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DIVORCES GRANTED IN CANADA

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DIVORCES IN CANADA, 1931

(With Supplementary notes on Jurisdiction in Divorce in Canada.)

Statistics of divorces, secured from the authorities of seven provinces where divorces are granted by the courts and from the Dominion statutes for Quebec and Prince Edward Island, and compiled by the General Statistics Branch of the Dominion Bureau of Statistics, show a decrease of 191 in the number of divorces granted in Canada during 1931 compared with the previous year. A total of 684 divorces was granted during the calendar year 1931, as compared with 875 during the calendar year 1930 - a decrease of 21.8 p.c. The 1930 total is the largest number so far recorded in any one year, a fairly general decrease being noted in 1931.

The increase in divorces granted during the war period has been ascribed to the unsettling psychological effects of the war and the long separations of men from their wives, combined with the new facilities for obtaining divorce provided by a decision of the Judicial Committee of the Privy Council, which enabled the courts of Alberta and Saskatchewan to grant divorces. Decreases in the totals in 1922 and 1923 appeared to indicate a decline which might be ascribed to the passage of war-time conditions, but the comparatively large increases from 1924 to 1930 must evidently be attributed to the greater ease with which decrees may now be obtained and, possibly, to a more lenient view of such proceedings on the part of the community. (See Jurisdiction in Divorce in Canada, page 4.)

Divorces in the Different Provinces.- The number of divorces granted in 1931, by provinces (Table 1) was 208 in British Columbia, 154 in Alberta, 94 in Manitoba, 82 in Ontario, 51 in Saskatchewan, 38 in Quebec, 36 in Nova Scotia, 20 in New Brunswick and 1 in Prince Edward Island. The only increases in divorces granted during the year were in Nova Scotia, with an increase of 17, Alberta, with an increase of 3, and Prince Edward Island 1, this latter being the second divorce in the history of the province. The other six provinces all showed decreases as follows: Ontario, 125; British Columbia, 47; Manitoba, 20; Saskatchewan, 11; New Brunswick, 7; and Quebec, 2. The large decrease in Ontario is doubtless due to the transfer of jurisdiction in divorce from the Parliament of Canada to the courts of the province, with the imposition of a period of six months between the granting of the decree nisi and the decree absolute, affecting the first year of the record.

The Sex of Applicants for Divorces.- Previous to 1924, Canada's divorce statistics differed from those of most other countries in that they showed that a majority of the divorces granted were at the petition of the husband. In 1924 wives obtained 51.2 p.c. of the decrees granted, but in 1925 husbands were again in the majority of the successful petitioners with 50.6 p.c. In 1926 wives received relief in 52 p.c. of the cases adjudged, in 1927 52.6 p.c. and in 1928 52.0 p.c., this condition being possibly due to the passing of the Divorce Act, 1925, which removed certain anomalies which formerly operated to the prejudice of wives. In 1929 and 1930 wives received relief in 53.9 p.c. and 53.4 p.c., respectively, of the cases adjudged, while in 1931 the percentage dropped to 57.7 p.c. A comparison of Canadian divorce statistics with those of New Zealand and the United States shows that of the decrees granted in the former country from 1925 to 1930, wives received 55.0, 61.4, 55.0, 52.8, 57.3 and 56.3 p.c., respectively, while figures for the latter country for the six year period from 1925 to 1930 show the decisions granted to wives as being 69.9, 70.5, 71.0, 71.4, and 72.3 p.c. of the total respectively. In the United States, the proportion of two divorces granted to wives to one granted to husbands remained fairly constant from 1889 to 1923, but is now being replaced by a higher ratio of about five-sevenths.

