

some one to obtain and produce them. It is apparent that putting Lieutenant-Colonel Moore in jail would be of no service to the applicants unless it served to cause him to do what he has been ordered to do, and it is for that purpose primarily, and not because anything he has done has offended the dignity of the court, that a writ of attachment was issued against him. But if he were in jail under the writ it would still be necessary to obtain the applicants and have them brought before the court in order that they might be discharged, if so entitled. The evidence before the court shows that they are so entitled if the decision *in re Lewis* be right, and so long as it remains unreversed it must be deemed to be the proper expression of the law in this province. It is admitted by counsel for the military authorities that he has been informed that some of the applicants have been removed from the province by the military authorities, since the applications were launched, in defiance of the order of the court that they should not be so removed.

This is confirmed by counsel for the applicants.

This court can now exercise no jurisdiction in respect of these applicants, though in due time it may possibly be able to punish those persons who disobeyed its orders. It is stated that the decision *in re Lewis* will be reviewed by the Supreme Court of Canada very promptly, and under such circumstances it would be right and proper to allow the applications to stand until after such review, but from what has been said it is apparent that then it may be too late to protect any of the applicants who may be removed from its jurisdiction. The order should therefore go directing the sheriff to obtain the persons of the applicants, or such of them as may be within the jurisdiction of the court, and to bring them before the court, and that then they be discharged from military custody and control without further order. They will then be in the province where they can be obtained if it is held that they are subject to military duty.

In deciding to pursue its proper functions this court is not unmindful of the fact which the Minister of Justice desires to press on us, that the need of Canada for