

Since 1867 the legislative jurisdiction on the subject of marriage has been curiously divided between the Dominion and Provincial Legislatures, and while the subject of "Marriage and Divorce" is committed to the legislative control of the Dominion Parliament: B.N.A. Act, s. 91 (26), the subject of the "Solemnization of Marriage" is committed to the control of the various Provincial Legislatures: B.N.A. Act, s. 92 (12). The effect of this division is to prevent either the Dominion or the Provinces from dealing comprehensively with the whole subject; the solemnization of marriage being, as we shall see, inseparably bound up with the subject of marriage itself, it would appear to have been a better arrangement to have committed the whole matter of both marriage and its solemnization to the Dominion Parliament.

By the treaty of Paris it is expressly provided that the King of Great Britain will "grant the liberty of the Catholic religion to the inhabitants of Canada: he will consequently give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the *worship* of their religion, according to the rites of the Romish church, *as far as the laws of Great Britain permit*" a provision of the treaty which we may observe has always been most honorably and faithfully observed. By the laws of Great Britain and of Canada religious toleration prevails, and if this principle is properly carried out no one can be directly or indirectly coerced into the adoption of any religious opinion which he does not choose to accept, and no church or sect has any power or authority to make laws which in any way affect, bind, disable or disqualify any person who does not choose to