

that the rights, obligations, or duties arising from it, are not left entirely to be regulated by the agreements of parties, but are, to a certain extent, matters of municipal regulation, over which the parties have no control by any declaration of their will ; it confers the *status* of legitimacy on children born in wedlock, with all the consequential rights, duties and privileges thence arising ; it gives rise to the relations of consanguinity and affinity ; in short, it pervades the whole system of civil society."

Un juge américain, du Kentucky, (Maguire et Maguire, 7 Dana. 181, 183,) Robertson, C. J., disait : " Marriage, though in one sense a contract, (because being both stipulatory and consensual, it cannot be valid without the spontaneous concurrence of two competent minds) is nevertheless *sui generis*, and unlike ordinary or commercial contracts, is *publici juris*, because it establishes fundamental and most important domestic relations. And therefore, as every well organised society is essentially interested in the existence and harmony and decorum of all its social relations, marriage, the most elementary and useful of them all, is regulated and controlled by the sovereign power of the State."

Dans la Cour Supérieure du Tennessee (Dickson vs Dickson), 1 Yerg. 110, 112, opinion by Catron, J.), le juge dit : " By the english canon and ecclesiastical law, this union of marriage is of a nature so widely differing from ordinary contracts ; creating disabilities, and conferring privileges, between husband and wife ; producing interests, attachments and feelings, partly from necessity, but mainly from a principal of our nature ; which together form the strongest ligament in human society, without which, perhaps, it could not exist in a civilized state ; it is a connexion of such a deep toned and solemn character, that society has even more interest in preserving it than the parties themselves—so it has been deemed in all societies, civilized, and not corrupt, in all ages."

Bishop (Commentaries on the law of marriage and divorce) dit : " There is nothing connected with the social welfare of the world, concerning which a greater harmony prevails in