

validate or qualify any such marriage or any of the rights of the said persons or their children in any manner whatsoever.'"

Per IDINGTON, J.:—The retrospective part would be good as part of a scheme for concurrent legislation by Parliament and legislatures confirming past marriages which, probably, neither effectively can do. The prospective part, so far as possible to make it an effective prohibition of religious tests, may be good, but doubtful, and the probable purpose can be reached by a better bill.

Per DAVIES, IDINGTON, and DUFF, JJ.:—The law of the Province of Quebec does not render null and void, unless contracted before a Roman Catholic priest, a marriage, in such province between Roman Catholics that would otherwise be binding. ANGLIN, J., contra. FITZPATRICK, C.J., expressing no opinion.

2. The law of Quebec does not render void, unless contracted before a Roman Catholic priest, a marriage otherwise valid where one party only is a Roman Catholic.

3. The Parliament of Canada has no authority to enact that a marriage between Roman Catholics, or a mixed marriage, not contracted before a Roman Catholic priest and whether heretofore or hereafter solemnized shall be valid and binding.

Per IDINGTON, J.:—Parliament has power to declare valid such a marriage heretofore solemnized to be concurred in by the legislature of the province concerned, and the like power as to a marriage hereafter to be solemnized if and when the province fails to provide adequate means of solemnization.

Nesbitt, K.C., and Lafleur, K.C., supported the bill. Mignault, K.C., and Hellmuth, K.C., opposed the bill. Bayley, K.C., for Attorney-General for Ontario. R. C. Smith, K.C., and Aimé Geoffrion, K.C., for Attorney-General for Quebec. Newcombe, K.C., for Attorney-General for Canada.

NOTE:—This reference was appealed to the Judicial Committee of the Privy Council. The result of the deliberations of that Board are given on p. 446, ante.