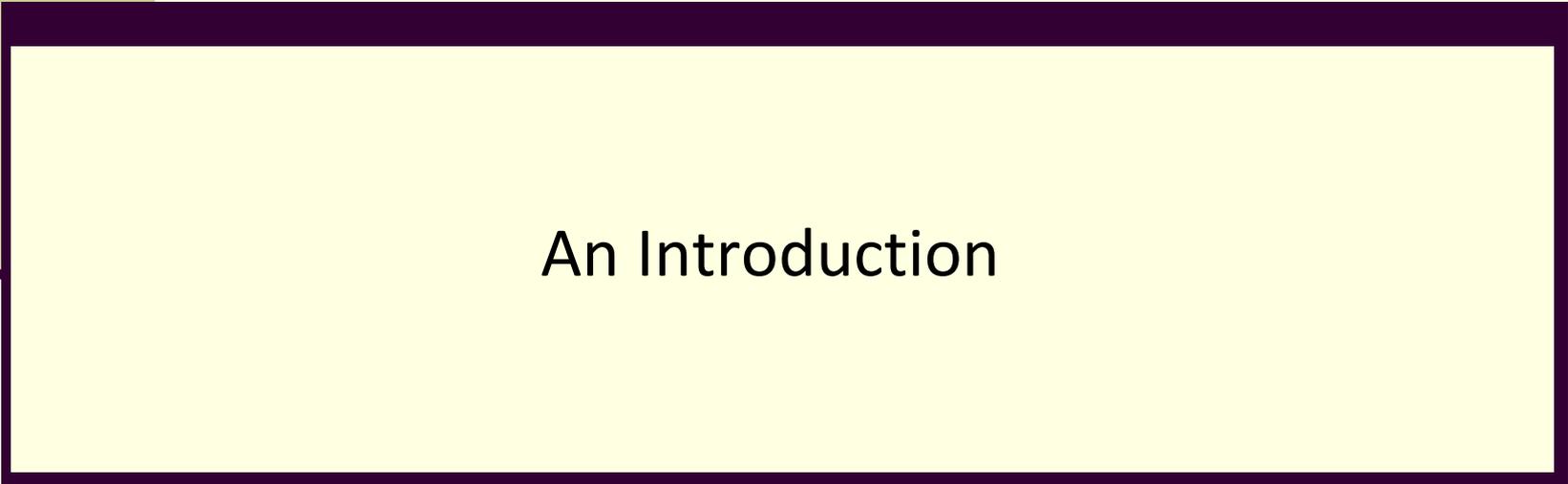




Divorce Records at the BC Archives



An Introduction

Overview

- Historical background
- Types of records available
- How to find divorce records

Historical background – before 1968

- Until 1968 divorces in BC were granted under the English *Divorce and Matrimonial Causes Act* of 1857 (as amended in 1858).
 - Divorce actions included judicial separation and annulment as well as dissolution of marriage.
 - First divorce in BC was granted in 1877.
 - Selected sections of the English *Divorce and Matrimonial Causes Act* were incorporated into the BC statutes in 1897 (RSBC 1897, c. 62) and remained mostly unchanged until 1968.
 - Petitions for divorce and related actions were heard and decided by Supreme Court judges under the provisions of the Act and the Divorce Rules (part of the BC Supreme Court Rules).
- In the absence of a national divorce law, until 1968 divorce in Canada varied from province to province depending on whether legislation was in place prior to Confederation; divorces could also be granted by an Act of Parliament.

Historical background – 1968 to date

- In 1968 the federal government passed the *Canada Divorce Act* [eff. 2 July 1968], the first divorce act which applied to all of Canada and superceded any pre-existing provincial divorce legislation. A Central Registry of Divorce Proceedings was created.
- The BC *Divorce and Matrimonial Causes Act* was repealed in 1972. It was replaced with the *Family Relations Act*, to deal with support, custody, and related issues falling under provincial jurisdiction and previously covered by the BC Divorce Act.
- A new *Canada Divorce Act* [RSC 1985, c. 3 (2nd Supp)], which came into effect 1 June 1986, replaced the 1968 *Canada Divorce Act*.

What divorce records are available?

- Case files
- Court orders
- Cause books and case record cards
- Indexes

Case files

- Numbering formats vary but are always sequential.
- Contain court orders, petitions, affidavits, and related documents.
- May be a separate series or part of civil case files.
- Usually retained by court registries and eventually destroyed after orders removed (under authority of Document Disposal Act).
- BC Archives has only selected, and mostly older, case files.
- Access is restricted to parties to the divorce and their legal representatives; BC Archives staff may make copies of orders in the files.

