

and curtesy. In some exceptional cases, even Parliament has gone so far as to debar the husband from any interest in the wife's estate (*Hollivell* case 1878,) but usually this is not done as the effect of the divorce unless the bill provides otherwise is to restore the parties with respect to their property to the position which they would have occupied had the marriage never been solemnised. In England probably more than in the U.S.A., there is a tendency to alter marriage settlements. Unless this is definitely done by the Court, the settlements remain unchanged, and even the guilty party forfeits no rights accruing under such settlements; the Court may, however, retransfer all property brought into settlement, the principle being to leave the children and the innocent party in as good a position as before the home was broken up, even though it means giving them income from property brought into the marriage settlement by the guilty party.

When a marriage has been annulled, the former wife resumes her maiden name. If the marriage has been dissolved by way of divorce, the wife retains her husband's name, although in some of the States, statutes give her the right to revert to her maiden name. The more reasonable course would appear to be that the parties having been put in all other respects in the position as though the marriage had never occurred should be so treated in regard to their names, and this especially so in view of the confusion which might occur where a divorced husband re-marries, and there are then two women using the same name. On the other hand, an objection arises where there are children, as their unfortunate position would probably be unduly borne in on them if their mother was to revert to the prefix Miss.

The English practice which is followed in Canada, provides that the husband may in a suit for divorce on the ground of adultery, sue for damages from the co-respondent, which may be granted even in certain cases when the divorce itself is refused, as where the offence has been condoned or the respondent has yielded under the influence of force. The amount of damages is assessed by a jury, and must represent only simple damages; punitive or exemplary damages are not allowable. Among grounds for reduction of damages may be urged the fact that husband and wife were not living together; the fact that the co-respondent did not know that the respondent was a married woman; or the fact that the woman