

whence there is no prospect of emerging. Was the course the Department followed that which the law sanctions?

A reprieve is defined by Sir Matthew Hale—modern instructors accepting the exposition—"as the withdrawing of a sentence for an interval of time, whereby the execution of a criminal is suspended." Its granting must, as a result, be understood to be the exercise of a function which extends some indulgence or benefit, or at least carries with it a possibility of such to one adjudged to suffer capital punishment. The Encyclopædia of English Law, bearing out this notion, amplifies the definition by introducing the words "with a view to a pardon or commutation of sentence." It may, the treatises add, be "either by the Crown, *ex mandato regis*, at its discretion, its pleasure being signified by the Court by which execution is to be awarded, or by the Court empowered to award execution, either before or after verdict, *ex arbitrio judicis*." The Crown's prerogative may in this regard, as in the related subject of pardon, be narrowed or extinguished by statutory enactment. There its deprivation will be enacted in the interest of liberty; the Habeas Corpus Act, for instance, putting the injury of causing a man's imprisonment beyond the realm outside the grace. Such being so, what should be viewed as the consequence of those paragraphs of the Code which affect reprieves? Section 937 provides "that in the case of any prisoner sentenced to the punishment of death, the judge before whom such prisoner has been convicted shall forthwith make a report of the case to the Secretary of State for the information of the Governor-General; and the day to be appointed for carrying the sentence into execution shall be such, as in the opinion of the judge will allow sufficient time for the signification of the Governor's pleasure before such day, and if the judge thinks such prisoner ought to be recommended for the exercise of the royal mercy, or if, from the non-decision of any point of law reserved in the case, or from any other cause, it becomes necessary to delay the execution, he, or any other judge of the same court, or who might have held, or sat in such court, may, from time to time, either in term or in vacation, reprieve such offender for such period or periods beyond the time fixed for the execution of the sentence as are necessary for the consideration of the case by the Crown." All these directions may be readily