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THE LAW OF DIVORCE IN CANADA.

It is desirable that this most important branch of law should be thoroughly understood by the profession in view of the probability of its being the subject of legislation at an early date. With this in view we publish in this issue the report of the case of *Walker* v. *Walker* (see *post* p. 385), and an annotation thereon taken from the Dominion Law Reports; we reproduce also an article from the *Law Times* (Eng.), which calls attention to the obvious need of their being uniformity, if possible or as far as possible, in the law both as to marriage and divorce in the various Provinces of the Dominion.

Our readers will understand from this material that Ontario and Quebec are the only two Provinces in Canada without provision for judicial divorce, thus differing from the other Provinces.

The Courts in Ontario have consistently held that they have no jurisdiction to entertain divorce pleas, although in the early case of *Beatty* v. *Butler* (see Gemmill, at p. 40) the jurisdiction was exercised in a case when the marriage was void *ab initio*. In *Lawless* v. *Chamberlain* (1889), 18 O.R. 296, Boyd, C., likewise held that the High Court of Justice in Ontario had jurisdiction to declare the nullity of a marriage which was void *ab initio* because it had been procured by fraud or duress. This would appear to be consistent with the judgment of Hyndman, J., of the Supreme Court of Alberta, in *Cox* v. *Cox* (1918), 40 D.L.R. 195.

Where however it was endeavoured to get the Ontario Courts to adjudicate *in rem* to dissolve the existing marital union, the Ontario Judges have held that no jurisdiction exists in their Courts. The following cases may be referred to in this connection:—

T. v. *B.* (1907), 15 O.L.R. 224; *Menzies* v. *Farnon* (1909), 18 O.L.R. 174; *May* v. *May* (1910), 22 O.L.R. 559; *A.* v. *B.* (1911),