

"were invested with the English law of divorce" it must have been the English law of divorce as it then existed, and not as it has been since developed and changed by statutes, and according to the English law prior to 1857 marriage lawfully contracted was indissoluble for any cause, and the only divorce permissible in such cases being *à mensa et thora*. Prior to 1857, as Mr. Thompson concedes, marriage and divorce were within the jurisdiction of the King's Ecclesiastical Courts in England, and no courts in Canada were created or set up prior to 1857 with any but a purely temporal jurisdiction. And it may be well to note that this does not appear to have been the result of any oversight as far as the Province of Quebec was concerned, because by the 17th section of the Quebec Act (14 Geo. 3, c. 83) it is enacted "that nothing herein contained shall extend or be construed to extend to prevent or hinder His Majesty his heirs and successors by his or their letters patent under the great seal of Great Britain from erecting constituting and appointing such courts of criminal civil and ecclesiastical jurisdiction within and for the said Province of Quebec (*which then embraced Ontario*) and appointing from time to time judges and officers thereof as His Majesty his heirs and successors shall think necessary and proper for the circumstances of the Province." The erection and constitution of Ecclesiastical Courts it is true was never carried out, but the enactment is a recognition of the then existing state of English law and its mode of administration in part by Ecclesiastical Courts. Prior to Confederation certain of the N. A. colonies enacted divorce laws, as they were competent to do, but after Confederation no Provincial Legislature has had any such power. We do not think it can properly be said that "the Matrimonial Causes Act, 1857, completely overwhelmed the pretence of the divine origin of divorce law." As I have shewn there was never any pretence that divorce law was of divine origin. According to the law of the Courts Christian, marriage lawfully contracted is undissoluble, and no divorce *à vinculo* of a properly contracted marriage could be obtained; the utmost relief was separation from bed and board. The statute referred to, as I have said, made a new law and authorized a temporal court to dissolve marriage absolutely, for