

prime national importance that uniformity of law on the question of marriage and divorce should obtain throughout the whole State, and not, as we find in the United States, some fifty different systems of law prevailing on the subject, with as many distinct grounds for divorce, requirements as to domicile and procedure, etc. That eminent American authority, Shouler, in his *Law of Domestic Relations* (Boston, 1905, see p. 219) criticizes the American system and adverts to "The existence of so many independent jurisdictions which enable our citizens travelling from one State to another to find facilities for divorce and remarriage always at hand," and he adds "Uniformity by consent among these jurisdictions, or else a national rule by constitutional amendment, seems desirable."

The distinguished founders of the Australian Constitution fully perceived the weakness of the American method and the strength of the Canadian in this respect, whilst at the same time improving on the latter, by committing legislative powers on the subjects of marriage and divorce to the constituent States forming the Commonwealth and continuing in force their respective laws applying thereto in the meantime, but reserving power in the Federal Parliament to supersede all separate State legislation by a general Act applicable throughout the Commonwealth.

The Swiss Republic, too, as long ago as 1876, recognized the fallacy and mischief of perpetuating a number of diverse and conflicting systems within the Confederacy, by repealing the respective laws on marriage and divorce theretofore operating in the separate Cantons and enacting a Federal law applying uniformly throughout the entire State.

So, also, the German Civil Code of 1900, pronounced by Professor Maitland the most scientific and well considered codification of a nation's laws ever made, treats marriage and divorce as falling within the supreme National or Imperial control and not that of the separate States, and uniform laws and judicial system on these subjects prevail throughout the Empire.

Besides the seven separate and distinct systems of divorce law now in operation in the Provinces of Canada exercising this jurisdiction, Parliament has concurrent jurisdiction in cases arising therein, as well as exclusive jurisdiction in the remaining two