

ing that rule to the present case, it is clear, in the first place, that the proposed measure does not prohibit any marriage, and therefore does not come within the category of measures, and moreover, that it merely recognises as valid, marriages which are so in any case, naturally and morally speaking, without that legal sanction. Yes, valid, but on one condition, some hon. members of my own religious belief will perhaps say; on condition that the impediments maintained by the Church in order to prevent the too great frequency of such marriages, against which well-grounded objections certainly exist, shall first have been removed. Quite right. But if this Parliament, considering the restricted sphere of its jurisdiction in this matter, simply removes the legal prohibition wrongfully resting against such marriages, without entering into details as to the conditions under which they are to be contracted, leaving the care of such details to the Local Legislatures, it is evident that the religious rules which already apply, in accordance with the Civil Law, to other marriages not legally prohibited, must also apply to these particular marriages so soon as they cease to be legally prohibited. There cannot be any doubt as to this, for it is a strictly logical consequence flowing from undeniable premises. The authors of the Constitution, Mr. Speaker, have placed civil liberty and liberty of conscience under the special protection of the Provincial Legislatures, and I am of opinion that they acted wisely in so doing, so that I am opposed to anything that may tend, directly or indirectly, to diminish the efficacy of that protection, or cause it to change hands. Consequently, I should prefer to strike out the stipulation contained in the first proviso to the 1st section of the Bill, and, in my humble opinion, that clause should read as follows: "Marriage between a man and the sister of his deceased wife, or the widow of his deceased brother, shall be legal and valid." As to the other provision, declaring that those who are authorised to celebrate such marriages shall not be bound to celebrate marriages of the kind, if objections exist under their religious belief, I think it is useless here. Have we the power to compel anyone to celebrate any marriage whatever? It cannot be asserted that we have. It is, therefore, superfluous on our part to grant

exemption from an obligation which it is out of our power to impose. Some hon. members have expressed the opinion that the second section should be wholly struck out. I think, on the contrary, that it is better to retain it, with some alteration. If it be desirable to legitimatise in the eyes of the law children the issue of marriages contracted hereafter, between brother-in-law and sister-in-law, is it not wise to legitimatise in the same way children already born of such marriages, provided such marriages have been contracted under the conditions requisite to validity? But I know we must be careful to legislate in such a manner as not to appear to desire to give a retroactive effect to this law, in matters involving rights of inheritance, which belong to the domain of civil rights reserved to the jurisdiction of the Provincial Legislatures. I would suggest that the section be amended to read as follows: "All existing marriages of such nature, celebrated with the required conditions, shall be legal, without prejudice to rights acquired prior to the sanction of this Act." As I stated at the outset, Mr. Speaker, I approve of the greater part of this measure, and I shall vote for its second reading; but, before its final passing, I hope it may be modified in detail in such a way as to remove the objections I have pointed out.

MR. GIROUARD (Jacques Cartier): I have listened with a great deal of attention to the discussion on this Bill, which took place the other evening and this evening, and I do not doubt much good will result therefrom. I may state at once that I am not pledged to the wording of the Bill as it stands to-day. I am open to any reasonable suggestion for its modification, and, when the Bill reaches Committee, I hope it will be so drafted as to meet the views of those hon. gentlemen who have not been able to agree with some of its details. I take it for granted, at least from the arguments used by the majority of the speakers, that the principle of the Bill will receive the approbation of this House. The objections seem to bear only upon that provision which renders a dispensation necessary from certain Churches to make such marriages valid, and also upon that proviso by which no officiating clergyman shall be bound to celebrate such