

Canada, it is true, was not in 1564 a part of the British Dominions, but it is a rule of law that a statute is to be regarded as always speaking, and in that way the Act applies to all the King's dominions as they from time to time exist.

It being therefore clear that no Colonial legislature has any power to repeal or vary 32 Hen. 8, c. 38, in regard to prohibitions to matrimony, or to impose any other prohibitions than those referred to in that Act, it is manifest that no Colonial Legislature has, or ever had, any power to delegate to any church the power to make impediments to matrimony, and therefore all the provisions of the Code Civil of Quebec which in any way purport to give any such power to the Roman or any other part of the Christian Church are *ultra vires* and void.

The sections of the Code referred to are sections 124-127 and read as follows: "124. In the direct line marriage is prohibited between ascendants and descendants, and between persons connected by alliance whether they are legitimate or natural. 125. In the collateral line marriage is prohibited between brother and sister, legitimate or natural, and between those connected in the same degree by alliance whether they are legitimate or natural. 126. Marriage is also prohibited between uncle and niece, aunt and nephew. 127. The other impediments recognized according to the different religious persuasions, as resulting from relationship or affinity, or *from other causes, remain subject to the rules hitherto followed in the different churches and religious communities. The right likewise of granting dispensations from such impediments appertains as heretofore to those who have hitherto enjoyed it.*"