

ALBERTA—DIVORCE—JURISDICTION.

Board v. Board (1919) A.C. 956. In this case the Judicial Committee of the Privy Council (Lords Haldane, Buckmaster, Dunedin, Shaw and Scott-Dickson), by a similar process of reasoning to that adopted by them in the preceding case, have determined that the Supreme Court of Alberta has also jurisdiction in divorce: and it follows that this would be also the law in Saskatchewan. Thus, as we have said, in all of the Western Provinces the Superior Courts are held to have jurisdiction in divorce, and the English divorce law as it existed in 1870 is in force—subsequent English amendments however are not in force in those Provinces until made so by the Dominion Parliament. This series of decisions ought to relieve the Dominion Parliament of a good deal of divorce business. In this case Lord Haldane observes, in reference to the question of the jurisdiction of the Provincial Courts, "If the right exists the presumption is that there is a Court which can enforce it, for if no other mode of enforcing it is prescribed, that alone is sufficient to give jurisdiction to the King's Court of Justice." In the Province of Ontario, long years before the establishment of a Court of Equity, equitable rights arose, but there was no Court to enforce them, and yet the Common Law Courts of the Province never assumed that they had jurisdiction to enforce them. What was called a Dormant Equities Act was passed to prevent such rights from being barred and to limit a time after the establishment of a Court of Equity within which they could be enforced see 7 W. IV, c. 2, s. 11 (U.C.), and 18 Vict., c. 124 (C). Lord Haldane's observation might be applicable in a country where there is only one King's Court, but in a country where there are a multiplicity of King's Courts it becomes a question which of them is endowed with this presumptive jurisdiction, in matters over which the Dominion has exclusive jurisdiction; it would seem that it might more reasonably be supposed to be one of the King's Courts under Dominion jurisdiction, *e.g.*, the Exchequer Court, than a Provincial Court.

PRIZE COURT—CARGO—CONDEMNATION—APPEAL—APPELLANTS
NOT OWNERS OF SUBJECT OF APPEAL—ABSENCE OF LOCUS
STANDI.

The Kronprinzessin Cecilie (1919) A.C. 964. This was an appeal from the condemnation of a cargo by the Prize Court. The appellants were neutrals who had shipped the cargo consisting principally of consignments of oil, *f.o.b.*, at New York in July, 1914. The ship belonged to the Hamburg-America S.S. Co., a company