

which would be brought to bear upon the Ministers if the decision of such questions rested practically with them, would be most embarrassing to them, while the ultimate consequences might be a serious interference with the sentence of the Courts." The force of these words will hardly be overborne by the necessity for being *logical* in carrying out in all respects the doctrine of ministerial responsibility. We have italicised the word *political* in the foregoing extract because, in the case before us, one of the reasons alleged why the sentence should be carried out was that popular feeling was so strong that in case of a reprieve, the member for the constituency in which the event took place could not, as a supporter of the Government, be re-elected! Such, or similar considerations *might*, we do not say they *did*, influence the Executive. They certainly would not influence the Governor-General. It may be said that the same argument would apply to all acts of government. True, but again we must not be too logical. There is a distinction to be drawn between any act connected with the administration of justice and ordinary acts of administration, and between the exercise of the prerogative of mercy and the exercise of any other prerogative. It may be said that this reasoning is hypothetical because, as a matter of fact, in this case we know that His Excellency did not "first receive the advice of his Privy Council." Was he then justified in acting at all? Clearly in such a case he could only act by virtue of the prerogative, the exercise of which we have been contending for; and as he did act he clearly did exercise that prerogative. He acted upon Lord Carnarvon's *dictum* of not being too logical, and when his Privy Council failed to do their duty—failed to give him the advice which it was their duty to give, and which it was his right to receive—he fell back upon the power of the prerogative, and exercised it to the best of his judgment—whether rightly or wrongly is a matter with which we are not now concerned.

Again, as suggested above, are the terms of the instructions to be construed as placing the responsibility for interfering with the sentence of the Court upon the Cabinet? The words do not convey that impression, and a careful considera-