1. DIVORCES GRANTED IN CANADA 1913 - 1931

(Final Decrees)

Year	Ont.	Que.	Alta.	Sask.	Man.	Nova Scotia	New Brunsw- wick	British Col- umbia	Total for Canada
1913.....	20	4	4	1	6	-	4	20	60
1914.....	18	7	4	2	2	10	12	15	70
1915.....	10	3	3	1	1	13	6	16	53
1916.....	18	1	1	2	2	14	11	18	67
1917.....	10	4	2	1	-	8	6	23	54
1918.....	10	2	2	1	-	24	10	65	114
1919.....	49	4	36	3	88	36	13	147	376
1920.....	91	9	65	26	42	45	15	136	429
1921.....	101	9	84	50	122	41	13	128	548
1922.....	90	6	129	37	97	35	12	138	544
1923.....	105	11	87	41	81	22	19	139	505
1924.....	114	13	118	28	77	42	15	136	543
1925.....	121	13	101	42	79	30	15	150	551
1926.....	113	10	154	48	85	19	12	167	608
1927.....	182	13	148	60	102	29	17	197	748
1928.....	213	25	168	55	79	28	14	203	785
1929.....	208	30	147	69	89	30	21	222	816
1930.....	207	40	151	62	114	19	27	255	875
1931.....	82	39	154	51	94	36	20	208	684

Note.- In Prince Edward Island, one divorce was granted in 1913 and one in 1931. For notes on Ontario divorces, see page 5.

2. DIVORCES GRANTED IN CANADA, 1929 - 1931

BY PROVINCES AND SEX OF PLAINTIFF

(Final Decrees)

	To Husbands:			:	To Wives:			:	Total:		
	1929	1930	1931		1929	1930	1931		1929	1930	1931
Prince Edward Is...	-	-	1	:	-	-	-	:	-	-	1
Nova Scotia.....	13	12	18	:	17	7	18	:	30	19	36
New Brunswick.....	11	16	8	:	10	11	12	:	21	27	20
Quebec.....	14	18	7	:	16	22	31	:	30	40	38
Ontario.....	93	78	41	:	115	129	41	:	208	207	82
Manitoba.....	43	46	40	:	46	68	54	:	89	114	94
Saskatchewan.....	36	34	24	:	33	28	27	:	69	62	51
Alberta.....	76	64	69	:	71	87	85	:	147	151	154
British Columbia...	90	96	81	:	132	159	127	:	222	255	208
Canada.....	376	364	289	:	440	511	395	:	816	875	684

COMPARISONS WITH OTHER COUNTRIES

In Table 3 are added comparative figures of divorces and marriages in England and Wales, Australia, New Zealand and Canada for the years 1916 and subsequently. The percentage of divorces to marriages taking place in the same year, as here given, is seen in the case of England and Wales to have increased during these years from 0.35 p.c. to 1.13 p.c.; in Australia from 1.53 p.c. to 3.76 p.c.; in New Zealand from 2.41 p.c. to 5.60 p.c.; and in Canada from 0.1 p.c. to 1.22 p.c. Similar figures for the United States, where, of course, the total number of divorces is unusually large owing to the comparative ease with which they may be obtained, show increases from 27,919 in 1887 to 42,937 in 1896, 72,062 in 1906, 112,036 in 1916, 148,815 in 1922, 165,096 in 1923, 170,952 in 1924, 175,449 in 1925, 180,853 in 1926, 192,037 in 1927, 195,939 in 1928, 201,468 in 1929 and 191,591 in 1930. The percentage of divorces to marriages increased from 10.6 to 17.0 during the years 1916 to 1930, divorces during this period increasing by 71.0 p.c. (In 1930 divorces granted to women in the United States constituted 72.3 p.c. of the total granted, as compared with 71.3 p.c. in 1929.)

3. NUMBER OF MARRIAGES AND DIVORCES IN ENGLAND AND WALES
AUSTRALIA, NEW ZEALAND AND CANADA IN RECENT YEARS

Year	England and Wales		Australia		New Zealand		Canada	
	No. of Mar-riages	No. of Di-vores	No. of Mar-riages	No. of Di-vores	No. of Mar-riages	No. of Di-vores	No. of Mar-riages	No. of Di-vores
1916	279,846	990	40,289	617	8,213	198	65,000*	67
1917	258,855	703	33,666	652	6,417	219	60,000*	54
1918	287,163	1,111	33,141	681	6,227	199	55,000*	114
1919	369,411	1,654	40,540	879	9,519	336	70,000*	376
1920	379,658	3,090	51,552	1,152	12,175	469	80,931	429
1921	320,852	3,522	46,869	1,480	10,635	511	59,732	548
1922	299,524	2,588	44,731	1,326	9,556	522	64,420	544
1923	292,408	2,667	44,541	1,460	10,070	522	66,463	505
1924	296,416	2,286	45,869	1,528	10,259	526	65,129	543
1925	295,689	2,605	46,899	1,844	10,419	612	64,644	551
1926	279,860	2,622	47,865	1,631	10,680	614	66,658	608
1927	308,370	3,190	49,033	1,896	10,478	540	69,515	748
1928	303,228	4,018	48,593	1,828	10,537	572	74,311	785
1929	313,316	3,396	47,500	-	10,967	635	77,288	816
1930	315,109	3,563	-	-	11,075	620	71,657	875