Court orders

- Interim orders (e.g. decree nisi, support).
- Final orders (e.g. decree absolute).
- Other orders (e.g. change of name, single order for dissolution).
- May be filed separately or interfiled with other civil orders and judgments; may or may not be retained in case files.
- Until recently, usually identified by volume and folio number.
- From 1935 to 1985 the Vital Statistics Agency collected certified copies of all final divorce orders issued in BC.

Court orders – decree nisi

- Grants divorce and provides details including place and date of marriage, cause, custody, etc. but not in effect until decree absolute granted.
- Used up to 1930s but not consistently; required a variable waiting period (3 or 6 months) before decree absolute could be applied for.
- Used from 1968 to 1986 under 1968 *Canada Divorce Act*; required a 3-month waiting period.
- Use discontinued under 1985 *Canada Divorce Act*.

Court orders – decree absolute

- Primarily found in divorce records prior to the 1930s and from 1968 to 1986.
- Finalizes dissolution of marriage granted by decree nisi.
- Divorce not legally in effect without decree absolute.
- Must be applied for, i.e. is not automatically issued after waiting period.
- No maximum time limit on applying for decree absolute for divorce actions started under 1968 *Canada Divorce Act*.

Court orders – single order of dissolution

- Used intermittently prior to 1930s.
- Became more common when the BC Court of Appeal was granted jurisdiction in 1937 to hear appeals in divorce cases, thereby imposing a de facto 3-month waiting period after the order granting a divorce was filed before remarriage was legal.
- Always used for divorces granted under the 1985 Divorce Act which automatically come into effect 31 days after the divorce has been granted, barring an appeal.

Divorce certificates

- Once issued by Vital Statistics office (1935-1983).
- Issued upon request by court registries under the 1985 *Canada Divorce Act* as proof of completion of divorce.
- Optional. Order comes into effect by default after 31 days.
- Not issued by court registries for divorces granted under pre-1985 legislation.
- Not available from the BC Archives.

Cause books and case record cards

- Cause books used to mid-1970s; replaced with case record cards (used to ca. 1990).
- Organized by case file number.
- Provide list of actions in a case; in some cases may be the only surviving record of a divorce.
- Divorce cases may be recorded in separate divorce cause books (or cards) or be included in general civil cause books (or cards).
- Used to identify location of orders, i.e. volume and folio number and/or filing date.

Cause book (1)

300

No. R. 660
24

In the Supreme Court.

STYLE OF CAUSE	SOLICITORS.	NATURE OF CLAIM.
In Divorce and Matrimonial Causes Between Florence Eleanor <u>Rattenbury</u> Petitioner and Francis Mawson Rattenbury Respondent.	R. Carridge H. H. Chandlee	Divorce + Custody of daughter

DATE 1924	PROCEEDINGS.	FEES.
May 28	Petition	
28	Affid of F. E. Rattenbury 27/5/24	10
28	Prise Seal Citation	10
June 16	Affid of C. de Macedo 20/5/24 of service on Resp.	
23	Appearance	10
23	Search.	20
28	Petition Answer	20

Cause book (2)

	6	Consent to payment out		10
	6	Price Paid out to R. Cassidy \$991.25		1 -
"	9	Entered for trial Fri 12 th Sept (2 Records)		6 -
	9	Consent		10
	9	Order for dissections V121 P108		60
	9	Price ch applic		50
	5	notice of applic to expedite hearing of Petition 4/9/24		50
	17	Afft of R. Cassidy 12/9/24		10
Oct	4	notice of applic to expedite hearing of Petition		10
Nov	6	Remitted to Treasury Victoria \$277.67		
	7	Consent		
July	14	Motion for alimony pendente lite (heard at Victoria)		50
	14	Afft of R. Cassidy 14/11/24 (" - -)		10
	26	notice of motion to exorn Resp. 26/11/24		50
	26	Afft of R. Cassidy 26/11/24 of source of motions		10
	27	Order that Resp attend hearing of Petition for permanent alimony & limits to exorn V62 P272		12-10
Dec	1	notice of applic to fix date of trial 3/12/24		50
	5	Afft of R. Cassidy 5/12/24		10
1925	31	Re Entered for trial 14 th Jan 1925		1 -
Jan	26	Subpoena		
"	28	Trial (McDonald J) Decree Absolute - Alimony 225 ⁰⁰ per mth (Mrs)		
Mar	4	Proceedings at trial		
	6	Decree Absolute V63 P194 Page 395		1-10
	6	Order alimony fixed at \$225 ⁰⁰ per month, when daughter ceases to live with Petitioner alimony reduced to \$200 ⁰⁰ per month Petitioner to give of possession of house V63 P193		1-10

