

importance to the community and to the individual concerned, who, it appears, has heretofore sustained a good character for honesty, integrity and morality. The offence charged is one highly injurious to public morals, and strikes at the root of our Government. The power to preserve itself is necessary, and I believe concomitant with its existence, and through its law tribunals may punish offences of this nature tending to obstruct and pervert the due administration of its affairs. So far as the peace and quiet and happiness of the people are concerned, it is of as much importance that the law-making power should be as free from the imputation of corruption as the judicial power that administers the laws thus made. The community have as deep an interest in protecting the law-makers from all corrupt and seducing temptations of bribes as they have the judges who expound the laws. I am unwilling, if I had the power, to extend the criminal law one step beyond its known and defined limits, and the argument so earnestly and ingeniously urged by the defendant's counsel, that the offence charged was not indictable or there would have been some precedent, either in England or in this country, found where there was an indictment against a member of Parliament or member of the Legislature, has received due consideration, and although precedents and similar cases are as stars to light our way, in examining questions of this kind we must not, in looking for them, lose sight of general principles or give up the principle because we cannot find a precedent."

These arguments of Judge Eldred seem to be the correct interpretation of the common law in relation to this matter. I will now consider this subject from another point of view. *Roscoe in Criminal Evidence*, page 410, says:

"As to conspiracies, of course, it makes no difference whether the final object be unlawful, or the means be unlawful. Here 'unlawful' does not mean 'criminal,' for there are many cases in which a combination to do anything is a crime, although the act itself if done by an individual would not be a crime."