

purpose of the corporation is to provide educational facilities, and to establish and maintain orphanages, and so on. Section 4 gives it power to establish schools, and section 5 gives it power to purchase land. Section 6 gives it the right to sell property. These are the usual sections. Section 12 gives it the right to borrow money, and section 12 (2) sets out that it cannot engage in the business of banking or insurance, but I cannot imagine the Christian Brothers engaging in either of those lines.

In dealing with section 14, I must ask your forbearance because I have not the Companies Act here. Perhaps some other senator who is also a lawyer might be able to explain this section, should a question be asked.

It is a very simple bill. Its purpose, as I have said, is to make the Order in Canada separate from the Order in the United States. That is the real purpose, and in fact it is the only purpose. The result will be that instead of having a North American Provincialate, there will now be a Canadian Provincialate and a United States Provincialate, each separate and distinct. I do not know what rights the laws of the land in the United States give the Order, but here it wants to carry on the work of an ordinary religious body, to hold property, and to be allowed to build schools and carry out its other objectives.

**Hon. Mr. Burchill:** I am a humble layman, and I see in clause 7 of the bill a reference to "a licence in mortmain". What does that mean?

**Hon. Mr. Higgins:** In the olden days a person was not allowed to give property to a corporation, because if he did it would be given to a "dead hand". That exists up to modern times. Land cannot be conveyed to corporations except by statutory authority. I think that is correct.

**Hon. Mr. Roebuck:** That is provincial law, in any event.

Motion agreed to and bill read second time.

#### REFERRED TO COMMITTEE

On motion of Hon. Mr. Higgins, bill referred to the Standing Committee on Miscellaneous Private Bills.

### DIVORCE

#### REPORTS OF COMMITTEE ADOPTED

The Senate resumed from Thursday, October 18, 1962, consideration of the reports of the Standing Committee on Divorce, Nos. 2 to 306.

**Hon. Jean-François Pouliot:** Honourable senators, I am going to remind you of a few

things and a few facts of which you are well aware. I understand that the number of reports in this Order is considerable, and I want to make myself clear about the purpose that I have in rising to address you.

Some of our most distinguished colleagues are members of the Standing Committee on Divorce, and I have repeated time and time again that their work is praiseworthy, that I regret very much that they have to suffer that burden, if I may use that expression, and I hope the day will come soon when they will be relieved of that part of their work in order that they can give to the Senate the full measure of their talent.

At the outset I wish to thank all my honourable colleagues who had no objection to allowing this Order to stand, and I thank also my honourable colleague from Queens (Hon. Mr. MacDonald) for having seconded my motion for adjournment a few days ago.

If we want to know why the word "divorce" is in the part of the constitution that enumerates the exclusive powers that belong to the Parliament of Canada, we must go back to the time when it was first put in our legislation, and we must also go back to the Charlottetown Conference when the Fathers of Confederation met together, shook hands, and decided nothing but to meet again in Quebec City.

That happened in the fall of 1864. A few weeks later, in October, they met in Quebec City, and they passed what are called the Quebec Resolutions. All we have today is the text of those resolutions which appeared in the last pages of the Confederation Debates of 1865. One well-known historian, Sir Thomas Chapais, who was a member of the Senate for many years and who was the son of one of the Fathers of Confederation and the son-in-law of another, wrote that it was very unfortunate there was no record of the deliberations that took place at the Quebec Conference. He wrote that in his history of Canada, which is quoted again in a book on the Chapais family, written by one of his nieces. Therefore, all we have about the Quebec Conference are the resolutions which we find in the Confederation Debates.

In the Confederation Debates the Parliament of Canada is called the General Parliament, and the words "Local Government and Legislature of each Province" are used for the provincial legislatures. It is the first official draft of Confederation that exists; it mentions in the first place the powers of the General Parliament in Resolution 29:

The General Parliament shall have power to make Laws for the peace, welfare and good government of the Federated Provinces (saving the Sovereignty