

viz., the prohibitions laid down in the Book of Leviticus, and no others; and also the prohibitions which the Roman Catholic Church conceives itself bound by, and which include not only the Levitical decrees, but also numerous prohibitions the observance of which it reserves to itself the right to dispense with; and also all the prohibitions which other religious organizations conceived themselves bound by. But if all these various prohibitions were intended to have legal force, it would be somewhat difficult to give legal effect to them in the case of marriages of Protestants with Roman Catholics, or even between Protestants of different denominations, for one party to the marriage might be bound by one kind of prohibition, from which the other might be wholly free.

We are therefore inclined to think that the effect of Art. 127 is not to give the sanction of temporal law to the various prohibitions prescribed by the various religious organizations theretofore existing in Quebec, but merely to indicate the kind of impediments which would justify any priest or minister in refusing to solemnize a marriage under Art. 129 above quoted. Otherwise there would be no uniform law in the Province of Quebec touching the impediments to marriage on the score of relationship, or otherwise.

It was precisely on a question of this kind that the Tremblay marriage case turned. According to the doctrine and discipline of the Roman Catholic Church, marriage between fourth cousins is prohibited, but the prohibition, on payment of the proper fees to the ecclesiastical authorities, may be dispensed with. The parties to the Tremblay marriage were fourth cousins, their marriage was solemnized by a Roman Catholic priest, but the parties neglected to go through the required formality of first getting a dispensation, and of course the ecclesiastical authorities lost the proper and accustomed fees—and when after some years the husband had got tired of the matrimonial state, and by the help no doubt of some ecclesiastic found the prohibited relationship existed, he applied to the ecclesiastical authorities of the Roman Catholic Church in Quebec to annul his marriage, which had thus been contracted in violation of the ecclesiastical rules; and the Bishop to whom the application was made apparently