to be regarded as "local," and as such to be placed under the jurisdiction of the Local Legislatures (*i*).

NOVA SCOTIA AND NEW BRUNSWICK.—Divorce Courts were in existence in these Provinces at the time of Confederation; these Courts had and still have power to declare any marriage null and void on the ground of impotency, cruelty, adultery, or kindred within the prohibited degrees (*j*).

PRINCE EDWARD ISLAND.—In this Province, by 5 Wm. IV. (1836) c. 10, all matters touching marriage and divorce are directed to be heard by the Lieutenant-Governor and his Council, and the Lieutenant-Governor and any five or more of the Council are thereby constituted a Court, with the Lieutenant-Governor as president. The causes for which relief is granted are similar to those in Nova Scotia and New Brunswick.

QUEBEC.—In consequence of the views of the Roman Catholic religion, no Court can grant a divorce a vinculo. By Article 185 of the Code, marriage is declared indissoluble. But Provincial Courts have power to *annul* a marriage for impotency existing at time of marriage, but only if such impotency be apparent and manifest (*k*). Also for absence of consent, or of consent of parents, (where a minor) or error, or prohibited degrees (*l*). Separation may be granted for specific causes (*m*); e. g. husband for wife's adultery, wife for husband's, if he keeps concubine in the common habitation (*n*).

ONTARIO.—At the time of Confederation, the Courts in the then Province of Upper Canada (now Ontario), had no power to grant a divorce a vinculo matrimonii; this power not having been conferred upon them by the Legislature (*o*). They have, however, asserted jurisdiction to deal with the validity of the marriage contract on the ground of its being a civil contract, and have entertained

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(*i*) *City of Fredericton* v. *The Queen*, 3 S.C.R., p. 569.

(*j*) Gemmill, p. 34.

(*k*) Gemmill, p. 43; Art. 117.

(*l*) Art. 116.

(*m*) Art. 186.

(*n*) Art. 187.

(*o*) Gemmill, p. 39