

Canada Law Journal.

VOL. LIV.

TORONTO, FEBRUARY, 1918.

No. 2

DIVORCE IN CANADA.

During the first fifty years of Confederation the Dominion Parliament granted 307 divorces, 141 on the applications of women and 166 on the applications of men, or an average of 6.14 per annum. These figures do not, however, include all the divorces granted in the Dominion during that period.

In those Provinces where the Provincial Courts have a divorce jurisdiction, such as British Columbia and the Maritime Provinces, there is, of course, no need to apply to the Dominion Parliament for divorces, and we have no statistics at hand as to the number of divorces granted in those Provinces; but we are inclined to think that the number of divorces granted therein would not very materially add to those granted by the Dominion Parliament.

Probably about a similar number have been granted by Provincial Courts.

On the whole, we think the Dominion is to be congratulated that divorces have been so few. Probably the fact that the divorces on the applications of men exceed those on the applications of women does not indicate any superior virtue on the part of the male sex, but rather that unfaithfulness on the part of women to the marriage vow is not so readily concealed as the unfaithfulness of men. The dissolution of lawfully contracted marriages by Act of Parliament is no less objectionable from a Christian standpoint than are the sentences of civil courts empowered by Parliament to grant such relief. The Christian view of divorce which prevailed prior to the Reformation, and which still very largely prevails, is shortly expressed in the sentence "whom God hath joined together let no man put asunder," and all men and women joined together in Christian marriage are assumed to be joined together by Him, and "no man" includes any aggregation of men, whether sitting in Parliament or in Courts of Justice; and from this point of view, when Parliament assumes the jurisdiction to dissolve lawful mar-