

the parties, but Armenian Priests have refused to marry certain parties under conditions offensive to religion. A Roman Catholic priest performed the ceremony according to the rites of the Catholic Church, but having obtained a special license to do so on the ground that the man was a Roman Catholic and the woman a Protestant, it was held that by the law of the country where the celebration took place, that the marriage was invalid and certain forms had not been complied with, therefore there was no marriage.

To come a little nearer home I might state the case of a man who married the daughter of the English Consul at Bayrout, in Syria, at the consulate, her father and others being present at the marriage, it was celebrated by an American missionary according to the rites of the Church of England. The judges held that they were bound by the authorities and that on the facts there had been no valid marriage. That marriage took place in 1834 and that decision in 1844.

You have heard a good deal that has been said through the press about the Hebert case and a great deal of agitation has been aroused by associating the decision in that case with the Ne Temere Decree. But the Civil Code of Quebec has been the Law of Quebec and the section which I have just read to you was in that law at the time of its adoption 150 years ago. There is a case upon which the decision in the Hebert case was founded and which was reported in the Law Journals of the Province of Quebec 30 years ago. It is the case of Laramee vs. Evans. In that case it was held, that the only functionary proper to celebrate a marriage between two Roman Catholics is the proper Curé of the parties, and the marriage therefore of two Roman Catholics by a Protestant minister is null. Held, before pronouncing on the validity of a marriage between two Roman Catholics, the Superior Court should refer the case to the Bishop of the Diocese, asking him to pronounce as to the nullity of the marriage, and its dissolution, if there be cause for such; leaving to the court to adjudge thereafter as to the civil effects of the marriage.

In the Hebert case, both of the parties were Roman Catholics and they were married by the Rev. William Timberlake, a Protestant minister of Montreal. I will read you a copy of the judgment in that case. I do so on account of some of the details which it contains and that I might further explain to you the reason for the insertion of these details in the judgment.

Province of Quebec, District of Montreal. No. 273.

Superior Court, the 23rd day of March 1911.

The Honorable Mr. Justice Laurendeau,

Eugene Hebert, Plaintiff.

Marie Emma Clouatre, Defendant.

The court having heard the plaintiff by his Attorney, in the merits of the present case, having examined the proceedings, the exhibits filed and the proof and having deliberated.

Whereas the defendant, personally served, has made default to appear.

Whereas the plaintiff alleges in his declaration that the plaintiff and the defendant presented themselves on the 14th of July, 1908, before the Rev. William Timberlake, a Protestant minister of Montreal, and contracted marriage before the latter, who received their consent and gave them an authentic certificate of said marriage; that at the time of said marriage the plaintiff and the defendant were Catholics and in fact belonged to the Catholic Religion, in which they were born, and had lived publicly up to that and are still; that the defendant was baptized on the 7th of June, 1883, in the Church of Ste. Anne of Fall River, in the town of Fall River, in the State of Massachusetts, one of the United States of America; that the plaintiff was baptized under the name of Joseph Albert Eugene, child of David Hebert, farmer, and of Charlotte Willbrenner, the 28th of May, 1880, in the Church of the Parish of St. Valentine, Province of Quebec; that under the circumstances the plaintiff and the defendant could only be married in the Catholic Church, and this in the presence of their own Curé, following the formalities of the law and the rules of the Roman Catholic Church to which the parties belong; that the Rev. William Timberlake, a Protestant Minister of Montreal, had not the right to act as Curé of the said contracting parties, seeing that the former are Catholics, and the latter is a Protestant; that the said marriage contracted at Montreal, the 14th of July, 1908, has been declared null and invalid as to its bond by