

proceed. There was not, therefore, any distinction to be drawn between felonies and misdemeanours.

MONDELET, J. overruled the objection.

Oct. 7, 1865.

JOSEPH MESSIER, for *Habeas Corpus*.

HELD—That when a commitment is illegal on its face, the Court will not wait till the committing magistrate has been notified to produce the papers, but will order a writ of *habeas corpus* to issue *instanter*.

Messier, the petitioner, had been committed by a magistrate of St. Hilaire, for threats.

CHAPLEAU, for the prisoner, applied for a writ of *habeas corpus*, on the ground that the warrant of commitment was manifestly illegal, it being nowhere therein stated that the depositions had been taken on oath.

RAMSAY, for the Crown, said the papers were not before the Court. The committing magistrate should have been notified to produce them. This notice was rendered necessary by the terms of the Statute, (C.S.C. Cap. 102, Sec. 63.)

MONDELET, J., after taking communication of the copy of the warrant of commitment, ordered the writ to issue *instanter*.

### OBITUARY NOTICES.

#### HON. MR. JUSTICE MORIN.

The death of Augustin Norbert Morin, a judge of the Court of Queen's Bench and one of the Commissioners for the codification of the laws, occurred at St. Adele, county of Terrebonne, on the 27th July last, in the 63rd year of his age.

Born at St. Michel, in 1803, Mr. Morin was educated at the Quebec Seminary. He studied law under the late Hon. D. B. Viger, and was admitted to the bar of Montreal in 1828. In 1830 he entered Parliament, and from the first his abilities excited the attention of the leaders of the different parties. In 1834 he was deputed by his party to carry to Great Britain their petitions as to the state of the Province, to have them presented through Mr. Viger, and to support that gentleman in the representations he was to lay before the British Government of the condition and grievances of which the Colonists complained. This task he appears to have fulfilled satisfactorily, and in such a manner as to earn the thanks of those who had entrusted him with the charge. In 1842, after the Union of the Provinces, he filled the office of Commissioner of Crown Lands in the Lafontaine-Baldwin administration, for more than a year. At the election of 1844, he had gained so thoroughly the confidence of his countrymen that he was elected by two constituencies—Saguenay and Bellechasse—the latter being the one which he selected. In 1848 he was again returned for the same County, and on the assembling of Parliament was elected

Speaker, an office which he held till 1851, when he formed an administration in conjunction with Mr. Hincks, taking the post of Provincial Secretary, and representing the County of Terrebonne. In 1853 he resumed his former office of Commissioner of Crown Lands, which he held till his appointment in 1855 as a Judge of the Superior Court of Lower Canada. In 1859 he was appointed one of those to whom the task of codifying the Civil Law was entrusted. In the "Life of Metcalfe," Kay thus describes Mr. Morin, and though not in all points correct, the description shews the light in which he was viewed by strangers:—

"Mr. Morin is a French Canadian, commissioner of Crown lands. He had been thrown in early life, by the troubles of his country, into the stormy sea of politics; but I believe had followed the law as a profession. His character, as described to Metcalfe, would have fitted well the hero of a romance. With administrative abilities of the highest class, vast powers of application, and an extreme love of order, he united a rare conscientiousness and a noble self-devotion, which in old times would have carried him cheerfully to the stake. His patriotism was of the purest water. He was utterly without selfishness and guile. And he was of so sensitive a nature, and so confiding a disposition, that it was said of him, he was as tender-hearted as a woman, and as simple as a child. But for these—the infirmities only of noble minds—he might have been a great statesman.

#### J. B. C. DE LORIMIER.

Nous regrettons d'avoir à enrégistrer la mort de Jean Baptiste Chamilly de Lorimier, Ecr., avocat, arrivée sous de bien pénibles circonstances.

Ce respectable citoyen était parti de chez lui, rue St. Vincent, mercredi soir, vers 8½ heures, pour aller faire une courte promenade de 10 minutes, comme il en avait l'habitude. Il ne revint pas à la maison, et sa famille inquiète commença à faire des perquisitions; la police se mit également aux recherches, car on avait lieu de soupçonner qu'il avait été victime d'un meurtre. Enfin dimanche matin, il fut trouvé dans le canal Lachine, près du pont Wellington. A une enquête, qui eut lieu lundi matin, le jury a rendu un verdict de "noyé accidentellement."

M. de Lorimier était frère de Chevalier de Lorimier, le martyr politique de 37-38, et avait pris lui-même une part active dans ces évènements. Il comptait un grand nombre d'amis, et certes, le concours empressé de plusieurs de nos premiers citoyens qui assistaient hier à ses funérailles témoignait hautement du degré d'estime dont il jouissait parmi ses compatriotes.—*L'Ordre*, 26th July, 1865.