

taken as typical, though each one of the Provinces presents points of peculiarity.

In Ontario, the local jurisprudence is based on the law of England as it stood in 1792, and no statute, provincial, Dominion, or Imperial, appears to have been enacted giving any jurisdiction to Ontario Courts to entertain divorce proceedings. In Ontario accordingly divorce by judicial decree cannot be had.

British Columbia did not become a Province in the Dominion of Canada until 1871. Prior to this, provision had been made by two successive local enactments for English law as it stood on the 19th Nov., 1858, being in force in British Columbia. The latter of these (the English Law Ordinance, 1867), ran: "From and after the passing of this ordinance the civil and criminal laws of England as the same existed on the 19th day of November, 1858, and so far as the same are not from local circumstances inapplicable, are and shall be in force in all parts of the colony of British Columbia." After federation this enactment was re-enacted in each successive revision of the local statutes, and now appears in the Revised Statutes of 1911 as s. 2 of c. 75. Whether in virtue of this enactment the Matrimonial Causes Act, 1857, was in force in British Columbia was a question that came before the Privy Council in 1908 (*Watts v. Watts* (1908), A.C. 573), and it was held that the English Act of 1857 did apply to British Columbia, and that the local Courts had jurisdiction to pronounce decrees of divorce.

Manitoba was made a Province of the Dominion on the 15th July, 1870. In 1888 a Dominion statute was passed (51 Vict., c. 3), which by s. 1 enacted that "the laws of England relating to matters within the jurisdiction of the Parliament of Canada as the same existed on the 15th day of July, 1870, were from the said day and are in force in the Province, in so far as applicable to the Province," and subject to any subsequent legislation. This enactment now appears in the Revised Statutes of Canada, 1906, as s. 2 of c. 99. The Privy Council have held in the recent case of *Walker v. Walker* (*sup.*), that this enactment has had the same effect in making the English Act of 1857 applicable to Manitoba and giving the Manitoba Courts divorce jurisdiction