff's location ticket was granted before the Proclamation of September, 1883, and before the defendants obtained any timber license at all. Therefore the arguments used to prove the invalidity of Mauroit's title do not apply to Allaire's. This appeal also should be dismissed with costs.

Both appeals.

Their Lordships will humbly advise Her Majesty in accordance with the foregoing opinions.

Appeals dismissed.

Irvine, Q.C., and *Fleming, Q.C*, (both of the Canadian bar), for the appellants.

Bompas, Q.C., and *Macleod Fullarton*, with Messrs. *Rochon* and *Robidoux* (of the Canadian bar), for the respondents.

ALCOHOLIC TRANCE IN CRIMINAL CASES.

Dr. T. D. Crothers, in a paper read before the International Congress of Medico-Legal Science, held in New York in June last, gave an account of his investigation of a peculiar class of cases. He says :—

The frequent statement of prisoners in court that they did not remember anything about the crime they are accused of, appears from scientific study to be a psychological fact. How far this is true in all cases has not been determined, but there can be no question that crime is often committed without a conscious knowledge or memory of the act at the time.

It is well known to students of mental science, that in certain unknown brain states memory is palsied, and fails to note the events of life and surroundings. Like the somnambulist, the person may seem to realize his surroundings and be conscious of his acts, and later be unable to recall anything which has happened. These blanks of memory occur in many disordered states of the brain and body, but are usually of such short duration as not to attract attention. Sometimes events that occur in this state may be recalled afterwards, but usually they are total blanks. The most marked blanks of memory have been noted in cases of epilepsy and inebriety. When they occur in the latter they are called *Alcoholic Trances*, and are always associated with excessive use of spirits. Such cases are noted in persons who use spirits continuously, and who go about acting and talking sanely although giving some evidence of brain failure, yet seem to realize their condition and surroundings. Some time after, they wake up and deny all recollection of acts or events for a certain period in the past. This period to them begins at a certain point and ends hours or days after, the interval of which is a total blank, like that of unconscious sleep. Memory and certain brain functions are suspended at this time, while the other brain activities go on as usual.

In all probability the continued paralysis from alcohol, not only lowers the nutrition and functional activities of the brain, but produces a local palsy, followed by a temporary failure of consciousness and memory, which after a time passes away.

When a criminal claims to have had no memory or recollection of the crime for which he is accused, if his statement is true, one of two conditions is probably present, either epilepsy or alcoholism. Such a trance state might exist and the person be free from epilepsy and alcoholism, but from our present knowledge of this condition it would be difficult to determine this fact. If epilepsy can be traced in the history of the case, the trance state has a pathological basis for its presence. If the prisoner is an inebriate, the same favoring conditions are present. If the prisoner has been insane, and suffered from sun or heat stroke, and the use of spirits are the symptoms of brain degeneration, the trance state may occur any time.

The fact of the actual existence of the trance state is a matter for study, to be determined from a history of the person and his conduct; a grouping of evidence that the person cannot simulate or falsify; evidence that turns not on any one fact, but on an assemblage of facts that point to the same conclusion.

The following cases are given to illustrate some of these facts, which support the as-

sertion of no memory of the act by the prisoner in court :

The first case is that of A, who was repeatedly arrested for horse stealing, and always claimed to be unconscious of the act. This defence was regarded with ridicule by the court and jury, and more severe sentences were imposed, until, finally, he died in prison. The evidence offered in different trials in defence was, that his father was weak-minded and died of consumption, and his mother was insane for many years, and died in an asylum. His early life was one of hardship, irregular living, and no training. At sixteen he entered the army, and suffered from exposure, disease, and sunstroke, and began to drink spirits to excess at this time. At twenty he was employed as a hack driver, and ten years later became owner of a livery stable. He drank to excess at intervals, yet during this time attended to business, acting sanely, and apparently conscious of all his acts, but often complained he could not recollect what he had done while drinking. When about thirty-four years of age he would, while drinking, drive strange horses to his stable, and claim that he had bought them. The next day he had no recollection of these events, and made efforts to find the owners of these horses and return them. It appeared that while under the influence of spirits, the sight of a good horse hitched up by the roadside alone, created an intense desire to possess and drive it. If driving his own horse, he would stop and place it in a stable, then go and take the new horse, and after a short drive put it up in his own stable, then go and get his own horse. The next day all this would be a blank, which he could never recall. On several occasions he displayed reasoning cunning, in not taking a horse when the owners or drivers were in sight. This desire to possess the horse seemed under control, but when no one was in sight all caution left him, and he displayed great boldness in driving about in the most public way. If the owner should appear and demand his property, he would give it up in a confused, abstracted way. No scolding or severe language made any impression on him. Often if the horse seemed weary he would place it in the nearest stable, with strict orders to give it special care. On one occasion he joined in a search of a stolen horse, and found it in a stable where he had placed it many days before. Of this he had no recollection. In another instance he sold a horse which he had taken, but did not take any money, making a condition that the buyer should return the horse if he did not like it. His horse stealing was all of this general character. No motive was apparent, or effort at concealment, and on recovering from his alcoholic excess, he made every effort to restore the property, expressing great regrets, and paying freely for all losses. The facts of these events fully sustained his assertion of unconsciousness, yet his apparent sanity was made the standard of his mental condition. The facts of his heredity, drinking, crime, and conduct, all sustained his assertion of unconsciousness of these events. This was an alcoholic trance state, with kleptomaniac impulses.

