

it may be of interest, before passing from that aspect of the inquiry, to recall a most noteworthy example, in recent times, of the exercise of the pardoning gift, being that of the disaffected Irishman, Colonel Lynch, who led, with much distinction, a regiment of Boer infantry during the South African Rebellion. But the Sovereign, while, as we perceive, traditionally commissioned, and, without doubt, always prepared, when seemly and right, to employ, in relief of the individual, the staff of benignity, must for the protection of society often wield the sword of retribution. Going back, at this point, for the ample unfolding of the chief argument, to a stricter line of reasoning, was it ever, one may ask, the belief of any jurist of repute in the wide circuit of our Empire—the home indubitably of impartial, unswerving justice—that, when the free avenue deemed by the voice of high authority “the last resort” had been tried by a prisoner awaiting execution, and the deliberately entered portal has closed behind him, a court of law might step in and defeat, or even oppose, the will of the King’s representative? What but mischief—profound, far-reaching—could arise from playing off, as would seem to have resulted here, one of two such autinomic media of succor against the other! Is the amendment of the statute which counsel for the prisoner invoked in his extremity possible of being construed in such a way as to effect so grave a constitutional change as would thus be wrought?

Some, at any rate, fail to see where the judge who granted Blythe’s extension of time found authority, consonantly with the Crown’s prerogative, for his action.

What legislation, guardedly examined, confers the jurisdiction? If there be any, the position logically, brings us to, and leaves us, in a veritable cul-de-sac. Such, indeed, being the case, would not the arm, endowed for ages with might and energy, be palsied? Would there not, so viewing things, be exchanged for the instrument, popularly supposed to control, in the juridical scheme outlined the issues of life and death—for a being which had been gifted with purpose and volition—a string-pulled marionette?

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