

*Cox* (1867), L.R. 2 H. of L. 239, at p. 259, nothing shall be intended to be cut of the jurisdiction of a Superior Court but that which specially appears to be so. As the history of legislation for Saskatchewan runs parallel to that for Alberta, the decision of *Board v. Board*, 48 D.L.R. 13, [1919] A.C. 956, is being followed in the former province.

Up to this point, the purpose of this chapter has been to trace the establishment of divorce jurisdiction in the Courts of 7 of the 9 Provinces. A later chapter will deal with procedure. Here, the law for these 7 Provinces in regard to the name of the Court, the number of Judges, trial by jury, and appeals might be summarized. In P.E.I., the Divorce Court is known as the Court of Divorce; in N. S. and N. B., it is the Court of Divorce and Matrimonial Causes; in the 4 Western Provinces, divorce jurisdiction is exercised by the Supreme Court of the Province. The number of Judges required to hear the applications in P. E.I. is 6—not really Judges but members of Council; in the other Provinces applications are heard by one Judge.

In P.E.I., there is no provision for trial by jury. In N.S., questions of fact, except adultery, may be determined by a jury. In N.B., questions of fact, if the Judge deems it proper, may be determined by the verdict of a jury of 7, and either party may apply for a special jury, which consists of 14 chosen by a prescribed process of elimination from an original panel of 28. In the other 4 Provinces, either party may insist on having the contested matters of fact tried by a jury; and if the husband claims damages from the adulterer, these in all cases are to be assessed by a jury. From the Court of the Lt. Governor in Council in P.E.I., there is no appeal. In N.S., any party dissatisfied as to the findings of law or fact may appeal within 14 days to the Supreme Court of the Province, the appeal to be heard by 3 Judges of that Court and the Judge of the Divorce Court. In N.B., the Judge has the usual powers to set aside a verdict and order a new trial, and an appeal lies to the Supreme Court against any judgment allowing or refusing a new trial provided notice of such appeal is given within 20 days after judgment is pronounced. Further, any party dissatisfied with any decision of the Divorce Court may appeal to the Supreme Court of N.B., from whose decision a further appeal may be made direct to the Privy Council. In the other 4 Provinces where divorces are tried by the Supreme Courts of the Provinces, the rules as to appeals are as in other cases.