

on the following grounds, viz., (1) that by 51 Vict. c. 33, s. 1 (D), it was enacted that "the laws of England *relating to matters within the jurisdiction of the Parliament of Canada*, as the same existed on the 15th July, 1870, were from the said day and are in force in the Province of Manitoba in so far as the same are applicable to the said Province and insofar as the same have not been, or are not hereafter repealed, altered, varied, or modified, or affected, by any Act of the Parliament of the United Kingdom applicable to the said Province or of the Parliament of Canada." (2) That marriage and divorce being matters within the jurisdiction of the Parliament of Canada, it follows that the English law of marriage and divorce as it existed on 15th July, 1870, because by the said Act the law of Manitoba. (3) That the Court of King's Bench of Manitoba is by the 38 Vict. c. 12, s. 2 (M), as subsequently revised in Con. St. of Man. 1880, invested not only with the like powers and authorities as the superior Courts of law at Westminster and the English Court of Chancery and Court of Probate, but also with those of "any Court in England having cognizance of property and civil rights and of crimes and offences." (4) That the English Court of Divorce and Matrimonial Causes" was a Court having cognizance of marriage and divorce. (5) That divorce is a matter of civil right and therefore that the Manitoba Court of King's Bench has jurisdiction to administer the English law of Divorce as it existed on 15 July, 1870. This method of legislation by reference is very apt to involve results which were not contemplated or intended by the legislators; and there can be little doubt that the Parliament of Canada did not realize that by the 51 Vict. c. 33 (D) it was doing what the Manitoba Court of Appeal has now decided it actually did. Had the Parliament of Canada really intended to introduce English divorce law into Manitoba, it would hardly have proceeded thereafter, as it has in fact done in many cases, to give parliamentary relief in matters of divorce to residents of that Province; but would naturally have said to all such applicants: "We have given you a divorce law and you have a Court to administer it; such is the relief you desire in the ordinary course of law and do not come here for special legislation where none is really needed."