sworn, and no warrant issued for the arrest of the child; facts which stamp the proceedings with irregularity. We cannot but regard the use of the parish lock-up as a place to punish offences properly cognizable in Sunday-school as a grave error amounting to an abuse of his double power as clergyman and magistrate. The refusal to accept bail, while it confirms Mr. Gray's statement that he merely meant to lock the child up by way of punishment, shows clearly how untenable is the principle on which he acted. No magistrate—acting merely as a justice of the peace—would have thought of refusing bail in such a case, and if Mr. Gray cannot divest himself of the feelings of the schoolmaster when he takes his seat upon the bench, he ought not to sit there when such cases are brought before it.—*Solicitors' Journal.*

MAGISTRATES AND RAILWAY TRAVELLING.

Occasionally the decisions reported from courts of petty sessions are of an unaccountable nature, and appear to be founded upon that rough idea of equity, popularly so called, which is neither law nor justice. At times we read that an offence has been committed, and that some one is punished accordingly, but without any real proof that the one punished is the offender. At other times the law is strained to meet a case of moral culpability not within the contemplation of the law, and the machinery of justice has, ere now, been set in motion for the punishment of the offences of school children.* But as regards the metropolitan police courts, where the magistrates are men of legal training, it is rarely that we are called upon to comment adversely on the decisions they pronounce, and when this occurs, we no longer look upon it as trivial blemish, but a radical defect. Two summonses however, lately heard before Mr. Barker at the Clerkenwell Police Court, present the remarkable feature that the one for a punishable offence was dismissed, while the defendant was adjudged to pay a fine of ten shillings in respect of the offence charged in the other summons, which has been solemnly decided by the high authority of the Court of Queen's Bench not to be punishable.

The facts, as reported in the *Times*, are these:—Mr. Busby was summoned by the North-London Railway Company, first for having, with a ticket from Broadstreet to Islington, proceeded to Caledonia-road without paying an additional fare, and, secondly, for not having left the carriage at Islington. As regards the first charge, it was proved that Mr. Busby had refused to pay the extra fare, not because he had any intention to defraud the company, but because the fare was charged under a new regulation, which he objected to and wished to dispute.

Mr. Barker said that as the company did not press for the infliction of the full penalty he should not now enforce it. He should only convict on one summons, viz., that for not leaving the train on arriving at Islington, and for that offence he should order the defendant to pay a fine of ten shillings and the costs. The other summons would be dismissed. The defendant at once paid the money, and said it was a great injustice.

Now the Court of Queen's Bench has decided, after solemn argument (*Eastern Union Railway Company* v. *Fren*, 24 L. J. M. C. 68,) that the simple fact of a passenger not quitting a train at the station for which he had taken his ticket is not an offence unless done with intent to defraud. And their Lordships, in another similar case (*Dearden* v. *Townsend*, 10 Sol. Jour. 50), went so far as to declare that a bye-law which attempted to make this an offence, irrespective of fraudulent intent, would be void. The question of fraud appears to have been negatived by the dismissal of the first summons, and even if the defendant had been requested to leave the carriage at Islington and refused (which was not alleged) there could be no ground for inflicting a fine. Upon the summons which was dismissed the defendant might, perhaps, with justice, have been ordered to pay the extra fare as well as the costs, though on the evidence, even in that case it seems rather to have been a *bonâ fide* dispute as to liability, and therefore ground for a civil action merely, than a criminal offence. Travelling without a ticket is no offence if done without any intent to defraud, and in the case in question it seems to us that the infliction of a fine was not only a deliberate violation of the law as laid down by the Court of Queen's Bench, but an arbitrary and unjust proceeding, contrary alike to natural equity and common sense.—*Solicitor's Journal.*

* These are defects naturally to be looked for in the administration of justice by so large and so unrestrained a body as the magistracy of England, and are perhaps of rarer occurrence than might reasonably be anticipated.

MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

INSOLVENCY—"RASH AND HAZARDOUS SPECULATION."—A country banker accepted to a large amount bills drawn upon him by a person who failed to remit other good bills according to his agreement, without any security whatever. He afterwards became bankrupt.

Held, that his insolvency was attributable to rash and hazardous speculation, and that his order of discharge was properly made conditional on the setting aside part of his subsequent earnings for the benefit of his creditors.—*Ex parte Braginton*, 14 W. R. 593.

INSOLVENCY—BANKRUPT—DEBTS CONTRACTED AFTER ADJUDICATION, BUT BEFORE ORDER OF DIS-