

BULKY SUITS—PRESENT STATE OF THE MARRIAGE LAW.

South Wales, which has already lasted for seven years and is not even yet finally disposed of. We subjoin a few particulars as to this great case, taken from the *Queenslander*, in the patriotic hope that their perusal may tend to prevent any Canadian "exodus" to the Antipodes:—

"For seven long years has this great case dragged its slow length along. And even now there is a prospect of another appeal. In some respects the gentlemen who conduct these cases must, we suppose, be familiar with the details. It is questionable whether any one man has read the whole of the vast mass of documentary evidence contributed. The primary judge, Mr. Justice Hargrave, says that *he* has, and the primary judge must be believed. The Chief Justice says he has mastered it as well as he can, though he has not read everything, that nine-tenths of it is wholly irrelevant; and that the mass of matter which he has thus had to master was an opprobrium to the administration of justice. The exhibits and briefs were so voluminous it seems, that they were delivered to counsel in chiffoniers or cabinets under lock and key, all assorted and pigeon-holed in such a way that they could be attacked systematically and with due deliberation. One witness alone was in cross examination before the master in equity for sixty-three days. After all this kind of evidence had been collected before the master in chambers, assisted by clerks and shorthand writers, it had to be argued out and read in Court. The primary judge protested against this infliction; but as it had been taken by his instructions, the learned counsel insisted that he should at least hear it read; and read it was accordingly, the reading alone taking a fortnight of the orthodox Court sittings. No wonder, under these circumstances, that it takes years before a case of this kind can be matured for judgment. And then, when judgment comes, the whole process has probably to be gone over again, in preparation for another appeal to a higher tribunal. No wonder that Chief Justice Martin stands aghast in the presence of the ten reams of exhibits neatly packed in cabinets and duly docketed in convenient pigeon-holes for perusal. All this, in its way, is an exhibition of art, the growth of an artificial system; but it exists not, surely, for any other purpose than the final exhaustion of the litigants.

It is a travesty of justice, and simply represents the power of the purse—the *vis inertiae* of possession which holds on to what it has by all the craft which the subtle usages of the law can devise."

PRESENT STATE OF THE MARRIAGE LAW.

This subject, which has been effectively reviewed by the Imperial Legislature, stands forth as one which pre-eminently points out a need of legislative treatment in this country. Marriage with a deceased wife's sister has been ably and fully discussed in the Dominion Parliament as well as in the secular and religious press of the country, and may receive further elucidation in our columns,—those who are favorable to the law being settled on this one point, (if it be not settled by judicial decision already,) or being changed so as to make it free from doubt, will probably return to its consideration during the next session of Parliament. But we think there are other points on which legislation is needed; and, reading the reports of two cases of bigamy recently brought before one of our western courts, suggests that the whole subject may be fairly brought up for legislative revision.

In the distribution of legislative powers made by the B. N. A. Act (sec. 91, subsection 26) Marriage and Divorce is assigned to the exclusive legislative authority of the Parliament of Canada. There is no subject upon which there is a greater necessity of uniformity of action and community of sentiment than the one before us. In Ontario the solemnization of marriage is committed exclusively to clergymen and ministers of religion, duly ordained or appointed to administer the rites and ceremonies of the churches or denominations to which they belong; and by virtue of that ordination or appointment, and according to the rites and usages of such churches or denominations, they, and they