

228, 238 and 239 of the Criminal Code declare the crime and impose the penalty.

A common bawdy house is defined in section 225 Criminal Code as "a house, room, set of rooms, or place of any kind kept for purposes of prostitution or occupied or resorted to by one or more persons for such purposes."

It is important to note that it has been held that if a lodger let her apartment for the purpose of indiscriminate prostitution it is as much a bawdy house within the above definition as if she held a whole house.

It has moreover been held by the Court of Queen's Bench at Montreal upon a reserved case stated by the Recorder that a person who leases a house to another for purposes of prostitution renders himself a party to and guilty of the offence committed by his lessee subsequently to the leasing of the house, of keeping a disorderly house, although he was not himself the keeper and that he can be prosecuted, tried and convicted and punished for such offence in the same manner as the actual keeper. (See Queen vs. Roy, 3 Canadian Criminal Cases, 472).

Again in the case of Rex vs. Mercier (13 Canadian Criminal Cases, 475), it was held in a recent decision that a room in a hotel habitually resorted to by only one prostitute and her paramour for purposes of prostitution is a common bawdy house and that the hotel keeper who with knowledge of the facts permits the continuance of such use of the room is properly convicted as a keeper although the hotel keeper received only the ordinary room rent and made no direct gain from such use.

It is well settled, too, that "keeping" as applied to a house of ill fame has nothing to do with the ownership of the house, but solely with the management of it.

Section 228, Criminal Code, prescribes a penalty of one year's imprisonment for any one convicted of being a keeper of a disorderly house under the above definition.

This offence is further dealt with in sub-sections (i) to (l) inclusive of section 238 Criminal Code, wherein vagrancy is defined as applying to the following among others:

"Everyone who being a common prostitute or night walker, wanders in the fields, public streets or highways, lanes, or places of public meeting or gathering of people and does not give a satisfactory account of herself."

"Everyone who is a keeper or inmate of a disorderly house, bawdy house, or house of ill-fame or house for the resort of prostitutes."

"Everyone who is in the habit of frequenting such houses and does not give a satisfactory account of himself or herself."

"Everyone who having no peaceable profession or calling to maintain himself by for the most part supports himself by gaming or crime or by the avails of prostitution."

Section 239 Criminal Code imposes the penalty upon conviction under the preceding section: A fine not exceeding fifty dollars or to imprisonment with or without hard labor for any term not exceeding six months or to both.

The above mentioned sections set forth the main body of the law as laid down by our Criminal Code in respect to the main offence treated of in this report. And the duty imposed upon the Police Commissioners of the City of Vancouver is that of enforcing this law, not some other law.

It is a matter of common knowledge that a policy of passive segregation obtains in the City of Vancouver in the matter of dealing with the suppression of houses of ill fame.

Mr. Justice Robson has this to say of such a policy: "The selection of such a restricted area is a conditional license to commit a continuing offence. In view of the law neither the Police Commissioners nor the Chief of Police have authority to permit such a state of affairs. Their duty is to see to an unremitting enforcement of the criminal law in all parts of the city."