

But it is also more particularly to be welcomed by all Roman Catholics who have the stability of the marriage tie sincerely at heart, inasmuch as it gives a salutary quietus to the attempt to dissolve lawfully solemnized marriages on frivolous pretences, for it does appear to us that the pretence for declaring the marriage in question a nullity in the present case could hardly be described as other than frivolous and without substantial merit.

Before proceeding to discuss the judgment of the Judicial Committee it will be well to state the facts of the case. Tremblay the plaintiff in 1904 was married to the defendant Despatie; they were both Roman Catholics, and the marriage was solemnized according to the rites of the R.C. Church. The parties lived together as man and wife until 1910, when after six years of married life Tremblay applied to the Roman Catholic Bishop of the Diocese to have his marriage declared to be void from the beginning. The Bishop granted his application and declared the marriage rite, which, as we have said, was solemnized by a Roman Catholic priest, to be a nullity, on the ground that the parties were related as cousins in the 4th degree, and that marriages of parties related within that degree are prohibited by the rules of the Roman Catholic Church unless a dispensation is first obtained; and no dispensation had been obtained in this case, because neither party had any knowledge that any such relationship existed. To dissolve, or assume to dissolve a marriage lawfully solemnized according to law is certainly a very serious proceeding. It involves not only a slur upon the moral character of the parties, and particularly on that of the woman, whose position is thereby reduced in the estimation of her co-religionists to that of a mere concubine, but a blot is also placed on the issue, if any, of the union.

If the law as interpreted by the Provincial Courts of Quebec had been upheld by the Judicial Committee, we think Roman Catholics of Quebec would have had good ground for alarm; and the R. C. women of Quebec might have found themselves in a perilous position and liable to