abstain as far as possible from criticism when a commutation is granted or refused. Ministers have always declined to give any reasons to Parliament for the exercise of the Royal prerogative, on the ground that it is supposed by courtesy to be a gracious act personally performed by the sovereign. Besides, the mere fact of the law prescribing a penalty is no ground for its infliction in every case. When death was the only penalty for rape, the sentence was always pronounced in due course, although everybody was aware that it would be commuted. We may also again call the attention of our readers to the bid held out by Mr. Kenneth Mackenzie to the jury, whom he told, with the air of one having authority, that it did not at all follow that the prisoners would be hanged, even if they were convicted. Moreover, it must not be forgotten that it has not hitherto been the practice to execute for fatal abortion. The precedents are against it, as they were in the case of rape. In Dr. Sparham's case, there was the aggravating circumstance that, as a licensed practitioner, he was pledged to maintain an honourable professional character: Davis, on the other hand, scarcely attempted to conceal his business, and had no character to lose. Why should the "M.D." be spared and the charlatan hanged?

Another objection advanced—in an able article in the *Mail*, in which we find but one serious fault, the exceeding vehemence of its tone—is this, that the hanging of Davis, and we presume his wife, would be "the only expiation of his crime likely to deter imitators of his practices." Without alleging that the death penalty is too severe for the crime, or for many other crime, we should like to ask how often this plea for the extreme penalty has been employed from Sir S. Romilly's time to our own? We venture to affirm that the advocates of hanging used precisely the same argument, if argument it may be called, on behalf of the bloody penal code of George III., which punished with death between two and three hundred offences, without being an effectual deterrent from any one of them. So far as example is concerned, imprisonment for life is quite as valuable as hanging. It is punishment in the abstract, and not the form of it, that keeps the timid from crime. We perceive that our Conservative contemporary has nothing further to urge in the case of Mrs. Davis; and we cannot help thinking, that in objecting to commutation in the case of the male prisoner, it has exceeded the limits of calm, judicial criticism. The *Mail* claims, and we have no doubt with perfect sincerity, "that it is actuated by no political bias;" but it is the fate of party journalism to be hardly judged, and the *Mail* must expect to hear from the other side that no complaint would have been made had Sir John Macdonald been Minister of Justice instead of Mr. Blake. In our last number we purposely refrained from touching the case of Arthur Paul Davis, because it appeared to us that the reasons in favour of a reprieve and those against it were almost evenly balanced. "The circumstances are exceptional," as the *Mail* admits, and therefore we preferred to leave the matter with those upon whom the constitution had laid the responsibility. Their decision has been rendered and, for the reasons we have given, we believe it to be not only merciful but equitable and just.

The arrest of an ex-alderman of Toronto on the charge of being an accomplice of the Davises, is *sub judice*, and therefore nothing should be said about it to influence the public mind against the accused. It is to be regretted that some of our daily papers have already condemned Mr. Clements in advance, before a tittle of evidence has been adduced against him. The necessity of having Davis as a witness is the reason assigned by the *Globe* for his reprieve. As a sole ground for that reprieve, we do not think it sufficient; but it certainly very powerfully reinforces the general arguments in its favour. We confess to a difficulty in understanding the *Mail's* meaning when it observes that "should the case under arrest break down, the action of the Executive in reprieving Davis will come in for general censure." For what reason we should like to know? Even suppose that the need for the convict's testimony were the sole reason for the reprieve—and there is no evidence that it was—how could Clements's acquittal affect Mr. Blake's position? Mr. Mowat, or the County Crown Attorney, must certainly have informed the Minister that Davis's evidence was required in the interests of justice; and we cannot conjecture what Mr. Blake has to do with the case awaiting investigation, so far at least as its issue is concerned. Even if he were himself the Crown Counsel, surely the *Mail* would not desire him to employ