The next case, that of B, was executed for the murder of his wife. He asserted positively that he had no memory or consciousness of the act, or any event before or after. The evidence indicated that he was an inebriate of ten years' duration, dating from a sunstroke. He drank periodically, for a week or ten days at a time, and during this period was intensely excitable and active. He seemed always sane and conscious of his acts and surroundings, although intensely suspicious, exacting, and very irritable to all his associates. When sober he was kind, generous, and confiding, and never angry or irritable. He denied all memory of his acts during this period. While his temper, emotions, and conduct were greatly changed during this time, his intellect seemed more acute and sensitive to all his acts and surroundings. His business was conducted with usual skill, but he seemed unable to carry out any oral promises, claiming he could not recollect them. But when not drinking his word and promise was always literally carried out. He broke up the furniture of his parlor when in this state, and injured a trusted friend, and in many ways showed violence from no cause or reason, and afterwards claimed no memory of it. After these attacks were over, he

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. Archambault'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

reason why the inhabitants of Ontario, Manitoba and the Northwest Territories should stand in any worse position than their countrymen in the other provinces, and be thus deprived of all means of relief in matters matrimonial. Under the constitution it is obtainable only at the hands of the Dominion Parliament, and in a proper case for relief a denial of it by the representatives from more favored provinces would be at once regarded as unfair, if not tyrannical.

So far as I have heard, the advocates of the judicial as opposed to the parliamentary system of divorce, do not propose to add to the number of existing courts by the creation of a divorce court, as my learned brother fears. The idea is to give to the present Superior Court judges jurisdiction to decree divorce just as the Quebec judges now grant *séparation de corps*. If the granting of relief was confined to the cause of adultery—the single ground hitherto recognized by Parliament—the dangers feared by many from the judicial system would be minimized, and relief would not be the perquisite of the rich, as it is now.

I am unable to enter into a discussion with my learned friend as to the relative position of Church and State, but a work recently published by an Oxford M.A., "Marriage and Divorce," touches on the functions of Parliament, and in my opinion expresses sound and correct views. The extracts following will show in substance what are these views on divorce, looking at it as a question of state, a question of civil government, as affecting all members of the community universally, whether belonging to the church, believing in the principles of the church or not:—

"The Church and the State are not coordinate and identical, do not stand on the same foundation, and are not co-extensive in their range of action. Every church has a duty to perform to its own members. * * * It has certain religious principles * * which it holds to be of importance; * * it must naturally consider it to be its duty and its mission, in its corporate capacity, to inculcate these principles upon the members of its own body, and to enforce obedience to them by the exercise of spiritual discipline.

"But the State has no such function to perform; it has received no commission to teach any special tenets of religion; it cannot, like a church, confine its operations to any one limited body, but must deal with the whole community, with every citizen, and deal with them on uniform and general principles. The business of the State is to provide justly and impartially, as far as possible, for the welfare of all; to repress vice and punish crime; * * * because these things are injurious to the well-being of the community; to guard the rights of all; * * * for this, indeed, is one of the principal objects of social and civilized life, * * * to guard the personal liberty of all its members, especially the liberty of conscience.

"Diversity of opinion on questions of religion must arise, if men are free to think about them. * * * Let the churches hold their own doctrines and enforce their principles, so far as may be justly warranted by scripture, *on their own members*, but not beyond; * * * but let not the State enforce any special tenets of faith, etc., except such as may be generally accepted and approved of, * * * ;" and the author sums up the subject in these words:—

"The Church and the State have distinct duties and functions to perform in relation to these questions in which religious principles are involved; the Church to teach and maintain its own doctrine and discipline among *its own members*; the State not having any commission to teach or enforce religious dogmas, but only to maintain such fundamental principles of religion and morality as are generally accepted by the people as being essential to the general welfare, and such as do not trespass on the conscience of any individual."

In Canada, there is no connection between Church and State. All religious communities stand on an equal footing before the law. Protestants believe divorce to be right under certain circumstances; the doctrine of indissolubility of marriage is held by Roman Catholics. Our constitution allows and provides for divorce, and any attempt to hinder Protestants in obtaining relief, even by those who do not personally approve of the measure, seems not in keeping with a just view of religious liberty.