

I am suggesting to the Solicitor General that the House of Commons ought not to concur in the Senate's amendment striking out this sub-section, and should that course be adopted, I hope that upon further consideration you will be willing to agree that the Senate's amendment should be withdrawn, and that sub-section 3 should remain in the Bill.

I understand that Miss Whitton has forwarded to you a copy of a memorandum on the subject, prepared by me for the information of the Solicitor General. From that you will gather that the whole object of the proposed provisions (which add nothing to what we all thought the law was under the present Section since 1918) is to endeavour to avoid the necessity of removing children from undesirable surroundings and of, instead, rehabilitating the natural home of the children. In every Province except Quebec it is the right now of Children's Aid Societies to remove children from surroundings such as are described in sub-section 2 of Section 215, but the Societies think that it is much more desirable to make the natural home of the child a fit place for it than to remove it.

I see that in the discussion in the Senate something was said as to the mention of "adultery". As to this I would remark

first, that the use of this word does not appear to me to go any further than the language of the present sub-section 2 implies, and

second, that there is no desire at all to prosecute for adultery, as such.

All that is desired is that in the interests of the children, irregular unions should be broken up where, following on that, it is possible to rehabilitate the natural home.

It is the opinion of Mr. W. B. Raymond, K. C., of Toronto, the Honorary Counsel for the Toronto Children's Aid Society, that the proposed sub-section 3 (which was drafted by him) is absolutely necessary to get over the effect of the view of the Court of Appeal of Ontario in the Vahey case. Further, the amendments are being asked for by the Canadian Council on Child & Family Welfare, the Canadian Association of Child Protection Officers, and every other children's agency in the Dominion.