

THE
LEGAL NEWS.

VOL. XVIII.

AUGUST 15, 1895.

No. 16.

CURRENT TOPICS AND CASES.

The case of *Reg. v. Farnborough*, which came before the Court for the consideration of Crown Cases Reserved on the 27th of July, is an interesting and instructive example of the danger of meddling with the functions of the jury. The evidence for the prosecution was to the effect that the defendant drank a small quantity of milk (value four cents) from a churn, and did not pay for it, but he denied any intention of stealing. There was no evidence for the defence, except as to character. The jury were unable to agree. The chairman of the Middlesex Sessions, himself a Q.C., inquired whether they believed the evidence for the prosecution, to which they answered, "yes," and he then directed a verdict to be entered for the Crown. This was so manifestly unreasonable and illegal that the counsel for the Crown refused to sustain the ruling of the chairman before the Court at the hearing of the reserved case, and the conviction was quashed. Manifestly, while accepting the evidence for the prosecution, the jury may have had serious and well founded doubts as to the prisoner's guilt. He may not have had the money in his pocket when asked to pay, but it might be quite probable that he intended to pay, or did not think he would be expected to pay, and that there was