

In both England and France at the time of the conquest of Canada the cognizance of matters relating to the validity of marriages, had been assigned by the temporal authority to the Ecclesiastical Courts, but those courts were bound to decide cases as we have seen not in accordance with the decrees of the Council of Trent, but in accordance with the law of those Kingdoms: see *Reg. v. Millis, supra*; Pothier *Traité du contrat de mariage*, Pt. IV. c. 1, s. 3, Art. 1, s. 5.

It cannot be successfully contended that when the Quebec Act provided that in matters of controversy relative to property and civil rights resort shall be had to the laws of Canada, that this indirectly gave a legal status to ecclesiastical tribunals which had formerly exercised jurisdiction in Canada prior to the conquest. Because it is a well recognized principle of English law that on Canada becoming a British country all courts theretofore existing in the country came to an end. It has never been seriously contended that the introduction of the laws of England into Ontario had the effect of giving any legal status to Courts Christian in Ontario, and there is no good reason for supposing that the introduction of the laws of Canada had any such effect as regards Ecclesiastical tribunals formerly recognized by that law. If the introduction of English law gave no jurisdiction in law to Bishops of the Church of England, so neither did the introduction of the laws of Canada give any jurisdiction in law to the Roman Catholic Bishops. Our constitutional laws must be construed with due regard to the principles of absolute religious equality, and religious toleration, which are fundamental principles of