

DECEMBER 14TH, 1909.

REX v. KARN.

Criminal Law—Inducing Young Girl to be on Premises for Purpose of being Unlawfully and Carnally Known—Criminal Code, sec. 217—“Unlawfully.”

Case reserved by the police magistrate for the city of Toronto.

The defendant was convicted of an offence under sec. 217 of the Criminal Code (taken from the Imperial Act 48 & 49 Vict. ch. 69).

The question stated by the magistrate was: “Does the evidence in this case, on which I believe the evidence of the Crown witnesses, disclose and prove the commission by the defendant, as a matter of law, of the offence intended by sec. 217 of the Criminal Code?”

The section enacts that every one who, being the owner or occupier of any premises or having or acting or assisting in the management or control thereof, induces or knowingly suffers any girl under the age of 18 years to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, is guilty of an indictable offence, and is liable to the punishment prescribed.

The defendant was the owner or occupier of his business premises in Queen street, Toronto, and there was ample evidence that the two young women who gave evidence on the prosecution, and who were both over 14 and under 18 years of age, were brought by the defendant to his shop aforesaid, and were there kept or invited to remain by him, and did so remain until he had carnal connection with one of them and his clerk carnal connection with the other of them. One of them went to the same place a second time, and there again had carnal connection with the defendant, who paid her therefor on each occasion. The evidence of the girls was sufficiently corroborated as required by sec. 1002 of the Code

The case was heard by MOSS, C.J.O., OSLER, GARROW, MACLAREN, and MEREDITH, J.J.A.

T. C. Robinette, K.C., and Eric N. Armour, for the defendant.
J. R. Cartwright, K.C., and E. Bayly, K.C., for the Crown.

OSLER, J.A.:— . . . The evidence brings the case within the very words of the section. The defendant invited or induced or knowingly suffered these girls to be upon his premises for the purpose of being, as they in fact were, unlawfully and carnally