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IN UNTYING THE KNOT.

How You May Get Divorced In Canada.

GENERAL MARRIAGE LAWS.

CANADA IS NOT PARTICULARLY FAVORABLE TO SEPARATIONS.

Women are Respected Here, and the Procedure is Quite Complicated—An Admirable Essay from a Kingston Lawyer's Pen.

Pettacus said: "Everyone of you hath his particular plague, and my wife is mine; and he is a very happy man who hath this only."
—Plutarch

R. V. Rogers has a very interesting article on divorce in the Queen's university magazine. Mr. Rogers commences with some very entertaining facts on divorce among the ancient nations, and from these he passes to modern customs and to the law in England, the United States and our own Canada as it exists to-day.

He informs us that we do not hear anything about divorces prior to the time of Adam. That Patriach divorced his first wife, Lilith. She was created out of clay at the same time as was he, and so deemed herself his equal and becoming proud and troublesome was put away and expelled from Eden. Adam then married Eve and poor Lilith went to the devil, whom she espoused and by whom she had a number of children, called Jins—half men, half devils. Since that early date where has been marriage, there has been divorce.

As in the ages when the earth was young, Eve and her daughters had little to say as to marriage, having to accept it as a child does physic, will he, nill he—so Lilith and her unhappy successors had few rights that were respected on the dissolution of the bonds of wedlock. The Hebrew merchant had to write out a "bill of divorcement," hand it to his wife and then send her away—no wrangling, no law expenses; that she found "no favor in his eyes," was cause sufficient. One venerable Rabbi said a man could divorce his wife, if she spoilt his dinner, or if he met another woman that pleased him better.

In India, according to the laws of Menu (a gentleman of learning who existed sometime or other between B.C., 1280 and A.D. 400) the husband had full liberty and authority to divorce his wife, if she indulged in intoxicating liquors, or had bad morals, or was given to contradicting him, or had an incurable disease. Says that code: "A wife who has borne no child ought to be replaced by another in the eighth year; one whose children are all dead, in the tenth; one who has only daughters in the eleventh; the wife who speaks with bittterness instantly."

Confucius, a sage who existed some twenty-four centuries ago and whose memory is still cherished by a third of the human race, had of course something to say on this subject, and being a man he favored the husbands. To him it seems good that a wife be divorced for seven causes, and these are the basis of the legal morals of China and Japan to-day; they are, disobedience to her father-in-law or mother-in-law; being childless; being immodest (a wife must not be given to loose conversation; she must not write a letter to any man, save her husband.) Jealousy of other women's clothes or children, or of her husband; if she has an incurable or loathsome disease; if she steals, or if she talks too much.

Among the ancient Greeks in primitive times the right of divorce was left to the man, and he exercised it for very slight reasons. In Athens, after a time, either the husband or the wife might take the first step towards separation; the wife might leave the husband, and the husband might dismiss the wife.

In primitive Rome, as usual, the husband had the right of repudiation, but the wife had not. Plutarch tells us that Romulus gave the husband power to divorce his wife if she poisoned his children or counterfeited his keys, or proved unfaithful; if for any other reason he put her away he had to give her half his goods and to dedicate the other half to Ceres. Apparently a family council had to be called to sanction a separation.

Before the Lex Julia de Adulterlis no special form was necessary; the divorce might even take place in the absence of one party. But that law required a written bill of divorce, and the record of the marriage was destroyed while the divorce was publicly registered. When Constantine came to the throne he tried to correct these corrupt propensities and introduce stricter notions of marriage. The contest was a severe one, for marriage had come to be regarded as a mere civil contract. The christians fought hard to establish their view that the Master only allowed divorce for one cause, and that St. Paul had added one other—malicious desertion. Justinian forbade divorces by consent "unless either wished to retire into a monastery, or was a long time in captivity, or was impotent." He settled the grounds for legal divorce to be as follows: Of a husband by a wife, treason; attempting to induce her to violate her honor; wrongfully accusing her of infidelity; having a paramour in his house, or in the same town, after being warned more than once. The husband might divorce his wife, if she was guilty of treason, or of adultery, or of attempting his life, or of frequenting banquets or baths with men contrary to his wishes, or staying away from home against his consent (unless with her own parents) or going to the circus, theatre or amphitheatre, when forbidden. Under some of the preceding legislation the wife could have had divorce if the husband whipped her, violated sepulchres, or was guilty of robbery or cattle stealing. The church persistently and strenuously fought against divorce; it declared marriage a sacrament and the nuptial tie indissoluble, that divorce was sinful.

