The Legal News.

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In United States v. *King*, 34 Fed. Rep. 302, Lacombe, J., charging the jury as to the time necessary to form an intent to take life, quoted an oft-told incident. He said: "The human mind acts at times with marvellous rapidity. Men have sometimes seen the events of a life-time pass in a few minutes before their mental vision. Rear-Admiral Sir Francis Beaufort was once nearly drowned. During the brief period of apparent unconsciousness after he sank for the third time, his mind reviewed every event of his past life. His account of his experience, quoted in Miss Martineau's Biographical Sketches, is very interesting. 'The course of those thoughts,' he says, 'I can even now in a great measure retrace. The event which had just taken place; the awkwardness which produced it; the bustle it must have occasioned; the effect it would have on a most affectionate father; the manner in which he would disclose it to the rest of the family; and a thousand other circumstances minutely associated with home—were the first series of reflections that occurred. They took then a wider range; our last cruise; a former voyage and shipwreck; my school, the progress I had made there, and the time I had misspent; and even all my boyish pursuits and adventures. Thus travelling backward, every past incident of my life seemed to glance across my recollection in retrograde succession; not however in mere outline, as here stated, but the picture filled up with every minute and collateral feature. In short, the whole period of my existence seemed to be placed before me in a kind of panoramic review, and each act of it seemed to be accompanied by a consciousness of right or wrong, or by some reflection on its cause or its consequences. Indeed many trifling events, which had been long forgotten, then crowded into my imagination, and with the character of recent familiarity.' If this mental action continued until he was fully restored to consciousness, the time consumed was about twenty minutes. Admiral Beaufort however was always convinced that it lasted only during submersion; if so, all these events swept before his mental vision in the space of two minutes. Thought is sometimes referred to as the very symbol of swiftness.

> 'Haste me to know 't, that I, with wings as *swift*
> As *meditation*, or the *thoughts* of love,
> May sweep to my revenge.'
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> —*Hamlet: Act I., Scene* 5.

There is no time so short but that within it the human mind can form a deliberate purpose to do an act; and if the intent to do mischief to another is thus formed as a deliberate intent, though after no matter how short a period of reflection, it none the less is malice. Malice, in the old definitions, is spoken of as express or implied. That again is a distinction which is a delusion and a snare. Practically, jurymen never deal with express malice. There is no express evidence of malice given to them. Malice, as I have told you, is an intent of the mind and heart. There is never presented to a jury direct evidence of what was the intent of the man's heart at the time."

Meeson v. *Addison et al.*, which, as reported by Mr. Haggard in his latest fiction, will probably be read by many lawyers during the vacation, is passably interesting and well told. In humour, however, it falls far behind the famous case of *Bardell* v. *Pickwick*. There is no explanation suggested, moreover, why the will was not executed upon the sail which was used to cover the damp floor of the hut, or upon a piece of board, rather than upon the lady's shoulders.

English knowledge of American geography has never been very profound. It is not surprising, therefore, that members of the legal profession, even in a public announcement, should betray ignorance such as is apparent in the following advertisement:—"Any lawyer from Michigan, State of Ohio, U. S. A., now in England, is requested to place himself in communication with Mr. Geo. Lewis, 10 and 11, Ely-place, Holborn. E. C."

CIRCUIT COURT.

HULL (County of Ottawa), Jan. 27, 1888.

Before WURTELE, J.

CYR v. EDDY.

Hire of work—Obligation to work on legal holidays.

HELD:—*That workmen engaged by the month to work for the season on a timber-limit, are not obliged to work on legal holidays which are observed as religious holidays by the Church to which they belong, and that their employer has no right to make a deduction from their wages for such days.*

PER CURIAM:—The plaintiff engaged with the defendant to work for the season of last winter at the latter's Dumoine timber-limit, in consideration of $12 per month and his board.

