

frequently used is suggested by the figures of the British Divorce Court of 1910 which one would presume may be taken as fairly representative:—Total number of cases heard 627, undefended 500, defended 127, tried by Judge alone 567, tried by Judge and jury 60.

The fact that the petitioner is not bound in most cases to answer questions which would admit adultery has been criticised. If the suggestions made in the last two chapters in regard to offences by the applicant are sound, this point ceases to be of importance.

The usual regulations in regard to the form of evidence and the compelling attendance of witnesses apply.

In regard to collusion and connivance, the practice appears to be for the applicant to satisfy the Court that these have not occurred by a mere declaration to that effect. It is most desirable that every possible check should be put on this phase of the matter, as otherwise the result would amount to divorces almost at will. The Courts should be given the very freest possible hand to adjourn the hearing until any suspicious circumstances can be fully investigated by the Crown authorities. One of the fundamental ideas in connection with divorce is that if one of the parties to a marriage commits any of the offences already referred to in the face of the opposition and dislike of the other party, a divorce should be the relief of the latter if so desired. Unless this happens the parties must make the best they can of life, so that the homes broken up may be kept to a minimum—so that divorce may not become a cause of separation and infidelity, but may continue to be a relief therefrom. If the offence is committed with the sanction of the other party merely for the purpose that a union regarded as undesirable for reasons less fundamental than those suggested as grounds for divorce, such for example as incompatibility of temper, not amounting to absolute cruelty, the parties should not be freed from such a union. Although it is a question not capable of positive proof, it would appear that where the offences are committed with collusion or connivance, in most cases, which are as a matter of fact those of adultery, the guilty party will be prepared to go to the same lengths (i.e., to commit adultery) without such collusion or connivance. In England the annual average of decrees nisi for the period 1906 to 1910, was 639; The King's Proctor interfered in 26 cases, and 23 decrees were reversed.