

favour of immorality increasing, of, for example, an unfaithful wife living in adultery and bearing illegitimate children, and the husband living with another woman of his choice; reconciliation is generally out of the question. In fact the argument that if Divorce Courts were created the number of divorcees would increase is really one of the strongest arguments for these Courts. As the Hon. W. S. Fielding said in the House of Commons: "If thousands of honest men and women in this country are entitled to divorce, not on new grounds but on the well-established grounds recognised by the Courts and by this Parliament, the fact that these men and women are entitled to divorce and are unable to get it because of the present machinery is the strongest argument why that machinery should be discarded" When the Roman Catholics oppose the extension of grounds for divorce or even the recognition of any grounds, they are, if mistaken in their judgment and in their appreciation of an actual situation as distinct from an antiquated religious teaching, at least sincere to their faith. When their wishes are over-ridden by a majority and divorce on certain grounds is actually recognised and they exert themselves to make application of the adopted principles as difficult as possible, they are playing the part of an undignified and unjust opposition. If they would confine their activities to endeavors to convince Canada that grounds for divorce should be abolished and to teach adherents of their own church that no matter what the facilities for divorce may be they should not take advantage of them, they would more nearly be conforming to the principles for which they profess to stand and would probably sooner see the error of their views and amend the same to meet current conditions. To argue that because in any country there are few divorces the morality of that country is high is a fallacy. Let it be shown that in spite of ample facilities for divorce there are few, and then it may be argued that high morals exist.

At this point the question naturally arises of where the authority lies to make the necessary change in jurisdiction. Sub-section 26 of sec. 91 of the B.N.A. Act gives the Dominion authority to legislate on matters of "Marriage and Divorce", while sub-sec. 14 of sec. 92 gives to the Provinces "The administration of justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of civil and criminal jurisdiction, and including the procedure in civil matters in these Courts". From the above, it is obvious that it