

nationality legislation. Incidentally, I am sure hon. members would profit from reading the article in that journal, because it comments on some of the outstanding features of this bill.

This section is new, and it is important because in certain cases where the father is a Canadian citizen but the mother is not the child is not deprived of his Canadian status merely because of the prenatal death of his father. It could be particularly important in times such as the war from which we have just emerged, when large numbers of Canadians were abroad on hazardous duties. The reason for the section is to give a posthumous child the status of his brothers and sisters born during the lifetime of his father. All the provincial statutes dealing with inheritance contain provisions placing the posthumous child on the same basis as children born during the father's lifetime. The mother may not necessarily be a Canadian citizen, since she may never have come to this country. On the other hand, by section 4(b) we are conferring Canadian citizenship upon the children of a father if the father was a natural-born Canadian. This will cover the situation of a Canadian soldier stationed, for example, in Belgium or Holland, and contracting marriage with a woman in one of those countries. Under the bill, while the father was alive, the child would be a natural-born Canadian citizen.

Mr. HACKETT: May I ask a question? All that has been suggested is—

Mr. MARTIN: May I finish this point, and state the reasons for the section. It would clearly be an injustice if, should the father be accidentally killed or die, a child born two days or a few months after his death would not enjoy the same status as other children. That is the purpose of the section.

Mr. HACKETT: What the hon. member has suggested is that in the first line of section 8 there should be added after the word "born" the words "within 300 days".

Mr. MARTIN: What is the point of that? Surely that is covered.

Mr. HACKETT: The point is to fix the date within which legitimacy is beyond question.

Mr. MARTIN: This section has nothing to do with legitimacy or illegitimacy.

Mr. HACKETT: I think it has a great deal to do with it.

Mr. MARTIN: No, it has not.

Mr. HACKETT: If a child were born out of wedlock it would not qualify here. The

suggestion of the hon. member is one which would make it quite clear that a child born "within 300 days after the death of its father" would not be put to proof of nationality.

Mr. DORION: How long after the death of its father would a child be deemed to be born before the death of its father?

Mr. LESAGE: That is provincial law.

Mr. DORION: What would be the time for the purpose of this bill?

Mr. LESAGE: There are laws in the provinces concerning affiliation. We do not have to deal with that. All section 8 says is that where a child is born after the death of his father certain things shall take place. The question of knowing whether the man was or was not the father is one of affiliation, and that is a provincial matter. We have nothing to do with it. He either is or is not the father. To determine whether he is or is not is the duty of the provinces under provincial law.

Amendment (Mr. Dorion) negatived.

Section 8 agreed to.

On section 9—On commencement of the act.

Mr. FLEMING: I suggest that some clarification is required in subsection 1 at line 20. Section 9 (1) says:

A person other than a natural-born Canadian citizen is a Canadian citizen if he . . .

Then we find paragraphs (a), (b) and (c), with nothing to link them. The Secretary of State will notice that at the end of paragraph (a) there is only a semi-colon, that at the end of paragraph (b) appears another semi-colon and the words "or, in the case of a woman". Is subsection 1 to be read as though these were conjunctive clauses? It seems to me there should be inserted after the semi-colon the word "and" or the word "or"; or if it is intended to cover it both ways, the words "and/or" should appear. A similar change may have to be made after paragraph (b).

This is a point of real importance, it seems to me, namely whether a person becomes a Canadian citizen technically if he complies with (a) or with (b), and does not have to comply with both.

Mr. MARTIN: Does the hon. member suggest that we should insert the word "or" between paragraphs (a) and (b)?

Mr. FLEMING: It has to be "or" or "and", depending on whether the minister intends that the stipulations in (a) and (b) should be cumulative or alternative.