He worked from the 25th September, 1886, to the 21st March last, and now sues for a balance on his wages of $22. The defendant pleads a settlement and payment in full by an order on the head office at Hull for $6.23, and has established the settlement with the exception of four items amounting to $6. No proof was made respecting two of these items. The other two, of $1.50 and $1.25 respectively, were charges for a deduction on the plaintiff's wages and for his board for two days on which he did not work.

It has been shown that these two days were All Saints' Day and Christmas Day; and it has been proved that the plaintiff was engaged, not by the day, but for the season, and payable by the month, that he is a Roman Catholic, and that both these days, which are legal holidays, are feasts on which his religion obliges him to rest from servile works.

The old law applicable to this case is to be found in Rolland de Villargues under the word "*Fête*":—"Que les dimanches et "toutes les fêtes légales soient célébrés avec "la plus grande exactitude. Ainsi que toute "œuvre servile, tous procès, tous actes judi- "ciaires, tous jugements, soient suspendus." And this is still the rule of law here. Unless, therefore, there be an express agreement to the contrary, an employer cannot oblige his workmen to work on a legal holiday, and particularly when it is also a feast day of their Church, except in the case of domestics and of workmen whose work will not brook interruption. In the case of these exceptions, the obligation to work on such days is inferred from the nature of the employment undertaken. Where the engagement is for a certain term and the wages are a fixed sum for the services to be rendered during each year, or month, or week, and are not a fixed sum for each day on which work is to be done, the employer or master is not authorized, in the absence of an express agreement to that effect, to keep back a proportion of the yearly, monthly or weekly wages and to charge board for the legal holidays on which his workmen or servants have refrained from work.

In the present case there was no special agreement, and the plaintiff had the right to refrain from work on All Saints' Day and on Christmas Day; and the defendant is therefore not entitled to retain the two sums charged against the plaintiff for loss of time and board on those days.

Judgment for $6.

A. X. Talbot, for plaintiff.

Rochon & Champagne, for defendant.

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*COURT OF QUEEN'S BENCH—MONTREAL.**

Publication des procédés publics d'une assemblée délibérante—Responsabilité—Appel.

JUGÉ:—1o. Que la publication des procédés publics d'une assemblée délibérante n'entraîne aucune responsabilité que lorsque cette publication est faite de bonne foi et sans malice, de faits qui ont rapport à l'objet de l'assemblée et qui sont d'un intérêt public;

2o. Qu'une Cour d'Appel ne doit pas infirmer un jugement sur une demande en dommages pour diffamation, lorsqu'il ne s'agit que d'une simple appréciation de la preuve et que l'appelant n'aurait tout au plus droit qu'à des dommages nominaux.—*Donovan & The Herald Company*, Dorion, J. C., Tessier, Cross, Church, JJ., 25 février 1888.

* To appear in Montreal Law Reports, 4 Q. B.

Subrogation—Erroneous noting of deed by Registrar—Conflict between written and printed clauses.

HELD:—1. That where subrogation is given by the terms of a deed, the erroneous noting of the deed by the Registrar as a discharge, and the granting by him of erroneous certificates, cannot prejudice the party subrogated.

2. That where two clauses in a deed conflict,—the one written and the other printed, the written clause should have effect, as more likely to contain the real intention of the parties.—*Desrosiers & Lamb*, Dorion, Ch. J., Tessier, Cross, Church, JJ., April 7, 1888.

THE LAW OF DIVORCE.

