

ied by the *curé* of their parish, and that no marriage otherwise celebrated could produce any civil effect, it is undoubted that such was formerly the law of France ; but it is equally undoubted that that law was based on a union of civil and ecclesiastical rule, which was peculiar to France, and which never has obtained in this country. Here there is an absolute freedom, as regards thought and form of religion. There is nothing to prevent a Protestant getting married by a Romish Church, and *vice versa*. The Acts of Parliament moreover, authorizing all sorts of sects to marry, are in no way restrictive as to the peculiar religion of the parties. The law gives them full power, in broad language, to marry. And then as to the fact of the marriage having been celebrated in one of the adjoining States, there can be no doubt, that, according to the law of nations, if the marriage were legally contracted and celebrated there, it is binding here ; and, as I said before, it has been abundantly proved that the marriage in question was duly contracted and solemnized in accordance with the laws of the State where it was celebrated. Moreover the want of consent on the part of the tutor or guardian, which has been so much relied upon in the argument of the plaintiff's counsel, cannot legally be urged by the parties themselves, but only by some one standing *in loco parentis*. On the whole, therefore, the majority of the Court is of opinion to dismiss the present action.

*Chabot, J.* Dissentiens. La présente action est en reddition de compte portée par les Demandeurs contre le Défendeur comme ci-devant tuteur de la Demanderesse. Le Défendeur par sa défense invoque la nullité du second mariage et celle du contrat de mariage des Demandeurs, vû l'existence d'un premier mariage dans l'Etat de New-York, qui a eu lieu devant un ministre protestant et sans aucune autorisation du Tuteur.--Le Défendeur était présent à ce second mariage qui a eu lieu devant un prêtre catholique, et je considère qu'il ne peut pas