

NE TEMERE DECREE.

Ne Temere Decree.—Promulgated by the Church of Rome on August 2, 1907, this decree came into operation on April 19, 1908. It declared invalid in the eyes of that Church marriages between Roman Catholics and persons of other denominations, unless such marriages were performed by a priest of the Roman Catholic Church and under special dispensation. On January 21, 1912, Mr. Justice Charbonneau, at Montreal, ruled in favour of the legality of the marriage contract in the Hébert case, wherein, under the decree, a marriage affecting the legitimacy of offspring had been declared invalid by Archbishop Bruchesi on November 12, 1909. In the Dominion Parliamentary session of 1911-12 Mr. E. A. Lancaster introduced a private member's Bill to provide for the validity throughout Canada of all marriages duly performed, "notwithstanding any differences in the religious faith of the persons so married and without regard to the religion of the person performing the ceremony." Doubts having been raised as to the legal power of the Dominion Parliament under the British North America Act, 1867, to enact such a Bill, the Dominion Government referred the question to the Supreme Court of Canada under Section 60 of the Supreme Court Act, and accordingly a case was prepared in which three questions were put in the following form:

1. (a) Has the Parliament of Canada authority to enact, in whole or in part, Bill No. 3 of the first session of the Twelfth Parliament of Canada, intituled "An Act to amend the Marriage Act?"

(b) If the provisions of the said Bill are not all within the authority of the Parliament of Canada to enact, which, if any, of the provisions are within such authority?

2. Does the law of the province of Quebec render null and void, unless contracted before a Roman Catholic Priest, a marriage which would otherwise be legally binding which takes place in such province—

(a) between persons who are both Roman Catholics, or,

(b) between persons one of whom, only, is a Roman Catholic?

3. If either (a) or (b) of the last preceding question is answered in the affirmative, or if both of them are answered in the affirmative, has the Parliament of Canada authority to enact that all such marriages whether

(a) heretofore solemnized, or

(b) hereafter to be solemnized

shall be legal and binding?

The Supreme Court gave its decision on June 17, 1912, when to all three questions a majority of the five justices present returned a negative answer. The Government then appealed to the Judicial Committee of the Imperial Privy Council. Judgment was delivered by the Privy Council on July 29, 1912, and its effect was to uphold the decision of the majority of the Supreme Court of Canada. The decision of the final Court of Appeal is therefore that the exclusive power given to the Provincial Legislatures to make laws relating to the solemnization of marriage includes the power to enact conditions as to the solemnization of marriage which may affect the validity of the contract.

Tour of H. R. H. The Governor General.—During the summer months of 1912 H.R.H. the Governor General, accompanied by T.R.H. the Duchess of Connaught and Princess Patricia, visited the principal cities and towns of Canada from coast to coast. In