

gated by the Imperial Parliament, but Sir Henry thought it clear "beyond question" that the power of legislation as regards criminal law conferred upon the Dominion Parliament is confined to offences committed within the Dominion, and does not warrant personal jurisdiction as to matters outside of it.

Mr. Justice Gwynne and the other members of the Court, all of whom delivered written opinions, took the national, rather than the colonial, view of the status of the Canadian Parliament. Mr. Justice Gwynne said: "I confess it appears to me that the whole proceedings adopted for the purpose of framing the constitution of the Dominion must be designated a sham and a farce . . . if the Parliament of this great Dominion, now extending from ocean to ocean and embracing within its limits half a continent, and having under its sovereign control all matters relating to marriage and divorce and criminal law especially, and to the peace, order and good government of Canada generally, should be held not to have jurisdiction to exercise that control in the terms of sections 275 and 276 of the Criminal Code. Bordering as Canada does upon several foreign States, in many of which the law relating to marriage and divorce are loose, demoralizing and degrading to the marriage state, such legislation as is contained in the above sections of the Criminal Code seems to be absolutely essential to the peace, order and good government of Canada, and in particular to the maintenance within Canada of the purity of the marriage state. . . If the Courts should hold otherwise they would in my opinion inflict a deadly stab upon the constitution of the Dominion." To which the hard and fast legalist might possibly reply, *Fiat justitia ruat cælum*.

II. AMERICAN DIVORCES IN CANADA.

The language of Mr. Justice Gwynne naturally suggests an inquiry as to the status of American divorces in Canada, and as to the effect, if any, of the judgment of the Supreme Court upon the validity here of such divorces. In a nebulous