

in the form of defence and reply follow this, and have to be served and filed in the usual way. In all litigation it is very desirable to keep the pleadings as simple as possible as regards form, and there would appear to be no reason why a petition should be substituted for the ordinary writ of summons endorsed with a statement of the facts. A practice complained of in England before the Royal Commission of 1912 was that of making in the petition some specific charge of adultery, and then concluding with a general charge of adultery between the parties. The result was a continuous application for particulars which when given amounted to fresh charges of adultery. The Commission recommended (p. 134) that every charge should be specific with sufficient detail to give adequate notice to the other party. This recommendation seems most reasonable and one which might well be adopted in Canada. In the Provinces where English procedure is followed, an adulterer or adulteress must be made a co-respondent. In order that a person may have the chance to deny accusations on his or her good name—accusations which may be false—it would appear to be reasonable that where such co-respondents are known—as distinct, for example, from cases where the evidence is merely that the respondent visited a brothel—service on them should be effected, personal where possible, and in other cases substitutional, barring only substitutional service by advertisement.

As already noted, in most of the Provinces either party may apply for a jury to decide a question of facts. By some it has been suggested that trial of divorce cases by jury should be abolished; the right does not exist in Scotland, and exists in but very few of the United States of America; juries know little of any class of life except their own, and are apt to take an extravagant view of such things as cruelty. However unsavoury may be the nature of the evidence, it remains a fundamental principal of British justice that a man should have the right to be tried by his peers, especially so in divorce cases where the great mass of the work is the settlement of pure issues of fact—e.g., whether there has been adultery, desertion, etc.—and where difficult questions of law, as for instance those which depend on some branch of International Law or the extent of the Court's jurisdiction come up for decision very rarely; and it would seem but just that this right in regard to divorce cases should exist. That it would be in-