

Laws for the Protection of Children

From the
Dominion and Manitoba Statutes



Compiled by
F. J. BILLIARDÉ
Superintendent of Neglected Children
for the Province of Manitoba

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F. J. BILLIARDÉ
Superintendent of Neglected Children
for the Province of Manitoba

This little pamphlet has been compiled by my direction and has my hearty approval.

I trust it will accomplish the object aimed at, i. e., a more general knowledge among the public of the laws specially framed for the protection of children.

(Signed)

COLIN H. CAMPBELL,

Attorney General Manitoba.

This pamphlet has been compiled for the purpose of placing before all interested in the protection and elevating of child life, a synopsis of the various statutes, both Federal and Provincial, affecting children. It has been printed in a handy form for ready reference.

This Department has for its object the safe-guarding of the Nation's greatest asset, the child, and we recommend to all interested a perusal of the following pages, to the end that they may become conversant with the various statutes, enacted with a view to helping and strengthening this vitally important work.

Attention is specially drawn to the Act Respecting Juvenile Delinquents and the Children's Protection Act.

Any violation of these laws, or any case where children sixteen years of age and under are in moral or physical danger, as a result of their environment, should at once be reported to the undersigned.

F. J. BILLIARDE,

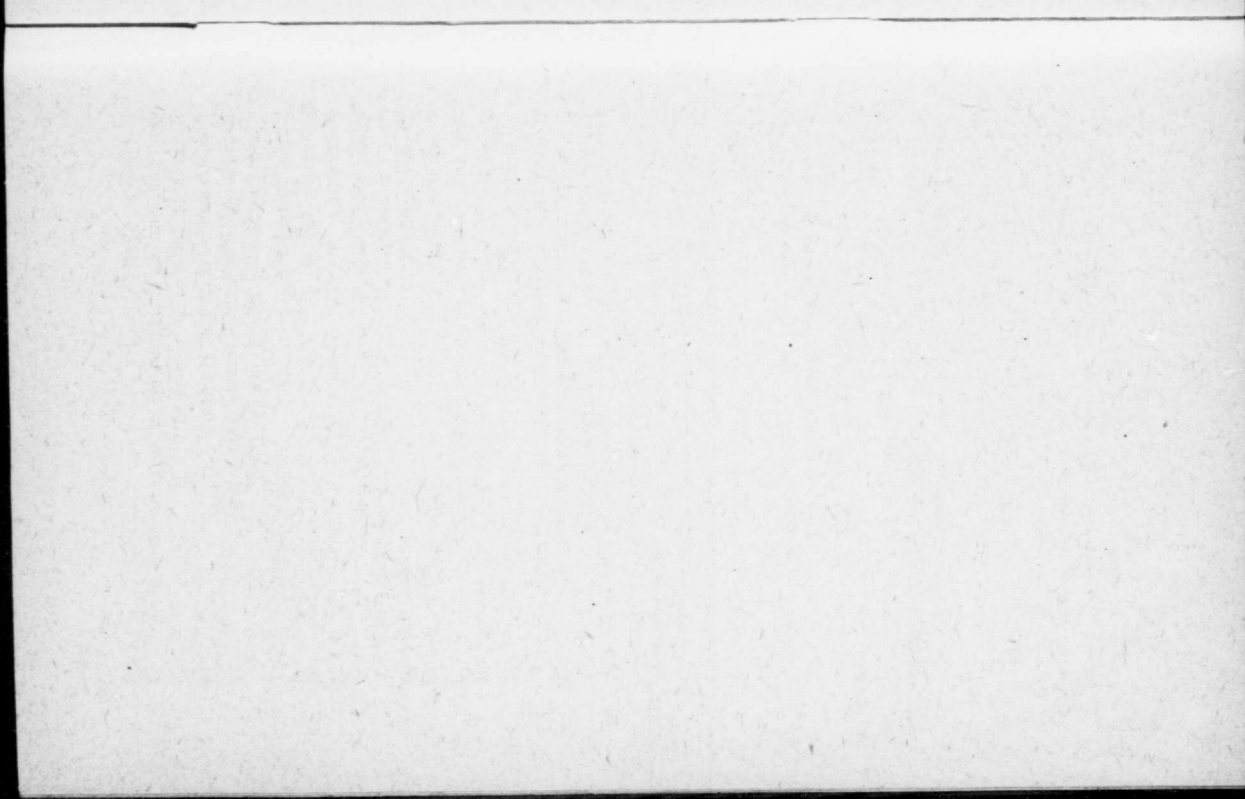
Superintendent Neglected Children,
Province of Manitoba.

