

ion of the Court being summed up in a very long and exhaustive judgment by Perdue, J.A. From this decision an appeal was made to the Privy Council, where the appeal was dismissed in July, 1919, 48 D.L.R. 1 (annotated). [1919], A.C. 947, it being held that the Provincial Court had jurisdiction. Section 146 of the B.N.A. Act had provided that Rupert's Land and the North West Territories could be admitted to Confederation, and in 1870 an Order in Council admitting them had been passed. Part of the former District of Assiniboia had become the Province of Manitoba. When the Hudson Bay Co. came into existence it had taken over land, and with this had come the laws as they existed in 1670 and the power to make new laws. The Council of Assiniboia by an ordinance passed in 1851 had provided that for the laws of England as existing in 1670 should be substituted the laws existing at the accession of Queen Victoria, and in 1864 there were substituted for the latter, all such laws of England of a subsequent date as should be applicable. 1869 (Can.), ch. 3, provided that on the admission (then contemplated) of Rupert's Land and the North West Territories, all laws then in force there and not inconsistent with the B.N.A. Act should remain in force until altered. By 1870 (Can.), ch. 3, Manitoba was formed out of part of Rupert's Land and the North West Territories, and to get over doubts which had arisen as to the power of the Dominion to make new Provinces, this was confirmed by 1871 (Imp.), ch. 28. In order to remove doubts which had arisen as the result of the decision in *Sinclair v. Mulligan* (1888), 5 Man. L.R. 17, the Dominion Parliament passed, 1888, (Can.), ch. 33. It provided that, with exceptions which do not concern divorce, the laws of England relating to matters within the jurisdiction of the Parliament of Canada, so far as the same existed in 1870, had been and from that date were in force in Manitoba, in so far as applicable to the Province and unrepealed by Imperial or Dominion legislation. On these grounds, especially the Act of 1888, the Judicial Committee of the Privy Council decided that the Court of King's Bench had jurisdiction to hear applications for divorce. The matter seems so very plain that it is surprising that it had not been settled in this way many, many years ago.

The next Province to venture into the new field was Alberta. *Board v. Board* (1918) 41 D.L.R. 286, 18 Alta. L.R. 362, affirmed 48 D.L.R. 13, [1919] A.C. 956, was a reference to the Appellate Division by Walsh J. of a motion to quash a petition for