

battered to death, or the equally unfortunate man who is bound to an adulterous wife has to travel perhaps thousands of miles to get relief, and can get it only by a slow, tedious, and expensive process.

This state of affairs is a blot on the administration of justice in a civilized country. If the party is poor, justice cannot be had. Only the rich can avail themselves of our present system of granting divorces. And let me remark in this connection that the remedy is practically denied by force of circumstances to those upon whom the burden lies most heavily, and in respect of whom the most dangerous and immoral results are most likely to follow. Money, under the circumstances which give rise to divorce, affords relief in the way of travel, change of residence and other means of escape, but poverty drives both the man and woman to desperate deeds, and to a still more desperate condition of immorality and degradation.

Having thus briefly touched on some of the conditions with which we have to deal in this discussion, I wish to call your attention for a few moments to the subject of divorce in its legal aspect, and the remedies which in my opinion ought to be provided to meet present conditions. It may be useful to see what has been done in the past history of England towards a solution of the problem which confronts, and has for centuries, confronted thinking men and women. I do not hope to say anything original in this connection, but if I can direct your minds to some new line of thought, or create a new phase of reflection and analysis, I shall be fully satisfied that my work has not been in vain.

First, let me take up the record. It has always been admitted that the wrongs suffered by the innocent partner in matrimony are entitled to some remedy. The Ecclesiastical Courts had the earliest jurisdiction. In the very early days in England, these courts took upon themselves, or acquired the power to grant a divorce, *a mensa et thoro*. Although marriage was looked upon as indissoluble, there grew up various schemes for declaring the marriage a nullity *ab initio*, on the ground that an im-