irregular, and ought not to be proceeded on; but that the Court ought, without reference thereto, to adjudicate on and dispose of the matters alleged against the petitioner, and as to which he was called on to show cause by the orders of the 2nd and 4th of April. The Court overruled this objection, and held that the order of the 6th April was regular. And further (as his counsel objected that the order was pronounced *ore tenus*, and that no minute or written copy thereof had been served on him), the Court considered that the petitioner having been present personally and by his counsel in Court, when such order was made, it was not necessary to serve him with any minute or copy thereof. The petitioner refused to show cause, and the informant having been heard, the Court reserved its decision till the 13th of April, when it gave judgment, adjudging that McDERMOTT had committed a high contempt of the Court by printing and publishing the articles of the 29th March and 6th April, and ordering that he be imprisoned for six months. The petitioner was delivered into custody the same day under a warrant of commitment made by Chief Justice BEAUMONT.

Being advised that the order of commitment was illegal, he applied to the Court before he was taken into custody, and afterwards by petition, for leave to appeal from the order of commitment to Her Majesty in Council. In his petition for leave to appeal he stated that the order had the effect of a final or definite sentence, involving a civil right, namely, his right to liberty for six months, which was of more value to him than the sum of £500, the sum limited by the Order in Council regulating appeals from the Supreme Court to Her Majesty in Council. By the aforesaid Order in Council it is provided, that if the party appellant shall establish to the satisfaction of the Court that real and substantial justice requires that, pending such appeal, execution should be stayed, it shall be lawful for such Court to order the execution of any judgment to be suspended pending such appeal, if the appellant shall give security for the immediate performance of any judgment which may be pronounced by Her Majesty in Council upon any such appeal; and the petitioner submitted that real and substantial justice required that, pending such appeal, execution should be stayed, inasmuch as the petitioner had been condemned to be imprisoned for six months; and unless the execution of the sentence was stayed pending the appeal, the petitioner, in the event of the appeal being decided in his favour, would in all probability, before the decision could be made known in the colony, have undergone the whole period of such imprisonment, and be without remedy or redress for having suffered the same. On the 4th May, 1866, Chief Justice BEAUMONT refused to grant the petitioner leave to appeal, on the ground that it was not an appealable case within the provisions of the before mentioned Order in Council of the colony.

The petitioner then petitioned Her Majesty, praying for inquiry and relief in the matter of his imprisonment, and was advised by the Lieutenant Governor of the colony and the Secretary of State for the colonies, that the only redress he could obtain was by an appeal to be heard by the Judicial Committee. The petitioner accordingly moved for leave to appeal from the order of the 13th April, 1866, and the judgment of the Supreme Court of the 4th May, 1866, refusing him leave to appeal. The following is the report of the argument and judgment given in the Law Reports (1 P. C. 266—8).

"Mr. *Coleridge*, Q. C., for the petitioner, said: Although the appealable value is limited by the Order in Council of the 20th June, 1831, to £500, yet we submit that, in a case such as this, where the liberty of the subject is involved, an appeal will lie irrespective of any money value. If the rule were otherwise, the grossest injustice on the liberties of British subjects resident in the colonies, might be perpetrated at the caprice of the judges in the colonies. It is essential, therefore, that such an appeal should be allowed. It has been admitted in several cases: *Smith* v. *The Justices of Sierra Leone* (3 Moore's P. C. Cases, 361); *Rainy* v. *The Justices of Sierra Leone* (8 ibid. 47). In this country the petitioner would have had his remedy by writ of *Habeas Corpus*, but in a case like this, that writ could not be obtained from a Colonial Court, and since the statute, 25 and 26 Vict. c. 20, s. 1, it cannot be applied for here. [LORD WESTBURY: