

(a.) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or other publication, matter or thing of an indecent or immoral character ; or

(b.) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid ; or

(c.) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretences. R.S.C., c. 35, s. 103.

181. Seduction.—Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces or has illicit connection with any girl of previously chaste character, of or above the age of fourteen years and under the age of sixteen years. R.S.C., c. 157, s. 3 ; 53 V., c. 37, s. 3.

No prosecution for any offence under this article or under articles 182, 183, 185, 186, and 187, can be commenced after the expiration of one year from its commission. (1)

No conviction can be had under this or any of the remaining articles of this part upon the evidence of one witness, unless such witness is corroborated in some material particular implicating the accused. (2)

If the girl is under the age of fourteen the charge should be made under Article 269 *post*, for *carnally knowing her*.

As to proof of the child's age see *R. v. Weaver*, L. R. 2 C. C. R. 85 ; 45 L. J. (M. C.) 13. Where the mother of the child stated its age, in the first instance, although on cross-examination she appeared neither to know the year nor the month of the child's birth, it was held that there was evidence to go to the jury of the child's age. (3)

With regard to the girl's previous chastity it has been held in some American cases that, although the law presumes that every woman is chaste and of good repute, it also presumes every one innocent of crime till proven guilty, and that in cases of seduction the burden is on the prosecution to prove in the first instance that the girl is of good repute. (4)

On an indictment for seducing a virtuous unmarried female, it was held in another American case that the want of moral chastity may be regarded on the question whether the girl though a virgin, was really seduced, or whether she shared the intercourse for the gratification of lascivious propensities not inflamed by the arts or importunity of the accused ; (5) and it has been held that an act of intercourse induced simply by mutual desire of the parties to gratify the sexual passion is not seduction. (6)

It will be observed, however that the above article (181) of our code has the words, " seduces or has illicit intercourse " ; so that, while seduction, if proved, will be punishable it would seem also that the mere act of carnal connection with a previously chaste girl between the ages of fourteen and sixteen years would be sufficient, of itself, to constitute an offence under this article.

(1) See Article 551 (c), *post*.

(2) See Article 684, *post*.

(3) *R. v. Nicholls*, 10 Cox, 476 ; Arch. Cr. Pl. & Ev. 21 Ed. 822.

(4) *State v. McCaskey*, (Mo.), 16 S. W. Rep. 511 ; 13 Cr. L. Mag. 819.

(5) *O'Neill v. State*, (Ga.), 11 S. E. Rep. 856.

(6) *People v. De Fore*, 31 N. W. Rep.