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MARRIAGE LAWS—JURISDICTION OF CIVIL COURTS.

The recent decision of the Judicial Committee of the Privy Council in the Tremblay marriage case ought to go a long way to clear the air in Quebec as to the jurisdiction of the Civil Courts to make decrees of nullity of marriage. The unprofessional classes are apt to confound nullity of marriage and divorce, and to regard them as being the same thing under different names; but to the lawyer they connote different things. A sentence of nullity is a sentence that no lawful marriage ever took place, and is a judicial avoidance *ab initio* of what is held to have been a mere pretended marriage, whereas a divorce is a dissolution of what is conceded to have been a lawful marriage.

It is necessary to bear this distinction in mind when we come to consider the Provincial law of Quebec on the subject of marriage.

According to the Code, a lawful marriage is indissoluble in Quebec during the joint lifetime of the parties. "Marriage can only be dissolved by the natural death of one of the parties; while both live it is undissoluble:" Code art. 185. This is tantamount to saying that in Quebec no Court whatever is competent to decree a divorce. But in arts. 115-117, the Code declares certain causes for nullity, *e.g.*, a male under 14 and a female under 12 are declared incapable of contracting. Want of consent is fatal to the validity of marriage—and impotency existing at the time of marriage is also a ground of nullity; but this latter cause of nullity is not available after the lapse of three years from the marriage. Marriage within prohibited degrees is also a ground of nullity. We are, we think, correct in saying that the Code does not warrant the nullification of any marriage on the ground that some particular religious ceremony has not been observed in the solemnization of the marriage. It expressly provides that all priests, rectors, ministers and other officers