

may obtain a divorce on the ground of his wife's adultery; but a woman to get a divorce must prove (sec. 27):

1. Incestuous adultery, *i.e.*, within the degrees prohibited for marriage on account of consanguinity or affinity, or 2. Bigamy and adultery, or 3. Rape, or 4. Sodomy or bestiality, or 5. Adultery coupled with (a) such cruelty as without adultery would entitle her to a divorce *a mensa et thoro*, which has been defined as such conduct as makes it unsafe, having regard to risk of life, limb, or health, bodily or mental, for one married person to continue to live with another; or (b) desertion without reasonable excuse for two years or upwards, which in practice has included wilful refusal to permit of marital intercourse without reasonable excuse.

In Canada the British law is in force in British Columbia, Alberta, Saskatchewan, and Manitoba; it being necessary in these Provinces for a wife to prove as above, it might be expected that in cases of mere adultery women would resort to parliamentary divorce which does not recognise any disparity between the sexes, but in practice this has not occurred. The grounds provided by the New Brunswick and Prince Edward Island statutes are: 1. Frigidity or impotence, 2. Adultery, 3. Consanguinity. In Nova Scotia, the Act provides that marriages may be declared null and void for: 1. Impotency, 2. Adultery, 3. Cruelty, 4. Consanguinity.

The Parliament of Canada of course can grant divorces on any grounds it sees fit, but as a matter of policy and good morals it is universally recognised that the power should not be exercised arbitrarily and without cause but only for

“ . . . Such a deed

As from the body of contraction plucks

The very soul. . . .” (Hamlet, act 3, scene 4.)

The practice has been for Parliament to place both sexes on an equality in regard to divorce; this means that a wife can obtain a divorce on the ground of a simple act of adultery on the part of her husband without having to prove any of the additional grounds required to be proved in England and in Provinces following English law. The grounds now recognised by Parliament are: 1. Adultery—alone, or accompanied with desertion, cruelty, desertion and cruelty, or bigamy; 2, bigamy; 3, incestuous adultery; 4, rape; 5, sodomy and unnatural offences; 6, bestiality; 7, malformation at time of marriage; 8, impotency;