Case record card (front)

PETITIONER [REDACTED]		RESPONDENT (R) [REDACTED]		2D RESPONDENT (R2)		CASE NUMBER [REDACTED]	
EST. TRIAL DAYS: [REDACTED]		EST. TRIAL DAYS: [REDACTED]		EST. TRIAL DAYS: [REDACTED]		EST. TRIAL DAYS: [REDACTED]	
SOLICITOR <u>In Person</u>		SOLICITOR <u>admit not oppose</u>		SOLICITOR [REDACTED]		SECTION: <u>3(d)</u>	
DATE OF CALL [REDACTED]		DATE OF CALL [REDACTED]		DATE OF CALL [REDACTED]		PETITION <u>20 2 8 84</u>	
<u>(Can-West)</u>						ANSWER [REDACTED]	
ORDERS/INTERLOCUTORY JUDGMENTS:						AFFIDAVIT OF SERV. R <u>3 8 84</u>	
GRANTED		SUMMARY DESCRIPTION		ENTERED		R2 [REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	DISABILITY [REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	COUNTERPETIT'N [REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	CLEARANCE [REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	CERT. OF MEANS [REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	CERT. OF PLEAD. <input checked="" type="checkbox"/>	
PRE-TRIAL CONFERENCE:						NOTICE OF TRIAL <u>15 8 84</u>	
SET FOR		ADJOURNED TO		AT REQUEST OF		TRIAL SET FOR <u>26 9 84</u>	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	DEC. NISI GRANTED <u>26 9 84</u>	
REASON FOR REQUEST		P <input type="checkbox"/> R <input type="checkbox"/>		REASON FOR REQUEST		DEC. NISI ENTERED <u>20 11 84</u>	
ADJOURNMENT (S) OF TRIAL DATE:						NOTICE OF APPEAL [REDACTED]	
DATE GRANTED		[REDACTED]		[REDACTED]		DEC. ABS. APPLIED FOR [REDACTED]	
NEW TRIAL DATE		[REDACTED]		[REDACTED]		DEC. ABS. ENTERED [REDACTED]	
REQUESTED BY		P <input type="checkbox"/> R <input type="checkbox"/>		P <input type="checkbox"/> R <input type="checkbox"/>		[REDACTED]	
[REDACTED]		P <input type="checkbox"/> R <input type="checkbox"/>		P <input type="checkbox"/> R <input type="checkbox"/>		[REDACTED]	
[REDACTED]		P <input type="checkbox"/> R <input type="checkbox"/>		P <input type="checkbox"/> R <input type="checkbox"/>		[REDACTED]	
NOTES:						[REDACTED]	

How to find divorce records

- Vital Statistics indexes and records
- Court indexes and records
- BC Archives nominal (file) lists
- Other resources

Vital Statistics indexes and records

- Index to BC divorces, 1900-1983 (GR-3254)
 - Completed divorces only for 1935-1983; some pre-1935 incomplete divorce actions included.
 - Provides place and date of divorce and index reference to GR-3255 for 1935-1983 divorces.
- Divorce orders, 1935-1983 (GR-3255)
 - Final orders only.
- See the [BC Archives Research Guide to Divorce Records](#) for more information on how to use these records.

Court indexes and records - guides

- Use the Court Registry divorce record guides, filed in the Court Services binder in the Reference Room, to identify which indexes and records exist for each registry.
- Some records listed in the guides may still be in the custody of the court registry and are shown as such. Contact the registry directly for these records.

