

Lordships, however, evidently regarded the Act not as one incorporated by Provincial law, but having force by virtue of its very terms extending to all the Dominions of the Crown.

It is probably for this reason that the Act is not included in the 3rd volume of the Revised Statutes (1879) prepared under the direction of the Committee, and also because the Act deals with marriage and was therefore a matter within the exclusive control of the Dominion Parliament and therefore not an Act within Provincial jurisdiction which it was competent for the Province to revise or consolidate.

The Committee it may be mentioned was composed of the late Chancellor Boyd, and Chief Justice Falconbridge, and the late Ex-Chief Justice Taylor and the present Chief Justice of Ontario, and the view of these learned Judges as to the applicability of 32 Hen. 8th, ch. 38, to Ontario seems to apply with equal force to its applicability to all other Provinces of the Dominion.

It is possible that when the Quebec Code was enacted this latter fact escaped attention, and that Art. 127 was framed without due consideration of the effect of 32 Hen. 8th, ch. 38, and without any thought or intention of enacting anything contrary to its provisions. Certainly the provisions of that article seem somewhat obscurely framed. The important question it purports to deal with ought not in any Province to be left to be governed by the peculiar views of each religious denomination, but by some universal rule applicable to the whole Dominion, and that rule we believe is to be found in the Statute of 32 Hen. 8, ch. 38.

There have been other marriage cases before the Civil Courts in Quebec in which equally questionable decisions have been given, *e.g.*: There was not long ago the case of a marriage of Roman Catholics by an Anglican priest, which was annulled because the Judge conceived himself bound to give force and effect to the judgment of a Roman Catholic Bishop to the effect that the marriage was null and void because it had not been solemnized by a R.C. priest and in accordance with the rules laid down for the solemnization of marriage by the Council of Trent, whose decrees were never, according to *Pothier*, adopted or made part