

England and Scotland and the British Dominions overseas, including all of the Australian States, New Zealand, India, South Africa, etc., have courts vested with the power to entertain suits for the dissolution of the marriage tie or other matrimonial offences. It may be added, also, that this applies equally to every State in Europe, except Spain, Italy and Portugal. Even the old Empire of Austria-Hungary granted judicial divorce to its non-Catholic subjects; and in all these four European States their civil courts are vested with power to pronounce a decree for the annulment of marriage upon many grounds not recognized by the Parliament of Canada or any provincial court now exercising jurisdiction in matters matrimonial, and suits for judicial separation and relief in other marital differences are likewise dealt with by their courts.

Under the Federal Constitution of the United States of America, there is no general law of marriage and divorce applicable throughout the Union, the power in such matters being specifically delegated to the constituent States. Every State in the Union has legislated upon the subject, and provided the courts and necessary law for entertaining such causes, with the single exception of South Carolina, whose constitution does not permit of an absolute severance of the bond of matrimony. Among the other States of the Union, there is a wide divergence in the requirements as to domicile, grounds, procedure, etc. New York State, for instance, only recognizes adultery of either party as the sole ground for divorce, but permits annulment when either party has not reached the age of legal consent, or is of unsound mind, or physically incapable of contracting marriage through an incurable disease, or where marriage is procured by fraud, duress, or force, etc., In the majority of the other States, however, a large variety of grounds are available to anyone seeking divorce, with the unfortunate result that parties seeking relief shift their domicile according to circumstances and the particular State laws governing their case.

With due respect to the Constitution of the United States of America, it is conceived that the Fathers of our Confederation were wiser in their day and generation than the founders of the Constitution of the States in the matter of the distribution of legislative powers on this question, as it is manifestly a matter of