

*THE HEBERT CASE.*

As our readers are doubtless aware, the cause celebre of *Hebert v. Hebert* came before Mr. Justice Charbonneau on appeal from Judge Laurendeau. The former holds that the *Ne temere* decree of the Roman Catholic Church has no civil effect whatever in relation to marriages, and has no control over the civil law of the province of Quebec; and that any person, authorised by the Code Civil to solemnize marriage between parties capable of entering into the bonds of matrimony, can legally and effectually perform the ceremony no matter what the religious faith of either of the parties may be. The formal judgment is as follows:—

“Basing itself on the motives above given in detail, the court annuls the judgment of March 23, 1911, declares the marriage of the said Eugene Hebert and Dame E. Cloutre, celebrated on July 14, 1908, before the Rev. Wm. Timberlake, upon production of a license, dated July 3, 1908, good and valid; declares that the decree proclaimed by the Congregation of the the Council of the Roman Catholic Church on August 2, 1907, beginning with these words, ‘*Ne Temere inirentuur*,’ has no civil effect on said marriage, that the decree of the Archbishop of the Diocese of Montreal, dated November 12, 1909, produced in this case by the plaintiff, has no judicial effect in said case, and rejects the opposition of the defendant opposant and of the tierce opposant *es qualite* as to the other conclusions therein taken, each party paying his own costs from the date of the two inscriptions of the defendant opposant, and of the tierce opposante *es qualite* respectively. Dated December 5, 1911.”

This conclusion meets generally with the approval of the profession as a legal proposition; while from the wider standpoint it commends itself to the intelligence and spirit of a free country; for, surely, it cannot be that any ecclesiastical body can at will bastardise children who are the fruit of a *de facto* marriage, solemnised between persons who innocently think themselves to have been made man and wife according to the law of the land. However, the whole question will soon be settled by the Supreme Court of Canada.