

will, perhaps, remark that there is not much difference between the two expressions; but persons whose opinion deserves deference, even eminent jurists, pretend that, so far the Province of Quebec is concerned, especially, there exists a difference worthy of notice. My object is to leave no doubt as to the possibility of applying the 127th clause of the Civil Code of the Province of Quebec to marriage between a man and the sister of his deceased wife or the widow of his deceased brother, as it applies, for instance, to marriage between a man and his cousin. By the amendment I am going to move, if it were adopted, the 125th clause would read as if marriage between a man and the sister of his deceased wife, or the widow of his deceased brother, had never existed any more than between a man and his cousin; whilst this Bill says that such marriage shall be legal. Therefore, I move in amendment to the amendment, seconded by Mr. Hurteau, that all the words "that" in the main motion be struck out and replaced by the following:

"The report of the Committee be not now concurred in, but that the Bill be referred again to the Committee of the Whole, with instruction to replace the first and the second clauses by the following:

1. All laws prohibiting marriage between a man and the sister of his deceased wife or the widow of his deceased brother, are hereby repealed.

2. This Act shall also apply, as if laws hereby repealed had never existed, to marriages hereafter contracted, the parties whereto are living as husband and wife at the time of the passing of this Act.

MR. MACKENZIE: What laws will be repealed? There are no such laws.

MR. HOUDE: In the Provinces other than that of Quebec, there is the Common Law of England.

MR. MACKENZIE: We have no power to deal with the Laws of England.

MR. HOUDE: I say the common law of England, which has become law in the Provinces of this Dominion, except that of Quebec. In the Province of Quebec there exists a statutory law positively prohibiting such marriages. In the other Provinces they are only voidable, but in ours they are absolutely void. It is these laws I propose to repeal. Where there is no such law, well, nothing will have to be repealed.

MR. CASEY: I do not intend to go into the question of the sentiments of His Lordship of Three Rivers, but I wish to call attention to the form of this resolution. I am in doubt whether the House can possibly entertain this motion. It is one in words to repeal the laws which make such marriages as these illegal. There are no laws in Canada which make them illegal, and I do not think we can undertake to repeal any laws except the laws of Canada. We cannot repeal any ecclesiastical law which makes these marriages illegal, neither can we repeal the Common Law of England in respect to such marriages.

SIR SAMUEL L. TILLEY: I wish to say a few words on this question before a vote is taken, so that if I am called to vote upon it next Session I may not be considered inconsistent. This is a very important question, but I do not think the country will suffer by its being delayed twelve months, in order that it may be more carefully considered than at present. If this Bill is not carried, and comes up next Session, I will feel bound to sustain the principles of the Bill.

Motion made:

That the Bill, as amended in Committee of the Whole, be now taken into consideration.—(Mr. Girouard, Jacques Cartier.)

Motion in amendment made:

That the said Bill, as amended in Committee of the Whole, be not now considered, but that it be considered this day six months.—(Mr. Jones.)

Motion in amendment to the proposed amendment made and question proposed:

That all the words after "that" in the said motion be expunged, and the following inserted instead thereof:—"The Report be not now concurred in, but that the said Bill be re-committed to a Committee of the Whole with an instruction that they have power to insert, instead of Clauses 1 and 2, the following:

"1. All laws prohibiting marriage between a man and the sister of his deceased wife, or the widow of his deceased brother, are hereby repealed. 2. This Act shall also apply, as if the laws hereby repealed had not existed, to such marriages heretofore contracted, the parties whereto are living as husband and wife at the time of the passing of this Act."

The House divided. Yeas, 10; nays, 130.

YEAS:

Messieurs

Anglin
Bourbeau

Hurteau
Langevin