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THE SENATE OF CANADA.

BILL AS PASSED JUNE 16, 1908.

QQ.]

[1907-8

An Act respecting Juvenile Delinquents.

WHEREAS it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts;

Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. This Act may be cited as **The Juvenile Interpretation Delinquents Act, 1908.**

2. In this Act, unless the context otherwise requires—

(a) "child" means a boy or girl apparently or actually under the age of sixteen years.

(b) "guardian" includes any person who has in law or in fact the custody or control of any child.

(c) "juvenile delinquent" means any child who violates any provision of **The Criminal Code**, chapter 146 of **The Revised Statutes, 1906**, or of any Dominion or provincial statute or of any by-law or ordinance of any municipality, for which violation punishment by fine or imprisonment may be awarded; or, who is liable by reason of any other act to be committed to an Industrial School or Juvenile Reformatory under the provisions of any Dominion or Provincial statute.

(d) "probation officer" means any probation officer for juvenile delinquents duly appointed under the provisions of any provincial statute or of this Act.

(e) "justice" has the same meaning as it has in the Criminal Code.

(f) "the court" or "the Juvenile Court" means any court duly established under any Provincial statute for the purpose of dealing with juvenile delinquents, or specially authorized by Provincial statute, the Governor-in-Council, or the Lieutenant-Governor-in-Council, to deal with juvenile delinquents.

Juvenile Court
Judge

"the judge" means the judge of a Juvenile Court seized of the case, or the justice, specially authorized by Dominion or Provincial authority to deal with juvenile delinquents, seized of the case.

Names not to
be published

3. No report of the trial or other disposition of a charge against a child, in which the name of the child or of its parent or guardian is disclosed, shall, **without the special leave** of the judge, be published in any newspaper or other publication.

Detention
Home

No child, pending a hearing under the provisions of this Act, shall be held in confinement in any county or other gaol or other place in which adults are or may be imprisoned, but shall be detained at a detention home or shelter used exclusively for children or under other charge approved of by the judge or, in his absence, by the sheriff, or, in the absence of both the judge and the sheriff, by the mayor or other chief magistrate of the city, town, county or place.

3. The provisions of this section shall not apply to a child as to whom an order has been made pursuant to section 7 of this Act.

Exception

4. The provisions of this section shall not apply to a child apparently over the age of fourteen years who, in the opinion of the judge, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate

of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up.

When in a proceeding before a Juvenile Court a child of tender years who is called as a witness does not, in the opinion of the judge, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if in the opinion of the judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth. Oath may be dispensed with

On the trial of a child the proceedings may, in the discretion of the judge, be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice. Proceedings may be informal

In the case of a child proved to be a juvenile delinquent the court may adjourn the hearing from time to time for any definite or indefinite period; and may impose a fine not exceeding ten dollars, or may commit the child to the care or custody of a probation officer or of any other suitable person; or may allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required; or may cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court; or may commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant-Governor-in-Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent of neglected and dependent children for the province, if one there be, duly appointed under the authority of any such Act; or may commit the child, if a boy, to an industrial school for boys, or, if a girl, to an industrial school or refuge for girls, duly approved by the Lieutenant-Governor-in-Council. Release on probation

Support of
child

2. In every such case it shall be within the power of the court to make an order upon the parent or parents of the child, or upon the municipality to which it belongs, to contribute to its support such sum as the court may determine.

