

impediment as a ground for annulling a marriage contract. So that the canonical law cannot be said to be an interference with the ordinary law, and if the statute were to embrace canonical impediments it would be still less, and interference for that cannot be said to be an interference which is invited to become a part of the ordinary law. Nor can it be said to be an interference when His Majesty's Judges refer the plea of such impediment to the Bishop of the Diocese; that is for his own aid and instruction in determining whether the plea is well founded and can be held to be a legal impediment. The judge is free to decide whether the impediment is sufficient to invalidate the civil contract. The whole matter is with the court and the judge is the agent administering the law of the land, not the law of the Church. The Bishop in issuing his decree does not touch the civil contract; he merely certifies to a fact. He deals only with the sacramental character of the marriage; with the civil contract the Church has no concern, nor does she claim any. Her refusal to recognize an unconsecrated union between members of her own communion is in the same spirit as that of any other Christian denomination which refuses to recognize any other sacrament properly celebrated unless according to the rites of such religious persuasion. The priest who celebrates the sacrament of Holy Matrimony does so primarily as the agent of the Church, and is the agent of the state in so far as the valid civil contract is concerned. By force of the law of the land. But, should the state require that for the valid contract of marriage the same should be entered into in the presence of a justice of the peace or other duly authorized official, the priest would still have his function as a churchman to perform. Catholic parties would go before him to render the homage due the laws of the Church. The law of the land is not of her making, and whether in harmony with her doctrines or not, will not and cannot affect her attitude towards this matter. The Church in its proper conception is a state within the state, having citizens all her own, apart from the state of this world, within the world but not of it, having conditions dependent upon a character apart from and independent of human institutions.

The principle of toleration should allow of the greatest freedom consistent with justice. No *Temere* decree in no way affects the liberty of the subject as a citizen of the state, and the attacks based upon it have been misdirected. If the law of the state is the same as the law of the church the people through their representatives are responsible for the law. The law is the enactment of a political institution. Under our system the Crown in Parliament enacts the laws of the state, and His Majesty's Judges are governed by law in making judgments.

Is there not much to be said in favor of the sacramental character of marriage? Do not most young people prefer the solemnity associated with the entering into so important a relation to the frivolity which sometimes characterizes the ceremony as performed in some of our Protestant churches, where the clergyman considers himself merely a civil officer to obtain the perquisites and the people who throng the pews go into the pews armed with slippers, old shoes, stockings, baby dolls, bags of rice and confetti to be amused and to heap indignity upon the blushing bride. Is it not a mortification to a delicate