

placed where it is among the powers of the Central Parliament, has not the extended signification which was sought to be given to it by the hon. member. * * * * The whole may be summed up as follows :—The Central Parliament may decide that any marriage contracted in Upper Canada, or in any other of the Confederated Provinces, in accordance with the laws of the country in which it was contracted, although that law might be different from ours, should be deemed valid in Lower Canada in case the parties should come to reside there, and *vice versa*."

At another sitting the same hon. Minister added further :

"This (the words last above cited) was merely a development of what I said. I stated before that the interpretation I had given of the word 'marriage' was that of the Government and of the Conference of Quebec, and that we wished the Constitution to be drafted in that sense. * * * * I maintain then that it was absolutely necessary to insert the word 'marriage' as it has been inserted, in the resolutions, and that it has no other meaning than the meaning I attributed to it in the name of the Government and of the Conference. Thus the hon. member for Verchères (Mr. Geoffrion) had no grounds for asserting that the Federal Legislature might change that part of the Civil Code which determines the age at which marriage can be contracted without the consent of parents."

At another sitting again, and in reply to a request for explanations put to the Government, the hon. Minister said :

"I made the other day, Mr. Speaker, the declaration just mentioned by the hon. member for Montmorency (Hon. Mr. Cauchon), which relates to the question of marriage. The interpretation given by me on that occasion is precisely that given to it at the Quebec Conference. As a matter of course the resolutions submitted to this hon. House embody only the principles on which the Bill or measure of Confederation is to be based ; but I can assure the hon. member that the explanations I gave the other evening, as to the question of marriage, are perfectly exact, and that the section of the Imperial Act in relation thereto will be worded in accordance with the explanation I gave."

It was on the faith of those assurances, Mr. Speaker, that the country, through the medium of the press and of Parliament, accepted the new Constitution. That Constitution is a synallagmatic compact between the Confederated Provinces, and we are bound to adhere scrupulously to its spirit in all the laws we make. Here then we have the authority of the Interprovincial Conference, in which the present Constitution originated, the authority of the Government that proposed it, and the authority of the Parliament that ratified it by a very large majority,

declaring that the spirit of that Constitution requires that the Dominion Parliament shall only take cognisance of questions relating to the nature of marriage, and that it shall leave to the Provincial Legislatures the duty of dealing with the conditions under which marriage is to be contracted. I know that, according to the view taken by my co-religionists, the majority of the representatives of the Province of Quebec, which is also my own view, dispensations by reason of relationship or affinity flow from the very nature of marriage. But we must remember, on the other hand, that the privilege of the Church as to exercising the right of granting dispensation in certain cases is secured by Article 127 of the Civil Code, which is as follows :

"The other impediments recognised according to the different religious persuasions, as resulting from the relationship or affinity, or from other causes, remain subject to the rules hitherto followed in the different Churches and religious communities. The right, likewise, of granting dispensations from such impediments appertains, as heretofore, to those who have hitherto enjoyed it."

In the other Provinces, Mr. Speaker, that precaution does not exist, for it is only in the Province of Quebec that the Canon Law forms part of the Civil Law. My hon. friend from Jacques Cartier says : "In the Province of Manitoba also." I rejoice at it. But this is a state of things which we cannot remedy without affecting the autonomy of the Provinces, an alternative which would help us but little towards the end in view in this matter ; for, so soon as public opinion in the other Provinces becomes favourable to our views, the chances of success would be as great with the Legislatures of the Provinces as with their representatives, and meantime we should avoid exposing our public law to the danger of being changed for the worse by a majority of legislators, still, for the most part, opposed to our principles in this matter. For those who, like myself, consider marriage to be a religious contract, there is, it seems to me, a tolerably sure means of knowing whether any proposed Act of legislation respects or violates the doctrine of the Church ; it is to ask ourselves : will this measure have the effect of legalising marriages which are not permitted by the Canon Law, or of declaring invalid, marriages which that law permits? Apply-