Ward of the
Court

3. Every such child, whether allowed to remain at home or placed in a foster home, or if it be in any way committed, shall continue to be a ward of the court until it has been discharged as such ward by order of the court or has reached the age of twenty-one years; and the court may at any time during the period of wardship cause such child to be returned to the court for further or other proceedings, including discharge upon parole or release from detention: Provided that in a province in which there is a superintendent of neglected and dependent children appointed under the authority of any provincial statute, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such release.

4. When a child is returned to the court for further or other proceedings as in the last preceding subsection provided, the court may deal with the case on the report of the probation officer in whose care such child has been placed, or of the secretary of a children's aid society, or of the superintendent of neglected and dependent children, or of the superintendent of the industrial school to which the child has been committed without the necessity of hearing any further or other evidence.

5. The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

Religion of
child to be re-
spected

No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act be committed to the care of any Protestant children's aid

society, or be placed in any Protestant family as its foster home; but this section shall not apply to the placing of children in a temporary home of shelter for children, established under the authority of a statute of the province, or in a municipality where there is but one children's aid society, to such children's aid society.

4
If a Protestant child is committed to the care of a Roman Catholic children's aid society or placed in a Roman Catholic family as its foster home, or if a Roman Catholic child is committed to the care of a Protestant children's aid society or placed in a Protestant family as its foster home, contrary to the provisions of subsection 1 of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child pursuant to subsection 1 of this section.

No child, other than an infant in arms, shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present it shall be ordered to be removed unless it is the person charged with the alleged offence, or unless its presence is required, as a witness or otherwise, for the purposes of justice: Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment. Children not to be allowed in Court

It shall not be lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent of neglected and dependent children, and unless the court finds that the best interests of the child and the welfare of the community require such commitment. Juvenile delinquents under twelve

No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or Children to be separated from adults

any other place in which adults are or may be imprisoned.

Exception This section shall not apply to a child who has been proceeded against under the provisions of section 7 of this Act.

Juvenile Court Committee There shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as "The Juvenile Court Committee."

Duties of Committee It shall be the duty of The Juvenile Court Committee to meet as often as may be necessary and consult with the probation officers with regard to the cases of juvenile delinquents coming before the court, to offer, through the probation officers and otherwise, advice to the court as to the best mode of dealing with such cases, and generally to facilitate by every means in its power the reformation of juvenile delinquents.

Contributory delinquency Any person who knowingly or wilfully encourages, aids, causes, abets or connives at the commission by a child of a delinquency, or who knowingly or wilfully does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child, or who, being the parent or guardian of the child, and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render a child a juvenile delinquent, shall be liable on summary conviction before a Juvenile Court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

The court or justice may impose conditions upon any person found guilty under this section, and suspend sentence subject to such conditions; and on proof at any time that such conditions have been violated may pass sentence on such person.

Prosecutions against adults for offences against any provisions of **The Criminal Code** in respect of a child may be brought in the Juvenile Court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice.

In addition to those expressly mentioned in this Act, the Juvenile Court Judge has all the powers and duties, with respect to offenders, under or apparently under the age of sixteen years, vested in, or imposed on a judge, stipendiary magistrate, justice or justices, by or under **The Prison and Reformatories Act**, chapter 148 of **The Revised Statutes**, or any amendment thereto: Provided that the discretion of the Juvenile Court Judge as to the term for which a juvenile offender may be committed is not affected by this subsection.

This Act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

Nothing in this Act contained shall be construed as having the effect of repealing or over-riding any provision of any provincial statute; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of **The Criminal Code**, an indictable offence, comes within the provisions of a provincial statute, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

CHAPTER 22.

An Act for the better Protection of Neglected and Dependent Children.

SHORT TITLE.

1. This Act may be cited as "The Children's Protection Act of Manitoba." 61 V. c. 6, s. 1.

SUPERINTENDENT OF NEGLECTED CHILDREN.

