

all the evidence was in, allowed them to compare the letter admitted to have been written by defendant with the letter in dispute, and to draw their own conclusions from the comparison of the two.

*Held*, that he was justified in doing so.

*Held*, also, that the prisoner's admission that he had written a threatening letter to the prosecutor, the identification of the particular letter in the conversation with the license inspector, the examination of defendant in reference to the letter on the former prosecution, and the fact that the threat made had been actually carried out, furnished sufficient evidence to enable the jury to convict.

Per MEAGHER, J.: All that is necessary to entitle a jury to compare a doubtful or disputed writing with one admitted to be genuine, is that the two writings should be in evidence for some purpose in the cause.

*Held*, also. Assuming that the trial Judge erred in receiving the disputed writing at the close of the case for the prosecution, the evidence given subsequently clearly identified it, and connected defendant with it, and justified its submission to the jury.

*Held*, also. That a document once having been received, is before the Court at every subsequent stage of the cause, and there is no necessity for tendering it a second time.

*Held*, also. The reception of the letter by the Judge did not necessarily imply that the defendant had written it, or that it contained the elements necessary to show the defendant's guilt. These were questions exclusively for the jury.

*Held*, also. The defendant's guilt being evident, there was no substantial wrong or miscarriage of justice, and no reason for quashing the conviction or awarding a new trial.

*Held*, also. If the letter had been tendered a second time, in view of the evidence given subsequently, the trial Judge would have been bound to receive it, and the question therefore resolved itself into a mere matter of form, not involving any question of substance.

Per WEATHERBE, and HENRY, JJ., dissenting: The trial Judge erred in receiving the letter when he did, in the absence of proof of handwriting, and that it was improperly submitted to the jury.

Per WEATHERBE, J.: No writing can be compared by the jury unless it has first been received on prima facie evidence or admission of handwriting.

*Held*, also, where a conviction depends upon proof of handwriting by comparison, the comparison must be made in open Court.

Per HENRY, J.: Assuming that the letter was improperly admitted in the first instance, evidence received subsequently could not justify its being submitted to the jury, unless, after the giving of the additional evidence, it was tendered or received a second time.

*Held*, also, assuming that there was no ground for receiving the letter at the time it was received, and that the adjudication made by the trial Judge at that time was wrong, the fact that other evidence was given later, upon which he might have made a good adjudication, was immaterial.

*Held*, also, whether the accused should have been convicted on other evidence independently of the letter was a question for the jury and should not have been submitted for the opinion of the Court.

*Held*, also, in the absence of a direct and unmistakable enactment, the