Divorces in England were until 1858 of two kinds, one partial—divorce a mensa et thoro; the other total, a vinculo matrimonii. The former was little more in the eye of the law than simple separation, and only lasted until the parties saw fit to be reconciled. The latter dissolved the union altogether, either for some antecedent incapacity or some subsequent cause which justified divorce. In 1858 a court of "divorce and matrimonial causes" was established under an act of parliament (its powers and functions are now exercised by the probate and divorce division of the high court of justice), and suits for dissolution of marriage, for declaration of nullity of marriage, and for judicial separation are now tried by this court. Parliament, however, still has the power to interfere, although it has not done so in any English case since 1857. The English law still favors the man, and will dissolve the marriage if the wife ever forgets her marriage vows, but will only relieve the woman if the erring husband has added cruelty or desertion to his breach of the seventh commandment, or if his grant judicial separation (the old bed and board affair) to either party for the sin above mentioned, for cruelty, or desertion without cause, for two years or more. Not very long ago the English courts solemnly declared that a man could not be divorced after his death, any more than he could be married. (Stanhope v. Stanhope, 11 P.D., 103.)

An Irishman seeking an absolute divorce has still to go through the three stages that were unnecessary in England prior to 1858; another grievance this to the people of the Emerald Island.

In our fair land little need be said in this connection, for our young men and maidens generally choose wisely and well, and for "better or for worse." In Ontario, Quebec, Manitoba and the north-west an absolute divorce can only be obtained by act of parliament, and parliament may grant relief on any of the grounds recognized by the old ecclesiastical courts of England, as affording a claim for relief; but, so far (except in two or three instances) no divorce has been granted where adultery has not been charged. One divorce was granted in Ontario before 1840, and only one; between that year and confederation there were only four applications in the province of Canada for this relief. All these were vigorously opposed by the Roman Catholics on principle; however, the bills were successful, although her majesty saw fit to veto one. In the twenty-one years between 1867 and 1888 the parliament of the dominion has dissolved twenty-three marriages for the one great cause, and two where the parties had separated immediately after the wedding ceremony and the marriage was never consummated; in one of these cases a verdant youth of seventeen had been drawn into the matrimonial vortex by a woman—well, considerably his senior; in the other both parties had been guilty of fraud in giving false names, and the petitioner said the whole affair was a joke. In another case parliament gave a divorce equivalent to a judicial separation. Of these two dozen absolute divorces the bakers' dozen was on the application of the husband, the short dozen at the instance of the wife. Since 1888, however, the male petitioners have been more than two to one. In Canada, we are bound to say, divorce is not as in England a perquisite of man; a wife has an equal right with a husband to a separation. With Pope Leo XIII. in the encyclical of 10th February, 1880, we say, what is unlawful for woman is unlawful for man.

In Ontario and Manitoba the superior courts can declare void marriage contracts in cases of fraud, duress or lunacy. In Quebec the judges have like power for like reasons, and also where the parties are within the prohibited degrees, and in certain cases of impotency, and even where a Protestant parson has married two Catholics. They also have in Quebec an action called en separation de corps, which is practically a divorce, but neither party can marry again until death further divides them; it is granted for infidelity (but the case must be stronger against the husband than against the wife), for cruelty, grevious insult, or the non-support of the wife.

Before confederation Nova Scotia, New Brunswick, Prince Edward Island and British Columbia each had little divorce courts absolutely separating man and wife for impotency, infidelity, pre-contract, or marriage within the forbidden degrees. Prince Edward Island has not attempted to do this since she came into Canada; but the salt waters of the Atlantic and the Pacific seem to have a wonderfully solvent effect upon the marriage bond, for between the years 1867 and 1888 there were 109 divorces among the 810,000 inhabitants of Nova Scotia, New Brunswick and British Columbia, while among all the rest of the people of Canada there were but twenty-six. Why is this, oh, scientist?

