

provinces. Parliament may grant such relief upon any ground appearing to it sufficient, but so far has recognized adultery as the sole cause for granting it.

In British Columbia the laws of divorce are those of England as they stood in 1858; in Manitoba, Saskatchewan and Alberta, the laws of England as of 1870, which, of course, included the amendments subsequent to the original Act; and in New Brunswick, Nova Scotia and Prince Edward Island, the respective divorce laws which each of these then, in a measure, self-governing provinces had on entering Confederation, in 1867, in the case of the first two, and in 1873 in the case of the Island Province. Further, the grounds upon which divorce may be granted are not only dissimilar, but in some respects wider than that recognized by Parliamentary practice.

In the four western provinces, at least, adultery alone is not sufficient ground for a decree on the part of the wife, whilst a perfectly valid one for the husband. The wife is required, following the English law, to prove adultery, coupled with cruelty or desertion, or incestuous adultery, rape, bestiality, or other like brutal offence. In Nova Scotia either party may succeed on proof of adultery or gross cruelty, or impotence, or kindred within the prohibited degrees; and in New Brunswick and the Island Province, on proof of adultery, impotence or frigidity, or consanguinity within the prohibited degrees.

In determining the validity of a foreign marriage, the *lex loci contractus*, or *lex loci celebrationis*, as it is otherwise termed, is considered the guiding principle, according to English jurisprudence, regard being also had to the law of the domicile as to the capacity of the respective parties, and this rule has been adopted by the tribunals of most civilized countries and is recognized in Canada.

In determining the validity of a foreign divorce, English courts have long since adopted the rule that the *lex domicilii* governs, and, incidentally, that the domicile of the husband is the domicile of the wife, except in cases where the wife has been deserted by her husband, or where he has given her cause for leaving him and the parties have previously been domiciled in