

the powers of the Local Legislatures to attempt to make any provision connected with the solemnisation of the marriage, whether it be preliminary to or whether it accompanies the act. Now there is one of these provisos that is clearly wrong, that which provides that it shall not be compulsory on any officiating minister to celebrate such a marriage. If the Local Legislature alone is to determine who is to celebrate marriage, it may determine that marriage may be celebrated civilly; it may not give power to any minister of any church to celebrate any marriage; it may determine that marriages should be celebrated by one class of ministers alone; it may declare that all marriages may be celebrated, no matter what the religion of the contracting parties be, by any lawful minister of any Christian denomination; it may decide that it shall not be compulsory on any minister of any faith to celebrate any marriage; it may make it obligatory on all authorised persons to celebrate all marriages. It may make all sorts of provisions. It is able to meet the difficulty raised by the hon. member for Jacques Cartier, as to the objections of a minister to celebrate marriage between these classes. I believe, as he has said, that such objections are largely shared by my spiritual pastors and masters. Now the Local Legislature may, if it deems fit, respect this scruple by such a clause as I am discussing. But we have no such right, and it would be eminently imprudent for us, in my opinion, to attempt to interfere with the solemnisation of marriage. If I have established that it belongs to the Local Legislature to say who shall solemnise marriage, I have established also that it belongs to the Local Legislature to say whether that shall be a duty or a power, imperative or obligatory, compulsory or optional. Therefore I think we have no power to pass this proviso, which declares that, if, in any Church or religious body, whose minister is authorised to celebrate marriages, any dispensation be required, for such a marriage, the dispensation shall be first obtained. I concur cordially in the view of the hon. member for Argenteuil (Mr. Abbott) For my part I believe nothing is of greater consequence with respect to this contract, which is the foundation of law, of society, and of the whole social fabric—nothing is

of greater consequence, than certainty. I am wholly indisposed to any provision of law which may make of doubtful validity a marriage which the Parliament of Canada has declared may be lawfully contracted. But we are not called upon, in my opinion, to do so, and I think this subject is improperly intruded upon our notice; because, I say again, we should be trenching, in passing this provision on Local powers; though I agree that the simple right to declare whether the marriage shall be good may embrace a power in us to declare that it should be good between some and bad between others of the same class. But how inexpedient is this. What a degree of uncertainty we would be introducing into the law? To require in the case of every marriage a decision what is the religion of the parties; whether or not the law or custom of the Church requires a dispensation; and, if so, whether the dispensation has been properly obtained, and to require proof of all these things in order to make the marriages valid. I agree also with the view that this clause is obscure. I cannot clearly construe it. We know the questions that have arisen under the Quebec Code; we know the hon. gentleman's opinion of the meaning of the Code; we know that the view entertained by many in the Province of Quebec is that, where the parties are of one faith, it is lawful only for a minister of the Church to which those parties belong to celebrate their marriage. Nay, more, that this is lawful only for the *curé* of one or other of the parties where both are Roman Catholics. In the case of mixed marriages, from the necessity of the case, a more liberal interpretation has been given, and it is admitted that the marriage may be celebrated by a minister of the Church to which either of the parties belongs, but it is contended that the marriage, for example, of two Roman Catholics by a minister of the Presbyterian, or of the Anglican Church, is, according to the law of Lower Canada, invalid. Then with reference to this particular Bill, as affecting the Roman Catholics, we know that the Code, has placed upon them in this particular a disability to which the hon. gentleman very much objects. There is no doubt, I think, at all, that, under the Code, those prohibitions, which are subject to dispensations, do not include this particular pro-