

Affidavit No. 1 of Witness No. 2
Sworn *October 15*, 2010

No. S-097767
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1986, C. 68

AND IN THE MATTER OF

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET
OUT IN ORDER IN COUNCIL NO. 533 DATED OCTOBER 22, 2009
CONCERNING THE CONSTITUTIONALITY OF S. 293 OF THE *CRIMINAL
CODE OF CANADA*, R.S.C. 1985, C. C-46

A F F I D A V I T

I, Witness No. 2, MAKE OATH AND SAY AS FOLLOWS:

1. I have personal knowledge of the facts and matters hereinafter deposed to save and except where the same are stated to be made upon information and belief and where so stated I verily believe them to be true.
2. I am aware of the order of the Chief Justice made September 24, 2010 and I elect to avail myself of the protections authorized by that order.
3. I was born in the rural district called Lister BC and I live with my husband in the community of Bountiful.
4. I was married four months prior to turning 17. I believe that the church leaders will be inspired as to where people should be placed in marriage, and that every one can divorce if they so chose. A few months before I married I talked to my father about wanting to go to college to become a nurse. He said he believed it wise to be married before college as he didn't want

worldly influences to pressure me from my faith, I decided that I would marry and then go to college. He gave me the name of the individual that the church leader had suggested, and said if I did not want to marry this man I did not have to. I told him that I did not know him well but that I believed he was a member in good standing in the church and I did want to marry him. We were married 3 months later. I can truly say I have enjoyed our life together.

5. I have completed the Elderly Care Program, the RN Program and the Registered Midwifery Program. I attended college in Canada and in the United States.

6. I believe that most church members would like to work with people of the same religion, therefore education that will lead to this goal is important to all. The biggest barrier I have seen to education is that we are living in poverty level due to the fact that the government in the US has kept us having to pay thousands of dollars to keep church leaders out of jail for as long as I can remember and have read about, even in Joseph Smith's day. It's very difficult to pay for education. Often if we could save funds for an education the kinds of jobs that we can get working with our own people are mostly not high paying jobs as we live in a small rural community. This rural life is very precious to us. For boys and girls the situation is the same: how can we live and work with members of our community and avoid all the problems of drugs, alcohol, tobacco and the aftermath of promiscuity -- children being born that truly are not wanted? This has such a devastation on society.

7. I have one sister wife. Over the years we have had times when our relationship has been very good and times that it has been not so good. I really feel that we are now in a position where our relationship is growing day by day. We both have out- of- home jobs and each have our own kitchen and laundry space, we share the living room, recreation and yard space. The children spend much of there time with the half-brother or sister closest their age. Each mother takes care of her own children unless she is away, then older siblings and the child's other mother cares for them.

8. I don't feel that there is an expectation that the girls marry at 16 the way I did. I have encouraged all my children to get an education and get a good job before getting married. I know that this cannot be done at such a young age and I have therefore strongly advised them to wait. I think that if the legal age to marry any person one chooses is 18 we can do well to avoid

stress by waiting at least until 18. I am aware that our church has now committed that it will not perform marriages for persons younger than the age permitted by law in the jurisdiction where the person lives. I agree with this policy. I think in any situation where a girl chooses to marry at earlier than 18, I would advise her to wait until she is 18 to consummate the marriage.

9. I have 9 children ages 7-26 Only my oldest is married.

10. The law prohibiting polygamy has created many negative impacts on my community: I don't feel I could go to a marriage counsellor if I wanted help because of the "illegalness" of polygamy. I work outside the community. I feel I have to keep my life secret from every co-worker that is not of my faith and every government official. My children feel like if they say the wrong thing to a dentist or doctor their father could go to jail.

11. My children don't know how to respond if asked how many brothers and sisters they have. One nurse thought my child must be suffering from brain damage as he told her he had 17 brothers and sisters.

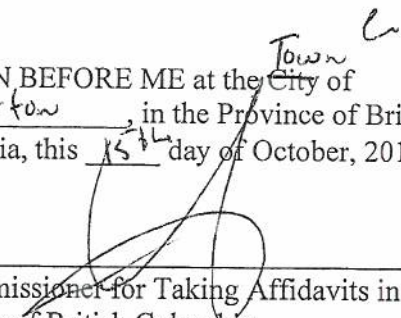
12. My daughter teaches school and has is under the tremendous stress of yearly inspections because the government has been criticized for funding a "polygamist school". The entire community suffers during these times as the children worry about their parents having to go to jail and they do not understand why the way they live could be illegal. My children have had nightmares, my little 7 year old told me, "I cried and cried cause they were coming to get us" in his dream.

13. We have an extremely hard time helping women immigrate when they marry as a plural spouse as it is very hard to get medical insurance.

14. Women that are Canadian have had their child tax benefit cut off as the government tells them they are living common-law and should be claiming the father of the child's income when his income is already being claimed by the legal wife. This has been a real hardship. I cannot understand how the government can prosecute us, yet turn a blind eye to the many multiple partnered relationships that happen outside our community.

15. In spite of this I am living the life I chose. I would change the polygamy law so that we could live with out discrimination, and without the worry and stress that I could be sent to jail at any time. I would love to have the means to offer more education programs to the women that are tailored to our needs.

SWORN BEFORE ME at the ^{Town} City of
Creston, in the Province of British
Columbia, this 15th day of October, 2010.


A Commissioner for Taking Affidavits in the
Province of British Columbia

Witness No. 2.
WITNESS NO. 2

PRINT NAME **LORNE D. MANN**
WITNESSED AS TO EXECUTION
NO ADVICE SOUGHT OR GIVEN