

you would experience no difficulty in finding a suitable object for the exercise of your sympathy.

Gentlemen, I have done; may the Almighty so direct your minds that in the verdict you shall render, no cause shall be found for future regret.

THE CHARGE TO THE JURY.

JUDGE STONE. The jury are instructed by the Court that if they find that the prisoner killed Mr. Gordon as charged, then their next duty will be to inquire and determine, first, whether such killing be murder, and if murder, whether in the first or second degree; or, second, whether it be not excusable in consequence of the mental insanity of the prisoner, in a degree which exempts him from any accountability. To establish the guilt of murder in the first degree, the law requires evidence of a character which, of itself, and by fair and natural inference, proves the killing to have been a wilful, deliberate and premeditated act, as contradistinguished from one done in the heat of passion and without intention. In other words, that at and before the time of inflicting the mortal wound the prisoner intended to kill Mr. Gordon, and that such killing was the deliberate and premeditated act of a mind capable at the moment of reasoning and deliberating on the reasons and motives influencing to its commission, when free from the perverting influences of insane delusions, or the controlling impulses of sudden and violent passion.

In murder in the first degree the facts and circumstances which indicate deliberation, malice and premeditation are required to be proved affirmatively by evidence in the cause. Such evidence as by fair and natural inference alone and without a resort to presumptions of law or artificial rules of legal reasoning, establish the facts required to be proved; and although deliberation, malice and premeditation may be, and often is, a conclusion of law from a given state of facts, yet, until the facts from which the law deduces the existence of such deliberate malice are first established by competent affirmative evidence, no inference can be drawn from the fact