to declare the issues found in their verdict, then, unless the issues are found by them the verdict is not theirs. There must be no doubt, to be supplied by mere intendment or inference, when the life of a human being is dependent upon it. This Court will not assume such responsibility whilst the law fixes the determination of the issue alone in the breasts and consciences of the twelve jurymen of the country. We may be satisfied of defendant's guilt in the first degree and we may be satisfied the jury so intended to find, but until they have so expressly found, we cannot give our sanction that human life shall be taken whilst there is any uncertainty with regard to it. The jury have not expressly found it in this case. Their verdict is not only uncertain but unintelligible and senseless. Even *idem sonans* will not aid it. It finds defendant simply guilty without finding the degree, and such a verdict, by all authorities, is held insufficient.

But it may be said the verdict ought to stand, because when the jury brought and returned it into court, it was evidently read "*first degree*" by the clerk, and assented to by the jury as thus read. It seems they have some such rule of receiving and construing and doctoring up written verdicts over in Louisiana, but the reason why they assume such authority in that state is stated in the case of *State* v. *Ross*, 32 La. Ann. 854. In that case it was held that the verdict of the jury is not illegal and null, because written "guilty without capitel parnish," when read aloud and distinctly announced by the clerk as "guilty without capital punishment." Besides the law does not require, even in cases of capital punishment, that the jury should reduce their verdict to writing. Here, as we have seen, the verdict must be in writing, and the Louisiana rule cannot be invoked.

In conclusion, we hold that the verdict in this case is a nullity—the jury have not found the degree of murder of which defendant was guilty. This the law requires they shall do. If defendant is to hang, let him hang according to law! * * * Because the verdict in this case is insufficient, and does not support the verdict rendered, the judgment is remanded for a new trial.

Reversed and remanded.

UNITED STATES DECISIONS.

Burglary—Evidence—Good Character.—On a trial for burglary and larceny the court charged thus: "However good a man's character may have been in the past, if the proof is clear and convincing—that is, convincing of guilt—it would be the duty of the jury to say so. Good character helps where the proof is doubtful or uncertain, or when there is reasonable doubt of the guilt of the party; but when this does not exist it becomes the solemn duty of the jury to say, if they believe it, the word 'guilty.'" An accused party who is of good reputation is entitled to the benefit of it in all cases. People v. Garbutt, 17 Mich. 9; Remsen v. People, 43 N. Y. 6; Stoner v. People, 56 id. 515; State v. Patterson, 45 Vt. 308; Williams v. State, 52 Ala. 41; Harrington v. State, 19 Ohio St. 269; Silvus v. State, 22 id. 90; State v. Henry, 5 Jones (N. C.), 56; Kestler v. State, 54 Ind. 400. But the trial judge gave no instruction to the contrary of this; he merely told the jury that if the evidence was convincing beyond a reasonable doubt, it was their solemn duty to convict notwithstanding the good reputation. This was correct. Michigan Supreme Court, Feb. 27, 1883. *People of Michigan* v. *Mead*. Opinion by Cooley, J.

Larceny—Conversion of horse hired not.—If a person hire a horse with a *bona fide* intention of returning it, a subsequent conversion of the property is not larceny, but may be evidence of an original felonious intent. But a subsequent conversion of the property merely may not be sufficient evidence of such an original intent. In Regina v. Brooks, 8 Car. & P. 295, it is held that the subsequent offer to sell the property was not considered sufficient evidence of the felonious hiring or taking in the first place, unless from the circumstances it appears that the hiring was only a pretext, made use of to obtain the property for the purpose of afterward disposing of it. The law applicable is as well stated in Semple's case, 2 East, P. C. 691, as in any which can be found in the books: "It is now settled that the question of intention is for the consideration of the jury, and if in the present case, the jury should be of opinion that the original taking (of the property) was with the felonious intent to steal it, and the hiring a mere pretence to enable him (the prisoner) to effectuate that design without any intention to