

lomatic overtures and ultimately all investigation is rendered abortive. Each having sinned, it is deemed expedient by each to condone the offence of the other and thus the very object for which the law is intended is defeated. The law is actually so manipulated as to be a clever device for frustrating justice, inasmuch as when the curtain is rising and the corruptionists are about to be exposed to public view the whole performance is ended by the joint action of both parties to the farce.

The fundamental weakness of the present law is that it is liable to be treated as if the only parties concerned were like parties to an ordinary civil suit, in which the public had no special interest. If, the prosecution of any person for committing an offence against the Canadian Criminal Code were dependent upon the action of some one guilty of the same offence it would soon be discovered that the Code was a failure and the reason for the failure would be quite plain. For example, take sec. 154 of the Code, the object of which is to prevent the bribing of any jurymen. A person violating that section is guilty of an indictable offence and liable to two years imprisonment, but the value of such a provision would be destroyed if its enforcement against A.B., who, as an agent of the plaintiff had been guilty of bribing a jurymen, were left in the hands of C. D., the defendant whose agent also had been guilty of bribing another jurymen. Our Customs law is vigorously enforced, and smugglers are promptly punished because there is a department and staff whose special duty is to enforce the law and prosecute all violators, and our Inland Revenue law is effectively enforced for the same reason. But if the prosecution of A. B. and his employees for smuggling depended practically upon the action of C. D. and his agents, many of whom had also been guilty of smuggling, it is to be feared that there would be at some convenient period a sudden and permanent abandonment of all proceedings. The reason why there are comparatively few violations of the Customs Act or Inland Revenue Act in Canada is that persons who might otherwise contemplate a breach of the provisions of either Act know that these laws are sternly enforced and cannot be violated with impunity. Our Corrupt Practices Act is the only law in Canada