The Tudor-Hart divorce case is of special interest, for while a divorce was granted by Legislative Act, a *séparation de corps* had been previously refused by the Superior Court of Quebec, the province in which the parties reside. It must be remembered that while the wife was precluded from giving her evidence in the provincial court, her statement was received by the Senate. The following speech of the Hon. J. J. C. Abbott, Q. C., on the motion for the third reading of the Bill, in the Senate, 9th May, explains very clearly the grounds upon which the Senate came to the relief of Mrs. Hart:—

I did not really intend to address the House on this subject, believing that every gentleman present, having read the evidence and acquainted himself thoroughly with the facts, would be competent to arrive at a conclusion on this subject, and would require no advice, or assistance, or argument from me to aid him in taking the right course; but I feel that I should not give my vote in the face of statements which have been made respecting this case and respecting the law applicable to it, without explaining the position which I hold, and in doing that I must necessarily review, as briefly as I can, the facts of the case, and enquire what is the law which governs this House in respect to matters of this description. While I listened to my hon. friend from Amherst, and my hon. friend from Lunenburg, I could not help wondering whether the amiable and mild-tempered young gentleman, who never did any harm but go out in the evening occasionally to play a game of whist, can be the man referred to in this evidence! A large portion of the arguments of my hon. friends from Amherst and Lunenburg was directed to prove, or to try to convince the House that the report, which I presume everybody here has read who is going to pronounce an opinion on it, established that he was kind and amiable and affectionate to his wife; that there was nothing wrong with this young man at all, except that he occasionally went out in the evenings to a very respectable club to play a rubber of whist, and that it is the poor woman who is to blame for the whole of it—she is hypochondriacal, on the verge of lunacy, as one hon. gentleman said; and more fitted to be treated as a lunatic than as a sane person; that she, by her coolness, bad temper and sourness towards her husband, drove him from the house; and that he was therefore perfectly justified, within eight months of his marriage, in leaving her to herself night after night, coming home sometimes even as late as 8 o'clock in the morning, and forgeting altogether the duties which he owed to her. We have heard a good deal about justification—that he was perfectly justified in all this, because at some period or other (which is not proved in this evidence) she became melancholy, sad, and to some extent unsociable, and to some extent quick of temper. Was this before she was treated in this manner by her husband or afterwards? Hon. gentlemen all assume that she was a person of this description when he married her; then why did he marry her? He was perfectly right, because she had money; the man was not to blame for marrying a woman he did not love, because she had money, and he was not to blame for practically deserting her, because she turned out not to have a good temper. He was a most amiable man, and never did anything blameable. Was this the same person who told her that he was a thorough blackguard and did not wish to be different, that his life just suited him, and that she had done the only thing that she could in leaving him? Can this be the same man? Can this kind and amiable husband be the same man who, on one occasion at