The United States is pre-eminently the land of divorce; it leads all civilized communities both in the numbers of divorces granted and in the numbers of the reasons for which they can be obtained. In the year of grace, 1886, in Great Britain there were 475 absolute divorces; in Germany, 6,078; in France, 6,211; in the model republic of the world, 25,535! The reasons why vary all the way down the list from A to W, from Alabama to Wyoming. "There is an abominable laxity of the laws on this subject." Taking the period of twenty years from 1867 to 1886, and on the basis of the census of 1881, Mr. Gammill tells us the ratio of divorce to population in Canada was one to 37,288; while in the republic, on the basis of their census of 1880, the ratio was one to 150. In these two decades 16,622 couples were divorced one year after marriage; 21,525 after two years; 27,270 after three years, while 25,371 were separated after twenty-one years or more of married life. As 328,716 were granted during these twenty years, it is safe to say there were 484,000 applications. Of those granted nearly two-thirds were sought for by women (so the opinion of the fair sex is evident), and 6,122 were given to the husbands on account of the excessive cruelty of their wives (so much for the phrase, "the weaker sex," "the gentler sex.") The records of the courts show that wives got divorces for the following, among other reasons: The husband runs a saloon and keeps his wife awake by talking; does not wash himself; has accused his wife's sister of stealing; does not speak to his wife for months at a time; made her climb a ladder to drive nails, and lassoed her on the way down; abused her for having two teeth pulled; makes her drop on her knees and bark, when he cries "Down, charger;" makes her black his boots; treats her as a child; enlisted in the navy; importuned her to deed him her property; quotes scripture about wives obeying their husbands; threw her little curly dog into the fire; cut off her bangs by force; would never cut his toe nails, and scratched her every night, especially as he was restless; never offered to take her out riding; would not work except on Sundays.

Per contra, husbands got divorces for the following causes, among others: She said, "You are no man at all." Refused to cook, and never sewed on his buttons. In certain matters would not act without the permission of the chief of the "Brotherhood of the New Life." Called him a good-for-nothing vagabond. Goes gadding and makes him cook his own supper. Took the cover off the bed, leaving him to shiver till morning. Struck him a violent blow with her bustle. No children. Keeps him awake at night trying to get him to convey his property to her. Would not walk with him on Sunday and heaved a teapot at him, and pulled out his hair. Pulled him out of bed by the whiskers. Shot an old sweetheart. On the bridal tour fell in love with a German. Made him eat at a restaurant under threat of her brother thrashing him. (41 Alb. Law J. 21.) The wife had beaten and bruised him; she had many times seized him and pulled out his hair by the handful. (Beebe V. Beebe, 10 Iowa, 133.) Made a false charge of infidelity against him, and it seriously affected his health. She started reports of his flirting with his clerk's wife; this was extreme cruelty. (Holyoke v. Holyoke, Sup. Ct., Me., 1886; C. V. C., 30 Kan., 712.)

Doubtless there is a spirit of separation abroad in these latter days. The number of those who refuse to be bound

tween 1880 and 1885, the number of divorces rose from 412 to 754, and of the 3,197 cases in the five years only one-third were for infidelity. In France in the forties there was a divorce for every 47,321 of the people; in the latter seventies, one for every 15,610; in the same period in Holland the ratio rose from one in 83,000 to one in 25,660. From the days of bluff old Hale to 1857 the English parliament had granted but 317 divorces; in the thirty years following 1857, the divorce courts had issued 6,381 absolute divorces and 91 decrees for judicial separations. In the United States in 1867 there were only 9,937, while in 1886 the number had risen to 25,525. In Vermont ninety-four were granted in 1860, and 197 in 1878; in Connecticut, in 1869, there were nine cases, while in the fifteen years after 1864 they averaged 446; and so in many of the other states. In Chicago 526 marriages were dissolved in 1875 nearly double that number in 1882. Philadelphia went from 101 in 1862 to 477 in 1882. Even in virtuous Canada parliament has granted in the last five years twenty-two divorces, as against twenty-six in the preceding twenty-two years.

