

soldiers is very great and urgent, but it is apparent that to allow such a consideration to be our guiding principle would be to substitute expediency for law as a basis of judicial decision. It is also apparent to us that without doubt there is enough might, though not right, behind the military authorities to prevent the court's officers from performing their duty, and even to destroy both the members of the court and its officers, but while the court remains it must endeavour to perform its duty as it sees it.

The court has shown every desire to do nothing that might hinder the military and executive officers, so far as could be done consistently with its duty to those applying to it for a redress of grievances, but has met with little success. After the applications had been ignored and the orders disobeyed, counsel for the Minister of Justice yesterday, in the person of Mr. Muir, appeared for the first time, when the court was about to deal finally with the applications, and formally applied for a stay of all proceedings. The court intimated that it would be quite ready to grant the stay if its orders were obeyed and proper provisions made for the protection of the applicants in the event of the decision *in re* Lewis being sustained, and adjourned further consideration until this morning. This morning, no word having been received from the Minister of Justice, at Mr. Muir's request a further adjournment was made till this afternoon, at four p.m., and now, after more than twenty-four hours, Mr. Muir states that he has just received instructions from the Minister of Justice to refuse to consent to any conditions.

Under these circumstances there seems no other proper course than to make the order as above mentioned.