

This case was argued before the Supreme Court on May 27, 1912. A large number of counsel represented the several parties interested. Judgment was delivered on June 18, 1912. To all three questions a majority of the five justices present returned a negative answer.

The Dominion Government appealed the case to the Privy Council, argument beginning on July 22. Judgment was delivered on July 29, 1912, its effect being to uphold the decision of the majority of the Supreme Court with regard to the first of the questions. On the other questions it declined to give an opinion. One paragraph in the decision was:—

Notwithstanding the able argument addressed to them, their Lordships arrived at the conclusions that the jurisdiction of the Dominion Parliament does not, on a true construction of Sections 91 and 92 of the British North America Act, cover the whole field of validity of marriage. They considered that the provision of Section, conferring on Provincial Legislatures exclusive power to make laws relating to the solemnization of marriage in the Provinces, operates by way of exception to the powers conferred, as regards marriage, by Section 91, and enables the Provincial Legislature to enact conditions as to solemnization, which may affect the validity of the contract.