

law in all matters, whereas the legislatures which have dealt with the matter in Saskatchewan had only limited powers; so that although the same words used by the B.C. Legislature may have been sufficient to incorporate English divorce law into the law of that Province, it does not by any means follow that the like words as regards Saskatchewan have the same effect, when the competence of the legislature to enact the law is taken into account.

For these reasons it appears to me it would be unsafe and might lead to disastrous consequences if the courts in Saskatchewan and Alberta were to assume and exercise a jurisdiction in divorce as Mr. Thompson suggests even they should.

That they could possibly legally assume any such jurisdiction without the authority of the Dominion Parliament appears to me exceedingly doubtful. Marriage and divorce being admittedly within the legislative control of the Dominion Parliament, it is for that legislature to say what courts shall exercise jurisdiction on that subject, and I should hope that if the Dominion Parliament sees fit to pass any law on the subject that such law may apply to the whole Dominion and be administered upon a uniform plan, so that we may not have the law on this important subject varying in each Province.

With regard to Mr. Thompson's strictures on the private divorce Acts of the Dominion Parliament it may be admitted that this mode of combining judicial and legislative authority is not satisfactory; nevertheless, as the Dominion Parliament has undoubtedly power to pass a general law on the subject of divorce, I fail to see how there can be any reasonable doubt of its power to pass divorce laws in specific cases, and for the purpose to make such inquiry for ascertaining the facts, as to it may seem fit as a preliminary to enacting such laws.

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