

body composed as this is, of Protestants and Catholics, to deal satisfactorily with question of marriage. The principles upon which Protestant opinions rest with regard to this question, differ in many respects very widely indeed from the principles by which Catholics are governed. That very dispensing power which some hon. gentlemen seem to regard with so much disfavour is the great protection which Catholics have in matters of this kind. The social feelings are offended by such marriages as those of a man with his deceased wife's sister, or a woman with the brother of a deceased husband. It cannot be denied that the feeling is strong that such marriages should be discountenanced as much as possible, that possibly great social evils would arise, were the impression to go abroad that such marriages were not merely tolerated, but were, under all circumstances, unobjectionable. The Catholic Church regards them as highly objectionable, and forbids them, but not absolutely, reserving to its highest authority, and to that alone—I believe, in most instances, to the Pope himself—the power to issue a dispensation in such cases, and such a dispensation is issued only where circumstances seem absolutely to require it. As a matter of fact, I suppose it is known to all hon. members in this House that, though such a dispensing power does exist, it has been but rarely exercised in this country, and it is not very frequently exercised in any other country. Now, Protestants of the various Churches having no such balancing power, so to speak, as this, are compelled to find in the Statute Law of the country that protection against social disorders which they apprehend from the frequency of such marriages. It therefore becomes an exceedingly difficult question, one of the most difficult it is possible to deal with. The hon. member for Argenteuil (Mr. Abbott) seemed to think that no such dispensing power does exist in the Catholic Church, and that Catholics do not regard the Church as having any such power, or think that it should not be exercised. In that he is mistaken. The power exists and has existed from the first, but it is exercised only under highly exceptional circumstances. My impressions are that the hon. member for West Durham (Mr.

Blake) is mistaken in his views of the law relating to marriage, when he argues that it is for the Local Legislatures to say whether this proviso with regard to dispensation should or should not become the law of the land; he misunderstands, I think, what is meant by dispensation in the cases to which he referred. He quoted to us the opinion of a former Minister of Justice, and the opinion of the Law Officers of the Crown with regard to the rights of the Dominion Parliament and Local Legislatures in this matter. To summarise that opinion, as I understood him, it amounts to this: that we have here, and that we alone, according to the British North America Act, have the right to declare what persons may be married one to the other; but in all that relates to the mode and manner of the solemnisation of marriage, and the conditions under which it shall be solemnised, the Local Legislatures alone have the power to legislate. Well, Sir, taking that to be perfectly correct, as I believe it is, we find that, in speaking of dispensation, the hon. gentleman does not seem quite to understand it. There the license issued by a Bishop in the Catholic Church, by the proctors or agents of Bishops of the Church of England in the Old Country, and by the officers appointed under the power of the Local Legislatures in this country, is spoken of and regarded as a dispensation, but it is a dispensation which relieves the parties from one of the requirements of the law, with regard to the solemnisation of marriage, that of the publication of banns, and, therefore, such dispensation can only be granted and regulated by the Local Legislatures. It is a dispensation with regard to the mode and manner of solemnisation. On the other hand, the dispensation mentioned in this Bill is a dispensation which affects the position of the individuals one towards the other. We claim the right of saying what persons shall be married one to another, such a dispensation as that which permits the brother of a deceased husband to be married to the widow, etc. we only can authorise or grant according to law. There is a wide distinction between these two forms of dispensation, which, I think, the hon. member for West Durham has not perceived. I was rather surprised that, being always so clear and perspicuous, he