

ture. This would exclude religious ceremonies as essential to marriage but would leave that legislature free, within the realm of civil ceremonies, to prescribe what it liked, or it might leave to the local legislature the right to name or appoint the civil authority and prescribe the civil ceremonies. It must not be forgotten that at present the clergy obtain their right to celebrate marriage only from provincial enactment and that while they perform religious ceremonies at marriage their authority so far as the actual marriage is concerned is purely civil.

Then it seems clear that under its divorce jurisdiction the Dominion Parliament could enact that after the lapse of some specified time a marriage, if children were born of the union, should be conclusively presumed to have been legally entered into, and should not be dissolved or publicly impeached upon proof only that the local laws had not been complied with and only in a Federal court. Whether or not such legislation is constitutional or desirable is not necessary to be argued out but its apparent legality as legislation on marriage and divorce would seem to indicate that some more comprehensive reference should be had if the real rights of citizens, whether Catholic or Protestant, and the true limits of constitutional jurisdiction are to be finally settled.

FRANK E. HODGINS.

***THE MARRIAGE LAWS OF CANADA—DEFECTS IN AND
SUGGESTIONS FOR IMPROVEMENT.****

Mr. Holmsted has in this volume collected with great care the law on the subject, so that we can, with ease, trace the legislation and authorities which affect it up to the present time. He arrives at the same conclusion that we have already done; that some legislation is necessary. His suggestion is that this

*The Marriage Law of Canada, its defects, and suggestions for its improvement. By Geo. S. Holmsted, K.C. Toronto: Arthur Poole & Co., Law Publishers. 1912.