

actions to declare marriages null and void on the ground of insanity, duress, and of intoxication at the time of the ceremony (*p*).

BRITISH COLUMBIA.--In November 1866, Vancouver Island and the mainland of British Columbia, which had theretofore been two separate colonies, were united, and an ordinance dated 6th of March, 1867, was passed by the Legislature of British Columbia, the new Colony, which enacted that the civil and criminal laws of England, as the same existed on the 19th of November, 1858, and so far as the same from local circumstances were not inapplicable, were and should be in force in all parts of British Columbia, save so far as modified by legislation on the subject between 1858 and 1867. Under this ordinance, jurisdiction to exercise all the relief and powers given under the English "Divorce and Matrimonial Causes Act" (*q*), as amended by 21 & 22 Vict., c. 108, has been claimed and exercised by the Supreme Court, although not without dissent on the part of some Judges as to the right to do so (*r*). This law was in existence at the time when the Province of British Columbia entered Confederation in 1871.

Inasmuch as there are no tribunals with power to decree divorces in the provinces of Ontario, Quebec, Manitoba and the North-West Territories, a divorce can only be obtained in each case from the Dominion Parliament by a legislative Act, irrespective of the precedents or practice of other tribunals, (*s*) originating in the Senate, and requiring the concurrence of the Commons; all divorce bills are assented to with other bills by the Governor-General at the close of a session of Parliament (*t*). The Senate acts in such cases not only in a quasi judicial, but also in a legislative character.

It has been said that: "Parliament may, and ought always, to have in regard, not merely the question as it affects the parties, but the effect in relation to morals and good order—the effect which the passing a particular law might have upon the well-being of the community" (*u*).

(*p*) *Roblin v. Roblin*, 28 Gr. 439, and cases referred to by Gemmill on Divorce, pp. 39-40.

(*q*) 20 & 21 Vict., c. 85 (1857); Gemmill, p. 37.

(*r*) 32 Can. Law Journal, p. 139, 319.

(*s*) Gemmill, p. VI.

(*t*) Gemmill, p. 31.

(*u*) p. 734, Senate Debates, 1888.