

religious community of persons professing to be members of the Church of Scotland, Presbyterians, Methodists, etc., who shall be authorized, etc., to solemnize the ceremony of marriage," etc.

10 & 11 Vict. (1847), chap. 18, sec. 2, reads: "No clergyman or minister of any denomination of Christians, unless he shall have taken the oath or affirmation of allegiance before the Registrar of the County in which he shall officiate as such clergyman or minister, etc., shall," etc.

By 20 Vict. (1857), chap. 66, secs. 3 & 4, it is provided that every clergyman or minister shall, immediately after the solemnization by him of any marriage, enter in a book by him kept for that purpose, which book shall be and continue to be the property of the church or denomination to which he shall belong at the time of such marriage, a true record of such marriage, etc. (See also R.S.O. (1887), chap. 131, sec. 19.) In the event of the death or removal of any minister, it shall be the duty of his successor, or other person having the legal custody of the book referred to, etc.

We now come to the Consolidated Statutes of Upper Canada (1859). Sec. 1 of chap. 72 gives almost the identical wording to be found in the Revised Statutes of Ontario for 1877, chap. 124, and the Revised Statutes for Ontario (1887), chap. 131, sec. 1, which we have already quoted. But there is this important difference to be observed between them, viz., that in the two last named collections the words "church," "churches," "denomination," "denominations," are all spelt without capital letters; whereas sec. 1 of the C.S.U.C., chap. 62, is printed as follows: "(1) The Ministers and clergymen of every church and religious denomination in Upper Canada, duly ordained or appointed according to the rites and ceremonies of the Churches or Denominations to which they respectively belong and resident in Upper Canada, may," etc. This, I claim to be conclusive of the matter; the "church" is the individual and particular body of worshippers to which the minister is attached as pastor; and "Churches" or "Denominations" mean that religious body as a whole of which the "church" is one part.

I have proved, I think, by the historical method, that according to the law of Ontario, in order to solemnize marriage it is not sufficient to be or have been a minister or clergyman; such minister must have under his religious charge a congregation or community of souls. The shepherd must have his flock and sheepfold to claim the full privileges and all the emoluments of a shepherd.

To show this to be a rational and business-like regulation, we may state that in the Province of Quebec "Acts of Marriage" are inscribed in registers kept for each Protestant church or congregation or other religious community. These registers are furnished by the churches, congregations or religious communities, and are kept by the rector, curate, or other priest or minister having charge of these congregations, etc.

In England marriages must be celebrated either in a church of England, a registered building, or in the superintendent Registrar's offices.

To conclude, I think that in the case of *Lawless v. Chamberlain* the so-called marriage by the multifarious practitioner R. M. was voidable as having been per-