

valid grounds of divorce (*d*). On the other hand the power to make laws in regard to "The solemnization of marriage in the Province" (*e*) is within the exclusive powers of Provincial Legislatures.

"Under the former power there is, in the opinion of the Law Officers of the Crown, reserved to the Parliament of the Dominion, all matters relating to the status of marriage, between what persons and under what circumstances it shall be created and (if at all) destroyed," (*f*).

"There are many reasons of convenience and sense why one law as to the status of marriage should exist throughout the Dominion, which have no application as regards the uniformity of the procedure whereby that status is created or evidenced" (*g*).

Mr. Todd puts it thus: "The formal mode of contracting marriages is no doubt a fit subject for the discretion of the local Legislatures, because, as a general rule, no difference of mere form can invalidate a marriage lawfully contracted in any part of the Queen's dominions. It is very different in regard to the essential conditions of marriage. In this respect it is of vital importance that a uniform law should prevail throughout the realm, and that marriages legally contracted in one colony should not be inoperative for all legal purposes in another. It is for this reason that legislation upon the essentials of marriage and divorce is conferred, in Canada, exclusively upon the Dominion Parliament" (*h*).

"Solemnization of Marriage," that is to say, the power of regulating the form of the ceremony—the mode of its celebration—is a particular subject expressly placed under the jurisdiction of the Local Legislatures as a matter which has always been considered to be purely of a local character. It was a matter purely of provincial importance whether the ceremony should take place before the civil magistrate, or whether it should be a religious ceremony; this was a matter in which the inhabitants of the different Provinces might take a different view. It was, therefore, a matter essentially

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(*d*) Todd's Parliamentary Govt. (2nd) p. 594.

(*e*) Sec. 92 (12).

(*f*) Doutre, p. 238.

(*g*) *Ib.*

(*h*) Todd, p. 595.