Superintendent of Neglected Children

The Lieutenant-Governor-in-Council may appoint an officer, who shall be known as Superintendent of Neglected Children, whose salary shall be paid out of such moneys as may, from time to time, be set apart for the purpose by the Legislative Assembly of the Province, and it shall be the duty of such officer:—

(a) To encourage and assist in the organization and establishment, in various parts of the Province, of societies for the protection of children from neglect or cruelty, and for the due care of neglected and dependent children, in temporary homes or shelters, and the placing of such children in properly selected foster homes, and to have and exercise by virtue of his office the powers conferred upon such societies;

(b) To visit and inspect temporary homes or shelters as often as occasion may require, and not less often than may be directed by order-in-council or Departmental regulation in that behalf;

(c) To provide for the visitation of children in foster homes, and, when specially directed, to visit any home or place where any child is boarded out or placed pursuant to the provisions of this Act;

(d) To see that a record is kept by such societies of all committals, and of all children placed out in foster homes under this Act, and of all particulars connected with each case. 61 V. c. 6, s. 3.

(e) To enforce the provisions of this Act.

APPREHENSION OF NEGLECTED
CHILDREN.

10. Any officer, constable or policeman may apprehend, without warrant, and bring before a Judge, as neglected, any child apparently under the age of sixteen years, if a boy, and sixteen years, if a girl, who is within any of the following descriptions:—

(a) Who is found begging in any street, house or place of public resort;

(b) Who is found wandering about at a late hour, or sleeping at night in barns or out-houses, or in the open air;

(c) Who is found associating or dwelling with a thief, drunkard or vagrant, or who, by reason of neglect or drunkenness or other vices of the parents or guardians of such child, is suffered to grow up without salutary parental control and education, or in circumstances exposing such child to idle and dissolute life;

(d) Who is found in any disorderly house, or in the company of reputed criminal, immoral or disorderly people;

(e) Who is a destitute orphan, or who has been deserted by his or her lawful parents or guardians;

(f) Who is found guilty of petty crimes, and who is likely to develop criminal tendencies if not removed from his or her surroundings. 61 V. c. 6, s. 4.

(g) Or who frequents or visits any public poolroom or bucket shop, or place where any gambling device is or shall be operated;

(h) Or is a habitual truant from school or ^{Truant} habitually wanders about the streets or public ^{Children} places during school hours, without any lawful occupation or employment.

11. Any child apprehended under the next ^{Procedure} preceding section of this Act shall be brought before a Judge for examination within the next day after such apprehension, and it shall there-upon be the duty of the Judge to investigate

the facts of the case and ascertain whether such child is neglected, and the said Judge shall have power to compel the attendance of witnesses. The parents or persons having the actual custody of such child shall be notified of such examination. If on such examination the Judge finds that any child is dependent or neglected within the meaning of the next preceding section, so as to be in a state of habitual vagrancy or mendicancy, or ill-treated so as to be in peril of life, health or morality by continued personal injury, or by grave misconduct or habitual intemperance of the parents or guardians, he shall set out such finding, by a proper order in that behalf, and may order delivery of such child to a society, and such society may send such child to their temporary home or shelter, to be kept until placed in an approved foster home, pursuant to the provisions of this Act. The Judge shall deliver to the society a certified copy of the order made in the case, which shall contain, beside the said finding, a statement of the facts, so far as ascertained, as to the age of such child, name, nationality and residence, and occupation of parent or either of them, or whether either of them is dead or has abandoned the child; and in the case of examination of two or more children at the same time, only one order may be made. 61 V. c. 6, s. 5.

Judge's Order

Placing of children in Industrial School or refuge

12. If at any time after the making of the order, pursuant to the provisions of the last preceding section, it is established by satisfactory evidence, in the opinion of the Attorney-General of the Province, that a child may be better cared for and educated in an industrial school or a refuge for boys and girls, such Attorney-General may, at the expense of the Province, cause such child to be removed to one of such institutions, in or outside of the Province, willing to receive such child, to be there kept, cared for and educated for a period not extending beyond the period at which such child shall attain the age of twenty-one years, but not exceeding in any event three years, and thereafter to be delivered to the society for the purpose of being placed in an approved foster

home until the child attains the age of twenty-one years. 62 and 63 V. c. 4, s. 1.

