

times afforded loopholes by which perjurers when prosecuted could escape punishment, but, while our law defining this offence is satisfactory, there is a manifest weakness in connection with the machinery relied upon to enforce this law effectively. The best preventive of this offence against public justice is the certainty of prompt punishment if the crime be committed. But at the present time the crime is often committed because it is felt that there is not much danger of a prosecution. Whenever other crimes are committed there is usually some one injured in person or property who is bent on prosecuting the criminal, but where perjury is committed in a Court of law, there is generally no inclination on the part of the individual wronged, to institute legal proceedings even where the perjurer has caused miscarriage of justice. In the many cases where the false oath is not credited and no prejudice is caused to the opposite party, that individual has no disposition to go to the trouble of prosecuting the offender, as the offence is a difficult one to prove. While legally it is immaterial whether the false oath was credited or not, or whether the party against whom it is given was prejudiced thereby, as the prosecution is grounded not on damage to the party but on the abuse of public justice, yet, practically, if the perjurer has not been successful in his attempt to thwart the ends of justice he is likely to leave the Court house unmolested and perhaps may repeat his offence with impunity, and more successfully on some subsequent occasion. A person contemplating the commission of another crime, as, for instance, theft, knows that the owner of the goods will promptly start a prosecution when it is discovered that the goods are stolen, and the fear of such prosecution and punishment often acts as a deterring force and prevents theft. But a person committing perjury generally feels before-hand that he can safely take the risk, without fear of temporal punishment. The purpose of the oath is not primarily for those who under any circumstances would tell the truth, but for those of dull conscience, and others who might have a motive to testify falsely,—the fear of temporal and eternal punishment being