

trial has served the public good, but that the circulation of the document itself has served the public good. As I read this section, it means this, that he who publishes an obscene document with the object of serving the public good does so at the peril of being able to shew on his trial that the public good was served by it. Now, there has been no evidence that the document as such has served any public good. No action was taken upon it, the public was not even aroused by the document itself, whatever may be said about the trial that has arisen out of it. But even if it be conceded that the public good was served, there was, in my opinion, excess beyond what the public good required. What can a person do who thinks the laws are not being properly enforced? What can a person do who thinks that another person ought to be prosecuted when he is not prosecuted? The initiation of criminal proceedings is not confined to the officers of the Morality Department. Any person can go before a magistrate and lay an information. He may get a summons, or, if the magistrate thinks it a proper case, he may issue a warrant for the arrest of the person charged. It was the privilege of Mr. St. Clair if he chose, and if he believed these people ought to be prosecuted, it was his privilege and right to go to the magistrate and lay an information. It is said that probably he would have been refused a summons. I cannot believe that our magistrate and the officers of the law would act in such a way as to refuse a summons at least, or, perhaps, a warrant, in a case like this. Not only that: Suppose that he were refused? Or suppose, what is more likely, that St. Clair did not desire to take upon himself the burden of prosecution and no one could blame him for not having the desire, then it seems to me there were other means of bringing about a better condition of things than by publishing this obscene document. He could have interested his fellow-clergymen, and others who were engaged in moral reform work, and could have got up a députation and gone to the Police Commissioners and laid the facts before them and told them exactly what he had published in his bulletin. He could have urged upon them that they were not properly enforcing the law, and if they failed to be convinced he could still have taken steps to arouse public opinion without publishing what is obscene. Supposing this show was indecent, and I think beyond question that it was, and you want to describe it to other people. You can describe the play in your own way,