

With regard to marriage, the Marriage Act of British Columbia²⁵ first enacted as the Marriage Ordinance of the 2nd of April, 1867, provides that in all matters relating to the mode of celebrating marriage, the validity thereof, the qualifications of parties about to marry, and the consent of guardians or parents—the law of England shall prevail—subject to the provisions of the Act.

After there had been conflicting decisions in the British Columbia Courts, the Judicial Committee of the Privy Council finally decided that the English Divorce and Matrimonial Causes Act of 1857 was not rendered inapplicable to British Columbia by local circumstances, and that jurisdiction to pronounce decrees of divorce was vested in the Supreme Court of that Province.²⁶

(2) *North West Territories, Alberta, Saskatchewan and Manitoba.*—The North West Territories Act of 1886²⁷ enacts that the laws of England relative to civil and criminal matters as they existed on the 15th of July, 1870, shall be in force in the North West Territories²⁸ in so far as the same can be made applicable and in so far as not repealed, and “subject to the provisions of the Act.” The laws of the Provinces of Manitoba, Alberta and Saskatchewan and the Territory of the Yukon are founded upon the laws of the North West Territories as so derived.²⁹ The North West Territories Act would seem to be wide enough to bring into force the laws of England with regard to marriage and divorce,

25. Rev. Stat. B.C. (1911) ch. 151.

26. *Watt v. Watt* (1908) Appeal Cases, p. 573, approving of the judgment of Mr. Justice Martin in *Shepherd v. Shepherd*, 13 B.C. Rep. (1908) p. 487.

27. R.S.C. (1906) ch. 62, sec. 12, re-enacting Statutes of 1886 ch. 25, sec. 3, embodying Imperial Order-in-Council of the 23rd of June, 1870.

28. The North West Territories now comprise the territories formerly known as Rupert's Land and the north-western territory except such portions thereof as form the provinces of Manitoba, Saskatchewan, Alberta and the Yukon Territory, together with all British territories and possessions in North America, and all islands adjacent thereto not included within any province except the colony of Newfoundland and its dependencies [North West Territories Act, R.S.C. 1906 ch. 62, sec. 2 (a)]; that is, the districts of Mackenzie, Keewatin, Ungava and Franklin. In 1870 the provinces above excepted still formed part of the Northwest Territories.

29. The Yukon Territory Act, 61 Vict. ch. 6, sec. 9; The Saskatchewan Act, 4 & 5 Edw. VII. ch. 42, sec. 16; The Alberta Act, 4 & 5 Edw. VII. ch. 3, sec. 16; Con. Stat. Man. 1880 ch. 31, secs. 3 and 4.