least, gave his wife cause to say this of him: 'I have been treated with what amounted to cruelty to me; but I cannot say that I had ever received any actual violence; and although he at times had very violent fits of temper, and would sometimes threaten people's lives, and cursed his father terribly to me in private, he only once threatened me with violence, and then I ran away and he could not do it." This is the amiable young man who went out occasionally to play cards, because his wife was unsociable and not as amusing as she used to be. Now we should leave all these efforts at exaggerating or distorting the evidence, and try to get at a rational and calm view of what the actual state of the facts is, as shown by the evidence. I shall endeavour to state them without exaggerating on one side or the other. I do not propose to represent either party as a saint or angel, but I am going to take the facts, which I think justify the line I intend to pursue in voting. Before that, I think it would be well to consider under what law we are going to decide this matter. My hon. friend from Lunenburg accuses those who are in favour of this bill of ridiculing the Superior Court of the Province of Quebec, of treating it with contempt. I do not find anything in the evidence, or in the discussion, to support that pretension at all. The case which was tried at Montreal, was taken under a special law of the Province of Quebec, and the judge no doubt gave a correct judgment upon the evidence before him. We do not know what evidence was submitted to him, but we do know this, that the wife's evidence was not before him. The wife was examined, but every gentleman from the Province of Quebec, whom I address here, knows how one of the parties to a record can be examined by the other party. There she can be called up on interrogatories—*faits et articles;* or examined by the other side; but she is not allowed to be examined by her own counsel on her own behalf, except to explain any fact stated by her in the examination on the other side. So that the detail of circumstances that we have before us in this record, could not have been before the judge, and if by some extraordinary accident it could have got before the judge—which is quite incredible—the judge had no right even to read it, except to enable him to judge that it was something in her own favour and which he must therefore disregard. So that, clearly, we are offering no contempt or disrespect to the Quebec courts or to the Quebec law. I would be among the first in this House to stand up and defend that system and those courts, because I know what they are; I have been bred in them all my life, and I know how to respect the equity and justice with which the laws of Lower Canada are imbued. Therefore I say that it has no foundation at all, and can only have been used as an argument which might induce some of our friends in the Province of Quebec, to think they are vindicating their laws by voting against this bill. Such would not be the case in the slightest degree. It must be observed in connection with that, that we cannot be acting under the law of Lower Canada in dealing with divorce, because divorce is not allowed under the law of Quebec. The very fact that we are considering this case, shows that we are not acting under the law of Lower Canada, because that law does not recognize divorce at all. Under what law are we acting? I do not know of any statutory provision, or anything in the constitution, which declares what shall be a sufficient cause for divorce or what shall not. I am told that we go to the House of Lords for our precedents in that respect. I would ask the House to consider at what period we are to look for these precedents? Shall we go to the time when a man was granted a divorce because he wanted a male heir? Is that the time? Or must we go to the time when a woman was refused a divorce, although it was proved that her husband had been guilty of adultery in the marital residence, and that he had horsewhipped his wife, and treated her otherwise with the utmost brutality? Is that the precedent which shall guide us? The House of Lords never granted divorces to women, except in two or three cases, and for a time refused them altogether, and when the House of Lords, thirty years ago, practically ceased

to deal with these cases, it had not reached by many degrees the point which the divorce law of England has attained even at this time. The law which was passed in 1857, that is 31 years ago, recognizes only adultery with cruelty; and that is the law to-day, if I recollect right, though I do not profess to know the law of England which prevails in the Divorce Court there—a principle established 31 years ago by a Parliament which had held such doctrines with regard to women as I have stated. What kind of respect or feeling could men have had for women—what kind of rank did they allow them in the social scale—who decided that a woman whose husband had committed adultery in his own house and had horsewhipped her like a slave, was not entitled to a divorce? Is that the kind of precedent to which we are to refer? I must say, and we all perceive by what no doubt every hon. gentleman knows and by what I have just mentioned, that the House of Lords was in a progressive condition up to the time it ceased to deal with divorce cases. It was better in 1858 than it had been in 1801, a great deal better. It was progressive; are we not to progress? Are we to take the law for ever and for all time as it was laid down in England prior to 1857 and 1858? I think not. I think if we are to take the House of Lords as our exemplar, we must at the same time adopt the principle which prevailed in that body, that is to say we must recognize the spirit of the age and allow it to soften the rigour of the law as administered a century ago. We must relax that rigour, and administer it now in harmony with the principles which now govern Christian society; in conformity with which we are every day regarding woman from a higher and better point of view—we are gradually increasing our respect for her position, and more generally acknowledging her equality in every sense with man. This was once so much disputed in England that learned judges have found it necessary to declare, that in their opinion a woman was equal to a man in all respects and entitled to the same treatment. No one here would think of laying that down as an axiom, because every one knows, and feels, and assumes it to be the case. If we have progressed in our respect for the position of women; if we have recognized that they hold a higher and more dignified position—a position of greater equality than was recognised long ago—surely we are to do as the House of Lords did, when it was making some progress — we must progress too. We must make our judgments and render our decisions or pass our laws—because that is the proper phrase to use—in harmony with the time and the improved position of woman, and with the purity which we attribute to her, and which we desire she should preserve, and with the preservation of the social and family relations which I hope we desire more and more to render perfect, as far as we can. The crime of adultery has been recognized, I think, by this House constantly, as a ground for divorce. I venture to say that there are many decisions of this House on the subject of divorce in favour of women, which would not be sustained either by the precedents of the House of Lords which hon. gentlemen have cited, or by the decisions of the Divorce Court in England, because we have repeatedly granted divorces for adultery where no cruelty was proved—so I am told; I am not so familiar with the practice of this House as other hon. gentlemen are, but if I am wrong I can be easily corrected. If that be the case then, if, in point of fact, we have abandoned the unequal and oppressive rulings of the House of Lords with regard to wives—the depreciatory view which the House of Lords took of the position of women—if we have abandoned that, I have proved all I desire to prove, namely, that this House is entitled, on a question of this kind, to take the circumstances of the case before it; and assuming as a basis that adultery is a basis for a bill of divorce—which I am quite prepared to accept as a proper principle on that subject—then I think we are entitled to look at the circumstances of the case and judge, calmly and impartially, how far the adultery, if it be proved, coupled with these circumstances, justifies our passing a bill to relieve this woman from this tie. That is the view I take of my duty here, and it is on

