

enact that marriage shall or shall not be permitted between brothers and sisters-in-law; of course, I am always arguing from a legal point of view and in the eyes of the constitutional law of this country. I have already expressed the opinion that the "dispensation" clause of the Marriage Bill was constitutional, that it had reference, not to the celebration of marriage, but to a legal impediment which can be removed only by this Parliament. However, as I have already remarked, a contrary view was entertained and strongly expressed by the two learned jurists above named, and that view was shared by what we all consider the best authority on any constitutional question, the right hon. leader of the Government (Sir John A. Macdonald). Prominent members of this House, well-known for their devotion to the rights and interests of the Province of Quebec, both religious and civil, and among others the hon. the Minister of Public Works, and member for Three Rivers (Mr. Langevin), likewise raised the constitutionality of the "dispensation" proviso; and at their special instance and request, it was struck out in Committee of the Whole, and the Bill, as reported by that Committee, and, as it now stands, reads as follows:—

"1. Marriage between a man and a sister of his deceased wife, or the widow of his deceased brother shall be legal.

"2. All such marriages heretofore contracted, the parties whereto are living as husband and wife at the time of the passing of this Act, shall be held to have been lawfully contracted."

Now, what are the objections against the Bill? First, as far as the Province of Quebec is concerned, a single newspaper has written editorially against it. I refer to the *Journal des Trois Rivières*, a paper generally well-informed on ecclesiastical matters, but not, perhaps, so accurate on constitutional questions. In its issue of the 5th instant, it denounced the Bill, deprived as it is of its "dispensation" proviso, as simply "immoral." The Hon. T. J. J. Loranger, the pensioned but not retired Judge of Sorel, has also lately assailed the Marriage Bill, with all the learning, energy and great talent at his command, in several communications published in *La Minerve*. Finally, the high position of His Lordship Mgr. Lafleche, Bishop of Three Rivers, as one of the most dis-

tinguished dignitaries of the Catholic Church in Canada, and one of its ablest theologians, forces me to mention the fact that in a letter addressed to me, His Lordship formally withdraws his former adhesion to the Bill and protests against its passing, unless the "dispensation" clause be restored. Both His Lordship and ex-Judge Loranger fear that, under the Bill, Catholics will be allowed to marry their sisters-in-law without first obtaining the previous dispensation from the Pope. I would understand this objection if the Bill intended to do away with Church discipline and regulations. But there was no such intention, I am sure, on the part of the hon. members who demanded the striking out of the "dispensation" clause, and such is not and cannot be the effect of the Bill. In the first place, it is well-known that in the Province of Quebec, at least, Catholics must be married before their priest or curate, *leur propre curé*; this point is not susceptible of controversy, and it has been recognised by law writers and courts of justice. Of course the *Curé* will not proceed to celebrate the marriage without the required dispensation, and it must be borne in mind that in the Province of Quebec, at least, no priest or minister can be forced to celebrate a marriage against his conscience. Article 129 of the Civil Code, says:

"All priests, rectors, ministers and other officers authorised by law to keep registers of acts of civil status are competent to solemnise marriage.

"But none of the officers thus authorised can be compelled to solemnise a marriage to which any impediment exists according to the doctrines and belief of his religion, and the discipline of the Church to which he belongs."

But there is more. I respectfully submit that Article 125 of the Code being amended, as it will be, by this Bill, the "dispensation" power will be sufficiently recognised by Article 127; but even if it is not, it will indeed be easy to define it more expressly by an Act of the Quebec Legislature. Article 125 says:

"In the collateral line marriage is prohibited between brother and sister, legitimate or natural; and between those connected in the same degree by alliance, whether they are legitimate or natural."

After the passing of the Bill, it will read as follows:—