

all the evidence was laid before the jury, they were not of two minds on the subject. Medical experts were furnished by the Crown with instructions to see the young man, and ascertain the state of his mind. From what these experts said, as a result of their inquiries, he was evidently a person of very low moral status. With regard to that there could be no doubt. Certainly he was unconscious of many things that go to make a well-regulated character. But the medical experts felt obliged to state that, so far as they could ascertain, there was no reason to suppose that he was not, at the moment of the commission of the crime, capable of understanding the nature and quality of the act and of knowing it to be wrong. There was other evidence, some of which tended to the opposite view, but the jury must have felt not convinced as reasonable men that the plea of insanity was proven.

In the second place, Mr. Kerr contended that there was not a sufficiently accurate charge on the part of the trial Judge on those as well as some other points that would have enabled the jury to reduce the crime to manslaughter. But, in going over the charge at the trial, we find that the presiding Judge took up these points at Mr. Kerr's instance, going fully into the law on the subject. There is no reason to suppose that the jury did not understand what was necessary to find upon the evidence in order to come to the conclusion that the crime was manslaughter and not murder.

Mr. Kerr, in the third place, laid stress upon the fact that the Judge, after the jury had been out for an hour, recalled them to ascertain if there were any points upon which they were in doubt. Mr. Kerr's point was that, in following this course, the learned Judge indicated that there was need for haste—that the jury was proceeding too leisurely in arriving at their verdict. We are agreed that it was quite within the right of the Judge to recall the jury at that time, or at any time, if he thought the jury were desirous of further explanation about any question. We desire to emphasise in the strongest possible way our view that it is not desirable or right that a jury should be hurried in the slightest degree. They should be permitted to take all the time they want in any case, and particularly in a case of this kind. But nothing that was said by the trial Judge in this instance would lead one to suppose that he wanted the jury to hurry. He recalled them, not to ask them to hurry, but to give them any additional assistance they might need.

Mr. Kerr, in the fourth place, took exception to the trial Judge's reference to the right of the jury to accompany their verdict with a recommendation to mercy. He sought to shew that, in making this allusion, the learned trial Judge was in danger of detracting from the responsibility which the jury should feel, and