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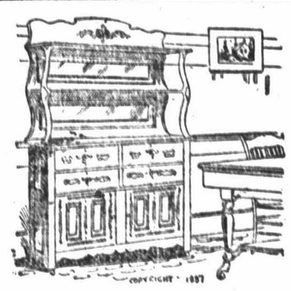

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BETWEEN OURSELVES

From henceforth we will, "Between Ourselves," enjoy our weekly chat on Thursday instead of Saturday, as we have been in the habit of doing, and sincerely hope all old friends will meet us here, and many new ones.

Since Monday afternoon sitting accommodation in the Sydenham street Methodist church has been totally inadequate for the need of the crowd seeking to hear Dwight L. Moody. The evangelist is so well known to require an introduction, though this is the first visit to a Kingston congregation. Perhaps not so much in his preaching as in the result, has the fame he has won on both sides of the Atlantic. There is no effort, no charlatanism to Mr. Moody's gospel. It is simple in its presentation, forcible in its directness, and swift in its application. A child of his once asked his opinion as to the propriety of her going to a theatre. "If I saw the devil running away with you I could not cry stop thief" was the immediate retort. Mr. Moody's daughter was but human, like the rest of us, and decided to find out for herself if it was so horribly wicked a place. The following morning her parent met her at the breakfast table with a solemn countenance. "Good morning, child of the devil," said he. Quick as thought she dropped a demure courtesy, "Good morning, papa dear."

It is this straight, strict doctrine of keeping from all appearance of evil which is the source of his power. Fighting for God. He keeps close to God, and seeks souls to walk with God, and in this crusade he is ably assisted by all nonconformist ministers and progressive christians. Oh! that the last of the barriers of church distinctions were all cast down, and more women like Mrs. Bottoms, Mrs. J. C. Davis, and more men like Moody rose out of the littleness of orthodoxy into the forming of a brotherhood, to cut clean paths for the feet of the one Lord. It is to be deplored that the management did not at Monday's meetings ante date the probability of crowds by an administrative caution, and have all the doors of the church open, instead of attempting to control the stream of life at one of its portals. Much of the crush might have been avoided, and more would have had no circus memories to put out of their heads before the gospel could be put into their hearts, and such cries as "Get your elbow out of my chest," "Don't dig my eye," "Stop yer pushin'," would never have been heard.

A well-known Kingston lady, who has lately resided in Barriefield, has gone to Ompah to have scientifically investigated the mineral value of the land she owns there. If expectations are realized, right here on our own K. & P. line, we are going to have a Klondyke. The region is a most delightful summer resort, and every one who has visited it agrees in the belief that immense possibilities of wealth are hidden in and beneath its rocks, and yet for years men entertaining that belief have never attempted to demonstrate it. A mica mine is worked in a half hearted way, and a while back there was talk of a company being formed to open up other mines in the district, but a lack of public enterprise caused the whole thing to fall through. How surprised some of us would be, if a gleam of Aladdin's lamp aroused us from slumber and we found an Eldorado underneath our feet. One of the oldest women teachers in the public school of Portland, Que., has the Klondyke fever, and is bound to get there. If in no other way she will do as a Californian '49er did. Take a load of cigars, candies and nuts, and pile in the nuggets that way. Mrs. Chisdale, of Kansas, is one of the very few women who have threaded the 2,000 miles from the Yukon river to the dangerous Klondyke heights.

She is a handsome athletic woman and has been eminently successful in assisting her husband to locate rich claims. The Alaskan climate did not affect her, but she affirms the perilous adventures of gold seekers can never be exaggerated. No pen has ever yet graphically described the terrors of the different passes.

Did you ever notice in a baby's eyes a fathomless depth defying interpretation? The soul of the little one is still sleeping. Is that why we are so very, very tender with the babes, lest we disturb their waking into a gradual development of the highest form of His likeness. If he believes this how magnified should be the tenderness directed to those "tired out" old babies, those blessed mothers from whose dear eyes the light of the soul has gone down into a fathomless abyss. Yesterday I met such a one walking in the sunshine among the dead leaves on Barrie street. She drew her shawl about her, walking as one who is in a crowd, but not of it. A single glance at her told me all. Oh God! that such things be! Over the sweet placid face a veil had fallen, hiding the pain that had been, but leaving its possessor hidden from reasoning actualities, and at the mercy of her guardians. Long ago they brought her news, sudden news, of a husband, well-loved, who had gone without a "good-bye" into the shining of the presence of the King, and straightway from her all memories of earth slipped as doth a garment, leaving only the veil that like a curtain at a window obscures the light within.

