

and the not less undoubted power of dispensing with them. I protest against such a declaration, and I emphatically deny that this Parliament has a right to legislate as to the validity of marriage. Marriage is a sacrament; the State has nothing to say as to the administration of the sacrament, and, by consequence, as to the validity of marriage. That is an ecclesiastical contract over which religious society alone has a power, which cannot be vested in the State. Further, the doctrine announced by the hon. member for Jacques Cartier, so far as we Catholics are concerned, has been solemnly condemned by Pius IX in the 68th Article of the Syllabus, which I read a few minutes ago. I think, however, that the hon. member has confounded absolute with prohibitive impediments. It is important that the difference should be understood, and that distinction should be made in a case where there should be no confusion. By an impediment to marriage must be understood every obstacle to marriage. When that obstacle cannot be overcome without rendering the marriage void, the impediment is said to be absolute. If an individual, regardless of the law, by a misdemeanour, contracts a valid marriage, the impediment is said to be a prohibitive one. As may clearly be seen, the absolute impediment is an insurmountable obstacle to marriage, as it renders the parties unable to contract. It is an obstacle to the administration of the sacrament, for marriage is a sacrament. The State, therefore, has nothing whatever to do with it, and to the Church alone belongs the power of establishing such impediments; the Church alone has the power of dispensing with them; and, whereas amongst us Catholics no one can question the testimony of our infallible Pontiff, I shall now cite an extract from the letter of Pius IX to the King of Sardinia, under date of 19th September, 1852:

"A civil law, which, supposing the sacrament to be divisible from the contract of marriage for Catholics, pretends to regulate the validity thereof, contradicts the doctrine of the Church, usurps her inalienable rights, and in practice puts in the same rank concubinage and the sacrament of marriage, or sanctions the one and the other as equally legitimate. Let Caesar, keeping what is Caesar's, leave to the Church what belongs to the Church. Let the civil power deal with the effects resulting from marriage, but let it leave the Church to

regulate the validity of marriage itself between Christians. Let the civil law take for its starting point the validity or invalidity of marriage as determined by the Church; and starting from that fact which it cannot constitute, the same being without its sphere, let it regulate the civil effects."

The Church, therefore, claims for herself alone the right of regulating the validity of marriage, the power of legislating on absolute impediments. The proposition of the hon. member for Jacques Cartier is therefore untenable. No, Mr. Speaker, we have not the right to establish absolute impediments to marriage; what we can do, as a Parliament, as a civil authority is, "taking for our starting point the validity or invalidity of marriage, to regulate solely its civil effects." Parliaments have that power only. "The matrimonial contract," says Mazzarelli, "is governed by the laws of the Church, because it is a spiritual contract *in ordine sacramentum*." Let the civil power, therefore, preserve its authority; no person desires to usurp it. Let it declare null and void any contract made without the formalities it prescribes. Will that contract be void? Yes; who denies it? It will have no validity—but, be it well understood, it will have no validity before the civil power. And what is meant by saying it will have no validity before the civil power? It means that it will give the contracting parties, in civil society, no legitimate action, for this is the sole and only result of the annulling of a civil contract. But, if the Church determines that the same contract is valid *in foro conscientie, in ordine ad sacramentum*, it will be valid matter of the sacrament, and the marriage will be indissoluble in the eyes of the Church. And why? Because it is not the civil contract, but then a natural, divine, spiritual, ecclesiastical contract, which is the matter of the sacrament of marriage; and it is the laws of the Church that govern spiritual contracts and offices. These principles being clearly established, let us proceed to enquire as to the nature of the measure now before us. What is the purport of the Bill of the hon. member for Jacques Cartier? It is as follows:—

"1. Marriage between a man and the sister of his deceased wife, or the widow of his deceased brother, shall be legal and valid; Provided always, that, if, in any Church or religious body whose ministers are authorised to celebrate marriages, any previous dispensa-