

of which is change, the presumption is not to be one of an intent to change, we are performing again what is a very extraordinary operation, and once again getting rid of what, upon the whole, has seemed to me to be not an inconvenient view on the part of the judiciary. It is quite true that the construction may be sometimes, as to this and the other instances, a fiction. But with reference to this sub-section, I think it must be plain that when a body of legislators engage in the process of amending a law, they indicate, by that very act, their view that they are changing the law, or, at any rate, it must be presumed that those in that body who are mainly responsible for the legal and formal portions of the legislation, are engaged in such a process. On the whole, it seems to me that the same objection which applies to the first section applies to this one.

CRIMINAL LAW AMENDMENT.

MR. BLAKE. I would ask the Minister of Justice if there is any sufficient reason for the limitation of the age to twenty-one years, because, if I have not been misinformed, very painful cases have occurred where the age was over twenty-one, and where the impoverished condition of the unfortunate woman, and her state of subordination, was the cause of the seduction?

MR. BLAKE. I doubt very much whether there is any other class of cases in which there is more danger of brutalising people than in the class of cases dealt with in this clause 3, and I would suggest that the penalty of whipping be added.

MR. BLAKE. I regret to say that we sometimes read of cases of such assaults on daughters of very tender years. What opportunity have we to secure the conviction of the guilty party, under these circumstances, and to procure the necessary evidence? The main thing we have to grapple with is the crime of greatest enormity which can be committed: that of a father taking advantage of his almost absolute power over his young child, and will not the liability of the child to a long imprisonment be an additional obstacle to securing the necessary evidence?

MR. BLAKE. The question with which we are now dealing is one of considerable importance to-day, and it may be of still more importance in the future. I think it is not unfit that we should have what the attitude of the Government is, with reference to the persons whose existence in our midst has given rise to this legislation. We have noticed from time to time in the public prints, reference, to visits of persons of high consideration and authority in the Dominion, to the settlement of these persons called Mormons, or Latter-Day Saints, in the North-West, and occasionally encouraging words have been used towards them with the suggestion, I believe, that they have got to obey our laws—but still encouraging words which it would seem to me were, perhaps, rather out of place. There are in the Province of Ontario, in various sections, certain small scattered communities of Mormons of the earlier period under the Joseph Smith dispensation, who remain monogamists, who, I believe, separated from the Church of the Latter-Day Saints on the occasion of the change

which was effected at the time of Brigham Young, and which change mainly consisted in the matter which we are now engaged in attempting to meet. With reference to such persons, we, of course, have nothing to say, but it is right to observe that the difficulties which the United States has had to contend with in respect to the Mormons of Utah since the Brigham Young dispensation are serious and growing; and that from time to time earnest efforts have been made to overcome what seems to be an almost insuperable difficulty, owing to the extraordinary solidarity of these people and their determination to persist in and to conceal all legal evidence, at any rate, of their practices. As far as one can judge, there is now a disposition on the part of a considerable number of these people—if not on the part of their authorities themselves—to seek some more congenial place, wherein they hope to be able to carry on these practices, for the sake of which they are prepared to give up their position in Utah. It seems to me, as far as I can judge, that it is in the course of an effort to find a resting-place elsewhere than in Utah that the settlement has been made in the North-West Territories; and being made under such circumstances, and as far as I can see, with such intention, I can only highly approve of the effort which the hon. Minister of Justice is making to provide stringent laws against the practices which are condemned by these clauses of the Bill. But I think it well, also, to say that the question is, in more respects than this, a serious one, and that it calls upon us for some very strong expression of sentiment in discouragement of the settlement of Mormons with these peculiar views and notions in our midst. I happen to have before me a copy of the will of Brigham Young, in which he made careful provision—I do not know how ample, because I do not know what his estate was—for his rather numerous family. They are divided into some twenty-three or twenty-four classes, the earlier of which consists each of a wife and the child or children by that wife, and the latter of a batch of wives who seem to have been childless. In the course of this will he uses language which it may be useful for the hon. gentleman to know. After having made provision for these numerous persons, he says in the 34th clause:

"To avoid any question, the words married or marriage, in this will, shall be taken to have become consummate between man and woman, either by ceremony before a lawful magistrate or according to the order of the Church of Jesus Christ of Latter-Day Saints, or by their cohabitation in conformity to our custom."

Simple cohabitation, therefore, in conformity to the Mormon custom is one of the rules by which Mormon marriage shall be recognised. I find, in the compilation which contains this will, this statement with reference to Mormon marriages:

"Sometimes they have witnesses, sometimes not; if they think any trouble may arise from a marriage, or that a woman is inclined to be a little nervous, they have no witnesses, neither do they give marriage certificates, and if occasion requires it, and it is to shield any of their polygamous brethren from being found out, they will positively swear that they did not perform any marriage at all, so that the women in this church have but a very poor outlook for being considered honorable wives."

The same difficulties with reference to the regulation of the Utah Mormons, as distinguished from those to whom I referred, the old Mormons of the former dispensation, have crept up in another way. In 1889 a judgment of an associate justice

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