

Right Hon. Mr. MEIGHEN: Honourable members, I have a motion to make which if passed here would, I think, be acceptable to the House of Commons. Honourable members will recall the Bill to amend the Criminal Code, which came to us from that House. In section 3, an important one, containing five subsections, the Senate made three amendments. The Commons objected to only one of these, namely, our amendment to strike out subsection 3 of section 3. Subsection 2 provided that it would be an offence for any person to be guilty of habitual drunkenness or participation in adultery to the deterioration of the morals of children who resided in the house where the acts were committed; and subsection 3, which the Senate struck out, provided that if there were children in such a house, whatever their age or the circumstances under which they were living, it would be an irrefutable presumption that the children were in danger of being or becoming immoral.

On receiving from the House of Commons a message to the effect that it disagreed with our amendment striking out subsection 3, we decided not to insist upon the striking out of this subsection, but we substituted an amendment in the form of a proviso to modify subsection 2 so as to except from its operation a man and a common law wife who were living together and had a child or children of their union living with them. It seemed quite obvious to this House that it would be a grave mistake to pass legislation which would virtually compel that man and his common law wife to abandon their own children. We were willing to have the irrefutable presumption apply in all other cases, however, and therefore, with the insertion of that proviso, we had no objection to the restoration of subsection 3.

But the House of Commons disagrees with the proviso, on the ground that to exempt a man and his common law wife and their children from the operation of subsection 3 would seem to be giving parliamentary sanction to adultery. The suggestion that the proviso would be in danger of being publicly interpreted in such a way strikes me as exceedingly far-fetched.

If the Senate passes the motion I am about to move, subsection 2 will remain as it was in the original Bill, without any proviso, and subsection 3 will be deleted, as we at first desired it to be. I make this explanation because the effect of the motion may not be clear from the mere reading of it. I move:

The Hon. THE SPEAKER.

That the Senate do not insist upon its amendment in lieu of its first amendment made to Bill 71, an Act to amend the Criminal Code, but do insist upon its first, second and third amendments originally made to the Bill, for the following reasons:—

1. Because the provisions of subsection 3 of section 3 involve a principle which may not be advisable to sanction in an Act of Parliament.
2. This amendment is consequential.
3. Because the words struck out should never have been included.

Reason No. 1 applies to our first amendment, which is for the deletion of subsection 3 of section 3. Reasons Nos. 2 and 3 apply respectively to our other amendments, those we made to subsection 6 of section 3.

The motion was agreed to.

BUSINESS OF THE SENATE

Right Hon. Mr. MEIGHEN moved:

That when the Senate adjourns to-day, it do stand adjourned until to-morrow at three o'clock in the afternoon.

He said: This motion for adjournment until three o'clock to-morrow afternoon requires unanimous consent, which I earnestly trust will be granted, for the reason that there is hope—I do not know how slender or how firm—that in the meantime the Shipping Bill, possibly with an amendment, and the Redistribution Bill will be received from the other House. If they are, Parliament can be prorogued some time to-morrow.

I sincerely wish I could be more definite. I can assure honourable members that I do not think anyone's convenience is more disturbed than my own by this uncertainty.

The motion was agreed to.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE

Saturday, May 20, 1933.

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers and routine proceedings.

CANADA SHIPPING BILL

CONSIDERATION OF COMMONS AMENDMENTS

The Senate proceeded to consider a message from the House of Commons, returning Bill C1, an Act to amend the Canada Shipping Act, with two amendments.