

The immoral and unjust distinction which prevails in England where a wife cannot obtain a dissolution of the marriage tie for the mere adultery of the husband, and where that adultery must be committed under specially aggravated circumstances, or else must be coupled with cruelty or desertion, while adultery on the part of the wife is a sufficient ground for divorce on the petition of the husband, is not recognized in Canada; the adultery of either spouse is a sufficient ground for granting this relief; and adultery is the sole ground for a dissolution. As to this difference Mr. Lecky says: "The difference which English law establishes between adultery in a man and adultery in a woman is not widely adopted. It does not exist in Scotland. It is not recognized by the Canon law, and it is not in accordance with the general tenor of modern legislation" (v).

The following figures are interesting as shewing that a very low divorce rate prevails in Canada, and that the marriage tie is not lightly broken there: "Ottawa, Dec. 11.—During last year bills of divorce as follows were granted in Canada: Ontario, two; Quebec, one; Manitoba, nil; North-West Territories, one; Nova Scotia, five; New Brunswick, five; Prince Edward Island, nil; British Columbia, two. In the thirty-two years since Confederation there have been granted by Parliament and the Courts two hundred and seventy-one divorces in the whole Dominion of Canada. In Ontario, population 2,114,321, there have been granted forty-five divorces; in Quebec, population 1,488,335, sixteen divorces; in North-West Territories, population 98,400, two divorces; in Manitoba, population 152,500, one divorce; in Nova Scotia, population 450,000, ninety-one divorces; in New Brunswick, population 321,300, seventy-three divorces; in British Columbia, population 80,200, forty-three divorces. There has not been a divorce in Prince Edward Island, population 100,000, in thirty years, and the comparatively small number in Quebec is due to the fact that the great majority of the population is of Roman Catholic faith." This low rate, it must be admitted, may be partly the result of the difficulty in the way of obtaining a dissolution. "Non cuivis contingit adire Corinthum"; and it is not everyone who can obtain a special Act of Parliament.

It was said some time since by an eminent writer that "divorce by the Senate is preposterous and belongs to a by-gone age," and

(v) *Democracy and Civilization*, II., 212. See *Quick v. Church*, 23 O.R. p. 262.