

way as to make the existence of any state of mind of the perpetrator immaterial: *Bank of New South Wales v. Piper* (1897) A.C. 383, at p. 389. In the present enactment we have no such words as "knowingly," "wilfully," etc. This being the case, such decisions as *Sherras v. De Rutzen* (1895) 1 Q.B. 918, shew that there are many cases in which there is no necessity of mens rea. In the last named report Mr. Justice Wright, at p. 922, gives instances in which this is the case, amongst them 'a class of cases which are not criminal in any real sense, but are acts which in the public interest are prohibited under a penalty.' The present comes within that category."

(d) The last illustration is the "elaborately considered case of *Reg. v. Prince*, L.R. 2 C.C.R. 154, which deserves the most careful attention of the student." (Kenney, p. 41.) The discussion in this case was as to what degree of mens rea was sufficient, e.g., an intention to commit some act that is wrong, even though it do not amount to a crime; and further, as to what standard of right and wrong is to be referred to—must the intended act be a breach of law, or will it be sufficient that the accepted rules of morality forbid it? (Kenney, p. 41.) The prisoner was tried upon the charge of having unlawfully taken an unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father. He was found guilty. All the facts necessary to support a conviction existed, unless the following facts constituted a defence. The girl, though proved by her father to be fourteen years old on the 6th April following, looked very much older than sixteen, and the jury found upon reasonable evidence that before the defendant took her away he had told him that she was eighteen, and that the defendant bonâ fide believed that statement, and that such belief was reasonable. All the sixteen judges, except Brett, J., concurred, though not for identical reasons, in affirming the conviction. It was held by Brett, J., that to constitute criminal mens rea there must always be an intent to commit some criminal offence. "The majority of the court, however, decided that, upon the construction of the particular statute under which the prisoner was indicted, his