

Under the Code Napoleon no disqualification ensued on account of any religious belief; its enactments were confined to rules of law, governing the intercourse between man and the State, and were not rendered dependent for their maintenance upon the performance of any obligation towards a Supernatural Being.

Our codifiers have seen fit, in the matter of acts of civil status, to cling to the old opinions, and have ignored the judicious provisions of the French law. Under the latter code, the celebration of marriage and its registration, as well as the registration of births and deaths, were declared to be matters purely civil, and left to the officers of the State to perform; under our law the Church takes the place of the State in these important duties, and to it only is allotted this power.

It is unnecessary to dilate upon the absolute importance of the proper celebration of these ceremonies, and of the official recognition and proof of births, marriages, and deaths, the three great epochs of human existence. Some very cogent reasons must be advanced why the duties thereof should be allotted to any particular set of individuals unconnected in any official capacity with the State.

To illustrate, the law and practice in force here require that at the beginning of each year the minister or priest of a congregation should procure from the court a blank book initialled, page by page, by one of its officers; and, having at all times in his possession the church register, the minister is ordered to enter in the register and in the blank book mentioned, which is to be an annual duplicate of such register, all the ceremonies he performs of christening, of marriage, and of burial, and he must have these entries signed by the contracting parties and their witnesses, in cases of marriage, and in the other instances by the nearest relatives.

It requires no legal training to perceive at a glance how inefficient is this method—and how the door is opened to the encouragement of fraudulent practices, and this is more evident in the case of births—as the lapse of time between the birth and christening of a child may vary considerably with the health of the infant, of its parents, and of the surrounding circumstances. The law fixes no time within which the ceremony should be performed, or that it should be performed at all, and provides no penalty for non-compliance, and such are the ignorance and laxity of many ministers that instances are not wanting, where in lieu of the parents, relatives, or those required to sign the registers, so doing, the whole entry and signatures are written by the officiating clergyman himself; and again, although in every register the law upon these matters is printed, we have seen the custodians of such registers retaining possession of the duplicate—which should be returned to the court within six weeks of the close of the year—for a period of six years.

These defects apply to the imperfect administration of the law, but the greater question is the imperfection of the law itself.

The law constituting the pastors of congregations the celebrants of these ceremonies and the custodians of these registers, the query which naturally suggests itself is, "In what manner are these ceremonies to be performed, and how is the registration of acts of civil status, in which a person who is attached to no religious congregation is concerned, to be made?" The answer would be, "None." The law simply made no provision for any such case. Our codifiers could evidently not realise that a person could so offend as not to be born into some religion, and marry and die in it, and consequently treated not of absurdities. Yet it was in the latter half of this enlightened century—in 1865—that our code was promulgated.

Tolerance is a word not newly coined, but growing in significance daily; it implies more now than perhaps at its origin was conceived. Under its banner Church in State must go, and all solely religious reference in laws be erased. It may be that law owes its origin to religion, or rather that religion was the means of promulgating and preserving laws, hampering them, however, very soon with extraneous matter; i.e., supernatural obligations. Commendable as its inception may be, and thankful as we are for the cause which originated and fostered the law, we find it necessary, in the exercise of equal justice to all, to distinguish between the mundane and the supernatural, the secular and the religious, the acknowledged and the debatable.

Religious belief and ceremonies change and alter. Differences arise between the adherents of the old school and the followers of the new; to avoid conflict, the whole matter of difference, which is not immediately essential to our existence and government, must be placed without the pale of the law. This once acknowledged, the *raison d'être* of any religious qualification in the subject or citizen, in his intercourse with the State, ceases.

In the eyes of the law all must be equal. No examination can be made into the religious belief or disbelief of a man—his thoughts are his own inviolable property, his conscience is not subservient to any other man's dictates. Other and comprehensive worldly tests as to his capacity to enjoy any or all the rights of citizenship must and elsewhere have been introduced.

Applying these principles to the question proper, there can be no valid reason given for the sole deputation of celebration and of registration of births, marriages, and deaths to clergymen, or of surrounding them with any religious observances. A man who professes no religious belief, or a belief different to that of any established congregation, has as equal a right to have his marriage, the birth of his child, or other acts of civil status, in which he is interested, properly and legally celebrated and acknowledged as has the most professed religionist. A clergyman is not obliged to celebrate or register the marriage of a man who does not profess his religion; and we find, as a matter of fact, that men who cannot conscientiously ally themselves to any of the known religious dogmas have to throw themselves upon the mercy of a neighbouring minister in order

to procure a legal certificate of what should primarily be a civil ceremony. The marriage must be performed under the cloak of some religious belief. Is, then, the object of the law to foster hypocrisy? For such, in reality, is the effect.

