

turn of a verdict of "*Not Proven*," thus giving to the verdict of *not guilty* the character of a verdict of *innocent*.

The charge of the presiding judge as reported, has thus been somewhat closely commented upon. But it was the result of a whole night's reflection, and appears to be free from the errors of the reporter or the printer. The individual who forms the chief subject of this comment is utterly unknown to the writer. His object is solely to maintain the purity of the administration of English criminal justice in Canada, and to draw attention to the case in the proper quarter. Under all the circumstances of the case, it is impossible that the execution of this man can be permitted. He may be, and in all probability is, the slayer of O'Shane; but there has been a mis-trial, and the precedent, if sanctioned, may be followed by pernicious consequences. The most innocent man in society may, under a combination of "unexplained" circumstances, become the victim of it. No human tribunal is infallible. They have not the power to restore the unfortunate man O'Shane to life, but they *have* the power to doom another member of society to an untimely end, whose life has not been forfeited by a faultless administration of the laws of that community, which assumes the right to demand the forfeiture. The Executive will assume a heavy responsibility, if they permit this man's neck to be wrung on the scaffold, after such a trial. And further, should this trial, after mature reflection, be found to be tainted with error, no commutation of his punishment can remove it, unless indeed the prisoner should himself pray for a pardon on the condition of undergoing a specific punishment, for instance, a year's imprisonment, and thus by his acquiescence remove all responsibility from the Head of the Executive, in giving effect, however partially, to a conviction. Should he not do so, there is then, under a proper view of this case, no alternative but to grant him a free pardon.

L. A. W.

Quebec, 22nd February 1848.

