

The Fall in Prices.

dress to a wronged wife, allows a man's illegitimate children to share in his estate.

In England before 1858 a divorce could not be obtained excepting by a special Act of Parliament, the law being the same as it is at present in Ontario. Marriage was considered indissoluble and the courts could not dissolve it. The religious reasons for this were not in force as the Anglican Church did not consider marriage a sacrament, and after the Reformation Cranmer reported in favour of empowering the Courts to grant divorce. The expense of obtaining it was very great, amounting, in some instances, to thousands of pounds, and as many complaints were made, at last the Queen in 1850 appointed a Commission to investigate the whole matter.

The Commissioners reported in favour of the establishment of a court empowered to dissolve marriage for adultery, and accordingly this was done in 1858. At present divorce is controlled by the High Court of Justice. The proceeding is initiated by presenting a petition to the Court setting forth the grounds on which the applicant relies, the other party is then served, the matter is tried by a judge and jury, and if the facts are decided in favour of the petitioner the Court grants a divorce. It may be tried *in camera*, and a bill has just passed the House of Lords allowing the presiding judge to say what portions of the evidence shall be published. This law has given great satisfaction and no objections have been urged against it in Parliament or by the press.

The law in Canada varies in the different Provinces. By the British North America Act divorce is one of the matters over which the Dominion Parliament has exclusive jurisdiction, but in the Provinces where Divorce Courts existed prior to Confederation the Dominion Parliament has not interfered with them though it has the power.

In Nova Scotia the Judge in Equity is Judge of the Divorce Court, which can declare a marriage null and void for adultery, cruelty, impotence, or kindred grounds within the prohibited degrees, and the powers and principles belonging to the Divorce Court in England as far as applicable have also been conferred on this Court.

In New Brunswick there is a Court called "The Court of Divorce and Matrimonial Causes" presided over by one of the Judges of the Supreme Court. The grounds of divorce are adultery, impotence and consanguinity within the prohibited degrees.

In Prince Edward Island matrimonial matters may be heard by the Lieut. Governor and his Council, who are constituted a Court for this purpose. The causes of divorce are adultery, impotence, and consanguinity within the prohibited degrees.

In British Columbia the powers belonging to the English Divorce Court have been conferred on the Supreme Court of the Province, but this has been doubted and the law is unsettled.

In Quebec no court can dissolve marriage, and by the Civil Code of Lower Canada marriage is declared indissoluble. The Provincial Courts, however, have power to annul a marriage for any of the following causes: impotence, where there has been no free consent, or an absence of consent of parent, etc., to the marriage of a minor, and lastly where the marriage is between persons related within certain prohibited degrees. Marriage between Roman Catholics performed by a Protestant minister has been held invalid and may be declared void.

In Ontario no Divorce Court has ever been established and the only means whereby marriage can be dissolved is by a special Act of the Dominion Parliament. The High Court of Justice has jurisdiction in cases of fraud, mistake, duress, and lunacy, and possibly want of age. A marriage under these circumstances may be declared void. But this is on the ground that as there was no consenting mind in one of the parties no valid marriage was ever contracted and the decree of the Court is simply a judicial declaration of what was already void.

In Manitoba and the North West Territories the law is the same as in Ontario.

It has been suggested that Parliament should abolish the Provincial Divorce Courts and delegate to the Supreme Court in Ottawa or to a Judge thereof a limited jurisdiction in divorce matters to include Ontario. While there are many objections to this it would certainly be a great improvement on the present system of Parliamentary divorce.

CHARLES EGERTON MACDONALD.

IN dealing with this phase of the "Silver and Gold" question in THE WEEK of the 10th April, Mr. Jemmett, after saying "that prices on the whole are now about 40 per cent. lower than they were in 1871," lays down the following "preliminary" proposition:—

"The value of a commodity, its exchangeable value, is anything else for which it can be exchanged. It is not any one thing but anything which is exchangeable for the commodity. There can thus be no such thing as a universal rise or fall in values; that would mean that everything had risen or fallen with respect to everything else."

In this I entirely concur. It practically admits, or rather sets forth all I have been contending for so far as the rise in the price or exchangeable value of gold is concerned; accept it and a simple arithmetical calculation will show that gold in relation to all other exchangeable products is 66 2/3 per cent. dearer than it was in 1871. The only question remaining at issue between us now is the share that the demonetization of silver has had in bringing about this result. Mr. Jemmett thinks it has been small, I think, not only that it has been large but that this is fairly deducible from his own argument.

In his first paper (THE WEEK, March 27th) he points to the "enormously increased" production of gold in recent years, and says there is no reason to suppose that the increased supply "has been obtained at any larger proportionate cost;" in his second (THE WEEK, April 3rd) he shows that the increase in the world's supply of silver has also been very great, due largely to increased facilities of transport, and improvements in mining machinery; while in his third (THE WEEK, April 10th) he grows eloquent over the great advances that have been made in the production of other commodities. Placing these three—gold, silver, and general products—in opposition there is nothing in the cost of production or quantity produced of any one of them to indicate any marked change in "the proportion in which it will exchange" for any one of the others.

As the precious metals waste less in the using their value is less affected by occasional variations in the product, and they have a cumulative property not possessed by ordinary commodities; so, while production of all commodities, including gold and silver, remains stationary, or increases uniformly, there is a continual tendency to a rise in prices. In view of this and of the large increase in the supply of gold and silver during the last twenty-five years, notwithstanding the increase in the supply of other products may have been somewhat larger, it is not probable that there would have been any material difference in exchangeable values had both metals retained the position in the mercantile world they occupied previous to 1871. Had they both continued to be money metals the ratio between the money and the goods seeking it would not have been seriously disturbed.

I will try and make this clear without encumbering the page with many figures.

In 1871 gold and silver were recognized and freely coined as money in every country save one, and constituted the world's money supply; silver being in excess in the ratio of about 5 to 4. This money supply we will represent by the figure 1. Since that time the increase in the supply of silver has been about 40 and of gold 48 per cent., making the total or aggregate increase nearly 44 per cent., leaving our present supply, had it not been arbitrarily interfered with 1.44. As silver has since been demonetized in all the rich countries, it is within the mark to say that the demonetizing processes that have been going on during the last twenty-five years have removed half the silver from its place as money and made it a mere commodity, thus reducing the money supply one-fourth or to 1.08, leaving us in the twenty-five years an 8 per cent. increase of money, while, during the same time, after commodities have increased at least 50 per cent. This would seem to just about account for Mr. Jemmett's 40 per cent. reduction in prices.

The conclusion that it is to the changed conditions produced to legislation hostile to silver that we have to look for the principal cause of the fall in prices is irresistible, and it seems so obvious that we wonder why it has ever been disputed.

ADAM HARKNESS.