

The Marriage Law of Canada

Recent litigation in Quebec in which a court of law gave legal effect to the *Ne Temere* decree of the Council of Trent has aroused public attention to the marriage law of Canada, and anyone carefully examining the subject must come to the conclusion that it is not in a very satisfactory condition. Marriage being a matter of universal interest for all classes throughout the Dominion, the law concerning it ought to be so plain and accessible that "he who runs may read," but it is very far from being so.

For the intelligent consideration of the matter, our first inquiry must necessarily be, what laws affecting marriage are in force in the various provinces. In Quebec by virtue of the Quebec Act of 1774 (14 Geo. III. c. 33, s. 8), the laws of Canada were made the laws of the Province as to all matters of controversy respecting property and civil rights. The laws of Canada had their basis in the old French law which prevailed in Canada during the French regime; but with the grant of rights of self government, the former Province of Canada acquired the right to make laws for itself among other things, within certain limitations, on the subject of marriage, and the Provincial law of Quebec on the subject of marriage is now to be found in the Code Civil and Provincial Statutes passed since 1774 up to 1867.