I give you, then, my theme, and it is: The international mind; reciprocity of kindred ideals; uniformity of aims; brotherhood of sentiment; common ambitions to improve our race."

PUBLIC WRONG AND PRIVATE ACTIONS.

I have been much interested in an article under the above heading in the February number of *The Harvard Law Magazine*, by Mr. Ezra Ripley Thayer.

The special matter discussed in this article is the conduct of an action claiming compensation for injury caused by breach of a criminal statute; or, consideration of the law of negligence in relation to criminal legislation. The former being a branch of the law which is constantly before the courts, I trust the learned writer will not take amiss some friendly criticism of a portion of his article.

Mr. Thayer treats his subject under two heads, namely, legislation prohibiting something and legislation directing something to be done. What I have to say will be confined to the first branch.

The article opens with this query: When does the violation of a criminal statute or ordinance make the wrongdoer civilly responsible? My answer to that question would be—Violation of legislation directing something to be done may, but violation of legislation prohibiting an act cannot produce civil liability. My reason for this will appear later.

I have no fault to find with the writer's remarks on the law of negligence except in one respect. On the trial of an action based on negligence the jury are frequently told, to enable them to determine whether or not the defendant was guilty of negligence to take as a test what an "ordinary prudent man" would do under the same conditions. Mr. Thayer seems to think that such direction is apt to induce perplexity and lead the jury to indulge in theory and make, or endeavour to make, subtle distinctions. I cannot see it. The jury must find, in order to exonerate the defendant, that his conduct was prudent under the