

have legislated differently upon this branch of the law of domestic relations" (c).

The following newspaper clipping gives point to the foregoing statements: "Justice Andrews, of the Supreme Court of New York, has broken the record in divorce cases. He has divorced thirty-one couples in three hundred and thirty minutes. The greatest number previously disposed of in a day was twenty-eight. Judge Andrews got through his cases at the rate of a fraction over ten minutes each. The Court, we are told, was crowded with women and children, who no doubt went away imbued with respect for marriage and impressed with the value of domestic affection."

IN CANADA.—Under the British North America Act, the subject of marriage and divorce is within the exclusive jurisdiction of the Dominion. In some of the Provinces, as will be shewn presently, the Courts had power before the Union, for certain well-defined and limited causes, to grant a divorce, and by virtue of sec. 129 this power still exists until "repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature."

It enacts: "Except as otherwise provided by this Act, all laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative, and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act."

To the general Government there has been given power to legislate as to "Marriage and Divorce," that is, to determine what shall constitute a legal marriage, and what marriages shall be forbidden as unlawful; likewise to determine what shall constitute

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(c) Albany Law Journal, vol. 63, p. 30.