*Estimated.

JURISDICTION IN DIVORCE IN CANADA

English Legislation affecting Canadian Legislation.-

It was not until 1857, when the Divorce and Matrimonial Causes Act was passed in England, that a right to divorce in that country was created. Divorce as we now understand it had formerly the significance of judicial separation. By this Act of 1857, the Court of Divorce and Matrimonial Causes was created and all jurisdiction in matrimonial matters, formerly exercised by the Ecclesiastical Courts, was transferred to it by the Act.

The Divorce and Matrimonial Causes Act of 1857 had no force in the colonies of British North America before Confederation except in those colonies where such legislation had been enacted.

Canada.-

By Sec. 91 of the British North America Act (26), the Dominion Parliament was granted jurisdiction over the matter of marriage and divorce, while by Sec. 92 (12) Provincial Legislatures were empowered to legislate upon the solemnization of marriage in their respective provinces.

The Dominion Parliament, however, from 1867 until 1924, has passed no Act granting the right to obtain divorce nor had any court with jurisdiction in divorce matters been created in the Dominion or in any province by Dominion Legislation. Matrimonial relief may, however, be obtained, and granted under authority of the B.N.A. Act, by petition to the Dominion Parliament through the Divorce Committee of the Senate.

The Dominion Parliament, by C. 41 of the Statutes of 1925, added a new and important provision to the Canadian law respecting divorce. The law in force until the passage of the Divorce Act, in so far as it concerned causes for divorce proceedings, has provided that, while a husband may obtain a divorce on grounds of adultery, it is necessary for a wife to prove both adultery and desertion. This anomaly has been removed, Sec. 2 of the Divorce Act stating "In any court having jurisdiction to grant divorce a vinculo matrimonii any wife may commence an action praying that her marriage may be dissolved on the ground that her husband has since the celebration thereof been guilty of adultery". The granting of a divorce in such cases, of course, is dependent on sufficient evidence that the wife has not been an accessory to or connived at such adultery or that the action is not prosecuted in collusion with the husband or the woman with whom he is alleged to have committed adultery. In addition "the court shall not be bound to pronounce such decree if it finds that the wife during the marriage has been guilty of adultery or.....of unreasonable delay or of cruelty towards the husband or of having deserted or wilfully separated herself from the husband before the adultery complained of and without reasonable excuse or of such wilful neglect or misconduct as has conduced to the adultery".

In 1930, by C. 14 of the Statutes of that year, jurisdiction in divorce was conferred upon the Supreme Court of Ontario, and by C. 15, women, whose husbands had deserted them and removed from the jurisdiction of the courts of the province, were permitted to institute an action for divorce, after a lapse of two years, in the courts of the province in which they had continued to reside, upon any grounds which were already recognized by the courts of that province, provided that the husband was domiciled in the same province immediately prior to such desertion.

Nova Scotia and New Brunswick.-

By Sec. 129 of the B.N.A. Act, all laws in force in Canada, Nova Scotia and New Brunswick and all courts, etc. were to continue to exist in the provinces of Ontario, Quebec, Nova Scotia and New Brunswick after Confederation. The provinces of Nova Scotia and New Brunswick, therefore, having enacted legislation respecting divorce and possessing courts exercising jurisdiction over such matters before Confederation and having continued to exercise jurisdiction through courts of Divorce and Matrimonial Causes, are now in the same position as they were then. A court was established in Nova Scotia under C. 126 of the Revised Statutes (third series) of Nova Scotia, 1864, as the Court of Marriage and Divorce, the name of which was changed by C. 13 of the Statutes of 1866 to the Court for Divorce and Matrimonial Causes. The Court of Divorce and Matrimonial Causes in New Brunswick was likewise set up by an Act passed in 1860 (an Act to amend the Law relating to Divorce and Matrimonial Causes). (See R.S., N.B., 1903, C. 115).