19. Whenever there is reason to believe that any child is being ill-treated or neglected, within the meaning of the tenth section of this Act, in any house or building, or that any absconding ward of any such society is being harbored in any house or building, then, upon any complaint thereof being made upon oath by any officer of the society, or any constable or police officer, to any Judge or justice of the peace, such Judge or justice of the peace may issue a warrant to enter by day or night such house or building, and if necessary, use force for the purpose of effecting such entry, and to search for such child, and bring such child before a Judge to be dealt with in the manner provided by the eleventh section of this Act.

Powers respecting ill-used children

MATERNITY AND INFANTS' HOMES ACT. R. S. M. Chap. 109.

2. It shall not be lawful, without permission in writing from the medical health officer of the proper municipality, for any person to retain or receive for hire or reward any woman or girl for accouchement or to keep women or girls (being mothers of infants and not married) with infants for board and lodging, or to keep a maternity boarding house.

12. No child under one year of age, whether an inmate of such house or hospital or born therein or brought thereto or otherwise, shall be given out for adoption except by and with the consent of a children's aid society, or of the Superintendent of Neglected Children, under such rules and regulations in that behalf as may be approved of by the Lieutenant-Governor-in-Council.

INFANT CHILDREN.

19. It shall not be lawful for any person to retain or receive for hire or reward more than

one infant, and in the case of twins, more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than forty-eight hours, except in a home which has been registered as hereinafter provided, and is so registered at the time of such retention or reception.

Registration of infants' Homes 20. The Superintendent of Neglected Children, appointed under "The Children's Protection Act of Manitoba," shall keep a register of the names of persons applying to register for the purposes of Part II of this Act and therein shall come to be registered the name and home of every person so applying, and the situation of the house, and shall from time to time, make regulations for fixing the number of infants who may be received into any and every home so registered.

The registration shall remain in force for one year. No fee shall be charged for registration.

Every person who receives or retains any infant in contravention of the provisions of Part II of this Act shall be guilty of an offence against Part II of this Act.

Qualifications for registration 21. The said superintendent may refuse to register any home unless satisfied that the home is suitable for the purposes for which it is to be registered, and unless satisfied by the production of certificates that the person applying to be registered is of good character and able to maintain such infants.

MANITOBA FACTORIES ACT.
R. S. M. Chap. 62.

Interpretation In this Act, unless the context otherwise requires,—

(d) The expression "child" means a person under the age of sixteen years;

(e) The expression "young girl" means a girl of the age of fourteen years or upwards and under the age of eighteen years;

(f) The expression "woman" means a woman of eighteen years of age or upwards;

(g) The expression "parent" means and includes a parent or guardian of a person having the legal custody of or control over, or having direct benefit from the wages of, a child or young girl;

EMPLOYEES.

4. No child or children shall be employed in any factory. Children not to be employed

(a) A factory in which the provisions of this section are not complied with by the employer shall be deemed to be kept unlawfully so that the health of any child therein employed is likely to be permanently injured, and such employer shall, because thereof, be deemed to be guilty of a contravention of the provisions of this Act. 63 and 64 V. c. 13, s. 3. Liability of employer where health of child is likely to be injured

5. The Lieutenant-Governor may from time to time, by order-in-council, notice of which shall be published in **The Manitoba Gazette**, prohibit the employment of girls under the age of eighteen years and of boys under the age of sixteen years in factories, the work in which is deemed by the Lieutenant-Governor-in-Council to be dangerous or unwholesome. 63 and 64 V. c. 13, s. 4.

REGULATIONS RESPECTING FEMALE EMPLOYEES.

10. It shall not be lawful to employ in a factory any young girl or woman, so that the health of such young girl or woman is likely to be permanently injured, and whoever so employs any young girl or woman shall, upon summary conviction thereof, incur and be liable to imprisonment in the common gaol of the judicial district wherein the offence has been committed for a period not exceeding six months, or to a fine of not more than one hundred dollars with costs of prosecution and, in default of Women and girls not to be employed where permanent injury to health likely
Penalty

immediate payment of such fine and costs, then to imprisonment as aforesaid. 63 and 64 V. c. 13, s. 7.