Prince George Divorce Records guide

Prince George Divorce Records

Type of Record	Date Range	Catalogue/ Accession No.	Custody	Finding Aid	Restrictions and notes
Supreme Court Divorce Case Files	1919-1949	GR-2237 or (91-5773) or (G84-148)	B.C. Archives	Nominal box list on line	Restricted; only parties to the divorce or a lawyer may access the whole file. Staff may copy and release the order(s).
Supreme Court Civil Case Files	1950 - 1960	83-0989:277-310	Prince George Registry		May contain divorce orders, Files scheduled for DE after orders pulled by registry.
Supreme Court Divorce Case Files	1961-1964	83-1081:1-4	Prince George Registry		Restricted; only parties to the divorce or a lawyer may access the whole file. Files scheduled for DE after orders pulled by registry. To locate a divorce order in this accession, use the Divorce Index (83-1593:9) to determine file number.
Supreme Court Divorce Orders	1965 - 1967	83-1035:1-2	B.C. Archives	Box list (Court Services Project file)	Orders are interfiled with other restricted civil orders. Only staff can access.
Supreme Court Divorce Orders	1968 to 1983	83-1035:3-47	B.C. Archives	Box list (Court Services Project file)	Orders are interfiled with other restricted civil orders. Only staff can access.
Supreme Court Divorce Orders	1984 to 1989	83-1035:48-83	B.C. Archives	Box list (Court Services Project file)	Orders are interfiled with other restricted civil orders. Only staff can access. The divorce orders index for 1984-1996 (83-1104:1) is in custody of Prince George registry. Contact Glenda Bennett @ Prince George Registry: 250-614-2723

Cause books, case records cards, indexes and additional resources



Catalogue/ Accession No.	Title	Dates	Restrictions and notes
83-1593:6	Divorce index	1968-1983	Open. Provides file numbers only.
83-1104:9	Divorce index	1984-1996	<i>In custody of Prince George Registry</i>
83-1593:1 to 5	Divorce cause books	1961-1977	Open. For files 1/61 to 2175.
83-1593:6-8	Divorce case record cards	1976-1980	For files 1969 to 3174.

Court indexes and records - search

- Search the [BC Archives Collection Search](#) database using the name of the court registry combined with divorce*, e.g. chilliwack AND divorce* (* = wild card).
- For large registries more relevant results will be obtained by going to [Advanced Search](#) and searching the name of the registry, e.g. Victoria, in the **Name field** and divorce* in **Any field**. You can specify what kind of divorce records you are looking for by adding the term to divorce* (e.g. divorce* AND index*; divorce* AND orders)
- Not all divorce records are described on the database – use the Court Registry divorce guides to identify other relevant court records accessions.

BC Archives nominal lists

- Nominal lists are noted in the Court Registry divorce record guides.
- Exist for some of the smaller registries.
- Found in finding aids for GR records (as PDF attachments to record descriptions in database and in blue duotangs in the Reference Room).
- Found in some internal file lists for court records. Consult with Archives Reference Room staff.

Nominal list for Prince George

GR-2237
British Columbia
Supreme Court (Prince George)
Prince George divorce case files
Originals 1919-1949 1.20 m

Container	Name	Folio/year
00-0069-12	Hall	8/1919
00-0069-12	Milgune	9/1919
00-0069-12	Condy	23/1919
00-0069-12	Aslin	8/1920
00-0069-12	Ceal	16/1920
00-0069-12	Shier	19/1920
00-0069-12	Bellos	26/1920
00-0069-12	Bellos	28/1920
00-0069-12	Carlson	56/1920
00-0069-12	Monkley	59/1920
00-0069-12	St. Louis	65/1920
00-0069-12	Henry	8/1921
00-0069-12	Landon	15/1921
00-0069-12	Hall	35/1921
00-0069-12	Adams	44/1922
00-0069-12	O'Connell	3/1923
00-0069-12	Thrasher	1/1925
00-0069-12	Gaebel	13/1925

Other resources

- [BCGenWeb](#) [not currently available online]
 - Victoria Supreme Court divorce orders 1877-1931. Printed copy in BC Archives Reference Room.
- Newspapers
 - Sometimes carry stories and reports of divorce actions.
 - Use BC Archives and Legislative Library newspaper indexes.
- Marriage registration notations
- Law reports
 - Include divorce cases where a point of law is involved.
 - [BC Reports 1867-1948](#) - free online access.
 - Also Western Weekly Reports (WWR), Western Law Reporter (WLR), Dominion Law Reports (DLR), Canadian Abridgment, Canadian Encyclopedic Digest (CED) – online through subscription only.
- [Divorce in Canada 1841-1968](#)
 - Database for parliamentary divorces.

For more information visit or contact

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<http://royalbcmuseum.bc.ca/bc-archives/info/about-bc-archives>

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