

THE LAW OF DIVORCE.

Several volumes of the Statutes which have been issued since Confederation, under the authority of the Parliament of Canada, contain private Acts passed "for the relief" of some burdened wife who has had a bad husband, or of some injured husband who has had an abandoned wife. In the session of 1887 bills were passed for dissolving the marriages of no less than five couples. These marriages are thereby declared to be thenceforth "null and void to all intents and purposes whatsoever." Since Confederation twenty-two divorces have been granted by Parliament. Sixteen of these were Ontario cases; the other six were from the Province of Quebec. Five applications are already in for the next session.

In the case of Susan Ash, peculiar features presented themselves, which we shall notice further on. She was declared competent to contract matrimony again, *i.e.*, to marry any other man whom she might have lawfully married if the dissolved marriage had not been solemnized. A similar enactment was made in regard to each of the other women whose marriages were dissolved. In the event of their marrying thereafter, they and the men whom they so respectively marry, and the issue, if any, of such marriages, are to have and possess the same rights as if the first marriages, now dissolved, had never been solemnized. In the case of each of the men whose marriages are dissolved, the first marriage is annulled, and he is declared to be at liberty to marry any other woman whom he might have lawfully married if the first marriage had not taken place. There is no provision that, in the event of any of these men marrying again, he and the wife that he so marries, and the issue, if any, of such subsequent marriage, shall have and possess the same rights as if the dissolved marriage had never been solemnized.

We do not quite understand why this distinction was made between women and men: husbands, and the issue of all their marriages, generally speaking, have marital, heritable, parental and filial rights, growing out of their respective relations, similar to those of wives and their children. We can, therefore, see no reason why all the clauses were not inserted in each of these five Acts, and made applicable for the relief of all alike.

The proceedings, in order to procure a divorce in the Provinces of Ontario and Quebec, are taken before the Federal Legislature, and are, in the absence of comprehensive rules of procedure, necessarily uncertain, cumbersome, tedious, dilatory and expensive. Some members of the Senate act with the strictest technicality, while others do exactly the reverse. Conducted before a Committee of the Senate, the members of which may or may not be professional men acquainted with the forms, modes, and ordinary safeguards of procedure, divorce measures are more or less uncertain in their results. In all such proceedings an uncertain amount of laxity, or an uncertain amount of technicality, is sure to be indulged in. Indifference to the seriousness of the problem is thereby manifested.

We feel it our duty to take this matter up, and raise our voice in warning