

at all, (by which hypothetical *if*, they insinuate that such was its character,) the prisoners ought to have received a free pardon.

The case is surely not so mystified as not to be susceptible of some clear and distinct view;—it must necessarily be classed under some one of the following: first, it was one in which the Law ought to have been allowed to take its course; or secondly, one in which the exercise of the prerogative was obviously called for, in order to temper justice with mercy by a commutation of the punishment, without reference to the nature or the degree of such commutation; or lastly, it was one in which, by reason that the accused had not had a fair trial, or that there was no evidence whatever to warrant a conviction, a free pardon ought to be granted. To those who are of opinion that the numerous commentators upon the *Bérubé Trial*, and the propriety of the commutation of the sentence, have each adopted one distinct, intelligible view of the case, followed up by a clear and consistent line of argument in illustration of such view, the following notice will be deemed a work of supererogation. To those who have studiously kept the public in the dark by arguing every possible contradictory phase of the case, any attempt at a plain analization of it will be highly distasteful, as being calculated to defeat their object. Not one of the various critics has taken a stand upon any well defined ground; yet in the judgment of every candid and impartial man, the conclusion to become to must be based upon some of the foregoing categories; it cannot indiscriminately partake of *all*, and hence at once the necessity and the apology for inflicting upon your readers a few more observations on this already hacknied case.

Joseph Bérubé, a man of the age of forty-five, and Césarée Thériault, his wife, of the age of fifteen or sixteen, are