that construction of it I shall vote. Now, what are the actual unadorned facts of this case? I would like to be permitted to state them as I understand them, in order that if I am wrong I may be corrected; and if I am right, that they may produce the effect which they are entitled to. The first proposition of those who oppose this bill is, that this woman deserted her husband without sufficient cause. Now, what were the causes of her desertion? The cause of her desertion, shortly stated, was this: that she became slowly convinced by what she heard from her husband, principally, and from his conduct from time to time, that he was unfaithful to her. That is what she swears to, and she tells how she became convinced of this. In the first place from what he said himself, and by his constant absence at night, sometimes all night; and in the second place by the construction which he himself put on these absences. What did he say about that? I have just read one of the statements which the respondent made to his wife as she has proved, and she also swears to numerous other statements of similar purport; and I take what she has sworn to as proof, because it was easily to be contradicted if it was not true. It was not necessary that he should blacken his wife's character in order to state the truth. And I do not think he showed the nobleness of character attributed to him by one hon. gentlemen, by abstaining from telling the truth. He told her from time to time that he was thoroughly bad; he told her that he was a thorough blackguard, and that he did not want to be anything else—that his way of life suited him.

Hon. Mr. Power—That was after she deserted him.

Hon. Mr. Abbott—He told her on that occasion also that she was quite right in leaving him. When she observed his debauched appearance, he said to her it was caused by wine and women. I judge from the evidence that she was of a retiring disposition. She expresses herself in that way. She is evidently unwilling to come out and state in the broad language of the streets what she found her husband did. She says it is too horrible for a woman to be made to talk about such things. A gently nurtured woman, being asked in a room full of men what she had discovered, will not answer with the same candour that a woman of a different character will; such a woman as we had the other day before the committee, who had not the slightest difficulty in answering with perfect coolness, or in calling a spade a spade. The lady had a repugnance to going into details of her husband's conduct, but she told enough. Hon. gentlemen will see from the evidence, in too many cases for me to repeat, the number of times that it is perfectly plain he communicated to her, and she so understood him, that he was a thoroughly immoral man. And the justification which he admitted to her she had for leaving him, what could it have arisen from? She left because she knew, and he knew, that he was unfaithful to her, and he tells her she was perfectly justified in doing so. Now, is there any evidence to prove, apart from what he told her, that she was justified in that belief? Let us see what are the facts with regard to the brothel that he was met coming out of. Some hon. gentlemen who oppose this bill seem to think that no importance should be attached to that; that a man be met coming out of a brothel at 11 o'clock at night, with two or three other persons, and that it counts for nothing. I contend that that of itself, in the absence of any explanation, is sufficient for this House to decide upon, or for any court or jury to decide upon, that he was guilty of adultery. Hon. gentlemen talk of law books and citations. I can cite half-a-dozen cases in a moment, to prove that that is a fact upon which a court is entitled to infer adultery, if not satisfactorily explained. Now, how is this incident satisfactorily explained? A woman of the house is brought up as a witness.

