

stood, has respited these men now, for twelve months; and it is reasonable to suppose that you will restore them to liberty,

nor even the judges of the court, can ever reunite the links of that chain, if once broken, and make a formal, out of an informal, proceeding. Now, if no execution can legally take place under such circumstances, without its being *murder*; neither can any further imprisonment be inflicted upon the culprits, without its being *false imprisonment*, nor even a whipping, without its being *assault and battery*, in law. What therefore remains, but that the men are absolutely entitled to be unconditionally and immediately set at liberty? See here now, the consequences of the culpable negligence of government. Justice is defeated, mercy cheated of her privilege, and hardened offenders let loose upon society. It is true that in the case of the eight criminals of last year, some were kept a longer or a shorter time in confinement, some pardoned upon condition of leaving the province, and two I believe were respited for a year, and still remain, under what is essentially and truly an illegal sentence of death, in prison; and that the two criminals now in question, are respited for twelve months; yet all this, however consistent it may be with equity, is, in point of law, nothing but an arbitrary and illegal stretch of power. A case, in which the opinion of the twelve judges was given, occurred in the early part of the reign of his late Majesty, which may serve in illustration hereof. Two men, who had been convicted as ring-leaders of a riot in the eastern part of London, somewhere, I believe, about Bethnal green, or Stepney, were sentenced in the usual way, to be taken to the usual place of execution, which was then Tyburn; but the warrant for that execution, that was sent down from the secretary of state's office, specified that they were to be taken to the scene of the riot, and there to suffer their sentences. The sheriffs of London refused to obey this warrant and sent it back; the secretary of state sent it back again with peremptory orders to follow it; the sheriffs consulted the law-authorities of the city, and all were unanimous that it was illegal; during this contention, the time elapsed which had been fixed for the execution; and, although all the authority of government was exerted that the men should suffer (the case being indeed an atrocious one,) altho' it was afterwards conceded that Tyburn should be the place; and altho', a commutation of the punishment for transportation was even talked of; the opinion of the twelve judges being taken, they decided, that after the specified time, nothing whatsoever could be done to the men; and they were set at liberty. It is from recollection I relate this, and I can not even state the year when it occurred; I may be, therefore, mistaken in some of the circumstances, but the main facts are as above. L. L. M.