

contrary, the wife shall not be barred of dower, nor the husband of tenancy by the curtesy.⁷²

(3) *Prince Edward Island*.—A Court for hearing all suits concerning marriage and divorce was established in 1835, with power to dissolve marriage on the ground of impotence, adultery, or consanguinity within the prohibited degrees. Such a decree of divorce does not render the issue illegitimate, nor does it bar dower or curtesy unless expressly so adjudged.⁷³ It is noteworthy that no divorce has been granted by a Prince Edward Island Court since Confederation, nor was there any for many years prior thereto.

(4) *British Columbia*.—Under the Ordinance of 1867,⁷⁴ the Supreme Court of British Columbia was given jurisdiction to give the relief and exercise the powers conferred by the Imperial Act of 1858. By this Act judicial separation may be granted to either party on the ground of adultery, cruelty, or desertion without cause for two years and upwards, but divorce may only be granted on the ground of adultery.

(5) *Ontario* has no Divorce Court and no Court having jurisdiction to annul a marriage, except possibly for want of consent of parents under the Act of 1907 already referred to, but the constitutionality of which is doubtful. Alimony is in the jurisdiction of the Supreme Court of the Province.

(6) *Manitoba, Alberta, Saskatchewan, and the North-West Territory* have, as already stated, no legislation on the subject of divorce, and no Divorce Courts. It has not been judicially determined whether the Supreme Courts of these Provinces have jurisdiction over marriage and divorce.

(7) *Quebec* has no Divorce Court.

4. PROCEDURE.

Divorce procedure in the various provincial Divorce Courts follows closely the procedure of the English Divorce Court.

72. Revised Statutes of New Brunswick (1903) ch. 115.

73. Statutes of Prince Edward Island (1835), 5 Wm. IV. ch. 10.

74. Embodied in Revised Statutes of British Columbia (1911) ch. 75; and see *Watts v. Watts* (1908) Appeal Cases, p. 573.