Hon. Mr. Power—Brought by the prosecution.

Hon. Mr. Abbott—Not therefore necessarily a perjurer—I give him the benefit of all the evidence the woman gave. I do not assume that the witnesses were brought on the one side or the other to perjure themselves. It would have been easy for the respondent to have explained this circumstance of being in that house of ill-fame, if he had chosen to do so, but he did not. My hon.

friends say that this woman exculpated this man, the respondent; that her evidence shows that nothing improper happened on that occasion. She says she knew him—that she met him there on this occasion, and that he knew the other girls in the house "just like the other gentlemen;" and she is asked if on that occasion he had anything to do with any of them, and she says "not that I know of." Now, if he knew all the other girls like the other gentlemen, is not that a circumstance of some importance? How did he know them if he did not frequent the place? This girl says she met the respondent there, and he was talking to the other girls, and that he knew them as other gentlemen knew them. That is the language I think she used—at all events it is near enough for the purpose. This man, in 1879, knew the girls in a brothel as other gentlemen knew them, and he was there at 11 o'clock at night. She does not deny that he had not something to do with any of them. The evidence is clear that it was not his first visit there, as the witness says he knew the girls there as other gentlemen did. Now leaving argument out of the question, what would any sensible, straightforward man think the respondent was doing there at 11 o'clock at night? What was his business there? Had he ever been there before? What can one say his business was? I assume he was there to assist in carrying on, in one sense, the business which one of those ladies I am told said would suffer because of her absence here giving evidence. He could not have been there for any other purpose. He might have been there for a benevolent purpose, but that would be inconsistent with what the witness says of him, what he says himself, and what the evidence discloses about him. He had an opportunity of standing up before that committee, and could have said "I went in there with two or three friends. I never was there before, and I did not do anything wrong." That would not have blackened his wife's character, as some hon. gentlemen seem to contend it would. The reason why the man would not come forward they say was that "he was too noble to go into the witness box and blacken his wife's character." It would not have blackened his wife's character; it would have helped to whiten his; and he should not have done less than come forward and say why he was there on that occasion. He might have said perhaps that he went there to try to convert these young women from the error of their ways, or for some other innocent or benevolent purpose; but I say, in the absence of any statement from him, and with the fact that he was there, and that he knew those girls like any other of the gentlemen who frequented the place, that no witness has proved that he did not on that occasion have something to do with some of those girls at that late hour of the night; in view of all these things I say, what can any honourable and candid gentleman judge took place on that occasion? If we are sitting here to judge of the facts as the committee have done, and as seven out of nine of the committee have decided, I for one must decide, and I think most of those who hear me, will decide, that the wife was justified in believing what she believed; and what she was justified in believing from the man's own statement, that he was unfaithful to her. Therefore, on the theory of my hon. friends who are opposed to the bill, she was justified in leaving him. If I am right in that, and I am convinced that I am right, that must put an end to the whole of the objections to this bill; but for my part I must state plainly that I should not tie myself down to that as the sole reason for voting for this bill. I am prepared to say that the proof of adultery by a married person, even after separation from each other, coupled with other circumstances, may be a good ground for divorce, unless the conduct of the woman was such as to render her unworthy of the relief. That is the view I take of it; that is a view on which, if necessary, I would act in this case, and it is my conscientious view. No hon. gentleman will say that this woman did anything that renders her unworthy of relief at our hands. She has taken care of her children, boarded them and educated them at her own expense since she left her husband. I have spoken of the causes which led her to leave him. I do not know what hon. gentlemen think. I do not press them to think as I think, one way

