

been found guilty. It was no fault of counsel, and yet the Divisional Court to whom an appeal was taken, was powerless to deal with the matter, beyond the merest technicalities. The Hon. David Mills, as Minister of Justice, thought, on the whole case, that the ends of justice would be better served by a new trial than by carrying out the sentence of death or by commuting, and the subsequent verdict of a jury, chosen in a county not favorable to the prisoner, justified his wisdom and extreme care in capital offences. I refer to *Reg. v. Sternaman*. No relief was possible under the law but for this section. It seems absurd to argue that the Crown, represented by its chief officer, may commute, where sentence of death has been pronounced, and yet cannot give effect to the lesser act of granting a new trial where injustice may have been done. A man seeking the recovery of a few dollars may have appeals and rights in our Courts which he cannot have when seeking to save his own life. Ample protection to the public would be given, if the law was amended so that no new trial should be granted except on full argument of counsel for both the Crown and the accused. The only objection to the present law is that the motion is in a sense *ex parte*.

But the most remarkable feature of the proposed legislation is that relating to crimes against women and young girls. The word "chaste" is to be construed as "free from unlawful sexual intercourse." We have always understood that want of chastity could only be safely proved by repute, aided by proof of certain extraneous circumstances. Direct evidence of sexual intercourse, when tendered by male witnesses, is infinitely more dangerous than circumstantial and reputation evidence. It is generally admitted that men who will swear to illicit intercourse with a woman, do it to help a friend, and are not over-sensitive as to the truth. By the proposed Bill, the safeguards of innocence are demolished, and the road to blackmail smoothed and macadamized. In honest charges, there has always been the obstacle of proving want of chastity, in the path of the defence. Now it will be necessary to prove that the prosecutrix has been, on previous occasions, guilty of unlawful sexual intercourse! How is this to be proved? Reputation will not do it. How could the ordinary case of prostitution be proved, if this definition were applied? How could sexual intercourse be proved, even if the girl has been living