Among the regulations laid down for the future celebration of marriages, the same Statute provides that the said marriage shall be solemnised "according to the form prescribed by the Church of England." The Catholics never complained of this legislation; it is only in accordance with the principle they invoke. In another Statute, concerning marriages of members of the Church of Scotland, Lutherans or Calvinists, it is stated that said marriages shall be "according to the rites of such Church or religious community." The Marriage Act of Upper Canada, passed in 1857, 20 Vic., cap. 66, declares that marriage shall be solemnised "according to the rites and usages of such Churches or denominations respectively." The some Statute declares valid all past marriages of Quakers solemnised "according to the rites and usages" of their society. With those numerous precedents before us, it seems to me that the proviso as to dispensation should no longer be open to objection. It simply declares that, as far as Catholics are concerned, marriage between brothers and sisters-in-law shall be celebrated according to the rules and usages of their Church; and, as these marriages may be objectionable to some ministers of the Church of England, it declares what will be found in some other Colonial Statutes, and among others Australia, namely, that it shall not be compulsory for any officiating minister to celebrate such marriages. This proviso, also referring only to the impediment of affinity, or the capacity of contracting, is, I believe, constitutional. But, however, if desired, it could be removed. Now, one word as the retrospective clause of the Bill. We find in England the first instance of such retroactive legislation in Lord Lyndhurst's Act of 1835, and every Bill introduced since that time into the Commons or the Lords contains the same clause. The Statutes passed by most of the British Colonies on the subject matter of this Bill have also a retroactive effect. I will also refer to the following Statutes, of both Upper and Lower Canada, which were found necessary to legalise irregular, voidable, and in fact void marriages:—Statutes of Lower Canada—44 Geo. III cap. 2, 1 Geo. IV cap. 19, 5 Geo. IV cap. 21, 7 Geo. IV cap. 2, 2 Wm. IV cap. 51; Statutes of Upper Canada—33 Geo. III cap. 5, 11 Geo. IV cap. 36; Statutes of Canada—18 Vic. cap. 245, 20 Vic. cap. 66. I have heard it mentioned that this Bill does not interest Ontario much. I believe that it not only effects Quebec, Manitoba, and British Columbia, but Nova Scotia, New Brunswick, Prince Edward Island, and even Upper Canada. We find that the ecclesiastical jurisdiction of England, which seems to be wanted in Ontario, exists in all those Provinces. In the Province of New Brunswick, a Court of Divorce and Matrimonial Causes has been constituted; in Nova Scotia the same jurisdiction has been vested in her Equity Courts. There is also a Statute in Prince Edward Island which gives similar powers to the Governor and the members of the Privy Council. We may also easily suppose the the case of two Upper Canadians moving to Great Britain or any of these Provinces, where they may acquire a new domicile and become amenable to the jurisdiction of their Courts, and therefore see their marriage attacked and set aside. It was intimated that it was my intention to refer this Bill to a Special Committee. I may state that I have changed my mind. I believe now that a measure of this public importance should be considered in a Committee of the Whole. As I have said, I am not pledged to any special wording of the Bill. The essential point is to legalise marriages with a deceased wife's sister or the widow of a deceased brother. It would be open to every member to introduce improvements or strike out provisions, and I would certainly submit to the decision of the Committee. In the meantime, I hope this House will authorise the second reading of the Bill, and reject the six months' "hoist."

MR. HOUDE: I believe my hon. friend did not understand me when I said we could not oblige ministers of any Church to celebrate a marriage. I meant that we could not do so as members of the Federal Parliament. My hon. friend admits that solemnisation of marriage is entirely within the jurisdiction of the Local Legislatures, and at the same time he contends that we can oblige ministers of Churches to celebrate marriage; that is to say, that the very solemnisation of marriage ought to be interfered with by the Federal Parliament. The two propositions seem to be contradictory.