

sister of his deceased wife, or the widow of his deceased brother, shall be legal," and then the words "and valid," with the two provisos will be struck out, the first proviso reading as follows:—

"Provided always, that if in any Church or religious body whose ministers are authorised to celebrate marriages, any previous dispensation, by reason of such affinity between the parties, be required to give validity to such marriage, the said dispensation shall be first obtained according to the rules and customs of the said Church or religious body."

And I must say that, if we were to adopt this clause, we would, in my opinion, exceed our jurisdiction and infringe upon the rights and privileges of the Local Legislatures according to the Confederation Act. The provision relative to the dispensation mentioned in the tenth line is strictly within the province of the Local Legislatures. Such is the meaning of the Confederation Act, not stated in so many words, but understood by the promoters of that measure at the time it was drawn up. I may remark that I had the honour at the time of giving the views of the Government on that subject, when my right hon. friend who now leads the Government was at the head of the then Government. The views then expressed met with the approbation of the House at the time. The proviso in question in the present Bill is, therefore, strictly within the province of the Local Legislatures, and this power ought not to be assumed by this Parliament. When I first looked at this Bill, and considered the reason given by the hon. member for Bothwell the other night for striking out all the words after the word "legal," I thought I could not really vote for the Bill; and for this reason, that, as a Roman Catholic, I cannot admit that the Parliament of Canada has the right to legislate on the subject of marriage, pure and simple, which would be an interference with the rights and privileges of my Church, which holds marriage to be a sacrament. On the other hand, the Confederation Act having reserved to the Local Legislatures the right to legislate on the celebration of marriage, and those Legislatures having asserted the right to determine those points, I think we would be only acting within our province by adopting the amendment of the hon.

member for Bothwell. I would have preferred to put in this Bill a proviso that any marriage contracted according to the rules and prescriptions of the Church or the Churches to which the parties belong, between brothers-in-law and sisters-in-law, would be legal; but considering the difficulties that such legislation would lead us into, and the difficulty there would be in determining the functions of the Legislatures and the Parliament on this point, I am ready for my part to vote in favour of the amendment proposed by the hon. member for Bothwell. I cannot help thinking that the hon. gentleman who has just spoken is mistaken, if he says that the matter of dispensations is within the power of the Local Legislature. The Local Legislature has, by the Confederation Act, power to legislate about the solemnisation of marriage, and the mode of celebration necessary to render the marriage legal and binding; but nothing to do with regulating as to the parties who shall marry. That, it is admitted, belongs to this Parliament in the legal sense of the Confederation Act.

MR. ANGLIN: Catholics believe that only the Catholic Church can make any laws affecting the validity of marriage—the *vinculum matrimonii*. In considering the clauses of a Bill of this kind, the views of all parties must be taken into account. If we could pass a Bill merely declaring that marriages celebrated according to the rules and regulations of any Church should be legal, it would be a very simple matter. Under the proviso as framed the only question that arises is whether we should or should not distinctly and directly recognise the powers and authorities of any Churches or religious bodies to regulate the conditions on which marriages are to be contracted. That is the object of the framer of the Bill in providing that, where dispensations are required under the laws of any Church, such dispensations must be obtained to make the marriage legal. I see the word "valid" is used throughout; we ought to substitute "legal" for "valid" in every instance. It would be better if the question was taken on a motion to strike out the word "valid;" after that, we could, with less embarrassment, consider whether we should recognise the right of the Churches, or any of them, to take a share in determining the