

Section **261**.—By substituting the following therefor:—

“**261**. It is no defence to a charge or indictment for any indecent assault on a person under the age of [sixteen] years to prove that he or she consented to the act of indecency.”

NOTE.—The age at present is 14

Section **264**.—By substituting the following therefor:—

“**264**. Every one is guilty of an indictable offence and liable to seven years' imprisonment who, without lawful authority—

(a.) Kidnaps any other person with intent—

(i) to cause such other person to be secretly confined or imprisoned in Canada against his will; or

(ii) to cause such other person to be unlawfully sent or transported out of Canada against his will; or

(iii) to cause such other person to be sold or captured as a slave, or in any way held to service against his will; or

(b.) Forcibly seizes and confines or imprisons any other person within Canada.

2. Upon the trial of any offence under this section the non-resistance of a person so unlawfully kidnapped or confined shall not be a defence unless it appears that it was not caused by threats, duress or force, or exhibition of force.”

NOTE.—Under the section as it now stands, the intent defined in paragraph (a) is a necessary element of both offences. Mr. Crankshaw's suggestion.

Section **278**.—By repealing this section and substituting the following:—

“**278**. Every one is guilty of an indictable offence and liable to imprisonment for five years, and to a fine of five hundred dollars,

(a.) who practises, or, by the rites, ceremonies, forms, rules or customs of any denomination, sect or society, religious or secular, or by any form of contract, or by mere mutual consent, or by any other method whatsoever, and whether in a manner recognized by law as a binding form of marriage or not, agrees or consents to practise or enter into

(i.) any form of polygamy;

(ii.) any kind of conjugal union with more than one person at the same time; or

(iii.) what among the persons commonly called Mormons is known as spiritual or plural marriage; or

(b.) who lives, cohabits, or agrees or consents to live or cohabit in any kind of conjugal union with a person who is married to another, or with a person who lives or cohabits with another or others in any kind of conjugal union; or

(c.) celebrates, is a party to, or assists in any such rite or ceremony which purports to make binding or to sanction any of the sexual relationships mentioned in paragraph (a) of this section; or

(d.) procures, enforces, enables, is a party to, or assists in the compliance with, or carrying out of, any such form, rule or custom which so purports; or

(e.) procures, enforces, enables, is a party to, or assists in the execution of, any such form of contract which so purports, or the giving of any such consent which so purports.”

NOTE.—Corrects a clerical error. The paragraph lettered (b) is printed in the code as a sub-paragraph “(iv)” of paragraph (a).