

The counsel for the prisoner accepted this offer, which the presiding judge said was a reasonable one, and the trial was adjourned until the 28th. In the meantime the witnesses were procured. They were present and were examined for the prisoner, and their expenses were paid by the Crown, the medical gentlemen being remunerated as experts at the same rate as those called for the prosecution. The other grounds which had been urged for delay were not further pressed.

The court met on the 28th. No further adjournment was asked for, and the trial proceeded continuously until it was concluded on the 1st of August. The exceptional privilege accorded to persons on trial for treason, of addressing the jury after their counsel, was allowed to the prisoner and taken advantage of.

As to the general character of the tribunal, and the ample opportunity afforded to the prisoner to make his full defence, it may be well to repeat here the observations of the learned Chief Justice of Manitoba in his judgment upon the appeal.

"A good deal," he remarked, "has been said about the jury being composed of six only. There is no general law which says that a jury shall invariably consist of twelve, or of any particular number. In Manitoba, in civil cases, the jury is composed of twelve, but nine can find a verdict. In the North-West Territories Act, the Act itself declares that the jury shall consist of six, and this was the number of the jury in this instance. Would the Stipendiary Magistrate have been justified in impannelling twelve, when the Statute directs him to impanel six only? It was further complained that this power of life and death was too great to be entrusted to a Stipendiary Magistrate.

"What are the safeguards?"

"The Stipendiary Magistrate must be a barrister of at least five years standing. There must be associated with him a Justice of the Peace and a jury of six. The court must be an open public court. The prisoner is allowed to make full answer and defence by counsel. Section 77 permits him to appeal to the Court of Queen's Bench in Manitoba, when the evidence is produced, and he is again heard by counsel, and three judges re-consider his case. Again, the evidence taken by the Stipendiary Magistrate, or that caused to be taken by him, must, before the sentence is carried into effect, be forwarded to the Minister of Justice; and sub-section eight requires the Stipendiary Magistrate to postpone the execution from time to time, until such report is received, and the pleasure of the Governor thereon is communicated to the Lieutenant-Governor. Thus, before sentence is carried out the prisoner is heard twice in court, through counsel, and his case must have been considered in Council, and the pleasure of the Governor thereon communicated to the Lieutenant-Governor.

"It seems to me the law is not open to the charge of unduly or hastily confiding the power in the tribunals before which the prisoner has been heard. The sentence, when the prisoner appeals, cannot be carried into effect until his case has been three times heard, in the manner above stated."

The evidence of the prisoner's guilt, both upon written documents signed by himself and by other testimony, was so conclusive that it was not disputed by his counsel. They contended, however, that he was not responsible for his acts, and rested their defence upon the ground of insanity.

The case was left to the jury in a very full charge, and the law, as regards the defence of insanity, clearly stated in a manner to which no exception was taken, either at the trial or in the Court of Queen's Bench of Manitoba, or before the Privy Council.

2. With regard to the sanity of the prisoner and his responsibility in law for his acts, there has been much public discussion.

Here again it should be sufficient to point out that this defence was expressly raised before the jury, the proper tribunal for its decision; that the propriety of their unanimous verdict was challenged before the full court in Manitoba, when the evidence was discussed at length and the verdict unanimously affirmed. Before the Privy Council no attempt was made to dispute the correctness of this decision.

The learned Chief Justice of Manitoba says in his judgment: "I have carefully read the evidence and it appears to me that the jury could not reasonably have