stipulation contained herein shall extend to and inure to the benefit of each and every company or person to whom through this company the below described property may be intrusted or delivered for transportation," namely, that it was not intended to apply and does not apply to the defendants, but to a company or person beyond the line of the defendants' railway, over the whole of whose lines in Canada the express company operate, to which company or person it might be necessary for the express company to part with the property in order that it might reach its destination.

Appeal dismissed with costs.

W. Nesbitt, K.C., and *MacMurchy*, for defendants. *Shepley*, K.C., and *Mason*, for plaintiffs.

Full Court.] REX *v.* VENTRICINI. [June 20.

Criminal law—Murder—Judge's right to comment on evidence.

The prisoner was tried before RIDDELL, J., for murder and was found guilty with a strong recommendation to mercy. The case was reserved for the opinion of the Court of Appeal touching the right of a judge to discuss and advise on the evidence.

Held, that the judge is under no obligation to refrain from commenting upon the evidence. He is not a mere automaton, but is at liberty to state his own impressions of the evidence, provided he is careful to make the jury understand that in the matter of deciding upon the evidence and finding what they deem to be the facts, that they are to be the sole judges; and, in this case, the judge emphatically impressed this upon the jury, and there was no reason to suppose that there was any misapprehension on their part as to their functions or duties.

Robinette, K.C., for prisoner. *Cartwright*, K.C., for the Crown.

Full Court.] REX *v.* SMITH AND LUTHER. [June 20.

Criminal law—Usury—Conviction—Money Lenders Act—Evidence—Evasion of statute—Leave to appeal refused.

The defendants were tried before DENTON, Co.J., under the provisions of the Criminal Code for the speedy trials of indictable offences, upon a charge of lending money at a greater rate of interest than that authorized by the Money Lenders Act, R.S.C.