



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- In 1968 the federal government passed the first national divorce act which applied to all of Canada and superceded any pre-existing provincial divorce legislation.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- The BC *Divorce and Matrimonial Causes Act* was repealed in 1972.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 federal divorce act, passed in 1985, came into effect in 1986 and is still in effect.

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 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 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 (usually 3 months) before decree absolute could be applied for.
- Used from 1968 to 1985 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 1985.
- 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 1968-1985.

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.

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. Chandley	Divorce + Custody of daughter

DATE	PROCEEDINGS.	FEES.
May 28	Petition	
28	Affid of F. E. Rattenbury 27/5/24	10
28	Præ 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	Sum 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 directions V121 P108		60
	9	Sum ch applic		50
	5	Notice of applic to expedite hearing of Petition 1/29/24		50
	12	Afft of R. Cassidy 12/9/24		10
Oct	14	Notice of applic to expedite hearing of Petition		10
Nov	6	Remitted to Registry Victoria \$277.67		
	7	Sum		
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 expone 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 remitted to expone V62 P272		1210
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 1 st 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		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		100

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 before 1935 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

Research guide (pdf format)

http://www.bcarchives.gov.bc.ca/general/guides/ag_div.pdf - Microsoft Internet Explorer provided by MSER - CITS

File Edit View Favorites Tools Help

Want to create online forms?

BRITISH COLUMBIA ARCHIVES RESEARCH GUIDE TO DIVORCE RECORDS

Divorce orders are available at the British Columbia Archives as part of the records of the various court registries. Orders may be final, or absolute, nisi or interim. In limited instances, the BC Archives has some case files. The BC Archives also has an index to British Columbia final divorce orders from 1901 to 1983 as collected by the BC Division of Vital Statistics as well as copies of those orders. Follow the instructions below to locate and retrieve divorce orders.

IF YOU ARE LOOKING FOR FINAL DIVORCE ORDERS FROM 1901 TO 1983

- Use the finding aid for **GR-3254, Vital Statistics indexes to divorce orders**, to identify the appropriate self-serve microfilm reel to search or use the instructions on the next page. Note that some of the indexes overlap.
- Within a date range, the entries are arranged alphabetically by the surname of the husband. The name of the wife, the place and date of the divorce will be provided in addition to the Vital Statistics index information, which will either be in the form of a volume and file number or a registration number. Index entries prior to April 1935 are given a 999 volume number, but no file number, and include incomplete divorce actions.
- Using the finding aid for **GR-3255, British Columbia divorce court orders**, locate the self-serve microfilm reel with the volume and file – or registration – number you are looking for. See verso for more detailed instructions. Note that reel B16263 includes only Victoria divorces prior to April 1935. If a Victoria divorce appears in the index prior to 1936, but no order can be found on the microfilm, it is probable that the divorce was not finalized. See GR-1587 for Victoria divorce orders for this period. Also note that 1983 divorce orders with a registration of 7501 or higher are not included in GR-3255 but can be found in the records of the respective court registries, as can orders for pre April 1935 divorces outside of Victoria.
- The divorce orders in GR-3255 include only the final orders and are intended for reference or genealogical purposes. If a certified or official copy is required, a copy must be made by staff from the original filed document which may be available from the British Columbia Archives or may still be in the custody of the issuing court registry. Interim orders and decrees nisi are also to be found in the court records.

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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.

