

## APPENDIX

Extract from Senate *Hansard* of October 31, 1962.

## MARRIAGE AND DIVORCE

Inquiry as to any requests or representations for amendment of British North America Act with reference to legislative jurisdiction re marriage and divorce.

Hon. JEAN-FRANÇOIS POULIOT inquired of the Government, pursuant to notice:

Referring (a) to the first seven words of section 129 of the B.N.A. Act, 1867, about the continuance of pre-Confederation existing Laws, Courts, Officers, etc., namely, "Except as otherwise provided by this Act",

—(b) to "the exclusive legislative authority of the Parliament of Canada" extending to *marriage and divorce* in virtue of subsection (26) of section 91 of the said act, with the exception of the exclusive powers of Provincial Legislatures to make laws "for the solemnization of marriage", in virtue of subsection (12) of section 92 of the said act, and

—(c) the interpretation of the said law by the Supreme Court of Canada and the Privy Council on appeal from the Supreme Court of Canada in the matter of a reference to the Supreme Court of Canada of certain questions concerning marriage, (1912 A.C., p. 880)—

1. Did the Government receive any formal request from any province or any specific representation from any one to the effect that the B.N.A. Act, 1867, should be amended by repealing subsection (26) of section 91 of the said act?

2. If so, from whom and when?

3. In view of the Statutes of Canada:

45 V., (1882), c. 42;

53 V., (1890), c. 36;

13-14 Geo. V., (1923) c. 19;

22-23 Geo. V., (1932) c. 10;

and the Revised Statutes of Canada:

c. 105 of 1906;

c. 127 of 1927: and

c. 176 of 1952, the latter being intituled "An Act respecting Marriage and Divorce",

did the Government of Canada receive any specific representation or any formal request from anyone to the effect that the Parliament of Canada, in virtue of the exclusive legislative authority conferred upon itself by subsection (26) of section 91 of the B.N.A. Act, should repeal article 1301 of the Civil Code of the Province of Quebec and the second paragraphs of articles 1265 and 1422 of the said Code, and amend articles 179 and 180 of the said Code concerning the rights of married women in the Province of Quebec?

4. If so, from whom and when?