

## LAW SOCIETY, HILARY TERM—PRESUMPTIONS IN CRIMINAL CASES.

study or service under articles, as the case may be, which period may have elapsed either before, or concurrently with, the passing of the examinations for such degree.

Mr. Meredith moved, That the Reports, including the back numbers of the current volume, at the time of formation, be supplied to each County Library Association formed under the Rule in that behalf. Carried.

Mr. MacLennan moved, That Mr. Ferguson be added to the Select Committee to consolidate the rules and regulations of the Society.

FRIDAY, February 13th.

The papers of Mr. Jacobs, an attorney of ten years' standing, were laid before Convocation. Mr. Read moved, That a committee, composed of Mr. Leith, Mr. Ferguson, and the mover, be appointed to examine Mr. Jacobs. Carried.

The Report of the Library Committee was received, read and adopted.

Mr. Crooks moved the resolution, notice of which had been given on the 7th instant. On a division the motion was lost.

The Report of the Committee on Discipline on the case of a member of the Bar which had been referred to them by Convocation, was received, read and adopted.

Mr. McCarthy moved, that the conduct of Mr. ———, a Law Student, as stated in the foregoing report, be referred to the Discipline Committee for consideration and investigation. Carried.

The Committee on Discipline, in accordance with the above motion, withdrew, for the purpose of carrying on the investigation ordered.

The special Committee appointed to examine Mr. Jacobs, reported that he had passed his examination satisfactorily.

Ordered, That he be called to the Bar.

The Committee on Discipline reported on the case of the Student-at-Law referred to them, and their report was adopted.

Mr. Jacobs was called to the Bar.

A second letter of the Registrar of the Court of Chancery was read and referred to the Committee on Discipline.

A petition from Mr. Mills on the subject

of his fees was referred to the Finance Committee with power to act.

In the matter of the Law Student reported upon by the Committee on Discipline, as before stated, it was ordered, that the matter be referred to the same Committee to consider and report what punishment cap, and ought, to be inflicted in the premises. The Committee to report next Term. Convocation adjourned.

## SELECTIONS.

## PRESUMPTIONS IN CRIMINAL CASES.

The first enquiry before us, when entering on the discussion of presumptive proof, is that which relates to what is called "circumstantial" as distinguished from what is called "direct" evidence. Is there any "direct" evidence that is not "circumstantial"?

One of the simplest cases of what is called "direct" evidence, is that of a witness who testifies that he saw a particular person at a particular time. Let us note the several elements of incertitude in such a statement:

1. The *percipient powers of the witness may be defective*. We have heard lately a good deal about colour-blindness, and it is stated, on high scientific authority, that about eight per cent. of men are deficient in the capacity of distinguishing green from red. No man, it is urged, should be appointed to any position in which it is important to decide upon particular colours, *e.g.*, no man should be appointed sailing officer of a ship, or switch-tender on a rail road—without being first examined as to his capacity to distinguish colours. But is there not, with some persons, a want of capacity to distinguish faces? Is not this capacity, in other words, very unequally distributed? General Scott, it is said, used to be able to remember every soldier with whom he had any personal acquaintance; and of a great English politician, the first Duke of Wharton, it is stated, that on his annual electioneering campaign, which extended over three or four counties, he would not only remember the face of every voter whom he had previously met, but