

been finally settled in 1839 in *Leonard Watson's Case* (9 Ad. & E. 783, 786), where it was decided that as soon as a conditional pardon was granted the Crown was entitled to enforce the condition, while the Transportation Act of 1824 (5 Geo. IV. c. 84, ss. 1, 2, 13, 22) and the Penal Servitude Act (16 & 17 Vict. c. 99, s. 5) both recognise the competence of the Crown to grant pardons in capital cases, conditional on transportation (now penal servitude) for life or any less term. By 7 & 8 Geo. IV. c. 28, s. 13, the warrant under the royal sign-manual, countersigned by a Secretary of State, is substituted for the more formal and cumbrous machinery of a pardon under the Great Seal. If Mrs. Maybrick escaped from prison she would be liable—either (1) to instant arrest upon her original sentence, and, if she set up the pardon, it would be disallowed for breach of condition; or (2) to arrest on the charge of being at large during her sentence, and to penal servitude for life on that charge (5 Geo. IV. c. 84, s. 22, as amended by 5 & 6 Wm. IV. c. 67); and if her would-be friends persevere in their efforts by means of the writ of *habeas corpus* they will find themselves in this quandary—either (1) the prerogative of mercy does not exist, or is taken away as to murder; or (2) the pardon is void, as imposing an illegal condition; or (3) the pardon is ineffectual, on the ground that Mrs. Maybrick has not assented to the condition. To succeed in any one of these, perhaps, equally hopeless contentions would ensure the remission of the convict to the condition of a prisoner sentenced to death, but under respite; and, even if her advisers take up the ancient ground that the Crown cannot commute a sentence, exactly the same result must follow.

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THE LABOURS OF A CHIEF JUSTICE.

At the recent meeting of the State Bar Association of Alabama, Judge Somerville, in responding to the toast assigned him, "The Supreme Court of Alabama," made the following allusions to Chief Justice George W. Stone:—

"I trust," said he, "in alluding to the subject assigned me, it may not be considered

in bad taste to say a few words, personally, in reference to one member of our court, whose judicial history is so honorably and so long associated with the past history of that tribunal. I allude, of course, to our distinguished Chief Justice, who has been a conspicuous figure in the proceedings of the present meeting of this association—the orator of the occasion, now venerable in years and in honors. It is an interesting fact that he has been a member of the Alabama judiciary, with an interval of a few years since the late war, either as a Circuit or Supreme Court Judge, for the period of nearly fifty years. If he lives through his present official term, of which there seems to be every prospect, he will lack but a few months of having judicially interpreted our laws for one-half a century. No other man has ever, within my information, either in England or America, where the principles of the common law prevail, so long sat upon the woolsack, administering the principles of our jurisprudence. Nor can I recall any civilian whom history records to have so long been a judge.

"During this period he has been upon the Supreme Court bench of Alabama for nearly a quarter of a century, and has during that time, rendered over 2,000 reported decisions, which will be found embraced in the 28th to the 39th, and the 53d to the 86th volumes of our State Reports. I know of no other judge in any Appellate Court, on either side of the Atlantic, who has rendered so many. It was said of Judge Metcalf, of the Supreme Judicial Court of Massachusetts, who was a prodigy of judicial learning and industry, that he had promulgated 1,700 decisions during his judicial career of nearly twenty years.

"An average number of reported decisions per annum by the judges of several Supreme Courts of the American States does not exceed eighty cases to each judge. The judges of the United States Supreme Court, last year rendered about fifty cases to each member of that tribunal. Judge Stone, when our docket was crowded so greatly between the years 1876 to 1878, by reason of the legacy of litigation left on hand by the reconstruction courts, decided in one year