

QUEBEC.

Civil Code of Lower Canada

C. C. 185. Marriage can only be dissolved by the natural death of one of the parties.

C. C. 108. The presumption of death arising from absence does not apply in the case of marriage.

Those seeking divorce must apply to the Federal Parliament. The bill is introduced in the Senate. The courts, however, grant separation from bed and board.

C. C. 206. Separation from bed and board does not dissolve the marriage tie.

C. C. 207. The separation relieves the husband from the obligation of receiving his wife and the wife from living with her husband.

C. C. 208. Separation from bed and board carries with it separation of property; it deprives the husband of the rights which he had over the property of his wife and gives to the wife the right to obtain restitution of her dowry and of the property that she brought in marriage, also all the benefits of all gifts and advantages conferred on her by the marriage contract unless they have been forfeited by adultery, saving the rights of survivorship.

C. C. 213. Either party thus separated, not having sufficient means of subsistence may obtain judgment against the other for alimentary pension.

C. C. 214. The children are usually entrusted to the party who has obtained the separation unless ordered otherwise by the court after consultation with a family council.

C. C. 215, 165. Whoever may be entrusted with the care of the children, the father and mother respectively retain the right of watching over their maintenance and education and are obliged to contribute thereto in proportion to their means.

C. C. 209. When community of property exists separation dissolves that community.

C. C. 186. Separation from bed and board can only be demanded for specific causes which must be proved; it cannot be based on mutual consent, or granted on default to appear.

C. C. 187. A husband may demand the separation on the ground of his wife's adultery.

C. C. 188. A wife may demand the separation on the ground of her husband's adultery, if he keep his concubine in their common habitation.

C. C. 189. Husband and wife may respectively demand this separation on the ground of outrage, ill-usage or grievous insult committed by one towards the other.

C. C. 191. The refusal of a husband to receive his wife and to furnish her the necessities of life is another cause for which she may demand separation.