One would think that, so palpable is the injustice of our legislation upon this subject, agitation would have been long since rife for its amelioration; but so strong a hold has the Church, even at this day, upon this benighted Province that any attempt to assimilate our law in this respect to that of all civilised countries would be futile. Until the average intelligence of our people equals that attained years ago by other nations, so long will this outrageous state of things exist.

Montreal.

N. M.

TOGETHER.

"We will both guard love, my love!"

Trills the thrush in the hedge-row, priding
The heart of his brooding mate.

"In glad sun or in stormy weather,
Nought can harm when we guard together!"

For that nest, ah, well-a-day!
When either shall fly and stay,
And leave but one life to strike
Away the merciless shriek!

For our nest, ah, well-a-day!
When either shall turn away,
And leave but one heart to rout
The bitter assaults of Doubt!

In glad hours or in dreary weather,
Nought can harm when we love together,
Ah, the love that can dare all fate,
That can scorn all menace hiding,
Is love that guards love, my love!

EDGAR L. WAKEMAN.

MONTREAL LETTER.

SOMETHING has at length broken the unutterable monotony of a Montreal summer. The presence of the French flag ship *La Minerve* in our port is creating an agreeable distraction for one portion of the population at least, and, I assure you, the Faubourg St. Denis shows no small enthusiasm. On Friday, when this gallant vessel arrived, she was greeted by very lusty cheers, and since then has been invaded by still undiminished crowds. Several thousands attended the mass held on board last Sunday, and in the afternoon the wharf and the vessel were but one black sea. A charmingly picturesque, not to say imposing sight, this morning service. Forward of the quarter-deck an altar had been erected, and on either side stood several of the guard of honour, armed with axe and burnished brass boarding-pike.

La Minerve is an old ship, having been built twenty-six years ago at Cherbourg; she will bid a final farewell to the sea next May. Apart from rather curious old port holes, there seems nothing very remarkable about the vessel—unless it is her extraordinary cleanliness and the politeness of her crew, or rather, officers. The former of these characteristics is invariable of a man-of-war; the latter is not so invariable, at least, not so charmingly so. I often wonder why so large a majority of our English friends, while duly appreciating the *mannières Françaises* still fight shy of profiting by the Frenchman's example. "Oh! what may be all very well for a Gaul," Mr. Stiff-jointed Britisher, would not but prove of advantage if more generally adopted. A fortunate thing, we all take it, that the *Minerve* is to remain with us three weeks.

RATHER too warm for controversy are these days, and yet there appear two subjects at least which might be discussed with advantage. We are to have a new hospital, thanks to the magnificent liberality of Sir Donald A. Smith and Sir George Stephens. Now, when ordinary gifts from friend to friend are concerned, it is unfortunately not the custom to ask what would be preferred. The present given, the recipient must murmur too often unfelt gratitude, and the proverb prove sadly true—that all the blessing is on the donor's side. Insignificant as this may be with regard to trinkets, the case surely turns a different face when thousands come into play. The gift of one million dollars is no little *politesse*. A very ardent desire is here shown to do some substantial good, a good that shall give equal delight to all. Now, would it be ungrateful on the part of the recipients feeling this, if they pointed out what to them, the most competent judges, seems the best means to attain such an end?

The future site of the new hospital is on the slope of the Mountain just behind the reservoir. Of course every one who has visited Montreal knows, that pleasant as such a situation may be for a convalescent home, it is quite unsuitable for a building that supplies the daily, hourly needs of a population living at the other end of the city. I fear the chemists will be the only gainers, for with regard to medicines at least, the poor must certainly find it cheaper to buy these in town than waste an hour or so in climbing to Mount Royal for them.

SINCE we are on the subject of donations, perhaps you would like to learn that a generous anonymous soul has offered our innocent little Art Gallery ten thousand dollars if she opens her doors on the Sabbath Day to the weary and heavy-laden, so that once a week they may find rest for their souls, and beauty for their eyes, in the contemplation of her treas-