Divorce record guide for Chilliwack

Chilliwack Divorce Records

Type of Record	Date Range	Catalogue/ Accession No.	Custody	Finding Aid	Restrictions and notes
Divorce case files	1939-1949	GR-2338	BC Archives	Nominal list.	Restricted. Only parties to the divorce or a lawyer may access. Staff may copy and release orders.
Divorce orders	1946-1964 (vols. 1-4, 6); Aug 1984 -Jun 1985 (vols. 10-11)	83-0548:1 [vols. 1-4, 6; vol. 10; 83-0548:2 [vol. 11 (1985)]	BC Archives	No. Use GR-3254 and GR-3255 to obtain volume and folio number.	Open. Divorce orders 1964/1965 to 1968 (vols. 7-7) and 1968 to 1 Aug 1984 (vols. 1-9) are missing. Orders may be found in 83-0447 (see below). Use GR-3255 for final orders.
Divorce case files	1982-1985, 1989-2000	83-0447:65-437 [boxes 1 to 63, files 1/1977-3823/1981, destroyed]	Chilliwack Registry		May contain divorce orders (1968-1984). Contact registry.
Divorce case files	1986-1988	92-3799:1-39, 187	Chilliwack Registry		Contact registry.
Supreme Court civil orders/ reasons for judgment	1949-1975, 1982-1983, 1986-1990	83-0531:28-46	BC Archives	No	May contain divorce orders. Restricted. Staff may copy and release orders.
Supreme Court civil orders/ reasons for judgment	1974-1985, 1990-1991	83-0531:1-27, 47 (15, 16, 18 "misplaced")	Chilliwack Registry		Contact registry.

Cause books, case record cards, indexes and other resources

Catalogue/Accession No.	Title	Dates	Restrictions and notes
GR-2126	Supreme Court cause books	1916-1959	Restricted.
83-0379:1-2	Supreme Court cause books	1960-1969	Restricted.
GR-2361[B11166(2)]	Register of judgements for cases heard in County Court and Supreme Court	1949-1963	Restricted.

Court indexes and records

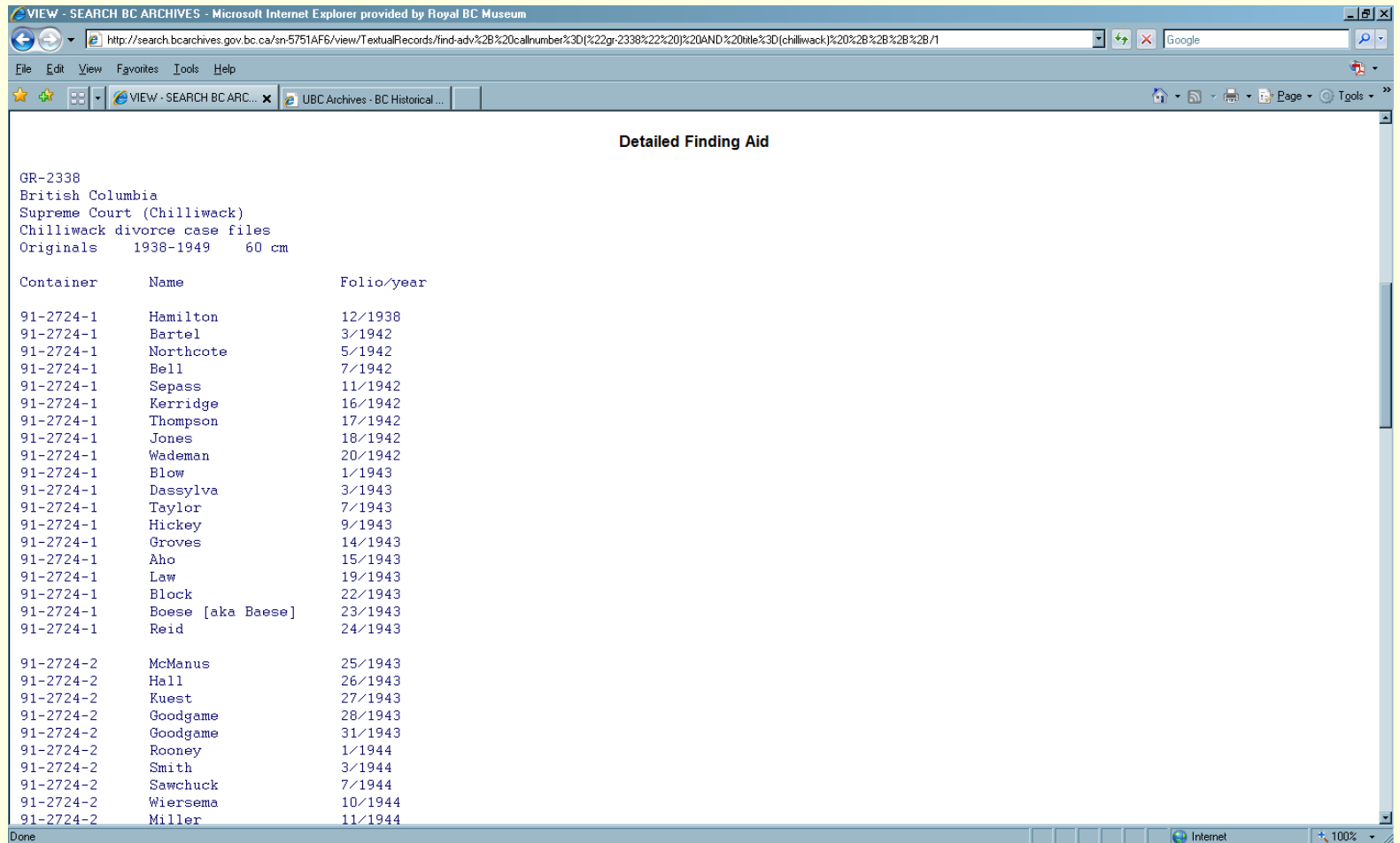
- Search the Textual Records database using the name of the court registry and 'ed with divorce?*, e.g. Chilliwack and divorce?
- Using Advanced Search and entering the name of the registry, e.g. Chilliwack, in the Title field and divorce? in the All Text field will yield more relevant results.
- Not all divorce records are described on the database – use the Court Registry divorce guides to identify other relevant court records accessions.

