

be given to young boys. If you eliminate this clause altogether, a girl of eighteen, of a passionate nature, might have illicit connection with a young lad of sixteen, and she would not be liable under the Criminal Code, while the boy would; and that is something we have to provide against. We do not want a double standard of morality, and we do not want a double standard that will punish the boy of sixteen and allow the girl of eighteen to go almost scot-free. I am in favour of retaining the clause, and while not prepared to go quite so far perhaps as the hon. member for Westminster, I am prepared to go with him a considerable length. That a young man of almost twenty-one, with all the matured discretion of a grown man, should go scot-free is not right. At the same time there must be some protection to the mere lad, who perhaps through ignorance is led astray by a young girl a little older. I cherish this view that where two young people have misconducted themselves, as a rule the girl is just as much to blame as the boy, and I would suggest that as we are all agreed on the principle, it might meet the views of the House if we substituted the word "nineteen" for the word "twenty-one."

Mr. G. B. NICHOLSON: I should like to emphasize the point I have already tried to make. In the case just cited by my hon. friend, what does a thirty-day term in jail mean to a boy of sixteen compared with the stigma the girl of eighteen will carry for the rest of her life? The girl you say, goes scot free but the girl who has wilfully got herself into that position, which is a most unusual thing to contemplate, or who has been brought into that condition by the wiles of a devilish young man, is branded for the rest of her life and no sentence you could impose on any young man could brand him to the same degree as the girl is branded before society by that very act. If the suggestion of the hon. member for Lotbinière (Mr. Vien) was accepted by which this clause would be stricken out and the determination of the punishment left to the courts you would eliminate the license you have given to the young man and place in the hands of men who are able to put a proper estimate upon the nature and extent of the offence, the opportunity to determine what the punishment should be. You will make the Bill clean and acceptable, and not hold out to any class of young men that liberty or license which has been spoken about during this discussion, if you simply strike

[Mr. McMaster.]

out this paragraph as the hon. member for Lotbinière has suggested.

Mr. VIEN: Under the ordinary rules of criminal procedure a judge can even suspend sentence and no provisions are necessary in this Act to allow him to do so. The judge could suspend sentence, if paragraph two of this sentence were struck out, and exercise his discretion in each case.

Mr. DOHERTY: I am pleased to have had the advantage of listening to the different views which have been put forward. I was very gratified indeed to have had the endorsement of the hon. member for Kamouraska (Mr. Lapointe), particularly as I endorse the description of him given by the hon. member for Wright (Mr. Devlin) as being the incarnation of virtue. That little consolation perhaps makes it easier for me, remembering some of the very strong language that has been used in regard to this section, to express my readiness to accept the modification which is suggested. I would not like to leave out entirely a provision, not holding out a license to do things, but merely, when we are making a new criminal law, making it applicable to men above a certain age. If the description of this legislation is correct as being a legislative holding out of a license to all young men up to twenty-one to commit this offence, we must inevitably conclude that as regards girls between fourteen and sixteen, or girls over fourteen, the law up to the present has held forth a license to all men to commit this offence. We would be making a step in advance if we cut that license down to a young man over twenty-one. However, I do not want to elaborate the argument that might be made. I do not want either to convey the idea that in the argument that might be made on the other side there is not very considerable force, but I cannot say that I am absolutely convinced by what has been said that the clause as it stands is objectionable. On the other hand, I am quite prepared, in a matter of this kind, to defer to the judgment of this committee as to the age which can be fixed and to accept the suggestion of the hon. member for Westminster District (Mr. Steacey) that we should substitute eighteen for twenty-one. The hon. member for Brome (Mr. McMaster) suggested nineteen. It was hardly worth while, for the sake of a difference of one year, to depart from the principle of putting both girl and boy, from the point of view of the criminal law at all events, on a footing of equality. There is