Hours of
employment

(a) It shall not be lawful for a young girl or woman to be employed for more than eight hours in one day, nor more than forty-eight hours in any one week, unless a different apportionment of hours of labor per day has been made for the sole purpose of giving a shorter day's work on Saturday;

(b) In every factory the employer shall allow every young girl and woman therein employed not less than one hour at noon of each day for meals, but such hour shall not be counted as part of the time herein limited with respect to the employment of young girls and women;

16. A young girl shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water or other mechanical power. 63 and 64 V. c. 13, s. 12, s-s. 1.

17. A young girl or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing, while the same is in motion for the purpose of propelling any part of the manufacturing machinery. 63 and 64 V. c. 13, s. 12, s-s. 2.

18. A young girl shall not be allowed to work between the fixed and traversing part of any self-acting machine, while the machine is in motion by the action of steam, water or other machinery power. 63 and 64 V. c. 13, s. 12, s-s. 3.

Lavatories

23. In every factory there shall be kept provided a sufficient number and description of privies, earth or water closets, and urinals, for the employees of such factory; such closets and urinals shall at all times be kept clean and well ventilated, and separate sets thereof shall be provided for the use of the male and female employees, and shall have respectively separate approaches. 63 and 64 V. c. 13, s. 13, s-s. 4.

71. Where an alleged child or young girl is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young girl is not of that age. 63 and 64 V. c. 13, s. 5, s-s. 3.

THE SHOPS REGULATION ACT.

R. S. M. Chap. 156.

Interpretation.

"Young person" means any boy under the age of fourteen years and any girl under the age of sixteen years, as the case may be, but does not mean or include any person whose usual and ordinary employment in or about a shop is that of a driver of a delivery waggon, van or vehicle.

"Parent" means a parent or guardian of, or a person having the legal custody of or the control over, or having direct benefit from the wages of, a child or young person.

20. A young person shall not be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week; nor shall a young person be so employed during any Saturday for more than fourteen hours, including meal times, nor during any other day for more than twelve hours, including meal times, unless a different apportionment of the hours of labor per day has been made for the sole purpose of giving a shorter day's work on some other day of the week; and there shall be allowed as meal times to every young person so employed not less than one hour for the noon day meal of each day, and to every young person so employed on any day to any hour later than seven of the clock in the afternoon, not less than forty-five minutes for another or evening meal between five and eight of the clock in the afternoon. R. S. M.

21. Where any young person is employed in or about a shop contrary to the provisions of

the last preceding section, the employer shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars for each person so employed, with costs of the prosecution, and, in default of immediate payment of such fine and costs, to be imprisoned for a period not exceeding one month.

22. The parent of any young person employed in a shop in contravention of the two last preceding sections, shall, unless such employment be without the consent, connivance or wilful default of such parent, be guilty of an offence in contravention of this Act, and shall for each offence, on summary conviction thereof, incur and pay a fine of not more than twenty dollars and costs of prosecution, and, in default of immediate payment of such fine and costs, shall be imprisoned for a period not exceeding one month.—R. S. M.

Suitable seats
to be kept for
female em-
ployees

23. The occupier of any shop in which are employed females shall at all times provide and keep therein a sufficient suitable seat or chair for the use of every such female, and shall permit her to use such seat or chair when not necessarily engaged in the work or duty for which she is employed in such shop; and any person offending against any of the provisions of this section shall, upon conviction thereof, be liable to a fine not exceeding twenty dollars, with costs of prosecution, and, in default of immediate payment of such fine and costs, to be imprisoned for a period not exceeding one month. R. S. M. c. 140, s. 22.

Notice of
hours employ-
ment to be
exhibited in
shop

24. In every shop in which any young person is employed there shall be kept exhibited by the employer in a conspicuous place a notice referring to the provisions of this Act, and stating the number of hours in the week during which a young person may lawfully be employed therein; and such notice may be according to the form in Schedule A to this Act. R. S. M. c. 140, s. 23.

