

*Criminal Code*

I should add that in considering these amendments I have made, and will make, an effort to be lenient. My consideration of the amendments will not be made with a view to ruling them out of order but rather to accepting them if, from a procedural standpoint, in the humble opinion of the Chair they can be accepted. But even with all possible leniency, I do not think I can accept this particular amendment, and I suggest with respect and humility to hon. members that it should not be put at this time.

My earlier suggestion was that all other amendments appeared to be in order. I understand the hon. member for Winnipeg North Centre had some doubts as to whether amendments Nos. 9 and 10 ought to be combined. I would not like to be difficult about this.

In view of what I said a moment ago that I would like to lean in favour of accepting these amendments, and to facilitate the discussion in the house, I would be prepared to recognize that perhaps there should be individual discussion on 9 and 10 and that a negative vote on 9 would not necessarily negative proposed amendment No. 10. I hope this satisfies the hon. member for Winnipeg North Centre that I do intend to be lenient in considering the proposed amendments.

**Mr. Knowles (Winnipeg North Centre):** It not only satisfies me, and pleases me, but it saves the house a half hour's speech.

**Mr. Speaker:** We will therefore return to amendment No. 3 for consideration of the house.

**Mr. Woolliams (for Mr. Valade)** moved:

That Bill C-150, an act to amend the Criminal Code, the Parole Act, the Penitentiary Act, the Prisons and Reformatories Act and to make certain consequential amendments to the Combines Investigation Act, the Customs Tariff and the National Defence Act, be amended by deleting therefrom clause 7.

He said: Mr. Speaker, on rising to speak on this first amendment, I hope I can get your agreement that some of these amendments are very closely related. I do not want to make two or three speeches on each individual one. I want to expedite the matter and have the votes taken. For example, before I start my argument on amendment No. 3, I point out that amendment No. 7 is inter-related, and with your consent I might be able to discuss both phases of the matter and therefore not have to make two speeches.

I now wish to deal with the reasons I think clause 7 should be deleted and, if not deleted, why the words "except as to bestiality and carnal copulation with a beast" should be added. I know what the position of the Minister of Justice (Mr. Turner) is. He does not think that the proposed new section can be interpreted in that manner, but first I want to read what Professor Mewett said in reference to Section 149 (clause 7) as recorded at page 341 of the minutes of the Justice and Legal Affairs Committee, volume 10, of March 13:

Mr. Chairman, as far as proposed Section 149A of clause 7 of the act, which appears on page 24, is concerned, I do not think there has been a prosecution in Canada for buggery between consenting adults in private since the revision in 1953.

In that regard, I think the professor is right. What he is really saying is that if we did not have this permission *de jure* we had it *de facto* because two consenting adults, or two people who are married, are not going to go out and report what they do in private to the law officers. Professor Mewett continued:

My view is that it is desirable that the Criminal Code conform with actual practice and therefore, generally speaking, I am in favour of clause 7.

Now, I come to grips with the reason I say this clause should be deleted, or at least if not deleted that these words should be added, "except as to bestiality and carnal copulation with a beast."

● (4:10 p.m.)

Let me quote from Crankshaw's Criminal Code of Canada, seventh edition, 1959 at page 208, section 147:

Buggery or Bestiality. Every one who commits buggery or bestiality is guilty of an indictable offence and is liable to imprisonment for fourteen years.

The footnote summarizes the cases in this regard. It states that buggery is also called sodomy and is the carnal copulation against nature by human beings with each other or with a beast. In other words, as I said this morning at another meeting, if you are dealing with a beast it might involve an abnormal person having relations with a beast in a normal fashion, or it might involve an abnormal person dealing abnormally with a beast.

Professor Mewett puts it very well. The Minister of Justice suggests we cannot adopt this interpretation, but if there is any doubt about this section it should be clarified. If the Minister of Justice does not want to legalize sexual intercourse in this country between human beings and beasts, I would