was done or not, especially according to the interpretation given later by the Privy Council. The quotation continues:

> So that word "marriage", 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 honourable member.

I shall not read all of the discussion but only what those Fathers of Confederation have said about marriage:

> With the view of being more explicit, I now propose to read how the word marriage is proposed to be understood:—

I ask you, honourable senators, to go back to what Sir Etienne Pascal Taché has said and compare it with what was said by Sir Hector Langevin, who continued as follows:

> "The word marriage has been placed in the draft of the proposed Constitution to invest the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy, without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong."

It was the second time that there was a mention, by the Fathers of Confederation, of religion with regard to marriage.

At page 781, the honourable Solicitor General Langevin said:

> The honourable member did not quote the whole of that portion of my speech which relates to marriage; he simply quoted the first part, but he ought to have given the second, which is as follows:—
>
> "The fact is that the whole matter amounts to this—the Central Government may decide that any marriage contracted in Upper Canada or in any 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*."
>
> This 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. The honourable member for Vercheres—

That is, Mr. Geoffrion:

> —quoted that part of the draft of the civil code which states that one of the articles provides that a marriage contracted in any country whatever, according to the laws of the country in which it shall have been contracted, shall be valid, and he argues from that, that since it was declared by the civil code, there was no necessity for inserting it in the resolutions. But the honourable member must be aware that that part of the code may be repealed at any time, and that if this occurred, parties married under the circumstances referred to would no longer enjoy the protection they now have and which we desire to secure for them under the Constitution. 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.

In all my legal research I have never found anywhere such an argument that the federal Parliament would have to pass some legislation because it was concerned that the provincial legislatures would repeal the legislation which they had enacted. In fact, all legislation can be repealed. The constitution can be repealed by the Imperial Parliament at the present time, and all the laws of Parliament can be repealed by Parliament, and all the laws of the legislatures can be repealed by the legislatures. But when they are passed, they are passed seriously and in order to be kept on the statute books. That argument was most extraordinary, because Book I, Title V of the 1862 Report of the Civil Code Commission contains article 19, which in 1865 had not yet become law, but had been tabled and sent to the government of the day three years before one of the Fathers of Confederation made that statement. It has remained in the Civil Code of Quebec of Lower Canada, where it has been since 1866. This is the article referred to, Article 135:

> A marriage solemnized out of Lower Canada between two persons, either or both of whom are subject to its laws, is valid, if solemnized according to the formalities of the place where it is performed, provided that the parties did not go there with the intention of evading the law.

As that privilege existed at the time in the draft of the Civil Code—and as it exists now in the Civil Code itself—there was no reason at all that justified the Fathers of Confederation to put marriage as well as divorce under