THE HISTORY OF THE UNITED STATES

CHAPTER I

The first part of the history of the United States is the history of the discovery and settlement of the continent. The discovery of the continent was made by Christopher Columbus in 1492. The settlement of the continent was made by the first European settlers in 1607.

The second part of the history of the United States is the history of the growth and development of the country. The growth and development of the country was the result of the efforts of the first settlers and their descendants.

The third part of the history of the United States is the history of the struggle for independence. The struggle for independence was the result of the efforts of the first settlers and their descendants.

The fourth part of the history of the United States is the history of the formation of the Constitution. The formation of the Constitution was the result of the efforts of the first settlers and their descendants.

The fifth part of the history of the United States is the history of the expansion of the country. The expansion of the country was the result of the efforts of the first settlers and their descendants. The sixth part of the history of the United States is the history of the Civil War. The Civil War was the result of the efforts of the first settlers and their descendants.

The seventh part of the history of the United States is the history of the Reconstruction. The Reconstruction was the result of the efforts of the first settlers and their descendants. The eighth part of the history of the United States is the history of the Gilded Age. The Gilded Age was the result of the efforts of the first settlers and their descendants.

The ninth part of the history of the United States is the history of the Progressive Era. The Progressive Era was the result of the efforts of the first settlers and their descendants. The tenth part of the history of the United States is the history of the New Deal. The New Deal was the result of the efforts of the first settlers and their descendants.

Prince Edward Island.-

In Prince Edward Island a court having jurisdiction in divorce was constituted by an Act of 1835 (5 Wm. IV, C. 10). This law has not been repealed since that time, but the power vested in the Governor and Executive Council to establish a divorce court has never been exercised. Persons living in Prince Edward Island, who are desirous of seeking dissolution of marriage, must do so by petition to the Dominion Parliament.

British Columbia.-

The colony of British Columbia acquired jurisdiction in matrimonial causes following a proclamation of the Governor giving force in the province to the civil and criminal law of England as it existed on Nov. 19, 1858. The province has continued to exercise jurisdiction over divorce through the courts established before Confederation. (See Rev. Statutes of B.C., 1924, C. 75).

Manitoba.-

The divorce law of England, as it existed on July 15, 1870, was introduced into Manitoba by an Act of the Dominion Parliament, 51 Vict., C. 33. The court of King's Bench of Manitoba has the same jurisdiction in divorce as the courts have in England under the Divorce and Matrimonial Causes Act, 1857.

Alberta and Saskatchewan.-

The Dominion Parliament, by 49 Vict. C. 25, enacted that the laws of England as existing on July 15, 1870, should be in force in the Northwest Territories. In 1918 the Appellate Division of the Supreme Court of Alberta held that the effect of the above Act and of legislation passed creating the province was to make the Divorce and Matrimonial Causes Act of 1857 and amendments up to July 15, 1870 apply to the province of Alberta. This decision was confirmed on appeal to the Imperial Privy Council. Subsequent judgments by the Saskatchewan Court of Appeal held that the English law as it existed on July 15, 1870 had force in the province and that the rights conferred under it might be enforced by the Court of King's Bench. The provinces of Alberta and Saskatchewan, therefore, are in the same position in the matter of jurisdiction over divorce.

Quebec.-

In Quebec it is considered that the courts have no jurisdiction to entertain an application for divorce, but they have assumed power, not to dissolve but, in some cases, to annul marriage or to entertain petitions for separations. Persons seeking divorce in Quebec must do so by petition to the Dominion Parliament.

Ontario.-

In Ontario it was formerly the practice for applicants for divorce to apply to the Dominion Parliament, in the same manner as persons domiciled in Quebec and Prince Edward Island, but by C. 14 of the Statutes of 1930, jurisdiction was conferred upon the Supreme Court of Ontario to grant decrees of divorce in accordance with the English law as existing on July 15, 1870.



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