

uncommon for scoundrels to oust the husband and take his place in the family, or else to entice the wife and perhaps one or more of the children away, leaving the husband with the other children on his hands. At the present time, unemployment and the consequent necessity for heads of families to go away from home in search of work, has led to a further increase in the evil now under consideration.

It is, as I say, to deal with such cases that the original Section was passed in 1919, and it has until recently served the purpose intended. Recently, however, it has been decided by single judges in two or three Ontario cases, and, finally, by the Court of Appeal for Ontario, that the provisions of the Section do not mean what they had theretofore been thought to mean and what they were certainly intended to mean, and that, notwithstanding the provisions of sub-section 4 of the present Section, (which provides that it should not be a valid defence to a prosecution that the child was of too tender years to understand or appreciate the nature of the act complained of) some visual and tangible mental injury to the child's morals must actually be proved. As it would rarely, if ever, be possible to obtain evidence satisfying this requirement, the result has been to render the present provisions nugatory. The cases to which I refer are *Rex vs Eastman*, 1932, Ontario Reports, 407, a decision of Mr. Justice Sedgewick, and *Rex vs Vahey*, 1932, Ontario Reports, page 211, a decision of the late Mr. Justice Orde. The Vahey case was appealed by the Children's Aid Society of Toronto to the Court of Appeal for Ontario, which confirmed the judgment of Mr. Justice Orde. The decision dismissing the appeal, but without giving any reasons, will be found reported in 1932, Ontario Weekly Notes at page 336.

Mr. W. B. Raymond, K. C., who is Honorary Counsel for the Children's Aid Society of Toronto, argued the case before the Court of Appeal and has reported that the grounds upon which their Lordships based their decision make it plain that the provisions contained in sub-sections 2,3,4, and 5 of Section 215 as these now stand, are quite useless and that no convictions can be secured under them. Hence the absolute necessity for the proposed amendments.