

enough apprehended. The Crown, to begin with, has to notify its pleasure, unless the judge enlarges the time, before the day originally set for the execution, and cannot itself defer that event; while the judge must not, where occasion for a stay is found, allow the day appointed for its carrying out to pass without proceeding to act. The most explicit assurance, however, to be derived from the section is the hard-and-fast nature of the reprieve. It is solely and purely to afford the Crown suitable facilities for dealing with an undetermined case. Now, as regards this matter, the Crown, as before intimated, had given its ultimatum. In the face of that knowledge any supposition that the practice was borrowed from the Code must be discarded. Nothing, it may be owned, is sought to be grounded on the fact of a suspension under the circumstances doing violence to the rooted understanding of a reprieve; although the giving of the name to a proceeding which, instead of promising him relief,—operates to a criminal's prejudice—which oil for him, so to speak, the wheels of doom—has about it a sufficient flavour of irony. It may be the proper estimate that the Crown is only dispossessed of the right to the extent to which Parliament has bestowed it upon the courts. In 1894, Sir John Thompson—or to be more accurate, the Governor-General on his advice (as asserted by the counsel for the prisoner, Mr. T. C. Robinette, K.C.)—rescinded McWherrell, the County of Peel murderer, by the channel of a direct communication, from June 1st of that year until October 1st—afterwards, in September, commuting his sentence to imprisonment for life. The adoption of any course by a Minister of such repute as the head, at that period, of the Department of Justice goes no little way, everyone must allow, towards establishing its validity.

Westminster Hall's records bequeath no example of the escape of a murderer lying under sentence of death, which presents even a remote analogy to that in question, though cases are furnished of condemned persons "fleeing to sanctuary" where the decision has gone forth that "the realm cannot be abjured by such means."

The point was urged, and debated with less perspicacity than freedom in the press, that, unless meanwhile reprieved, Cashel, as soon as the moment of execution arrived, whether he should have graciously lent himself to the hangman's good offices or not,