

*CAPITAL OFFENCES AND THE ROYAL PREROGATIVE.*

The issue of the energetic movement looking to commutation of the death penalty which Mr. Justice Riddell of the Ontario Bench, passed upon the murderer, Blythe—a movement, critics not a few will think, born of delusion, and promoted by folly—has, in the writer's view, dealt a blow to the administration of justice in Canada from which it will not speedily recover.

It will be convenient, at the start, to review the circumstances of this unwonted expression of the criminal instinct in man from the bringing of the offender to trial until the present moment. Having been apprehended, he was committed for trial at the last winter assizes for the county of York, in Ontario, on a charge of having murdered his wife; achieving that unnatural object by recourse to an iron poker, his blows upon the lower part of her body only ceasing with the complete exhaustion of her vitality, and ultimate death. The prisoner was afforded what seemed to most onlookers in the court room and the vast majority of those deriving their knowledge at second-hand from the press, a thoroughly fair trial—the rules of evidence, apparently, being strained, in a good many respects, in his favour. The presiding judge, moreover, being a man of broad acquirements and keen preceptions and the defence being in the hands of a counsel exceptionally well versed in the department of law being treated, his interests, unmistakably, could have suffered little prejudice. After suitable deliberation by the jury, the prisoner was found guilty, and sentenced to be hanged on a day some six or seven weeks thereafter. The trial judge was asked, though after many weeks interval, to reserve a case for the Court of Appeal, which was however refused.

Representations having been made to the Minister of Justice that material evidence, going to shew mental deficiency, was obtainable, a respite was granted a day or so before the time fixed for the execution, to allow of a fuller and more thorough consideration of the case in Ottawa. Subsequently, the Governor-General, exercising his authority, in the manner prescribed by the constitution, declared that counsel had failed to make out sufficient reason to justify his interference.