

jurisdiction few would care to deny, but that such Court should be invested with the jurisdiction to grant divorces *à vinculo* may be doubted.

*V. Exclusive Jurisdiction of Dominion and Provincial Parliaments.*

By the Confederation Act the legislative authority in marriage and divorce is vested in the Dominion Parliament, but the exclusive legislative authority in regard to the solemnization of marriage is vested in the Provincial Legislatures. The wisdom of this division of legislative authority in such cognate subjects seems well open to question; but so it is, and we have to make the best of it. The way it is worked out in the Province of Quebec does not seem conducive to the sanctity of marriage, but rather the reverse.

At the recent meeting of the Bar Association of Ontario, it was proposed and we believe without any opposition that the Dominion Parliament should pass a divorce law applicable to the whole Dominion, and that the administration of such law should be committed to provincial Courts.

While it must be frankly admitted that there is a great deal to be said in favour of having a uniform law of marriage and divorce throughout the Dominion, it must we think be also admitted that such legislation may have more or less the effect of creating a form of marriage which is not Christian marriage: if by Christian marriage we are to take the definition laid down in *Re Bethell*, *Bethell v. Hildyard*, 58 L.T. 64; and *Hyde v. Hyde*, L.R. 1 P.D. 130, *viz.*, "the union of one man with one woman for life to the exclusion of all others," even if we qualify this definition by the admissibility of its dissolution on the ground of adultery, because the kind of marriage to which it is proposed to give legal effect is one that is to be dissoluble not only for adultery, but divers other causes, and it is also to be one contracted in the lifetime of a former spouse.

It must be admitted that Parliament in legislating on such a subject is in the difficulty of not having any uniform and consistent Christian opinion to rely on; from a religious point of view, it is the subject of great diversity of views among professedly Christian people, but the duty of Parliament to the community