

The commutation of the sentence of McWherrell, under sentence of death for murder, illustrates in a striking manner one of the perplexities which sometimes arise in the execution of criminal law. From a strictly logical point of view, the decision of the Executive is as unsatisfactory as any that could be conceived of. There can be no doubt that the change of sentence was made in consequence of a certain degree of doubt in regard to the guilt of the condemned man. If he really committed the crime, one can hardly conceive of a case in which there could be a more complete absence of extenuating circumstances, to justify Executive clemency. On the other hand, according to a well-known maxim of British law, the man should be held innocent, unless proved guilty, and, if innocent, the injustice of a sentence of life-imprisonment is less only in degree, if less at all, than that of the death-sentence. That is to say, there is exactly the same reason why he should not be imprisoned for life, or for any shorter period, as why he should not suffer the death penalty. The case seems to be one in which the much abused American system of second trial might have been fairly introduced. We say this, not by way of criticising the action of the Executive in the affair. That action will be approved, we have no doubt, by the judgment of the great majority of the people, for there was, we believe, in the minds of most of those who read the reports of the trial, a lingering doubt, more or less strong, of McWherrell's guilt. The life sentence has this advantage, that, should the man's innocence at any time be established, he will not be beyond the reach of a cessation of punishment, though redress would be, in such a case, impossible. It is to be earnestly hoped that such new evidence may be procured at an early day as may fully establish the man's innocence or guilt as the fact may be.

If a reasonable percentage of the political gossip cabled from England from day to day is reliable, the Government of Lord Rosebery is in a very precarious position, and, unless aided by some unexpected turn of events, or by some stroke of political genius of the existence of which no evidence has yet been given, can hardly survive the first few weeks of the coming session. Some doubt is, it is true, cast on the representations of its present weakness by the fact that the ministry seemed to grow perceptibly stronger, up to the end of the session. But the probable withdrawal of Sir William Harcourt from the leadership of the Commons, coupled with the growing distrust of Lord Rosebery, and the outspoken disaffection of the Irish Home Rule leaders, seem very likely to lead up to a shock which will overturn the present rather unstable structure. It can hardly be denied that the Premier has disappointed many of his admirers. It is yet possible that he

may atone for past deficiencies, or apparent deficiencies, by suddenly developing unlooked-for strength and courage at a critical period. But appearances thus far are against him. Whether from want of tact, of courage, or of frankness, he has not only failed to win the confidence of those who were distrustful at the first, but has scarcely retained that of many who at that time expected great things from his leadership. On the other hand, it must be confessed that he has fallen upon a most difficult time. The related questions of Home Rule and the abolition of the veto power of the House of Lords are of such a kind that either of them might well wreck any Government. The party is pretty thoroughly pledged to both these radical changes, but there seems to be some reason for doubting whether Lord Rosebery is in hearty sympathy with either. There is no doubt that certain members of his Cabinet are not ready for the latter. There is no certainty, perhaps not a strong probability, that either would at present command a majority at the polls. Yet refusal, or even hesitancy, with regard to either would, there is little doubt, seal the fate of the Government in the Commons. The dilemma is a trying one. Scylla and Charybdis are on either hand with no certainty that there is a safe channel between.

That the scattered and subordinate parts which make up the British Empire should impose customs duties upon each other's goods, and upon those of the Mother Country, is a strange anomaly. If there is any one condition which might be supposed to be inseparable from the unity of a great empire, one would feel inclined to say that freedom of trade through all its length and breadth would be that condition. A tax on imports must have one of two objects. It must be imposed for the purpose either of raising a revenue, or of protecting the industries of the country which imposes it, that is, of excluding the goods of the country whose goods are subjected to the impost. If a colony taxes the productions of a sister colony, or of their common Mother Land, its aim must be, therefore, either to compel that colony or country to contribute indirectly to the support of the Government of the taxing colony, or to exclude from its markets, in whole or in part, the products of the colony against which the tax is levied. In either case it is difficult to see how the colonists can boast of their attachment to the Empire, or the citizens of the United Kingdom regard the colonies as part and parcel of the Empire, so long as such unfilial and unfraternal taxes are imposed. But let that pass. The point to which we wish to call attention at present is that in offering a prize of a thousand guineas for the best scheme for an imperial customs union, the *London Statist* has taken an admirable and patriotic plan to bring the tedious and somewhat discursive talk

about Imperial Federation to a focus, since it must be evident to all who have given serious attention to the subject that the tariff question has so far been and is likely to be really the crux of the movement.

As the precise conditions under which the competitors are to write have not yet been announced, we may not at present know the scope and limits of the discussion. But the feasibility of the respective schemes and the probability of their adoption by all the parties concerned must necessarily have a foremost place in the minds of those who make the award. It might, therefore, be well if some one familiar with the whole discussion, and sufficiently impartial, would sum up at the outset any points which may be considered as having been settled up to date. At least two such points, each of a negative kind, will, we believe, be recognized on almost every hand. One is, that Great Britain will not surrender her free-trade principles or practice, under any conditions. The other is, that some of the colonies will not, at the present, give up their protectionist tariffs. Hence, the projected union cannot be formed on the basis either of common free trade or of a common protective tariff. The only remaining possibility, so far as we can see, would be free trade among the members of the union, each colony being left at liberty to impose what duties it thinks best upon the productions of other nations. Would not such an arrangement cover all the essentials of a customs union? Whether it would conflict with existing treaties would, of course, be a question for careful consideration. But, however those treaties may read or be interpreted at present, it is difficult to see how any nation could object to so natural and reasonable a thing as freedom of commercial intercourse between the different branches of the same imperial family. Would any colony refuse to surrender its right to impose taxes upon the productions of its sister colonies and of the parent State? If so, such colony might as well drop all pretence of loyalty to the Empire or desire for Imperial Federation.

No little excitement was caused a week or two since, on both sides of the ocean, by the reports which were at first sent abroad with regard to Mr. Gladstone's alleged pronouncement upon the plan of "local option," in his letter to the Bishop of Chester. Later despatches, containing extracts from the letter itself, scarcely bear out the statement conveyed by the earlier despatch, to the effect that the ex-Premier had declared himself radically opposed to the principle. It would have been strange indeed had he so far stultified himself as to make such a statement touching a policy which had a distinct place on the Liberal programme while the party was under his leadership. That he should have expressed himself as growingly dissatisfied with that