

nize the impediments to marriage provided by the Canon law, and that the husband and wife would have been obliged to apply to Parliament to obtain their separation. And I stated that this separation could not be looked upon as a divorce from a Catholic point of view, although the Act of Parliament might be called a Divorce bill.

MR. GEOFFRION—Would Parliament grant a divorce on the ground of relationship?

HON. SOL. GEN. LANGEVIN—I can cite other cases, as, for instance, that of a Catholic married to an infidel who had not been baptized, without being aware at the time of the marriage that this impediment existed. If he discovers the fact afterwards, he is not married as far as the Canon law is concerned. If the wife is not willing to consent to the obtaining of the necessary dispensations to render her marriage valid, she may, in Lower Canada, apply to the Ecclesiastical court to have it annulled, but in Upper Canada she would also have to apply to Parliament.

MR. GEOFFRION—Could a divorce be obtained from Parliament on the ground of relationship?

HON. ATTY. GEN. CARTIER—It would be proved before Parliament that the marriage contracted under these circumstances is null as regards the Canon law and the law of Lower Canada. There are ecclesiastical authorities in Upper Canada just as there are in Lower Canada, but as the Civil law there is not the same as it is here, the couple whose marriage would be void under the Canon law but not under the Civil law—for in the eyes of the law the marriage would be valid and binding, and neither husband nor wife could remarry without having obtained a divorce—the couple, I say, would have the right of applying to Parliament, who might legally declare that marriage null which had been so declared by the ecclesiastical authorities. But the nullity of the marriage must first be proved to the satisfaction of the ecclesiastical authorities and under the Canon law, and then Parliament might annul it on that evidence, for it would be omnipotent.

HON. MR. DORION—Then the Federal Parliament will be omnipotent?

HON. ATTY. GEN. CARTIER—Yes, in that respect.

HON. MR. DORION—But even supposing that the Federal Parliament would interfere in such a case, which is a matter of doubt, the Local Government would also have had the right to interfere if the power so to do had been given to it. Moreover, this would

not be a case of divorce; it would simply be the declaration that no marriage had ever taken place, which is quite a different matter. In Lower Canada the Canon law forms part of our Civil law, but in Upper Canada it is not so, and the law there does not recognize the right of the ecclesiastical authorities to declare a marriage null. (Hear, hear.) I think, then, that the explanation of the Hon. Solicitor General is not of more value than that which he gave us on the subject of marriage, for it does not in the least prove that the Federal Parliament have not the power to establish Divorce courts in all the provinces, and the resolution does not admit of the construction that the Federal Parliament will only have the right of declaring void marriages declared to be so by the Catholic ecclesiastical authorities. (Hear, hear.) I perceive that the subject of immigration is left to the General Government, concurrently with the local governments. I think that danger lies in the provision that the General Government is to appoint all our judges. It is said, as the Honorable Attorney General East stated the other day, that there will be French-Canadians in the Executive of the Federal Government, but their number will be limited, and if the Executive is composed of fifteen members for instance, there will only be one or two French-Canadians at the most. Well, suppose the French-Canadian Ministers recommend the appointment of a person as judge, and that all their colleagues oppose it, the former will have the right to protest, but the majority will carry the day, and all that the minority can do will be to retire from the Government. But in that case they will be replaced, and things will go on as before. That is all. The same argument applies to the appointment of legislative councillors; and when I call to mind all the injustices committed by the Legislative Council of Lower Canada, which was nominated by the Crown, and in a spirit hostile to the great mass of the population, I cannot conceive that French-Canadians can be found who are willing to return to that system. Will they not remember that it was that system which closed our common schools, by refusing to vote the supplies granted by the Legislative Assembly, and thereby delayed, for years and years, the progress of education in Lower Canada. The honorable member for Montmorency says that we must have a conservative chamber, and that our Legislative Council, under Confederation, will be less conservative than the Belgian Senate, be-