

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises, or in such brothel, if with intent to compel or induce her to remain in or upon such premises, or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent or otherwise supplied to such woman or girl by or with the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied; no legal proceedings, whether civil or criminal shall be instituted against her under such circumstances.

Mr. THOMPSON (Antigonish). The object may be accomplished this way, if necessary to pass the section at all: In line 45, omit the words "a person shall be deemed" and say it shall be a misdemeanor; again, on page 3, strike out the words "whether civil or criminal."

Mr. CAMERON (Huron). This clause of the Bill is simply an interpretation of our Statute, and our law is sufficiently explicit on that point. It makes no difference how or for what reason a person is detained, and Mr. Justice Taschereau, commenting on this, says it means the mere detention against the will. What necessity is there then to put an interpretation on the word "detained." It will simply complicate the law unnecessarily. I think it would be better to strike out the clause altogether.

Mr. CHARLTON. It may be true that Mr. Justice Taschereau referred to detention, and the law covers that. But this makes a definite provision with regard to an indefinite abuse, and a woman would not find it necessary to go to a lawyer to have it explained to her that she might escape and still use any wearing apparel she has, whether her own or lent to her.

Mr. THOMPSON (Antigonish). The section my hon. friend refers to, and on which Mr. Taschereau has commented, is in the English Act, but in England it has been deemed necessary to describe that the artifice of keeping clothing shall be a detention.

Mr. DAVIES. I read the Act differently from the hon. member from Huron. The Act says a person who "fraudulently" allures or detains. But this section goes further than is provided by the Statute at all: "detention against her will, whether by fraud or not."

Mr. CAMERON (Huron). There are three classes of offences under this Statute. There is one of fraudulently alluring, and another for taking the woman out by force or in any other way. That would appear to be the interpretation put upon it by Taschereau and also by Russell. Then section fifty-six also provides that whoever unlawfully takes or causes to be taken any unmarried girl under the age of sixteen for any purpose shall be guilty of a misdemeanor. I think these clauses cover the case.

Mr. THOMPSON (Antigonish). As far as I know, the provision of the Bill is not requisite, but the object of the introducer of the Bill is to define, or to enlarge the definition of, the word "detain," and to make it an offence to detain, not only by fraud or by force, but by using the artifice of concealing the clothing. Whether it is necessary or not is another question, but it has been found necessary in England. I do not know that it will interfere with the existing law. It will be an enlargement of it.

Mr. CHARLTON. This is not a matter that we are theorising about here. This clause is part of the English Statute passed last year, and I think we may assume that the Imperial Parliament, in dealing with this question, knew something about what they were doing. I think I see very clearly the necessity for this provision. I think it is an important practical provision, more important, perhaps, than anything else bearing on that class of cases, so I should be very loath to see it struck out of the Bill. However, I will bow to the wish of the Committee if it is thought to

Mr. CHARLTON.

encumber the Bill, and if it is desired to strike it out, let that be done.

Mr. DAVIES. My hon. friend will remember that the English Statute was passed under an exceptional state of things which, fortunately, does not exist in this country. I agree with the Minister of Justice that there are no cases of which we are aware which call for our interference in this matter, and I think my hon. friend would be well advised to drop this clause.

Mr. CHARLTON. Perhaps my hon. friend from Queen's (Mr. Davies), is not aware that the Statute in England passed the House of Lords twice, and that it was only the favorable action of the House of Commons that was necessary to make it law. It was not merely the excitement which existed last Session which caused its passage, but the growing public sentiment which had for some time been surely making its way.

Mr. DAVIES. My only ground is that a new criminal offence ought not to be created by Parliament without its having some facts to justify it. We have already on the Statute book a law which sufficiently provides for fraudulent detention.

Mr. CHARLTON. I have frequently heard of cases of of this kind, where females were detained in brothels because they were unable to leave without making use of clothing which did not belong to them, and feared they would make themselves liable to criminal proceedings. These poor creatures were detained in worse than dungeons, because this threat of criminal proceedings was held over them *in terrorem* by those merciless wretches in whose power they were, and it is for that reason that I am anxious that this feature of the Bill should be adopted.

Mr. THOMPSON (Antigonish). I think the object of the legislation in England was not so much the purpose which would be met by this clause, as the protection of young persons, and we have left out those portions of the clause. As regards criminal proceedings, there would be no danger of the conviction of a person under such circumstances, and in regard to civil proceedings, we have no power to legislate.

Section 5 struck out.

On section 6,

Mr. CHARLTON. Here the objection raised by my hon. friend from Montreal (Mr. Curran) has been met by the committee, I think, pretty fully. The section now requires corroborative evidence to the seduction, as well as the promise of marriage, and the next clause makes the accused a competent witness in his own behalf. I do not know of any provision in any law in the world that so protects the individual against blackmail as this does. In fact, I fear that the provisions made for his safety are so great that they render it almost impossible to procure a conviction.

Mr. DAVIES. I think the effect of the amendment of this clause by the committee will be simply to nullify the Bill altogether. The amendment requiring supplementary evidence in regard to the promise of marriage is very good, but the other amendment requires additional evidence to corroborate in some material point the evidence as to seduction, will render the Bill inoperative. If that is to be inserted, the committee might as well rise without doing anything more. We had better either legislate to some effect or not legislate at all. It is useless to introduce words into the Bill which are going to nullify the Bill altogether. We know that practically it would be impossible to get this corroborative evidence in ninety-nine cases out of a hundred, in reference to seduction, whatever may be the case as to promise of marriage. I think, as to promise of marriage, it would be just as well to require some corroborative evidence, but as to the other it seems to me