

for Frontenac and also that expressed by the member for Cape Breton; I am very much afraid that if we amend this clause as the member for Kingston desires us to do it may be construed as giving the endorsement of this House to these irregular relations. Now, my hon. friend from Kingston seems to think that there is something unfair to the people living in these irregular relationships in this respect: That if they are living in a private house the law does not recognize their relationship as a crime, but if they go to an hotel or boarding-house and register there it is a crime. There is a distinction to be drawn. While these people are living in their own house they are not brought into contact with other persons so nearly and so intimately as they are if they register in an hotel or in a boarding-house.

Mr. JACOBS: Brought into the same contact?

Mr. McMASTER: Not into the same contact. Let us take the case of a summer boarding-house. Two people living in this irregular relationship go into this summer boarding-house. They register as man and wife, they are accepted as such, and they may become friendly with the people—many of whom will be young persons—in that boarding-house. I think the situation is different when these people are living in their own house from what it is when they are living in a summer boarding-house, or any such establishment. I quite grant that it may be a little hard on such persons to be subject to this penalty if they go to an hotel; but after all, however we may sympathize with individual cases, or however we may in our own hearts condone their offence, nevertheless they have by their action prejudicially attacked the very basis of our society, and therefore I would think that the amendment of the member for Kingston cannot be accepted. I do not think we can accept it because I am afraid it would give the country and the world in general an improper and false idea of the attitude of this House and of the people of Canada towards sexual relationships.

Mr. HALLIDAY: We have a moral law to observe in Canada as well as a criminal law. There may be sympathy coming to the man and woman who live as man and wife before they are married, but I have not heard any reason expressed for such sympathy. The most binding law which should be observed in the world to-day is a law not enacted by this Parliament. If there is no law on the Statute Book prohibiting one of the greatest crimes that is

[Mr. McMaster.]

taking place in this Dominion to-day, I think it is about time such a law was enacted. For my part I cannot let the opportunity pass without voicing my disapproval of it.

Mr. MIDDLEBRO: I would move that the following words be added at the end of the clause:

Knowing the same to be untrue.

The CHAIRMAN: We must first dispose of the other amendment. Shall the amendment proposed by the hon. member for Kingston be adopted?

Mr. JACOBS: Might I ask that the amendment in question be read, as I was not in the Chamber when it was proposed?

The CHAIRMAN: The hon. member for Kingston moves to add at the end of clause 4, to form part thereof, the following words:

No persons who have been openly living together as husband and wife shall be prosecuted for an offence under this section.

Amendment negatived.

Mr. MIDDLEBRO: My reason for moving the amendment which I am about to submit is simply this: I think the Committee will agree that in most cases of bigamy, one of the parties is usually innocent. Now under the clause as it stands to-day if, under those circumstances, a bigamous marriage was contracted, the innocent party would not only suffer from the results of that marriage, but would be liable as well to imprisonment. The operating words of the section are that either of the parties "represents or pretends" that the man is the husband or the woman is the wife. What I say is that this should not be an offence unless the person who thus represents or pretends, knows that the statement is not true. Therefore, I would move to add to the end of the section, the amendment referred to. Then in a case of that kind the innocent party to the marriage contract would be protected.

Mr. LEVI THOMSON: I would agree with the hon. gentleman if his amendment did not impose on the prosecution the onus of proving a want of knowledge; I think the hon. gentleman will see the distinction there. I am not saying that his amendment does that, he has probably given more thought to the matter than I have, but if the onus of proving the want of knowledge does not rest on the person accused then we should be careful to see that it does. As my hon. friend knows, the onus must be somewhere. We want the onus placed