

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

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 degree. 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 in Prince Edward Island since Confederation, nor was there any for many years prior thereto.

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 1858.⁷⁵ 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.

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 c^e 1907, already referred to (*supra* p. 14), the constitutionality of which is doubtful. Alimony is in the jurisdiction of the Supreme Court of the Province.

Quebec has no Divorce Court.

Manitoba, Alberta, Saskatchewan, and the North-West Territories 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.

2. Procedure to obtain Divorce—

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

The procedure with regard to parliamentary divorce is exceptional and deserves special mention. Generally speaking, the rules or orders of the Senate govern, but if there is no rule applicable, then recourse will be had to the rules governing the conduct of the English House of Lords sitting as a Court of Appeal. The Senate sits as a quasi-judicial and legislative body, and is not bound by any body of law or precedents. Divorce bills originate in the Senate by usage only; they could also originate in the House of Commons.

Proceedings to obtain a parliamentary divorce are commenced by petition to the Governor-General, Senate and House of Commons. This petition, which becomes the preamble of the bill for divorce, must state the facts relied upon to obtain relief. The petition is deposited with the Senate not less than eight days before the opening of Parliament, together with a fee of \$200.00 and a sufficient additional sum to cover the cost of

⁷²Revised Statutes of New Brunswick (1903), Chap. 115.

⁷³Statutes of Prince Edward Island (1835), 5 William IV., Chap. 10.

⁷⁴Embodied in Revised Statutes of British Columbia (1911), Chap. 75.

⁷⁵See *Watts v. Watts* (1908), English Appeal Cases, p. 573.

⁷⁶*De Nichols v. Curlier* (1900), Appeal Cases, p. 21.