

than \$50. and imprisonment may be any term up to three months.

Immoral Literature and Obscene Pictures.

During the interval since our last Convention a particularly aggravated case of having in possession immoral literature and obscene pictures came under the notice of the Authorities, in the prosecution of which serious difficulties were encountered, as no penalty was provided by law for simply having such matter in possession. The case was such an extreme one, and the circumstances in connection therewith so revolting, that prompt action was deemed advisable, particularly as the Dominion Parliament was then in Session. On the recommendation of the Chief Constable of Toronto, with the concurrence of the Board of Police Commissioners who assumed the expenses incident to immediate action, I proceeded to Ottawa as the representative of this Association, and in company with the representative of the Social & Moral Reform Council of Canada, asked for such an Amendment to the law as would make it an offence for any person to have such literature or pictures in his possession. As a result of our representations Section 207 was amended along the lines suggested. Although the Amendment does not go quite as far as we could have wished at the time, it goes far enough to remedy a defect that seriously hampered the authorities in the enforcement of that particular law.

Procuring for Immoral Purposes.

By an Amendment to Section 216 the maximum term of imprisonment for procuring girls for immoral purposes has been increased from two to five years. This proposal, you will remember, was heartily endorsed by this Association, and vigorously urged upon the Government by your Committee some time ago.

Disorderly Houses.

By a new Section (227A) an Opium Joint is defined, and by an Amendment to Section 228 it is made an Offence to keep an Opium Joint, and the keeper thereof may be prosecuted under Section 228 as the keeper of a Disorderly House. A new Section (228A) makes the inmates and frequenters of a disorderly house, as defined by Section 228, liable to prosecution the same as the keeper.

The Courts of Quebec, and the Court of Appeal in Ontario, having held that the general words "disorderly house" did not include common betting or gaming houses, paragraph f. of Section 773 has been amended making it clear that this class of houses is included among those defined as Disorderly Houses in Section 228, and the inmates and frequenters liable under Section 228A.

By the addition of a new Section (642A) the provisions of Sections 641 & 642 authorizing the searching of alleged Gaming Houses and seizures therein now apply to alleged Opium Joints as well. By Section 774 as amended, the right of trial by Jury of persons charged with keeping, or with being inmates or frequenters of disorderly houses, as defined by Section 228 & 228A is denied.

Manslaughter.

Paragraph "E" of Section 583 has been amended so as to exclude Manslaughter from the list of offences coming within the jurisdiction of General Sessions of the Peace, or other inferior Courts.

Search Warrants.

An addition to Section 629 enables a Search Warrant, either in respect of evidence or stolen goods, to be executed outside the jurisdiction of the issuing Magistrate on endorsement by a Magistrate or a J. P. of the jurisdiction in which the search is proposed to be made, in like manner as Warrants of Arrest.

Coroners' Summonses & Warrants.

An effort will probably be made at the next Session of the Ontario Legislature to have a similar provision applied to Coroners' Summonses to Witnesses, and Warrants against Witnesses who disobey such Summonses. This of course would apply only to the Province of Ontario.

Arrest without Warrant.

Section 646 enumerates the crimes for which persons found in the act of committing them may be arrested without Warrant by any person, and by any Peace Officer whether he has witnessed the commission of the crime or not. (See Section 647). Section 41 provides that every Peace Officer proceeding lawfully to arrest, with or without a Warrant, any person for any offence enumerated in any of the paragraphs of Section 646, is justified, if the person takes to flight to avoid arrest, in using such force as may be necessary to prevent his escape, unless such escape can be prevented by reasonable means in a less violent manner.

A constable in Winnipeg proceeding to arrest a man charged with theft which came under Section 386, and probably under Section 387 as well, shot and killed the man in such manner as would have been justified by Section 41 if Sections 386 & 387 had been included in paragraph "K" of Section 646 which enumerates the Sections covering the different kinds of theft for the commission of which persons may be arrested without a Warrant. Unfortunately in the compilation of paragraph "K" of Section 646 these Sections had, through inadvertence, been omitted, consequently the Constable was held to have acted wrongfully. In other words had to suffer for the mistakes of others. It was contended on behalf of the constable during his trial on a charge of manslaughter, that notwithstanding the omission referred to above, the common law justification (See Section 16) still applied, but the Court ruled against this connection. This very important matter was brought to the notice of your Committee by Chief McRae in December 1907, and in January 1908 the case was submitted to the Minister of Justice, and as a result a correction has been made by including Sections 386 and 387 as well as Sections 390 and 396, in their proper place in paragraph "K" of Section 646.

Warrants against imprisoned Convicts.

By an Amendment to Section 662 a Judge of any Superior, County or District Court may order the production for trial of any person serving a term of imprisonment in any jail or other prison in the Province before any Magistrate or Justice of the Peace of the Province by whom a Warrant for any criminal offence has been issued against him.

Prisoners electing trial.

By an Amendment to Sub Section 2, of Section 778, it is not now necessary for the Magistrate to name the Court, or to use any set form of words when asking a prisoner to elect how he will be tried.

The foregoing Amendments were made during the last session of the Dominion Parliament and a knowledge of them will no doubt prove a help to you all.

Correspondence.

Considerable correspondence took place during the year, much of it of course, of a routine character. The following, however, may be of interest.

A letter from Chief Constable Vincent, Lindsay, Ont., asking what sentence is usually passed on prisoners who have escaped from goal. In reply I referred to the Provision of the Criminal Code, which provides for any term of imprisonment up to seven years; at the same time, pointing out that the Courts are usually lenient in such cases, where no violence has been used.