

Mr. MEIGHEN: Yes.

Section agreed to.

On section 4—unmarried man and woman registering as man and wife at hotel, etc.

Mr. NICKLE: Before that section is carried, I think the committee might well consider whether the contemplated legislation does not go very much further than was probably intended by those who drafted the Bill. With the exception of the province of New Brunswick, adultery, I believe, has not been a crime in Canada. It is not in Ontario, or Quebec to-day, for a man to live in an adulterous relationship with a woman. The result is that there are in this country a great number of men and women who are and have been for some time living openly together as man and wife, though unmarried. If this section should pass as it is, it would mean that if any one of those persons went to an hotel with a woman or man as the case may be, and registered as man and wife, not being legally married, an offence would be committed and the person would be liable to imprisonment. I quite appreciate the object of the Bill, to prevent hotels and lodging or boarding houses being used as houses of assignation, but I do think there is a class of public that is entitled to be protected, more particularly at the present time when there are many men returning to this country who have not gone through the form of marriage with the woman with whom they are living, and intend to live. I therefore suggest for the consideration of the minister that the section be amended by adding thereto the following clause:

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

If I might press the matter somewhat further, I would direct the attention of the Committee to the fact that there are in this country cases where a man and woman are living together as man and wife where a divorce has been obtained in a foreign country, and it is very questionable if the divorce is of legal and binding force according to the laws of Canada. Are you going to say that these people who have lived together as man and wife shall be subject to criminal prosecution, not because the relationship is illegal but simply because, perchance, they registered at an hotel or boarding house? The general purport of this legislation is good, but I do think there is a class of the public that is entitled to protection along the lines I have mentioned.

[Mr. Proulx.]

Mr. MIDDLEBRO: I might also mention the case where a married man represents to a woman that he is unmarried and then marries her, committing bigamy. The woman who might be perfectly innocent would be liable under this section.

Mr. MEIGHEN: The amendment suggested by the hon. member for Kingston and the suggestion of the hon. member for North Grey, have come to my attention only this afternoon. With regard to the latter suggestion, from the momentary consideration I have been able to give it, it might well be that innocent persons, man or woman, might be prosecuted if the innocent one was at the time under the belief that he or she was legally married. I think the suggestion is worthy of a few moments' consideration by the Committee. The latter remark applies also to the amendment suggested by the hon. member for Kingston. The amendment, however, would be more easily accessible to abuse for the reason that it suggests no time over which the open living together as man and wife must have continued before it shall constitute relief from the penalties imposed by the Act.

I would like the members to express their views particularly on the amendment and on the suggestion of the hon. member for Grey (Mr. Middlebro).

Mr. MIDDLEBRO: By putting at the end of the section the words "knowing the same to be untrue", it would improve the section.

The CHAIRMAN: It will be necessary first to dispose of the amendment of the hon. member for Kingston.

Mr. McKENZIE: I have no sympathy with, and I do not care to afford any protection to any man and woman who are living together in open adultery in this country. It may be permitted, but certainly it is in violation of everything we regard as good citizenship and good morals. Although perhaps we have not provided any direct law to punish it, we undoubtedly should not throw any protection around it. If any man and woman coming to Canada have not yet been married, or have had no opportunity of being married, they can be married in Canada and should immediately comply with the law. I am not in sympathy with the amendment and do not think it should be accepted.

Mr. NICKLE: The matter is not as simple as the leader of the Opposition supposes. He says that people coming to Canada can be married. That is quite true, but people