An instance of the implacability of revenge has just come to light in a renewal of interest taken in the hermit life of Mrs. Polly Blake, its chief victim. Fifty years ago she was a remarkably lovely girl. Of her two lovers she could only marry one, the other remained a friend. The two then undertook a long journey together. The husband alone returned, and later was charged with the murder of his friend. Despite his vows of innocency he was tried, judged, hanged, and his true wife, who had spent all her money trying to save her husband's life, retired, heart-broken, to a cabin in the Ken McVian forest, near Rolling River Fork, where she lived alone until the other day was brought to her, through a clergyman, the confession of her whilom lover (who feared to meet death with the sin of murder on his soul) that he had plotted the ruin of her husband to revenge himself for loss of her. It took nearly half a century for the truth to be known—but truth is immortal!

A Japanese woman is now studying nursing in the New York hospital. A Chinese lady doctor graduated from there some while since and is working miracles in her own land. It speaks volumes for the powers of endurance inherent in these orients that they successfully took a course which requires a cast iron constitution to go through. A baker the other day was fined for working his men more than the permitted sixty hours a week. The nurses would think heaven very near if they had fewer than eighty-six or ninety hours a week, and many of them are delicately nurtured women. Alas for them they are often physical wrecks at the completion of their arduous graduation.

lem; and after them a wandering tribe of French-Mexicans. Swarthy, loud-tongued, fierce men, they appeared to be, who dragged huge bears by long chains or compelled them to go through torturous and grotesque exercises for the amusement of village watchers. A score of graduated bundles of a nondescript variety of life followed, shrieking, laughing, and tugging at monkeys, who were almost as human as themselves. The women of the crowd touched my heart. The younger ones had such a proud defiant air, as if the world had hit them, and they wanted to hit straight back again. Only the tiny atoms on their breasts kept them in leash. The human love of these wanderers was expressed in the action of one mother, sad faced, but dignified. She was weighted with a heavy bag hung at her side, and in a sack on her back her baby crowed. With a copper she stopped and purchased a stick of candy. "For zee ba-bee," she explained, and twisting an arm around placed the sweet in its mouth and hurried on.—ERAUD.

BRITAIN'S DEFENCES.

Colonial Forces To Be Strengthened—Minister Fielding Interviewed.

LONDON, Oct. 20.—In connection with the increase in the strength of the British army, the defence of the colonies of Great Britain is receiving unusual attention. The government has just dispatched a former under-secretary of state for war, Sir Ralph Wood Thompson, to Australia with instructions to report to the war office upon the condition of the defences of the Australian colonies, to urge an increase in the colonial forces and to submit proposals for arming the loyal troops and exchanging battalions from Australia with those of the mother land.

The mission of W. S. Fielding, the Canadian minister of finance, to Great Britain also includes discussion with the colonial office what proportion of £1,500,000, which it is proposed to expend in strengthening the Canadian defences, should be borne by the imperial government.

PUGILISTS TO MEET.

Corbett And Fitz Will Fight at Carson—Race Meet.

CARSON, Nev., Oct. 20.—Dan Stuart has written to his representatives here, predicting that next June or July there will be another contest in Carson between Corbett and Fitzsimmons. At the same time the feather-weight championship will be decided, to be followed by a ten days' racing meet, with at least $20,000 in purses.

LOS ANGELES, Cal., Oct. 20.—Joe McAuliffe, of San Francisco, added another to his string of defeats last night when Jack Stelzner, Fitzsimmons' old sparring partner, received the decision over him at the end of a fifteen round contest. Stelzner escaped without punishment and was fresh and strong. Stelzner weighed 175 pounds and McAuliffe 220. McAuliffe was a ten to six favorite.

The Truth Came To Light.

In the rush and bustle of every day life, time passes away quickly, and the object of every one should be to make things as pleasant and agreeable as possible, for others as well as himself. But this is a very hard task for a sufferer, when a man has endured pain for twenty years, it is easy to imagine his delight when relief comes even at so late an hour. William Wood, of Portsmouth, is now enjoying perfect health after suffering from rheumatism for one-fifth of a century. Dr. Hall's Rheumatic Cure accomplished what other medicines failed to do. By its use he was completely cured. This preparation is taken internally. 50c. a bottle at Wade's drug store.

