

British constitutional law, and not even the King himself has under our constitution any inherent power to dispense with any law.* This dispensing power recognized by this statute cannot by any possibility refer to any impediments created by the law of the land, as that would be to sanction a breach of the Act of 32 Hen. 8, c. 38, which no Provincial Parliament can authorize: see *O'Connor v. Kennedy*, 15 Ont. at p. 23, *per* Armour, C.J.; it can therefore only refer to those impediments which as a matter of private and domestic regulation may be created and which, of course, have no legal or coercive force, nor any operation at all except on those who willingly choose to submit to them. The section, however, is likely to lead to the erroneous idea that it gives a power and authority which it was impossible for the legislature to impart, and should be removed from the statute book, as having really no legislative value.

Divorce and Nullity of Marriage.

Intimately connected with marriage is the question of divorce—and the annulment of *de facto* marriages.

In the popular mind these two things are often confounded, and in nearly all our histories the proceedings for the annulment of the marriage of Henry VIII., with Catharine of Arragon are referred to as a "divorce," although it was really a proceeding for nullity of marriage, on the ground that the parties were within the prohibited degrees of relationship. But the two things are really quite distinct, though their result may appear to be similar. An annulment of a marriage can only be decreed by reason of some fact or impediment existing

* See note 2, p. 46 *infra*.