before he received the check, the defendant had formed the intention of converting the money to his own use; not of the check, because the defendant had used no fraud or contrivance to induce the prosecutor to give it to him; and because, being the prosecutor's own check, and of no value in his hands, it could not be called his goods and chattels; nor of the proceeds of the check, because the prosecutor never had possession of them, except by the hands of the defendant. It will be observed in the above case, two of the ingredients necessary to constitute the crime of larceny are wanting, viz: (1), the *asportatio*, and (2), (almost as a necessary consequence) the *invitus dominus*. The element in the crime, which to the lay mind would appear most difficult to find, is here clearly and apparently without hesitation found. In the face of 24 & 25 Vict. c. 96, ss. 1, 3, we think the above verdict, on the facts, would not stand. But the case is interesting, as illustrating what subtleties of distinction the judges of half a century ago admitted; it would almost seem that they went out of their way to devise methods whereby parties clearly guilty of at least a grave moral offence might escape. In a subsequent case (Reg. v. Metcalf, 1 Mood. Crim. Cas. 433), the prisoner, who acted as occasional clerk to the prosecutors, was indicted for stealing a check. The check, made payable to a creditor, was given to the defendant to deliver to the creditor. Defendant appropriated it to his own use. It was held by nine judges (one *dubitante*) that defendant was guilty of larceny. Now, this case is really more on all-fours with the case which came before the learned magistrate than the preceding. The only difference is that here the prisoner was to get the check cashed and to deliver the proceeds to his master; in the case quoted the prisoner was to deliver the check, *as a check*, to another person. The act, then, of converting a check, with which one is entrusted, into cash, and then appropriating such cash to one's own use, is divested of criminality. If such really is the law, it would be desirable to import the civil doctrine of relation into such transactions, and presume the three ingredients of larceny against the prisoner upon the proof of the facts, as above, and call upon such prisoner to rebut any one of such presumptions. The question did not, and could not, arise here, whether the subject matter of the theft was or was not the subject of larceny. The prisoner, so far as it appears to us, was discharged on the ground that the money, the proceeds of the check, had never been reduced into the possession of the prosecutor; but, for reasons given above, we think this position is untenable.

We propose to consider in a subsequent article the remedy, suggested by the Code of Indictable Offenses, to meet the serious defect, if such defect can be said to have any legal existence. —London *Law Times*.

CURRENT EVENTS.

CANADA.

THE LEGALITY OF THE ORANGE ASSOCIATION.—The following is the opinion of Messrs. Wurtele and Curran, referred to on page 517:

To the St. Patrick's National Association of Montreal.

Having been requested by your Association to give you our opinion on the status of the Orange Association and of its members in the Province of Quebec, we examined the statutes relating to the matter, and after careful consideration we now proceed to answer your questions in the order in which they were submitted to us.

Question 1.—Is the existence of the Orange Association in this province illegal and prohibited by law?

Answer.—The sixth section of chapter ten of the Consolidated Statutes of Lower Canada, intituled "An Act respecting seditious and unlawful associations and oaths," enacts that every society or association of which the members are required to keep its acts or proceedings secret, or of which the members take or bind themselves by any oath or engagement not required or authorized by law, or of which the members take, subscribe or assent to any test or declaration not required by law, and every society or association which is composed of different divisions or branches or of different parts acting in any manner separately or distinctly from each other, or of which any part shall have officers elected or appointed by and for such part, shall be unlawful combinations and confederacies; and that every person who becomes or acts as a member of any such