

The amendments have been asked for by the Canadian Council on Child and Family Welfare, by the Canadian Association of Child Protection Officers, two dominion wide organizations, and by numbers of other Children's Aid Societies and child agencies throughout the Dominion. The amendments now submitted have been drafted by Mr. W. L. Scott, K. C., who is Honorary Counsel for the Canadian Council on Child and Family Welfare, as well as for the Canadian Association of Child Protection Officers, and by Mr. W. B. Raymond, K.C., Honorary Counsel for the Children's Aid Society of Toronto, who, as already stated, appeared for that Society upon the appeal to the Court of Appeal of Ontario in the Vahey case. These gentlemen are particularly emphatic in expressing their opinion that the proposed sub-section 3, in particular, is essential if the Section is to be made effective.

The proposed amendments to sub-section 2 have been rendered necessary by reason of the doubt expressed by the Court in the Vahey case, as to whether or not the present sub-section 2 applied at all to a case such as that. It will be noted that while to "participate in adultery" is by sub-section 2 made an offence, this is only the case where the adultery takes place in the home of a child. Moreover, there is really no change in this respect, since the present sub-section 2 speaks of "indulgence in sexual immorality" which, of course, includes "participation in adultery". It will be noted that the term of imprisonment by way of punishment is limited to one year, the idea being to get rid of the intruder for a long enough period to permit of the re-establishment of the natural home. The Vahey case was a typical one. The woman had left her husband and seven or eight children in the northern part of the province and had come to Toronto with one child, to live with this man Vahey. Her husband was willing to take her back, and this could have been arranged had Vahey's commitment for a short term of imprisonment been maintained.

The present Section, prior to the decision in the Vahey case, had been made very extensive use of. Miss Charlotte Whitton, Secretary of the Canadian Council on Child and Family Welfare, states from information collected by her, that the fair annual average of prosecutions under the Section in the past have been as follows -