

commerce. The European poultry raiser is at considerably greater expense in the rearing of his stock than is the American. Who would ever think on this side of having shepherds or guards for their poultry, and not only that but veterinary surgeons? Yet in France such things are known, and all large poultry raisers have a guard for their fowls. France produces annually a grand total of nearly two thousand millions of eggs, which together with the value of the poultry is estimated at nearly one hundred millions of dollars. In only a few instances is this great result achieved by large producers. In most cases the middle-man crops up, collects the eggs from numerous large producers, and exports them to England. The farmer there gives close attention to his poultry, and is rewarded by substantial profits; attention is paid to the smaller details, and not even a feather is lost. Yet in France the condition for fowls is not so favourable as in America, where the fowl finds an abundance of running feed as a reward for his industry, which the French bird misses, and hence requires more artificial food. It is absurd to urge the coldness of the climate as detrimental to the thriving of fowls, and what is more, they do better roosting up in a tree than closed up in a house. Nature has made the fowl for the air as manifestly as the fish for water, and it is doubtless in no small degree owing to their being so often shut up out of their native climate that they become in many instances sickly and diseased. In the present depression of agriculture, it behoves all farmers to look carefully and systematically into an industry which requires so little outlay and promises sure and steady remuneration.

Farmers as a rule are not much given to argumentative theory; they are, in general, best satisfied with what takes them least time to learn; their ideas are simple and uncompounded, and if they have the ability they mostly want the inclination to trace effects up to their causes. If they see the immediate effect of a mediate operation and approve of it, its primary cause they leave to be investigated by others who have more leisure. But with an industry which is simply and purely one of easy practice, and not involved theory, it seems strange the enterprise should so long have been neglected. For this business, which in America has hitherto been regarded as trifling and contemptible, yields to the poultry farmers of France about one-third as much in value as the average wheat crop in America, and nearly twice as much as the gold mines of California produced in the best days, with the advantage, too, that poultry products are improving, while the gold mines are gradually declining.

THE BRIBERY CASE IN ITS SOCIAL AND MORAL ASPECTS.

THE recent developements in the Police Court in the bribery and conspiracy case have uncovered a spot in society which most of us would have been glad to discredit.

The purely legal aspect of the case laid aside, it presents a social and moral aspect which demands serious contemplation, and a wholesome discussion of the subject, based upon the theory of the criminal law, the essentials of the offence of bribery, and the mode of detection adopted, may well take place without in any way interfering with the course of justice.

Accept the finding of the Police Magistrate as demonstrating that an attempt had been made to unlawfully influence members of the Legislature; and accept the statements of the principal witnesses that, after they had been approached, they continued under the instructions of the Ministry to treat with the accused in order to see how far they would go, and provide themselves and their friends with what they believed to be undoubted evidence of guilt. Was the mode of detection consistent with morals or with the theory of the criminal law, the aim of both of which is to prevent crime, not to encourage it for the mere satisfaction of the greed of punishment or revenge? Was it consistent with a high tone of morality that the instruments of detection should toy with the blandishments of the seducers and finally surrender themselves to be debauched in order to induce the actual commission of an offence which could not have been consummated (as we for the moment assume it was) without their consent? Was it necessary that they should actually have accepted the proffered reward, whether with or without a guilty intent, in order to make the offence complete and the evidence sure?

To answer the last question first, it is undisputed that the offence of bribery consists in the giving, or offering to give, or in the receiving, or offering to receive, an unlawful reward, in order that a public officer may be influenced in the performance of his duty. The offer, then, was sufficient; acceptance was not necessary to complete the offence of the bribers. And, further, it is of the nature of the offence that both offence and

evidence are complete when the offer is made and refused—the offence consisting in the offer, the evidence existing in the testimony of the person approached. Whether it was conceived that, if the transaction had been checked at the mere attempt to bribe, the evidence of the patients (shall we call them?) would not have been credited, or whether it was that there was a desire to implicate more, or more eminent persons in the affair, and therefore events were directed as they were, it is difficult to say. But one would judge that the latter was the ruling motive, as the information was finally laid for conspiracy and not for bribery only.

As a rule, an honourable man will resent an insult at once, being more anxious for the preservation of his honour than for the detection of crime. He will as soon make a decoy of his honour as will a woman of her virtue—as a rule, be it said—for the Ministry of Ontario are honourable men. So are Messrs. McKim and Dowling. So are they all, all honourable men.

It will be said that it is perfectly justifiable to lay a trap for the purpose of detecting and bringing offenders to justice. For instance, A suspects his servant of pilfering. He is certain that an offence has been committed. He is morally certain that his servant is guilty. He marks a coin, and gives the servant the opportunity of stealing it. The coin is stolen, the servant is arrested with it on his person, and the evidence is now sufficient to convict the offender. But suppose that A suspects his clerk of undue intimacy with his daughters, will he adopt the same course? Will he give the clerk the opportunity of accomplishing the betrayal of his daughter in order that he may have a complete cause of action or ground of accusation against him for his own enrichment or for the punishment of the betrayer? One would say not. Lost money may be recovered; but not lost honour or virtue.

There is a difference in the offence itself; and there is a difference in the surrounding circumstances, which is easily pointed out. And the case in question may readily be distinguished in both ways. For bribery is an offence of such a nature that it must be committed towards or upon a person. That person cannot be debauched or corrupted without his consent. If he refuses the bribe, detection of the offender follows at once, from the nature of the events. But, if it be necessary to induce a continuance or repetition of the offence, in order to secure the conviction of the offender, life, liberty and honour are too dear to be sacrificed to the detection of crimes against them. Lay traps for criminals, by all means, but don't bait them with human beings.

It must, also, be borne in mind that there is a vast difference between furnishing opportunities to a suspected criminal, for the purpose of exposing him and bringing him to justice for crimes already committed, on the one hand—and on the other hand, inciting a person to the commission of an offence, with the sole desire to detect him in the act and procure his punishment for the offence alone. In the former case, prevention is impossible, and a criminal may escape punishment, but for the device of making him continue till he is caught. In the latter case, prevention is possible, and no punishment is merited until the actual commission of the offence, which the detective aids in bringing about. The creation or procuring of an offence to be committed, for the mere purpose of detecting it and punishing the offender, for that alone, is most abhorrent to morals. It involves two persons in the actual commission of crime, alone, the evil intent of one might have been frustrated. Indeed, the device of the marked coin is justifiable in morals only on the fictitious presumption that the theft of it is a continuance of an old offence. For, if the stealing of the marked coin be regarded as a separate and distinct offence, the inducement to steal it is quite as reprehensible as the offence itself. Assuming that there was an offer of a bribe to a member of the Legislature, the offence of bribery was complete, and the subsequent transactions were unnecessary in law to establish or prove the offence, and were most reprehensible in morals, because honour was held up for actual sale, and the commission of fresh offences was directly induced.

A French magistrate once said, in giving advice to a police spy, "Remember well that the greatest scourge of society is he who urges another on to the commission of evil; where there are no instigators to bad practices, they are committed only by the really hardened; because they alone are capable of conceiving and executing them. Weak beings may be drawn away and excited; to precipitate them into the abyss, it frequently requires no more than to call to your aid their passions or self love; but he who avails himself of their weakness, to procure their destruction, is more than a monster, he is the guilty one, and it is on his head that the sword of justice should fall; and to those engaged in the police, they had better remain forever idle than create matters for employment. The police is instituted as much to correct and punish malefactors as to prevent their committing crimes; but, on every occasion, I would wish it to be