Neal Dow's First Temperance Work.

Harper's Weekly.

Neal Dow was twenty-five years old when he delivered his first temperance speech. It was at an anniversary supper of a fire company to which he belonged, and his strenuous opposition to the use of liquor was effective to that degree that the fire company adopted temperance as a principle. Later he prevailed upon the Maine mechanics' charitable association to forego the use of wine at its annual dinner.

At that time liquor was almost universally used in Maine. One of the curious customs of Portland in those days was the ringing of the town bell at eleven and four o'clock, by way of warning to mechanics that it was time to leave work and get a drink. This custom the young reformer succeeded in having abolished. Then he persuaded most of the Portland employers to discontinue supplying their men with liquor.

After his first successes, Neal Dow felt that temperance was the most important cause of the age. It was owing largely to his efforts that the young men's total abstinence society of Portland was organized. Its first meeting, it is said, was held in the counting room of a distillery.

Stout People.

Stout people are in great danger of having the heart muscles gradually weakened by infiltration of fat. This can be prevented by the use of Milburn's Heart and Nerve Pills. Mr. James Kelly, Hamilton, Ont., says: "I have been sick and feeble for five years, with a weak, fluttering heart, sinking feeling, nervousness, shortness of breath, etc., but am now glad to say that Milburn's Heart and Nerve Pills have completely removed all my heart and nerve troubles, and given me back my health."

Where Did They Shoot?

Watertown, N.Y., Times.

Dr. Gordon P. Spencer, P. W. Roblin and F. S. VanWormer, of this city, and A. W. Scobell, Cape Vincent, returned from a hunting expedition in the vicinity of lake Charbonean, on the line of the Kingston & Pembroke railroad. They brought with them sixty partridges, several snipe and six fine salmon trout, now on exhibition in N. M. VanBrunt's window. The hunters say the K. & P. country abounds with game, and that many partridges were shot without leaving the waggon trail.

That's So.

No one thinks of taking a handful of old-fashioned pills now-a-days. When people get sick they use Wade's Mandrake Pills, which cure all liver and stomach troubles. One pill a dose. Twenty-five doses for 25c., only at Wade's drug store.

Arnot's Arnica Anodyne. Sold wholesale and retail by Jas. B. McLeod, druggist, Kingston.

A Kink in Your Back

Have it straightened out by MACK'S RHEUMATIC PILLS.

Pain in the back sometimes is rheumatic, sometimes indicates kidney disorder. Whichever it may be Mack's Pills are sure to cure. They are a rheumatic pill acting on the liver and kidneys, sweeping out all rheumatic acids and poisons by way of the bladder and bowels. No other remedy so effectual as Mack's Pills. Pains and aches vanish when they are used. Price fifty cents at all drug stores.

"Cough Chaser"—Cures a Cough Quick. 10c., all Druggists.

MEDICAL

ALARMING!

The frequency of Heart Troubles gives Collingwood people no need for alarm. Its ravages can be stopped.

"For a number of years," says Mrs. J. W. Gardiner, Napier St., Collingwood, Ont., "I have been afflicted with nervousness and weakness of the heart. The symptoms constantly became more distressing

and alarming as the disease advanced. I had violent palpitation and fluttering of the heart which naturally made me weak. My sleep was disturbed with frightful dreams and my mind wandered at night. In addition to this my blood was much impoverished, causing sleeplessness and fatigue. I became thin and lacked bodily vigor. Dizziness and weak eyesight, blurred vision, etc., added to my distress, and at times I found it difficult to breathe after slight exertion and felt always tired and weary.

"At Mr. Carpenter's drug store I got a box of Milburn's Heart and Nerve Pills in March last, and from that time began to get better and gain in strength and weight. By their remarkable tonic action they brought my entire system to health and strength again, gave me restful, refreshing sleep, enriched my blood and restored vitality, and in every way conferred great benefit upon me. I cannot say too much in favor of this great medicine as a tonic for all forms of physical weakness caused by wrong action of the heart or nerves." 222

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