27. Where a young person is, in the opinion of the Court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of that age.—R. S. M.

PENALTY FOR BRINGING DEFECTIVE OR CRIMINAL CHILDREN INTO MANITOBA.

11. Any person who knowingly brings, or causes or procures to be brought into the Province of Manitoba, any child who from defective intellect, or disease, or physical infirmity, or any other defect, is unable to follow any trade or calling, or any child of known vicious tendencies, or any child who is known to be an habitual criminal, or who has been reared, or who has resided amongst habitual criminals, or any child whose parents have been habitual criminals, lunatics, or idiots, or weakminded or defective, or confirmed paupers, or diseased, shall, on summary conviction thereof, before a police magistrate or two or more justices of the peace, be liable to a penalty of not more than \$100, nor less than \$10, with costs, and in default of payment of said fine and costs, to imprisonment for any period not exceeding three months.

DOMINION CRIMINAL CODE.

The following extracts, as taken from the Criminal Code of Canada:

INDECENT ACTS.

Sec. 177. Everyone is guilty of an offence and liable, on summary conviction before two Justices of the Peace, to a fine of fifty dollars or to six months' imprisonment, with or without hard labor, or to both fine and imprisonment, who wilfully—

(a) In the presence of one or more persons does any indecent act in any place to which the public have or are permitted to have access; or

(b) Does any indecent act in any place intending thereby to insult or offend any person.

INCEST.

Sec. 176. Every parent and child, every brother and sister, and every grandparent and grandchild who cohabit or have sexual intercourse with each other, shall each of them, if aware of this consanguinity, be deemed to have

committed incest and be guilty of an indictable offence and liable to fourteen years' imprisonment, and the male person shall also be liable to be whipped.

PUBLISHING OBSCENE MATTER.

Sec. 179. Every one is guilty of an indictable offence and liable to two years' imprisonment who knowingly, without lawful justification or excuse—

(a) Publicly sells, or exposes for public sale or to public view, any obscene book or other printed or written matter, or any picture, photograph, model or other object, tending to corrupt morals; or

(b) Publicly exhibits any disgusting object or any indecent show.

SEDUCTION.

Sec. 211. Every one is guilty of an indictable offence and liable to two years' imprisonment who seduces or has illicit connection with any girl of previously chaste character of or above the age of 14 years and under the age of 16 years.

SEDUCTION OF WARD OR SERVANT.

Sec. 183 (a) Everyone is guilty of an indictable offence and liable to two years' imprisonment, who, being a guardian, seduces or has illicit connection with his ward;

(b) Who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years, who is in his employment in a factory, mill or workshop, or who, being in common employment with him in such factory, mill or workshop, is, in respect of her employment or work in such factory, mill or workshop, under or in any way subject to his control and discretion.—53 V. c. 37, s. 4.

183A. The burden of proof of previous unchastity on the part of the girl or woman under the three next preceding sections shall be upon the accused.

VAGRANCY.

Sec. 207. Everyone is a loose, idle or disorderly person or vagrant, and is liable to a fine not exceeding \$50.00 or to six months' imprisonment, who

Not having any visible means of subsistence, is found wandering abroad or lodging in any barn or outhouse, or in any cart or waggon, or in any railway carriage or freight car, or in any railway building, and not giving a good account of himself, or who, not having any visible means of maintaining himself, lives without employment.

Being able to work and therefor, or by other means, to maintain himself, and wilfully refuses or neglects to do so.

Loiters in any street, road, highway or public place, and obstructs passengers by standing across the foot path, or by using insulting language, or in any other way.

Causes a disturbance in or near any street, road or highway or public place, by screaming, swearing or singing or by being drunk, or by impeding or incommoding peaceable passengers.

Being a common prostitute or night walker, wanders in the public streets or highways, lanes or places of public meeting or gathering of people and does not give a satisfactory account of herself.

Having no peaceable profession or calling to maintain himself by, for the most part supports himself by gaming or crime, or by the avails of prostitution.

