that it might find McDonald not guilty by reason of insanity, did not include that in a list of possible verdicts is described by the majority as an "inadvertence" only; it is not characterized as error, and certainly reversal is not based upon it. Nor could it logically have been. It is elementary that a judge's charge to a jury is to be considered as a whole, and that parts of it are not to be picked out as so deficient as to require reversal when the supposed deficiency is remedied or supplied by another portion of the charge. To me, it is inconceivable that the jury could have been misled into thinking that it could not return a verdict of not guilty by reason of insanity when the judge had so emphatically and at such length, and at more than one place in the charge, instructed it that it might do so.

Moreover, the listing of five possible verdicts in the charge plainly was not intended to exclude the possibility of a verdict of not guilty by reason of insanity. This clearly appears from the judge's language when he first mentioned the five possible verdicts:

> "What, then, do these lesser included offenses mean to you as members of this jury? They mean that you have the right to return any one of five possible verdicts in this case. You may find this defendant guilty as indicted, which is guilty of murder in the second degree; or, you may find the defendant guilty of manslaughter; or, you may find the defendant guilty of assault with a dangerous weapon; or, you may find the defendant guilty of assault, or you may find the defendant not guilty."

It will be observed from the foregoing that the judge was discussing and trying to clarify the signicance of the term "lesser included offenses." To construe this as excluding a verdict of not guilty by reason of insanity, which he discussed at such length and with such care in other places in the charge, seems to me to be not only illogical but also a decided undervaluation of the intelligence of the average jury.

I note also that McDonald's counsel did not complain