however, until 1945 when Rules of Practice and Procedure applicable to the divorce court were promulgated. Concurrent jurisdiction was conferred on the Supreme Court of Prince Edward Island in 1949.

The Province of Ontario became a separate province with its own legislature by virtue of the *Constitutional Act* of 1791. When the Legislative Assembly first convened on October 15, 1792, the common law of England was adopted as the law of the province, but otherwise English law ceased to apply. Thus Upper Canada had no divorce law. Since none had been enacted before Confederation either by the legislature of Upper Canada or by that of the United Province of Canada, Ontario entered Confederation without any such law. Since divorce fell within Federal jurisdiction by the British North America Act, the province has since Confederation been unable to enact legislation on divorce of its own. The Ontario courts derive their jurisdiction from a statute passed by the Federal Parliament in 1930. This Act introduced the law of England as to the dissolution and annulment of marriage as of July 15, 1870.

Quebec too entered Confederation without any provisions for the dissolution of marriage. Although English criminal law was introduced into Quebec in 1763 and was subsequently continued, the Quebec Act of 1774, section 8, re-established Quebec law in matters concerning property and civil rights. The French Civil law was continued by the Constitutional Act of 1791. The Civil Code, which was enacted by the United Province of Canada in 1866 and which was continued in force by the British North America Act, states quite clearly in Article 185: "Marriage can only be dissolved by the natural death of one of the parties, while both live it is indissoluble." Since the Quebec legislature cannot repeal or amend that clause and since the Parliament of Canada which can, has not done so, the courts of the province of Quebec have no authority to grant dissolutions of marriage. They do, however, have power to grant judicial separations and declarations of nullity.

Although Newfoundland did not join Canada until 1949, its courts lack the power to grant divorces *a vinculo matrimonii*. Newfoundland did not acquire the English law of 1857 because Newfoundland received its own legislature in 1832. Thus the laws of England which applied in Newfoundland were those in force in 1832 only, and the Supreme Court of the province has held (Hounsell v. Hounsell (1949) 3 C.L.R. 38, Nfld.) that the provincial courts had in 1832 only the jurisdiction of the English Ecclesiastical Courts, which could decree only judicial separation (*divorce a mensa et thoro*) and not dissolutions of marriage (*divorce a vinculo matrimonii*). The English secular courts did not acquire jurisdiction to grant divorce until twenty-five years later.

The divorce law of the remaining provinces, British Columbia, Alberta, Saskatchewan and Manitoba and the Yukon and Northwest Territories is substantially that contained in the English *Divorce and Matrimonial Causes Act* of 1857. The reason for this again is due to the introduction of English law and its subsequent continuation when these territories and provinces became part of Canada.

In the case of British Columbia, the laws of England as of November 19, 1858, were declared to be in force by a Royal proclamation in 1858. Similar provision was made by a United Kingdom Ordinance in 1867 when Vancouver Island and British Columbia were united and the same provision remained in force after British Columbia entered the Canadian federation in 1871, subject of