Provided that no aged or infirm person shall be convicted as a loose, idle or disorderly person, or vagrant, for any reason coming within paragraph (a) of section 207, in the county of which he has for the two years immediately preceding been a resident.

THE SUPPORT OF CHILDREN.

Sec. 210. Every one who as parent, guardian or head of a family, is under a legal duty to provide necessaries for any child under the age of sixteen years, is criminally responsible for omitting, without lawful excuse, to do so while such child remains a member of his or her household, whether such child is helpless or not, if the death of such child is caused, or if his life is endangered or his health is, or is likely to be, permanently injured by such omission.

DESERTION OF INFANTS.

Sec. 216. Every one is guilty of an indictable offence and liable to three years' imprisonment who unlawfully abandons or exposes any child under the age of two years, whereby its life is endangered, or its health is permanently injured.

(2) The words "abandon" and "expose" include a wilful omission to take charge of the child on the part of the person legally bound to do so, and any mode of dealing with it calculated to leave it exposed to risk without protection.

CAUSING HARM TO APPRENTICES.

Sec. 217. Every one is guilty of an indictable offence and liable to three years' imprisonment who, being legally liable as master or mistress to provide for any apprentice or servant, unlawfully does, or causes to be done, any bodily harm to any such apprentice or servant so that the life of such apprentice or servant is endangered or the health of such apprentice or servant has been, or is likely to be, permanently injured.

CONCEALING DEAD BODY OF CHILD.

Sec. 240. Every one is guilty of an indictable offence, and liable to two years' imprisonment, who disposes of the dead body of any child in any manner, with intent to conceal the fact that its mother was delivered of it, whether the child died before, or during, or after birth.

DEFILING CHILDREN UNDER FOURTEEN.

Sec. 269. Every one is guilty of an indictable offence and liable to imprisonment for life, and to be whipped, who carnally knows any girl under the age of fourteen years, not being his wife, whether he believes her to be of that age or not.

CONSENT OF CHILD NO DEFENCE.

Sec. 261. It is no defence to a charge of indictment for any indecent assault on a young person under the age of fourteen years to prove that he or she consented to the act of indecency.

ATTEMPTED ASSAULT.

270. Every one who attempts to have unlawfully carnal knowledge of any girl under the age of fourteen years, is guilty of an indictable offence and liable to two years' imprisonment and to be whipped.

KILLING UNBORN CHILDREN.

Sec. 271. Every one is guilty of an indictable offence and liable to imprisonment for life, who causes the death of any child which has not become a human being, in such a manner that he would have been guilty of murder if such child had been born.

ABDUCTION.

Sec. 283. Every one is guilty of an indictable offence, and liable to five years' imprisonment, who unlawfully takes or causes to be taken, any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful care or charge of her.

(2) It is immaterial whether the girl is taken with her own consent or at her own suggestion or not.

(3) It is immaterial whether or not the offender believed the girl to be of or above the age of sixteen.

STEALING CHILDREN UNDER FOURTEEN.

Sec. 284. Every one is guilty of an indictable offence, and liable to seven years' imprisonment, who, with intent to deprive any parent or guardian, or other person having

the lawful charge, of any child, or with intent to steal any article about or on the person of such child, unlawfully—

(a) takes or entices away or detains any such child; or

(b) receives or harbors any such child knowing it to have been dealt with as aforesaid.

(2) Nothing in this section shall extend to any one who gets possession of any child, claiming in good faith a right to the possession of the child.

SELLING PISTOLS TO MINORS.

Sec. 106. Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding \$50 who sells or gives any pistol or air-gun or any ammunition therefor, to a minor under the age of sixteen years, unless he establishes to the satisfaction of the justice before whom he is charged, that he used reasonable diligence in endeavoring to ascertain the age of the minor before making such sale or gift, and that he had good reason to believe that such minor was not under the age of sixteen.

(2) Every one is guilty of an offence and liable on summary conviction to a penalty not exceeding \$25 who sells any pistol or air-gun without keeping a record of such sale, the date thereof, the name of the purchaser and of the maker's name or other mark by which such arm may be identified.