* ? is used as truncation symbol

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 (on web site 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 Chilliwack



VIEW - SEARCH BC ARCHIVES - Microsoft Internet Explorer provided by Royal BC Museum

http://search.bccarchives.gov.bc.ca/sn-5751AF6/view/TextualRecords/find-adv%2B%20callnumber%3D(%22gr-2338%22%20)%20AND%20title%3D(chilliwack)%20%2B%2B%2B/1

File Edit View Favorites Tools Help

VIEW - SEARCH BC ARC... x UBC Archives - BC Historical...

Detailed Finding Aid

GR-2338
British Columbia
Supreme Court (Chilliwack)
Chilliwack divorce case files
Originals 1938-1949 60 cm

Container	Name	Folio/year
91-2724-1	Hamilton	12/1938
91-2724-1	Bartel	3/1942
91-2724-1	Northcote	5/1942
91-2724-1	Bell	7/1942
91-2724-1	Sepass	11/1942
91-2724-1	Kerridge	16/1942
91-2724-1	Thompson	17/1942
91-2724-1	Jones	18/1942
91-2724-1	Wademan	20/1942
91-2724-1	Blow	1/1943
91-2724-1	Dassylva	3/1943
91-2724-1	Taylor	7/1943
91-2724-1	Hickey	9/1943
91-2724-1	Groves	14/1943
91-2724-1	Aho	15/1943
91-2724-1	Law	19/1943
91-2724-1	Block	22/1943
91-2724-1	Boese [aka Baese]	23/1943
91-2724-1	Reid	24/1943
91-2724-2	McManus	25/1943
91-2724-2	Hall	26/1943
91-2724-2	Kuest	27/1943
91-2724-2	Goodgame	28/1943
91-2724-2	Goodgame	31/1943
91-2724-2	Rooney	1/1944
91-2724-2	Smith	3/1944
91-2724-2	Sawchuck	7/1944
91-2724-2	Wiersema	10/1944
91-2724-2	Miller	11/1944

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Other resources

- [BCGenWeb](#)
 - Victoria Supreme Court divorce orders 1877-1931.
- 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

Access Services

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250-387-1952 (tel.) 250-387-2072

access@bcarchives.bc.ca

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Royal British Columbia Museum Corporation

