

conviction was affirmed. Brett, J., who was the only dissident, delivered one of the ablest and most exhaustive judgments ever delivered on the subject.

Bramwell, B., at p 174 thus places the matter in a clear light: "The act forbidden is wrong in itself, if without lawful cause; I do not say illegal, but wrong. I have not lost sight of this, that though the statute probably principally aims at the seduction for carnal purposes, the taking may be by a female with a good motive. Nevertheless, though there may be such cases, which are not immoral in one sense, I say that the act forbidden is wrong. Let us remember what is the case supposed by the statute. It supposes that there is a girl—it does not say a woman, but a girl, something between a child and a woman; it supposes she is in the possession of her father or mother, or other person having lawful care or charge of her; and it supposes there is a taking, and that that taking is against the will of the person in whose possession she is. It is, then, a taking of a girl, in the possession of some one, against his will. I say that done without lawful cause is wrong, and that the legislature meant it should be at the risk of the taker whether or no she was under sixteen. I do not say that taking a woman of fifty from her brother's or even her father's house is wrong. She is at an age when she has a right to choose for herself; she is not a girl, nor of such tender age that she can be said to be in the possession of or under the care or charge of any one. I am asked where I draw the line; I answer at when the female is no longer a girl in anyone's possession. But what the statute contemplates, and what I say is wrong, is the taking of a female of such tender years that she is properly called a girl, can be said to be in another's possession, and in that other's care or charge. No argument is necessary to prove this; it is enough to state the case. The legislature has enacted that if any one does this wrong act, he does it at the risk of her turning out to be under sixteen. This opinion gives full scope to the doctrine of mens rea. If the taker believed he had the father's consent, though wrongly, he would have no mens rea; so if he did not know she was in anyone's possession, nor in the care or charge of anyone. In those cases he would not know he was doing the act forbidden by the statute—an act which, if he knew she was in possession and in care or