

authorized by law to keep registers of acts of civil status are competent to solemnize marriage. But none of these officers can be compelled to solemnize marriage to which any impediment exists according to the doctrine and belief of his religion and the discipline of the church to which he belongs: See Code art. 129. The Code does not prescribe any form of solemnization to be observed in the case of the marriage of Roman Catholics, nor of any other particular class of the community. The prohibited degrees of marriage referred to in the Code are not particularly specified. In the direct line marriage is prohibited between ascendants and descendants whether legitimate or natural; marriage of brother and sister whether legitimate or natural is also prohibited; and also between uncle and niece, and nephew and aunt: Code arts. 124-125. But the Code provides: "The other impediments recognized according to the different religious persuasions, as resulting from relationship or affinity or from any other causes, remain subject to the rules hitherto followed in the different churches and religious communities. The right likewise of granting dispensations from such impediments appertains as heretofore to those who have hitherto enjoyed it: Art 127. This provision might at first blush be thought to give the sanction of temporal law to all the impediments which any religious body in Quebec had prior to the Code seen fit to prescribe, but the words "remains subject to the rules" seem merely to indicate that they are left as they existed at the time of the Code, but that is by no means equivalent to saying that the Code thereby gives them the force of temporal law. Prior to the Code all the matrimonial prohibitions prescribed by any existing religious body in Canada had by the cession of Canada to Great Britain been practically superseded as a matter of temporal law, by the Statute of 32 Hen. 8, ch. 38, which it appears, by reason of the cession, had become applicable to Canada as part of the Dominions of the Crown of Great Britain.

But if Art. 127 was intended to be an adoption as a part of the temporal law, of all prohibitions theretofore prescribed by any religious body in Quebec, then in effect, this would adopt the prohibitions which the Anglican Church conceives itself bound by,