

REPORT OF THE BOARD OF TRADE IN THE MATTER OF J. B. MCKAY & Co.—FLOTSAM AND JETSAM.

age. The council holds therefore that the plea of the "test" is insufficient, and inadmissible as justifying this course, the consequences of which have been so annoying and destructive of that good feeling and confidence which should exist between members of this board having large business transactions together, and adjudge that Messrs. McKay should be disciplined for the same. As to the mixing of the peas, the council is of opinion that the plea of the custom of the trade is not well founded, nor is it a custom they can commend as one calculated to facilitate transactions of this kind where sales and purchases are made of an article of commerce known and dealt in by a specific name. That there may be different grades of marrowfat peas may be admitted, but if an extra price cannot be obtained for an extra fine sample, the cure is not to be found in reducing the average quality by a mixture with an entirely different kind and inferior quality of pea. The council deems it just, therefore, to condemn the McKays for their procedure in this case, and holds them worthy of discipline therefor. As to the charge summed up under No. 3, the council would be sorry to have it go forth to the world that it is a custom in the trade so to load and ship grain as to deceive the receivers in the foreign market as to the actual quality or grade purporting to be delivered to them. It does not appear from the evidence that the McKays were guilty of anything under this count which calls for action on the part of the council or board. The verdict of the council therefore is, that the said W. J. and E. B. McKay have been guilty of conduct unbecoming members of this board and highly to be reprehended, and the sentence of the council is, that they be suspended from all the privileges and uses of this board—W. J. McKay for the period of six months, and E. B. McKay for the period of twelve months, from this date—and that this report be printed and a copy mailed to each member.

Painful as has been the duty imposed upon the council in this case, and unfortunate as it may be that the good name of the members as a body should be impugned thereby, it may not be without its uses, that it should be clearly understood the council will not flinch from carefully investigating every such case properly brought under its notice, and will impose such penalty as the nature of the offence may require, with a view to enforcing that straightforward honesty and rectitude so essential to the proper conduct of business everywhere, and so becoming the members of this large and important body.

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SOME of the criminal sentences imposed by English magistrates seem very inconsistent and capricious. Here are a few samples:—A man for stealing a hand-cart, five years' penal servitude; and another man for assaulting a fellow-workman and knocking out his eye, forty shillings fine! A man for begging bread when he was unable to obtain employment, ten days' imprisonment at hard labour; and another, for going to the workhouse rather than accept employment at three shillings a day, a month's servitude and twelve strokes of the cat-o'-nine-tails! Again, a man for stealing a cotton shirt, five years' penal servitude; and another man for criminal assault upon two infants, three months' imprisonment! The *Law Times* says:—"We are not surprised to see some comments in the press on the sentences inflicted by Mr. Justice Day. Eighteen months' imprisonment of a clergyman for marrying a person who was under age without due publication of banns; penal servitude for life on a boy for attempting to extort money by threats of false accusation; and eighteen months' imprisonment of the young man called Rowden, or Rawden, for falsely publishing in a newspaper that he was engaged to marry a young lady of high rank, are really a group of sentences which must excite amazement in the ordinary mind. Indeed, when we compare them with the punishments often awarded by judges for offences complicated with violence, they would appear to be eccentric, and passed with a view to invite the interference of the Home Secretary." Down in Texas, as we may have remarked before, they sometimes punish a man more for stealing a mule than for killing a man; but then perhaps the mule is worth more. All this matter of sentences depends on the magistrate's digestion. If he makes a good breakfast, and his wife has not nagged him, the criminals get the benefit. Sometimes we are inclined to believe in the practice of letting the jury assess the punishment. It may be that one man is as little fit to decide continually on the measure of punishment as he is to pass upon disputed questions of fact.—*Albany L. J.*