

Section 1208 enacts that "the licenses issued under this section are furnished by such persons as the Lieutenant-Governor-in-Council names for that purpose to all persons requiring the same who shall previously have given a bond together with two sureties, being householders, and in form appended to this section."

Article 156 of the Code declares that "every marriage which has not been contracted openly, nor solemnized before a competent officer, may be contested by the parties themselves, and by all those who have an existing and actual interest, saving the right of the court to decide according to circumstances."

Article 161 of the Code provides "when the parties are in possession of the status, that is when they have lived together as man and wife publicly, and the certificate of their marriage is produced, they cannot demand the nullity of such act."

From these quotations the following conclusions may fairly be drawn: That a marriage is properly performed if solemnized publicly by a competent officer recognized by law; but no officer is compelled to solemnize a marriage if any impediment according to his religion exists; that banns may be dispensed with by license and that the license is to be issued by the civil government of Quebec. Nor is there any limitation that a Protestant minister can only marry non-Romanists.

It is quite true that a Roman Catholic priest may decline to marry either Roman Catholics or Protestants in his church unless the banns have been published, but there is no reason for the assumption that Roman Catholics or others may not be validly married elsewhere under a provincial license.

Any other construction of these articles would lead to the preposterous and unthinkable result that the provincial licence allowed the celebration of a ceremony resulting not in a marriage but in concubinage. Besides, the parties to a marriage are by articles 156 and 161 restricted to contesting (but always before the court) clandestine marriages, and cannot demand adjudication of nullity where they have lived publicly as man and wife.