

says: "I believe he knew what he was doing, and he knew it was wrong;" but he proceeds to qualify this to some extent by adding: "At the same time I am bound to say that the evidence of the convict's acts previous to the murder, points to the conclusion that he is not perfectly sane; but although I think he was not perfectly sane, at the same time I believe he was not so insane as not to know that the murder he was committing was wrong." The concluding words of the judge's report are:—"Taking into consideration the acts of Shortis previous to the murder, and especially his acts in Ireland, also the evidence of the medical men, and all the other circumstances, perhaps this is a case where the clemency of His Excellency the Governor General in Council might be exercised in sending Shortis to the penitentiary for life instead of having him executed." In view of this report it might be supposed that commutation would follow. The then Minister of Justice, however, on the 24th December, recommended that the sentence be carried out. Strange to say, the cabinet was equally divided on the question, which would imply considerable tenacity of opinion on either side. The result was that no advice could be tendered to His Excellency, and Lord Aberdeen, after consulting the Secretary of State for the Colonies, and being directed to decide according to his own judgment, granted a commutation of the sentence to imprisonment for life. It is difficult to see how His Excellency could possibly have decided otherwise under the extraordinary circumstances of the case; but it is greatly to be regretted that in a case of this nature, in which no public question was involved, and the bulk of the evidence was enormous, the responsibility of setting aside the verdict of the jury should have been imposed on the Governor General.

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A person in Indiana was recently committed to gaol because he made masonic signs to the judge on the bench,