rapidly as something of a nuisance in order that the more interesting and financially important actions may be heard.

Moreover, such matrimonial and family proceedings are continuing matters. While the marriage itself may be permanently and decisively disposed of, matters such as the division of marital property, alimony and the custody and maintenance of the children remain to be dealt with from time to time. To reach the judge who made the original order involves a trip to the provincial capital or a wait for a maximum of six months for the next Assizes, when unfortunately a different judge may be sitting.

To meet this obvious difficulty, the former Chief Justice of Ontario, the Honourable James McRuer, advised that the County Courts be given concurrent jurisdiction with the Supreme Court in matters of divorce. The County Court Judges are resident in the county towns and their local offices and officials are available at all times. The judges are present when required to explain or vary an Order or to make additional provisions.

Chief Justice McRuer spoke from his own long experience of the Supreme Court when speaking of the obvious advantage of having matrimonial matters dealt with by local judges. He would not interfere with the present authority of the Supreme Court Bench. Divorce litigants should have access to the Supreme Court if they wished a High Court trial, as they are now in cases beyond the jurisdiction of the County Courts, but neither should the great advantage of the County Courts be denied them. Your Committee has had recommendations that Matrimonial Causes be sent to family courts. This is a matter that could be left to conferences between the Minister of Justice and Provincial Attorneys General because of the lack of uniformity in such courts at present.

RECOMMENDATION

Your Committee recommends that the County Courts of all provinces having jurisdiction to dissolve marriage be given jurisdiction in divorce equally and concurrently with the Supreme Courts of the respective provinces.

PARLIAMENTARY DIVORCE

The Parliament of England has for centuries possessed power to dissolve marriages and when the British North America Act gave to Canada a Constitution "similar in principle to that of the United Kingdom", the Parliament of Canada obtained a similar jurisdiction, and has exercised that authority as it has been necessary to the present time. The Courts of Quebec have not at any time possessed jurisdiction in divorce, nor had those of Ontario until the passing of the Divorce (Ontario) Act of 1930. When Newfoundland entered Confederation in 1949 her Courts also had no such jurisdiction. Those seeking divorce in Ontario and Quebec therefore petitioned Parliament, until Ontario obtained her own courts. Thereafter, Quebec was alone in this respect until joined by Newfoundland. Since then divorce for persons domiciled in these two provinces has been by way of Private Bill and by Act of Parliament. The jurisdiction still remains but in 1963 Parliament conferred power on the Senate to dissolve marriages by resolution by passing the Dissolution and Annulment of Marriages Act. This enactment constituted a supplementary procedure, which in practice has