

*royalistes que le Roi*; and after the failure of the armed insurrection which was the culmination of the struggle of parties, they had the satisfaction or mortification of seeing everything which they had striven against on behalf of the Imperial Government established by that government, and themselves thrown for years into a position of inferiority to the persons whom they had regarded and been taught to regard as traitors. The events immediately preceding the outbreak brought the political controversy into the courts, upon the question of the right of the government to proclaim martial law and to put in that proclamation as an answer to application for the discharge of a prisoner by *habeas corpus*. It would seem to-day, probably to most persons, an extraordinary breach of the liberty of the subject, even in a colony, if the government should venture upon such a proceeding before any overt acts of violence had taken place; though we have no doubt there would be plenty of defenders, even of such a course, among those who above all things admire the exhibition of force—if not directed against themselves. While some of the judges, however,—Messrs. Bedard, Panet and Vallieres—refused to acknowledge the authority of martial law, in the actual situation of the country, and were suspended by way of showing the independence of British judges, Mr. Justice Gale took the other view of the point raised, and maintained, no doubt most conscientiously, the propriety of the course adopted. In truth, it would be very unfair to judge of the question then raised by the notions now prevalent, and which have arisen from a new set of circumstances. Responsible Government had not then been granted, and while the popular party contended that the establishment of Parliamentary Government carried with it all the incidents of that Government as worked in England, the lawyer found reason for doubting when