

of the temporal law of France, and therefore even before the Conquest were never a part of the temporal law of Canada, and no legislation has ever made them so since. See *Pothier*, Part. IV., sec. 5.

The decision in the *Tremblay* case ought we think to put an end to any question as to the validity of the marriages of competent persons in Quebec solemnized by persons authorized by the Code to solemnize marriage; and it is to be hoped that the Civil Courts of Quebec will no longer give any effect to ecclesiastical divorces, or sentences of nullity.

While it is true that the decision referred to in terms applies only to the marriage law of Quebec, it is none the less true that the principle it establishes is applicable to every Province of the Dominion, namely, that the validity of marriages in the temporal Courts must be determined by the temporal and not by the ecclesiastical law. No ecclesiastical law is of any civil force or effect in any part of the Dominion except as far as it may have been adopted as part of the temporal law; what is true of ecclesiastical law, is true even of what is regarded by many people as the law of God Himself; and even the Decalogue cannot be enforced by the temporal Courts except only so far as the breaches of it are also breaches of the temporal law.

It has been suggested that the effect of the decision might be neutralized by Provincial legislation in Quebec, but those who take that view must remember that marriage "is a subject within the exclusive jurisdiction of the Dominion Parliament," and that it is only the solemnization of marriage which comes within the jurisdiction of Provincial Legislatures and the Dominion in legalizing marriage with a deceased wife's sister has already shewn that so far as the question of prohibited degrees is concerned it claims to exercise jurisdiction, as being part of the subject of "marriage" which is within its exclusive control.

The judgment above referred to has already borne fruit in the Province of Quebec, and, appropriately so, in a case tried before Justice Bruneau. It appears that a Jewess had been married by a Methodist minister to a Roman Catholic. The lady sought to have the marriage declared illegal because the