decree of competent ecclesiastical authority ; that the plaintiff is well founded in demanding the annulment thereof as to its civil effects ; that for these reasons the said marriage is illegal and null and ought to be so declared.

Considering that the plaintiff has established the allegations of his declaration, as well by written as by verbal proof ;

Doth declare the said marriage contracted by the plaintiff and defendant null and invalid as to its civil effects, which said marriage has been previously annulled by the religious authority under the jurisdiction of which they are ; doth confirm to all legal effects, the said decree of the said ecclesiastical authority, pronouncing the nullity of said marriage as to its bond and doth give it full force and effect from a civil point of view without cost.

True copy, A. Moreau, Dep. P. C. S.,

(Sgd.) CHARLES LAURENDEAU, J. C. S.

The question of the soundness or unsoundness of this judgment is matter for judicial decision and not forensic debate for the mere sake of ecclesiastical pyrotechnics. According to the Civil Code, marriage must be solemnized openly, by a competent officer recognized by law. And "All priests, rectors, ministers and other officers authorized by law to keep registers of Acts of Civil Status, are competent to solemnize marriage." But none of the officers thus authorized can be compelled to solemnize a marriage to which any impediment exists according to the doctrine and belief of his religion and the discipline of the Church to which he belongs."

The courts of the provinces cannot dissolve a marriage they merely pronounce upon the validity of the contract, that is to say, whether or not a valid marriage has or has not been contracted. If not properly contracted the judgment is a declaration of annulment. If a marriage has taken place and the parties seek to dissolve the union, they have to appear before another tribunal.

The Legislatures of the respective Provinces of the Dominion provide by statute for the forms and conditions precedent to the valid entry into the marriage relation. It is in their power only, to say by whom, and in what manner parties may contract marriage; and by that same power they may fix such limitations upon the capacity of parties as may be by such Legislatures deemed expedient. And if the conditions prescribed by statute are not complied with, there may be no marriage.

In the Province of Quebec, the courts are not unanimous in their view that disregard of this provision to appear before a priest of one's own church is an impediment which may be properly embraced under the general terms of the section 127 of the Civil Code. Those judges who decline to recognize this as an impediment seem to go upon the theory that the impediment must be one existing between the parties when they present themselves for marriage before a person authorized to perform the ceremony under the law. While the judges who hold as in the case cited, take it that the parties create the impediment by wrongfully, contrary to the regulations of the religious persuasion, presenting themselves before one not authorized according to the canon law of their church. It might be said that they knew the validity could be called in question and so lightly regarded their relation as to indicate a want of serious intention by ignoring those conditions which should have had a sacred influence upon their action. The court asks of the parties setting up an impediment according to the canon law that something more than allegation be laid before it. The only functionary to say whether such impediments exist is the Bishop of the Diocese. Upon the facts and the canon law, the Bishop by decree declares there is no canonical marriage, and sets out in the decree what the canonical impediment may