

# House of Commons Debates

FOURTH SESSION—SIXTH PARLIAMENT.

## SPEECHES OF HON. EDWARD BLAKE, M.P., ON THE CRIMINAL LAW AMENDMENT BILL.

TUESDAY, 15TH APRIL, 1890.

### INCEST CLAUSE.

On section 6,

MR. BLAKE. I must confess I have some apprehension that this is hardly likely to efficiently serve the purpose which I suggested for the consideration of the hon. Minister. I suggested the case in which a female of tender years—and it is upon such that this offence is committed—who had succumbed under the influence of fear, would be exposed to the penalties of the criminal law. I am not, however, at the moment, prepared to propose any more adequate remedy than the one proposed by the hon. gentleman, but I confess my objections are not completely removed.

MR. BLAKE. I would submit for the consideration of the Committee, and especially of the Minister, that we have to deal with the balance of conveniences and inconveniences, and with the balance of difficulties on one side or the other. In the great bulk of cases, I think it will be admitted, that you have but one criminal, and, if the chance of bringing that criminal to justice in the great bulk of the cases is going to be diminished by a law which makes the other party, who is not substantially criminal, liable to fourteen years' imprisonment, are we not, for the sake of the exceptional case to which the hon. gentleman has alluded, and in regard to which the observation of my hon. friend (Mr. Laurier) is of cogency, that this must have commenced by the criminality of the male, taking away our chances of punishing the criminals in the vast majority of cases?

MR. BLAKE. It is possible that we may be drawing an Act here which will defeat itself in the great bulk of cases. What is going to be done when you are indicting one or other of these two persons? First, you indict the man, who is generally the principal offender. The woman will not be bound to criminate herself; it would be extremely unlikely that she would run the risk of doing so. My hon. friend says she would be held not guilty.

MR. BLAKE. But we are dealing with the probability of advancing justice, of securing the condemnation of the really guilty party, and when the woman is liable to be placed in the dock on account of the commission of this outrage on herself, by her own relative, it may be, you cannot impress upon her a calculation of chances that by giving her evidence, though proving herself guilty, she may yet be making a door of escape.

MR. BLAKE. I suggest to the hon. member for Northumberland (Mr. Mitchell), that his motion would be inconclusive; but he should wait until the Committee report, and move his motion with the Speaker in the Chair. We have already divided once on this provision in the Committee.

### TRADE COMBINATIONS CONSPIRACY.

On section 18,

MR. BLAKE. My opinion is, that the revision of the statutes has effected a very serious and prejudicial alteration of the law, in respect to the particular class of transactions to which this law was devoted. For my part, I was apprehensive, when I saw the clause in the shape in which the hon. gentleman proposed it, and heard the reasons which he gave, that the diminished efficiency which the law has, under the Revised Statutes, would be altogether removed. I am, therefore, very glad to see that, whatever be the prefatory changes, the hon. gentleman has, at any rate, resolved to leave that diminished efficiency intact. My own impression is that the original efficiency ought not to have been impaired; that the reference to that particular class of offences with which the Revised Statutes deal, and which was originally dealt with by prior legislation, to which I shall refer, should remain, and that the whole and entire vigor of the exception which was made as to statutable crimes should be preserved. In order that the position which I take on this subject may be apprehended, I will have to trouble the House with a brief reference to the statutes as they stood. The earliest statute which we have on this subject is 35 Victoria,