

J., in *Connolly v. Woolrich*, 11 L.C.J. 197, and by Archibald, J., in *Delpit v. Coté*, 1901, 21 Q.O.R. 338. Hence there has always been a difference of opinion among the Quebec judges upon this point and the question has never been authoritatively settled. And its extension to mixed marriages is the vital one at the present juncture. Upon its solution depends, not only the right of Catholics to be married by Protestant ministers (who by Articles 59A and 156 of the same Code are, when licensed, "competent officers" before whom marriage may be solemnised), but the question of the moment, namely, does Article 127 mean and include an impediment, first applied by the "Ne Temere" decree in 1907, to mixed marriages. Does it now enable the Roman Catholic bishop, as an ecclesiastical court, to declare the marriage of a Protestant void and authorise the civil courts to give effect to that annulment? Those who assert that the "Ne Temere" decree does not affect the situation overlook the use that is made of Article 127, which is part of the law of Quebec. That article is relied on to give validity to this impediment, recently created, which now affects the marriage of a Protestant.

The matter hitherto debated has, of course, dealt with the narrower one of the marriage of two Catholics. Now to that unsettled question is added this other and more important one. And it may be stated clearly. Section 124 of the Code having dealt with and prohibited marriage between uncle and niece, aunt and nephew, etc., section 127 enacts as follows:—

"The other impediments recognised according to the different religious persuasions as resulting from relationship or affinity or from other causes remain subject to the rule hitherto followed in the different churches and religious communities. The right likewise of granting dispensation from such impediments appertains, as heretofore, to those who have hitherto enjoyed it."

Now, assuming that "other causes" include impediments created by the Roman Catholic Church, such as requiring its members to be married in a church and by their parish priest (a more than doubtful point), and assuming further that these