

the decree of Rome null and void, as the ecclesiastical authorities had no jurisdiction recognized by law and the ecclesiastical courts were unrecognized by Canadian legislature, was not appealed and remains to this date the clearest and strongest representation of the law of the Province of Quebec concerning the solemnization of marriage.

The articles of the civil code of Quebec which are concerned directly and especially with the solemnization of marriage are the 128th and 129th in Chapter ii. They are simple in language and in themselves present no great difficulty if a literal rendering be accepted. But it is claimed that there is some ambiguity in the terms used and a clear interpretation must be made by a study of past legislation on the subject as well as by the reason and motive of the statute itself. These articles read as follows:

The Civil Code of Quebec, Chapter ii. Title. Of the Formalities relating to the Solemnization of Marriage.

Art. 128. *"Marriage must be solemnized openly by a competent officer, recognized by the law."*

Art. 129. *All priests, rectors, ministers and other officers authorized by law to keep registers of acts of civil status are competent to solemnize marriage.*

*"But none of these officers, thus authorized, can be compelled to solemnize a marriage to which any impediment exists to the doctrine and belief of his religion, and the discipline to which he belongs."*

To this may be added Article 156, which determines the absolute control of the court in case of a possible annulment:

Art. 156. *"Every marriage which has not been contracted openly nor solemnized before a competent person 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."*

In this article the informalities in connection with the incompetence of the officiating minister cannot annul the marriage, but it is the right of the civil court to enquire and judge of their gravity. The Roman position is clearly stated by Archbishop Bruchesi, in a pastoral addressed to the faithful, and by Judge Jetté in his judgment on the case of *Lvrabee versus Evans*.

The Archbishop takes the extreme Ultramontane view "that marriage being a sacrament must be controlled wholly by the laws of the Church; and that while marriage between a Roman Catholic and a Protestant, in the presence of a Protestant official, may not be invalid, yet it must be declared by the Church as irregular and open to censure; that the Council of Trent, by a Canon which is a part of the law of the Province of Quebec, orders the members to be married by their proper priest or by one authorized by him on pain of nullity."