

to the laws of Canada," the decrees of the Council of Trent were no part of such laws.

And in England owing to the breach which existed between the Church of England and the Roman Church the Council of Trent, at which the Church of England was in no way represented, was never regarded as having any authority, nor were the decrees accepted as having any binding force or validity in England, either civilly or ecclesiastically. But though the decrees of the Council of Trent had no authority either in France or England yet in both of those countries the secular rulers enacted laws on the subject of clandestine marriages.

By the Edict of Blois, it is said, "We have ordained that our subjects shall not be able validly to contract marriage without precedent proclamations. . . . After which bans they shall be espoused publicly and for testimony to the form, there shall be four witnesses worthy of credence, which shall be recorded. And by Article 44, Notaries are forbidden under pain of corporal punishment to receive any promises of marriage by words *de présent*." But in England no legislation took place on the subject till 1753 when Lord Hardwicke's Marriage Act, 26 Geo. II., c. 33, already referred to was passed.

The decrees of the Council of Trent having no legal force or validity in Canada at the time of the conquest, and being therefore no part of the laws of Canada which the Quebec Act introduced as the rule of controversies respecting property and civil rights, it remains to be considered how they are to be regarded, for though they have no legal force or effect, yet they are the laws by