At the meeting referred to, Mr. Nesbitt, the president of the Society, read from a manuscript what he assured the members was a fair summing-up of your comments on the dinner above mentioned. This "summing-up" very naturally caused much indignation among those present, the outcome of which was a very strongly-worded resolution expressive of the Society's dissent and condemnation of your remarks, in so far as they reflected upon it and its American guest. I have since read your remarks, and I must say that Mr. Nesbitt's "summing-up" was altogether too highly coloured, although, doubtless, so done under the influence of an unconscious bias. Had I previously read your comments I should certainly have opposed the adoption of the resolution condemning them.

But, in my opinion, the most objectionable part in the Society's action was the causing its fiery resolution to be published in the lay press. This I did oppose, but I had the honour of doing so as a minority of one. I pointed out that the dinner which gave rise to your comments was an exclusively professional one, that the criticisms complained of had been published in a professional journal, that it would be unprofessional to appeal to an *extra*-professional constituency, and, after the manner of the clerical profession, to wash our dirty linen before the "*profanum vulgus*."

As a member of the Osgoode Legal and Literary Society I regret exceedingly that it should have forgotten what is due to the dignity of the honourable profession to whose robes (as it were) it is pinned.

M. J. FLETCHER.

Toronto, Feb. 22nd, 1886.

BAILING PERSONS CONVICTED OF FELONY.

To the Editor of the LAW JOURNAL:

SIR,—At the last Assizes in Toronto a merchant of some prominence was found guilty of uttering forged paper. His criminal operations were carried on to a large extent and under circumstances which indicated both ingenuity and premeditation. The jury recommended him to mercy; why, it is very difficult to see. Some points of law were raised and sentence was deferred until they should be determined. In the meantime the prisoner was set at liberty to appear when called upon; his own recognizance being taken in $3,000, which is, presumably, of no great value, and two sureties in half the amount each. I do not feel called upon to criticise the discretion of the learned and common-sense judge who tried the case, except to remark that it may hereafter be used as a dangerous precedent. The offence is a very serious one, striking at the root of commercial confidence, and the judge himself very properly remarked that offences of the kind should be, and would thereafter, by him at least, be visited with heavy penalties. Though there were points of law which may have been well taken they cannot be said to be at first sight very strong, and there was no doubt in any one's mind of the prisoner's guilt. But, however this may be, he *was* found guilty, and it does not seem to me to be in the interests of commercial morality that the prisoner should be allowed for the present to be going about his business as though he had done nothing very much amiss after all.

Yours, etc.,

BARRISTER.

[In the case referred to, although the jury found a verdict of guilty, their recommendation to mercy was (as it often is) probably made in order to get all the jurors to agree to a unanimous verdict, and was consequently of no value. There were strong doubts whether the facts justified the accusation on legal grounds. It is not usual for a judge, in such circumstances, to exact bail by sureties and penalties in case of the non-appearance of the accused to receive sentence at a subsequent assize; or where there is every or any probability that the Court on a case reserved will hold that the necessary ingredients to constitute a criminal offence have not been made out. The jury, no doubt, were influenced by the moral wrong exhibited by the acts of the prisoner in the case referred to; but the Court administering criminal law can only treat that as an offence which is not only *contra bonos mores*, but amounts to either felony or misdemeanour.—ED.]

FLOTSAM AND JETSAM.

AN odd decision comes from Cockermouth County Court. It seems that one Scraggs bet a hat with a friend named Kirkwood, and lost. Scraggs told Kirkwood to buy his hat at Waite's, at Workington, but he preferred to buy it at Boyle's, the plaintiff's. When, therefore, the plaintiff asked Scraggs to pay he declined. We suppose that if a man authorizes another to buy a hat at a shop he must pay for it, although the hat was lost in a wager, but not if he is told to buy it at Waite's and he buys it at Boyle's. The County Court judge, however, thought that, as the defendant's only reason for preferring Waite's was that she was a widow, and sold cheap hats, he might just as well have authorized the purchase at Boyle's. The only difficulty about this is that he did not.