

The wife cannot obtain a divorce for adultery committed by the husband, although the adultery of the wife affords a ground on which the husband might obtain a divorce from her. This separation can only be effected by judicial sentence. The parties cannot by any act or agreement between themselves, or by any admission of the facts on which the separation can be awarded withdraw from the Judge the full and entire cognizance of, and adjudication on them. The law not only discountenances frivolous causes of separation, but endeavors, by the procedure to which it subjects the application for a separation, to prevent its being obtained by consent or collusion. Our Provincial Legislature exercising similar rights to those of its great prototypes in the mother country, has granted divorces, *a vinculo matrimonii*, in cases of adultery.

#### DOWER.

Dower is of two kinds, customary and conventional.

Customary Dower is that which the law, in the absence of a conventional dower, assigns; and consists of one-half of the immoveable property which the husband had at the time of the marriage, and of one-half of which devolves upon him by lineal inheritance during the marriage (1). And upon which immoveables the dower and the right of the dower may not have been released or barred during the continuance of the marriage, (2) A married woman may not only join in the alienation of property subject to her dower, but she may also release her dower on any land which her husband may mortgage (3).

If any stipulated sum, or any specified real property or *rente*, or, in short, any property differing in nature or quantity from that assigned by a customary dower, be covenanted by the parties about to be married, this is called *douaire prefix*, or conventional dower.

The parties to the marriage contract may stipulate there shall be no dower, either customary or conventional.

Doubts having arisen as to the effect of the words "legal and customary dower," used in the Registry Ordinance, (4) it was subsequently enacted (5) that the words "legal and customary dower"

(1) Poth. Mar. No. 517, and seq. (2) 4 Vic. c. 30, § 37. (3) 16 Vic. c. 206. (4) 4 Vic. c. 30. (5) 8 Vic. c. 27.