

The above mentioned enactments of the Parliament of Canada are legal and valid and they have been incorporated in the successive Revised Statutes of Canada of 1906, 1927 and 1952, chapter 176.

It is a matter of equal marriage rights for widowers and widows, brothers-in-law and sisters-in-law, uncles and nieces, nephews and aunts.

PROVINCIAL AMENDMENTS ON MARRIAGE, SEPARATION AND MARRIAGE COVENANTS:

Of the 71 articles of the title, On Marriage, the Quebec legislature has repealed 3 and amended 8. Only one of those amendments is valid because it refers to the solemnization of marriage, which is of provincial jurisdiction.

Of the 32 articles of the title, On Separation from Bed and Board, 4 have been repealed and 6 have been amended by the legislature. All those amendments are null and void because none of them pertains to the solemnization of marriage.

Of 215 articles which pertain to marriage covenants (Book II—Title IV of the Civil Code), the Quebec legislature has added 18 articles, repealed 21, changed 10 and amended 14.

Former Chief Justice Thibaudeau Rinfret jointly with the special officers for the revision of the Civil Code of the Province of Quebec have reported to the Quebec government that all those additions, repeals, changes and amendments are invalid.

CONCLUSION:

The only manner to remedy such legal shambles would be for the attorneys general of the various provinces to pray the Government of Canada to petition the British Parliament to validate the past illegal provincial amendments to the marriage laws,—if there could be any constitutional legality in such retroactivity—and, for the future, to transfer to the provincial legislatures the exclusive federal jurisdiction on marriage and divorce.

In the meantime, what prevents the champions of married women's rights to petition the Parliament of Canada to amend the marriage law legally and to their own satisfaction, as was done so successfully for the in-laws?

It could easily be done at the next session of Parliament which is due to open in May.

Honourable senators, the foregoing was written at Ottawa on February 14, 1963.

There is the whole matter before you. Since no one has a remedy for explaining a married woman's rights and nothing has been done, I believe this bill is a step in the right direction toward opening the door to the improvement of the married woman's position in law.

Thank you very much for your kindness and patience in listening to me. I have spoken to you with an open heart, and I wanted to tell you exactly what I had in mind considering this matter, which is important.

Senator DUPUIS: If I am not mistaken, according to the B.N.A. Act this is a matter for the sole jurisdiction of the province. As I understand it Madame Kirkland-Casgrain, by reason of a study of the law on this question in Quebec has brought the matter before the legislature, and the effect of that would be