and objectively for the benefit of the province of Quebec, in the hope that sooner or later our efforts would be of some use.

Finally, it is because we are firmly convinced that law, as any other science, has a relative degree of truth that one cannot overlook, that we take the liberty of calling to your attention the enclosed letter which Chief Justice Rinfret wrote to Dr. Duplessis, on December 23, 1958, and the decision handed down by the Privy Council, in 1912, and which defines the respective jurisdictions of the federal Parliament and of the provincial legislatures on the question of marriage, both jurisdictions being exclusive. Quebec City, August 13, 1962.

(Signed) Jean-François Pouliot, Q.C.

(Signed) Emile Delâge, N.P."

I was alarmed seeing that many articles of the Civil Code had been amended by the provincial legislature of Quebec; and the B.N.A. Act did not change anything to the Civil Code itself, except that it enacted new provisions for the future amendment of the Code from what it was in 1866. Then after reading the B.N.A. Act attentively, and also the judgment of the Privy Council confirming that of the Supreme Court, I discussed the whole matter with the late Chief Justice Rinfret and with Mr. Emile Delâge, my colleague, a former president of the Chamber of Notaries, and many members of the bench and bar of my province, and even of the province of Ontario; and they realized that the amendments on the articles dealing with marriage were questionable.

I asked the same question many times in the Senate. The answers from my colleague Senator Choquette, who was Acting Leader of the Government under the last Government, and this year from Senator Ross Macdonald, who is the Leader of the Government, were the same.

Senator MONETTE: What was the answer?

Senator POULIOT: If you do not mind, Senator Monette, I will mention the question in the first place and then the answer. I have a memorandum here to explain the question. I realize that it is a difficult question and I imagine—it is pure supposition—that the confusion existed after Confederation on account perhaps of the double mandate. There were many lawmakers who were sitting both in the Parliament of Canada, in the Senate, and in the Legislature. They were the same men, at first, who had to pass legislation and they did not seem to pay much attention to the exclusivity of the power to pass legislation.

The question referred to the first seven words of section 129 of the British North America Act of 1867 about the continuance of pre-Confederation existing Laws, Courts, Officers, and so on, namely, "Except as otherwise provided by this Act".

Section 129 is another section of the British North America Act which has not been drafted clearly but its meaning is evident. It reads thus:

> 129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made;

Mr. Chairman, that is elementary, because there should not have been a lapse in the laws until new laws were enacted in virtue of the British North America Act. We needed legislation in force in the country, and this article