

prohibited degrees, is undoubted, as the canon ordering such was part of the law of England.

In the face of the Archives and all that has been stated in this pamphlet, further claims are being made by the Roman hierarchy; and the illegal act of annulling marriages will continue to be the practice of these officials. Nevertheless, it is clear that if attempts are made to carry out such claims, they can be successfully accomplished only by a collusion of Church and State officials with those who are chiefly interested in such annulments. The law is clear and sufficient to prevent this indirect and illegal method of securing divorces and it is our duty as law-abiding citizens to denounce and expose such breaches of Civil and Canon law.

VIII.

MARRIAGE LAW OF QUEBEC.

The records of the Canadian Archives should help us in the consideration of the claims made by the Church of Rome on the important question of marriage in the Province of Quebec. We are able thereby to trace the limits and to recognize the character of the ecclesiastical jurisdiction of that Church. The provision made in the Act of Confederation and in the legislation of the province do not seem to countenance the position of the Church because no power or jurisdiction was ever given to Roman prelates to override the law, to establish ecclesiastical courts and to decide the validity of marriages without reference to the civil authorities. It is well to study the ground of the civil code of Quebec and come to some fair conclusion on the whole matter. Since Confederation several marriages have been declared void by Roman decrees for alleged impediments. These decrees were taken to civil courts only to settle the civil effects of such annulment. Most of these were decided in favour of the Roman plea, but there was one noted exception, however, in the case of Delpit versus Coté which was brought before Judge Archibald of the Superior Court in Montreal, and decided in the year 1901. It was a comparatively simple question, involving only the competency of the officiating minister, the Rev. W.S. Barnes, of the Unitarian Church, Montreal, to marry two Roman Catholics by the authority of license secured in the usual way according to the civil code of Quebec. The provisions of the law had been complied with and Mr. Barnes was recognized, by the possession of the usual register, as an authorized officer to solemnize marriage in the Province of Quebec. It was admitted that no other impediment existed.

It may be stated here that the decision of the judge, which declared the act of the Archbishop of Quebec *ultra vires* and