

wielding an easy pen, can, of course, overrule the result of many years of experience. The wisdom of doing so is another matter.

Make the penalty in these cases as heavy as possible, when guilt is brought home to the prisoner. Let there be no loose or easy loopholes of escape. The roads leading up to the chastity of young girls should be vigilantly and mercilessly guarded by the State. At the same time, there should be a reasonable check on improper or malicious prosecutions, which are too often commenced to gratify revenge, or force a money settlement. The innocent man or the guilty, should not be handicapped in the legal contest. The Crown should have no advantage, nor should the accused be placed at a disadvantage. The absolute fairness of the law is the greatest lever in the administration of criminal justice, and sentences have the greatest weight with the public, when they are the result of an equal struggle between law and crime.

The gravest difficulty in the way of proving this class of offences is not dealt with by the Bill. The proof of age is the great obstacle. It would only be reasonable that some latitude should be allowed the Crown in this respect. Where the judge and jury are satisfied from the appearance of the girl, and from other evidence, although the exact age cannot be shown, that the case is one within the section, the accused, if otherwise proved guilty, ought not to escape. The majority of these prosecutions have failed by reason of this defect in the law, most of those assaulted in this way being orphan children or those sent out by English Homes, and it is found impossible to give strict proof of age. The jury try the issue not upon the actual and absolute facts, but upon the best evidence available concerning them. The finding of the jury is therefore only their conclusion of what they believe, on the evidence, to be the truth. The facts, as shown by imperfect evidence, are as near the truth as we can hope to reach, and the conclusions generally are not far astray.

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