With those introductory remarks, I shall proceed with my submission, in which I deal first with Canada and then with the United Kingdom.

The Parliament of Canada, though it enjoys exclusive legislative jurisdiction over "marriage and divorce" by virtue of Head 26 of Section 91 of the British North America Act, 1867, has exercised that jurisdiction quite sparingly. It has not, for instance, provided a standard divorce code or even established divorce courts for Canada as a whole, although seemingly it might have done so under section 102 of the B.N.A. Act, 1867, which confers on Parliament power to establish courts with respect to matters within federal competence. It has contended itself with amending, in certain limited respects, the laws of divorce which, for reasons referred to later, had been held to be in force in all the provinces except Ontario, Quebec and Newfoundland. It has also introduced into the law of Ontario, subject to such aforementioned amendments, the English law as to dissolution and annulment of marriage as it stood on July 15, 1870—a magical date in this matter. In addition, it has recently conferred on the Senate of Canada power to dissolve or annul marriages by resolution, on the recommendation of a divorce commissioner to be appointed pursuant to the statute, on any ground recognized by the law of England, again as it stood as of July 15, 1870. In the result, the divorce law of Canada, like Canada itself, is in the nature of a mosaic.

Attached hereto as Appendix 1 are the texts of all the statutes relating to divorce thus far enacted by the Parliament of Canada.

The first of these statutes was the Marriage and Divorce Act of 1925, which put an end to the so-called "double standard" by providing that in any court having jurisdiction to grant a divorce *a vinculo matrimonii* a wife may sue for divorce on the ground of her husband's adultery only. Prior to this enactment, this right was limited to the husband's wife suing for divorce had to prove not merely adultery on the part of the husband but (1) incestuous adultery or (2) bigamy coupled with adultery or (3) adultery coupled with desertion for at least two years or (4) adultery coupled with such cruelty as, without adultery, would have entitled her to a divorce *a mensa et thoro* (judicial separation).

The CO-CHAIRMAN (*Senator Roebuck*): That is, null and void.

Mr. HOPKINS: Yes. The second statute was the Divorce jurisdiction Act of 1930. This act relaxed the rigidity of the law of domicile by providing that a wife whose husband has deserted and has been living apart from her for at least two years may sue for divorce in the province in which her husband was domiciled immediately prior to such desertion. This relaxed the rule, as stated in *A.G. for Alberta v Cook*, (1926) A.C. 444, to the effect that a wife may sue for divorce only in the province in which the husband is domiciled at the time of the petition.

The Supreme Court of Ontario derived its divorce jurisdiction from the federal Divorce Act (Ontario) of 1930, which introduced into Ontario the law of England as to dissolution and annulment as of July 15, 1870.

I think those words dissolution and annulment should be mentally underlined.

That date was selected because the decisions of *Board v Board*, (1919) A.C. 956, *Fletcher v Fletcher*, (1920) 50 D.L.R. 23, and *Walker v Walker*, (1919) A.C. 947, had held that the courts of Alberta, Saskatchewan and Manitoba possessed jurisdiction to administer the law of England as to matrimonial causes as it stood on that date. Alberta and Saskatchewan were held to have inherited such jurisdiction from the laws previously in force in the Northwest Territories, out of which those provinces were carved following Confederation. As to Manitoba, the law of England, as of July 15, 1870, was declared by a federal Act (chapter 33 of the statutes of 1888) to be applicable to that province.