or the other; I merely wish to place before them my view of this evidence, as a justification for myself in their eyes for voting as I do. Even if it were not to my mind proved as nearly with certainty and conclusiveness as circumstantial evidence will go, that he was guilty of unfaithfulness to her while living with her, then I should say I would be equally determined to vote for this bill, because after consideration of all the circumstances, I believe she did nothing which in my own eyes renders her unworthy of that relief. The adultery after the separation is of course proved. It is not disputed. The only argument I have heard with regard to that is, that the respondent was perfectly justified in it because his wife was not living with him; and we are told that if we allow a woman to be divorced because a man is guilty of adultery after she separates from him, we shall be opening the door to all kinds of profligacy. But how are we going to encourage immorality by granting this woman a divorce? People might say we are going too far in punishing immorality, but certainly no one can say we are encouraging immorality in punishing a man who has been guilty of adultery.

Hon. Mr. Kaulbach—Does not a woman who leaves her husband without cause contribute to his adultery?

Hon. Mr. Dever—Will the hon. gentleman explain to me the last line but one on page 3, the petitioner's evidence, where she is asked, "Were those suspicions confirmed?"

Hon. Mr. Abbott—Her reply is, "I unfortunately had no knowledge of any facts." That is quite consistent with the whole statement. She had not at that time investigated her husband's conduct. I just ask the hon. gentleman to consider this fact, that she did know, that her husband had admitted it. My hon. friend thinks nothing of that; that is of no consequence. If she did not see him in the act, had she no right to leave him?

Hon. Mr. Dever—That is my point.

Hon. Mr. Abbott—If she was to believe what her husband said to her on that subject, she must be convinced of his guilt. When a man blackens himself he is generally believed, and if she believed what he said to her, she was justified in believing that he was unfaithful to her. Now, I am not disposed to go into any question of sentiment in respect of this case. I think sentiment is misplaced; but I think when we as legislators—not as judges acting under a fixed rule of law laid down for our guidance, because we have none such—I say, without the least hesitation, that we as legislators, in deciding whether or not we will give this woman the relief she asked for, must consider the surrounding circumstances, and must consider also the arguments which hon. gentlemen opposite offer against our exercising our discretionary power, whatever it may be, in the direction of granting this bill. Hon. gentlemen say, "What will be the condition of those unfortunate children if the divorce is granted?" But I ask hon. gentlemen what will it be if the divorce is refused? Two young girls of thirteen or fourteen years will be placed under the control of a man who is proved in the record to have been frequenting a house of prostitution and having criminal connection with prostitutes within a fortnight of the time they gave their evidence here. One woman when asked said it was a week ago last Saturday night; the other fixed last Thursday week, and the result of our refusing relief to this petitioner would be to place those two young daughters under the control of a man who, two weeks ago, is proved guilty of frequenting houses of ill-fame and cohabiting with prostitutes. How can hon. gentlemen be so misled by a fancied appreciation of texts of law as to think that we are doing those children an injury by protecting them from being placed in such contaminating contact with this man? Here is their mother able and willing to support them, educating them at this moment and supporting them out of her own means, and we are asked to consider that it would be a misfortune to the children to be allowed to continue under the control and training of their mother, and that we should by preference place them under the control of a man who describes himself as a thorough blackguard, who does not want to be anyelse; and who says his mode of life suits him. I do not see how my hon. friends can use such arguments in connection with such facts, I cannot see how hon. gentlemen can appeal to us against those children being retained by their mother, insisting that we shall thereby do them an injury, and that it will be to their advantage to be placed under the control of their father. I do not know by what process of reasoning they arrive at that conclusion, unless they have argued themselves into it, by pondering over texts which they find in law books, which are applicable only to cases entirely different from this. I do not see how they can imagine for a moment that it would be better for those children to be placed under their father's control, than under their mother's control. These are the considerations, not dealing with the minor points, which lead me to support this bill. I shall certainly vote for it, and I shall hope that it will be carried; but the fact that it is not carried, will not convince me that this woman is not justified in getting relief that will free her and her children from the control of this man.

The House divided on the motion, which was agreed to on the following division:—Contents, 32; non-contents, 19.