REPRIEVES IN MURDER CASES.

The writer of the article under this heading (ante p. 54) is indebted to the kindness of Hon. Mr. Justice Osler for a reference to an unreported Ontario case (*Reg.* v. *Young*), the facts of which yield a counterpart to the Cashel case there discussed.

The prisoners in the former case, uncle and nephew, were, on March 27, 1876, found guilty of the murder, near Caledonia, in the County of Haldimand, of a farmer named MacDonald ; and were sentenced to be hanged on June 21 following, Mr. Justice Morrison being the trial judge. On the evening of Sunday, May 28, through a bold attack upon the jailer, the younger man secured his keys, and the uncle being afterwards released by him, both effected their escape. They continued at large until midsummer, and were only retaken after a stout resistence.

Kenneth McKenzie, Q.C., for the Crown, moved before the full Court (Harrison, C.J., and Morrison, J.,) on August 27, for writs of habeas corpus and certiorari to bring up the prisoners from the jail at Cayuga, and the indictment against them, for the purpose of applying for a new sentence of death ; which, on return, made to the writs, was passed upon them. The nephew, in the end, was respited, and the uncle hanged. M. C. Cameron, Q.C., acted for the prisoners.

It might be pointed out, by the way, that, rather against some of the authorities, the removal of an indictment after judgment pronounced, as well as the grant of a habeas corpus ad subjiciendum, otherwise than at the solicitation of a prisoner, was thus authorized.

The law touching reprieves was in exactly the same position then as it is now, so that it will be seen that the Court's manner of disposing of the earlier case differs from the procedure followed by the Department of Justice in the latter case where the difficulty was sought to be overcome simply by a reprieve. It must be supposed that Hon. Edward Blake, Minister of Justice at that time, would have fallen back upon the reprieve, had recourse thereto been thought defensible. The two proceedings illustrate the difference between untying a knot and cutting it.

In view of what has taken place and of the uncertainty that seems to exist, it might be well for the law officers of the Crown to consider the propriety of an amendment to section 937 of the