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OTTAWA, CANADA

13th May, 1933.

A. 35.4.

The Right Hon. Arthur Meighen,
The Senate,
Ottawa.

Dear Mr. Meighen:

Re: Amendments to Section 215 of
the Criminal Code.

I very greatly regret that owing to absence from the city I had no opportunity of communicating with you before Bill No. 71 came up for consideration in the Senate. I was waiting for it to pass the Commons but it went through there in my absence and went at once to the Senate.

I very greatly regret that the proposed sub-section 3 was eliminated from the Bill, that being, from our point of view, the most important of the proposed provisions.

If you will further consider what the sub-section proposes, and the nature of the evil sought to be remedied, I think you will agree that the proposed sub-section is not only reasonable, but absolutely essential. It was always thought that sub-section 4 of the present Act, which is practically identical with sub-section 4 of the amendments, served the same purpose, but the Court of Appeal in the case of *The King vs Vahey* decided that it was necessary in every case to show affirmatively that the child's morals had actually been affected by the conduct complained of, but a moment's reflection will show, I think, that it would be impossible in almost any case to give such affirmative evidence. How can it be shown affirmatively in a Court of law that a child who has been submitted to the conditions objected to in sub-section 2 has actually been injuriously affected. I think that there would be scarcely any case in which this would be possible.

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