repealed, abolished or altered by the Parliament of Canada or the provincial legislatures according to their respective legislative authority as set out in the Act. Similar provision was made for the continuance of the existing law of the other provinces and territories when they joined the Canadian federation.

The three provinces of Nova Scotia, New Brunswick and Prince Edward Island were all originally part of Nova Scotia which was a British colony of settlement and subject to the law of England. Nova Scotia was granted a Legislative Assembly, the first meeting of which was held on October 3, 1758. Nova Scotia law, therefore, was the English law as of that date, and thereafter subject to change by the colonial legislature, or by Imperial legislation that by express terms or necessary implication applied to Nova Scotia. Since England had no Divorce law at that time other than judicial separations granted by the ecclesiastical courts, there was no divorce court in Nova Scotia empowered to grant divorces *a vinculo matrimonii.*

Prince Edward Island, acquired in 1763, became a separate province in 1769 and its first Assembly met in 1773, while New Brunswick became a separate province with its own legislature in 1784. These provinces thus acquired the law of England as of October 3, 1758, and later Nova Scotia law as of 1773 and 1784 respectively. Thereafter these provinces made their own law. But since there were no civil divorce courts in England in 1758, there were none in Prince Edward Island or New Brunswick. Nova Scotia, however, lost no time in enacting its own civil divorce law. An Act of 1758 (17 Geo. II, c. 17) gave the Governor with the members of his Council authority to hear and determine matters relating to prohibited marriage and divorce. The Nova Scotia legislature provided that marriages should be declared null and void only on grounds of impotence and consanguinity within the degree prohibited by the English Statute 32 Henry VIII, c. 38 and that divorce could be granted for adultery, and desertion without necessary maintenance for three years. In 1761 a further Act (I Geo. III, c. 7) removed desertion as a ground for divorce but added cruelty. Nova Scotia is still the only province in Canada in which cruelty is a ground for divorce. The composition of Nova Scotia courts was somewhat altered in 1841, and in 1866 a "Court for Divorce and Matrimonial Causes" was established. This court retained not only the pre-existing authority but it was also given the same powers in respect of, and incidental to, divorce and matrimonial causes and the custody, maintenance and education of children which were possessed by the divorce courts of England at that time. By virtue of section 129 of the *British North America Act*, these laws continued in force after Confederation and form the basis of divorce law in Nova Scotia, except as modified by the Dominion Statutes of 1925 and 1930.

New Brunswick also entered Confederation with a divorce law of its own enactment. The first Act was passed in 1787 but later revised in 1791 (31 Geo. III, c. 5). This established a Divorce Court and provided as grounds for divorce frigidity, impotence, adultery and consanguinity within the prohibited degrees. While the number of reported cases from New Brunswick is small, it seems that the effective ground for divorce in that province is adultery.

Theoretically, Prince Edward Island acquired the divorce law of Nova Scotia when it was constituted a separate province in 1769, but this law remained in practice a dead letter until the province established its own divorce courts by Acts of the legislature in 1833 and 1835. The Act of 1835 was not utilized,