

The subjects of impotency, fraud, and refusal from the first to have sexual intercourse have been dealt with in the chapter on annulment of marriage. The first cases granted on the latter ground were in 1919, and its adoption indicates the tendency of Parliament to grant relief on grounds generally recognised in England as sufficient to warrant a declaration of nullity. In England, if the refusal results from incompetence, a decree of nullity may be had. If it is simply wilful and without reasonable cause and there has been no intercourse, the Court has regarded the refusal as rebuttable evidence of incompetence, and if there has been intercourse as evidence of desertion. In the cases which have come before Parliament, the refusal had existed from the first, and had been wilful. The English Divorce Court has held that mere wilful refusal to have intercourse is not in itself sufficient ground for divorce—*Napier v. Napier*, [1915] P. 184, 84 L.J. (P.) 177, overruling *Dickinson v. Dickinson*, [1913] P. 198, 82 L.J. (P.) 121. The Court merely draws the inference of incapacity from the persistent refusal to consummate—*M. v. M.* (1906), 22 Times L.R. 719—and of course the inference may be rebutted, and mere refusal of itself is not a ground for divorce.

An investigation of the grounds for divorce throughout the British Empire shews the following as existing in addition to those already recognised by the Parliament of Canada:

(Report of the Royal Commission on Divorce and Matrimonial Causes—1912—England.)

1. Desertion, wilful—Scotland, 4 years; South African Provinces, as low as 18 months—Natal; Australia, 3 to 5 years; New Zealand, 5 years.
2. Imprisonment, either frequently or for long period—South Africa, Australia.
3. Habitual drunkenness, usually coupled with neglect of duty or cruelty—Australia, New Zealand.
4. Cruelty—Australia.
5. Insanity, confinement—New Zealand, 10 years; West Australia, 5 years.
6. Long absence—Cape Colony.

The following summary of grounds for divorce in the United States is taken from the Report on Marriage and Divorce of the Bureau of the Census 1867-1916 (South Carolina does not permit