

say to the Minister who is leading the House now—and I see the Minister of Justice is within hearing distance, and will hear what I say—that I have discussed the matter, in part, with the Minister of Justice and expected to discuss the whole question at greater length before the Bill will reach the other House, and I have also discussed it with the Solicitor General. I have brought it up to-night because it seemed to be the only opportunity I would have of getting it considered by the House during this session. I think there certainly ought to be, on the lines I have indicated, some Bill introduced this session to make some changes in the Criminal Code, some change apart from all these that are now before the House in the different Bills that have been introduced. However, I leave it for the Department of Justice to say, whether they are going to present a Bill that will embrace all these matters and cure these defects, during this session. Now, a word or two with reference to my own Bill. I am asked why I selected section 181. I selected it because it is the only section to which the argument applies, for the reasons that I give. If the Minister of Marine and Fisheries will look at sections 188 and 189, he will see that there is no more reason in the world why there should be any corroborative evidence in regard to that than in regard to any other offence that is committed. These persons who are named in section 189, are persons who cannot give evidence themselves, and therefore, although a man of perfect veracity came forward and swore positively to an offence under this section, under our law as it now stands, the accused could not be convicted unless somebody else swore to the same thing, or could give some corroborative evidence against the accused. There is an absurdity on the face of it, and that has not been dealt with by any hon. gentleman. I do not think this case occurs often, and very likely no great harm will be done by leaving the section unamended. But if such a case should arise in the community, there can be no conviction unless there happen to be two persons to testify to the fact, as the offence cannot be testified to by the person upon whom it is committed.

THE MINISTER OF MARINE AND FISHERIES. Any material evidence implicating the accused.

Mr. BRITTON. Yes, but it must be material evidence, corroborating the evidence of some one witness. There is no such requirement with regard to nine-tenths of the criminal cases that come before the courts. If, therefore, the person upon whom the offence is committed, cannot be a witness, then, I say, there is no reason why corroboration of an independent witness should be required. But why did I select section 181? Because that refers to the age of unprotected girls. These girls go out from

their home into service, and if the offences are committed at all, they are committed in many cases where, perhaps, there is no doubt whatever about the commission of the offence, but the law cannot be complied with unless there is corroborative evidence implicating the accused. These are the words of the statute that I object to, and it is only as to that class of cases that I am asking to have an amendment made. Section 181 applies simply to a statutory age prescribed; the law prescribes that age. There is a Bill before the House asking that that age be increased. I am not asking for that, but the age is fixed by statute. At that age, girls are sent out from home into the service of strangers, and in an unprotected condition the offence is committed against them. It is not an imaginary case at all; it is a case that has actually arisen, where nobody in court doubted for a moment the statement that was made by the girl, but because there is no corroborative evidence, the guilty person escapes. Now, as to the next section, in regard to appeal, the hon. gentleman has misapprehended it altogether. This section applies to a case where the judge refuses to reserve a case. Before the accused can get his case before the Court of Appeal, as the law now stands, he has got to do two things. First, he has to get the consent, in writing, of the Attorney General; then he has to get leave of the court to appeal. Surely, there is no need for getting the leave of the court to appeal, if he has the consent, in writing, of the Attorney General. Neither is it necessary that he should have the leave of the Attorney General, if he has the leave of the court. As to the other section, nobody is objecting to new trials, but I do object to a Minister of Justice granting new trials. If a new trial is to be granted, let the accused person have a right of appeal; let it be argued in every way before the courts, and let the courts decide whether there shall be an appeal or not.

Under the circumstances, where the matter has not been fully argued and considered, either because it was feebly put or for some other reason, I would be glad if the Bill were allowed to stand. If, however, the Government cannot permit it to go further, I must accept the intimation; but I must say that if the Government do not think proper to take up a Bill remedying defects which it is absolutely necessary should be removed, I must bring in another Bill.

Amendment (Mr. Cameron) six months' hoist, agreed to.

PUNISHMENT OF SEDUCTION AND ABDUCTION.

Mr. CHARLTON moved second reading of Bill (No. 3) to amend the Criminal Code, 1892, so as to make more effectual provision for the punishment of seduction and abduc-