

old Canon law of Europe, and down to a recent period the laws of England did not allow a marriage once validly contracted to be rescinded by divorce. Where there was no canonical disability nothing short of an act of Parliament could authorize divorce *a vinculo matrimonii*; but private acts were occasionally obtained by persons of rank and condition who could afford the expense, to dissolve marriages for adultery on the part of the wife, and for adultery accompanied by aggravated circumstances on the part of the husband. So deeply rooted was this principle in the law of England, that in Lolly's case where the parties were married in England and divorced in Scotland, and the husband subsequently married in England, he was tried and convicted there for bigamy, the conviction being affirmed by the unanimous opinion of the common-law judges.

From such a state of the law, it practically resulted that divorce, on what were deemed sufficient grounds, though always obtainable by the rich, were denied for the most part to the poor. This great injustice has been remedied by the establishment of the court for divorce and matrimonial causes, which went into operation in 1858. *Vide Act 20 & 21 Vict., c. 85, § 27*; *Vide Shaw v. Gould, L. R., 3 H. L. 55*. As to the effect of a decree of divorce by a foreign tribunal in the case of an English marriage between English subjects, there are now two ways of relief, viz.: by divorce or dissolution of marriage, which corresponds to the old divorce *a vinculo matrimonii*, and by a judicial separation or divorce *a mensâ et thoro*. The former is a complete severance of the marriage tie and can be obtained on the ground of the wife's adultery. It can be obtained by the wife on the grounds that since the marriage her husband has been guilty of incestuous adultery (that is if committed by the husband with a woman whom if the wife were dead he could not marry, by reason of her being within the prohibited degrees of consanguinity or affinity, 20 & 21 Vict., c. 85, § 27), or of bigamy with adultery, or of rape, or an unnatural crime, or adultery accompanied with such cruelty as would have formerly entitled her to a divorce *a mensâ et thoro*, or of adultery coupled with desertion, without reasonable excuse, for two years or upwards. A judicial separation which has all the effects attendant on a divorce *a*

mensâ et thoro under the former law may be obtained by either party on the ground of adultery or cruelty or desertion without cause, for two years or upwards. If the petitioner has been accessory to or connived at the adultery, or has condoned the offence, or if there has been collusion between the parties, no decree of divorce can be granted. It is entirely in the discretion of the court whether it will pronounce a decree or not if the petitioner during the marriage has been guilty of adultery or unreasonable delay in presenting the petition, or cruelty to the other party to the marriage, or having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse, or of such wilful neglect or misconduct as has conduced to the adultery.

After the decree of divorce has become final, the parties are at liberty to marry again, as if the previous marriage had been dissolved by death. After a decree of judicial separation the wife is considered as a *femme sole* in regard to property she may subsequently acquire, or which may come to or devolve upon her, and she may sue or be sued as if she were unmarried; and on the other hand her husband is not liable for her debts, except for necessities supplied to her when she fails to pay the alimony decreed to her by the court.

[To be concluded in next issue.]

CURRENT EVENTS.

ENGLAND.

DULLNESS OF BUSINESS.—The stream of reports would not indicate a great falling off in the amount of business before the English Courts; but it is nevertheless true that the profession in England are complaining of the dullness in business at the present time. According to the *London Law Journal*, firms of solicitors of the highest position have no work in their common-law department; and this falling off is specially noticeable as regards commercial matters. The utter stagnation of trade explains the absence of litigation on charter-parties, bills of lading, marine insurance, and other mercantile contracts; while re-