

presided at the first trial had not, it was considered, charged the jury fully upon the law; and it was thought right to have a new trial. The law was fully explained to a second jury, and they thought the culprit should be found guilty of manslaughter only. Some juries might have thought otherwise, so might some judges; but that jury had to pass upon the evidence upon their oaths. If they made a mistake, it cannot be helped; the law, however, has not been altered or modified.

In another case a woman was charged with murder of a child. The jury found her guilty of manslaughter. No one who did not hear all the evidence can say whether the jury were justified in so finding or not. If not, and if the jury allowed sentiment or sympathy to modify their verdict—and I do not suggest that such is the case—that is a matter between them and their God, which must be answered for some day—but the law cannot change the verdict, and the law is not changed.

A man was charged with murder, the only evidence against him being that of an accomplice—the law is that it is the duty of the trial judge to advise a jury that it is not in general safe to convict upon the evidence of an accomplice only, but that they may convict notwithstanding, if they see fit. The judge did so charge—the jury did acquit. Until the law is changed (and the judges cannot change it) the jury cannot be blamed.

A company claimed that they had performed all the duties prescribed to entitle them to certain mining lands—the Minister of the Crown whose duty it was to examine into such matters said they had not—the land was sold by the Province for a large sum to another company. This company complained that the former company was claiming what the complaining company had bought from the Province and paid for. The Legislature decided that the title of the purchasing company should be made secure; and such an Act was passed. The Court held, as it must needs hold, that the Legislature had the power to pass the Act. It has been represented that the judge condemned the legislation; that is untrue (he would have been going beyond his duties had he done so)—all he did was to hold that the legislation was valid. If you do not like the legislation, have it changed.

A few remarks in conclusion: I feel that I shall have entirely failed in the objects I had in view, if I have not made clear that we all, you and I, are responsible for the law as it stands. The other day there was a very noble and interesting article in a Toronto paper. The theme was that the people of Canada had hanged a murderer. Referring to myself he said "Mr. Justice Riddell helped to hang the culprit." Now, I must willingly accept my share of the responsibility for that Macedonian's death—not quite in the way which may suggest itself to most—that is, in that I pronounced the sentence of death. For that, I disclaim responsibility; I but carried out the explicit direction of the law. But I am one of the citizens of Canada—if I was not satisfied that murderers should be put to death, it was my privilege to raise my voice against judicial killing and exert all my influence against it. This I did not do, and it is, therefore, partly due to me that hanging still takes place. So, too, of you. I am now an officer of the law and I should not take part in changing the law; but if you think that the red slayer is not to die by the hangman's hand, it is open to you to say so. If you can persuade a majority of your fellow-Canadian voters that this practice is wrong, it will be changed; if, however, you think that the assassin should be the first to stop killing, and that the best way to prevent murders is to continue the death penalty, you will do what you can to let the law remain as it is.

Again, the Courts are solely occupied with the law as it is, not as it should be, or might be. No judge is above criticism—he is a public servant and his office exists for the public good—if he is ignorant or negligent or procrastinating, this