produce the body of Thaw, and there was no contempt of court, there being no need of producing him. That ended the whole matter. The hon. Chief Justice did express his opinion on that matter, and it is an important question. But, as I said a moment ago, it is important for lawyers not to determine questions until the necessity for their determination arises, and I do not want to take upon myself to pronounce or to dogmatize in any sense on the question. But I think there are some things that might fairly and properly be pointed out in connection with that expression of opinion of the hon. Chief Justice. If I understand rightly the reasoning which led the hon. Chief Justice to that conclusion, it is that by Magna Charta it is provided that no man shall be deprived of his liberty except by the judgment of his peers or the law of the land. The hon. judge goes on to point out that the great and effective means of protecting the individual in the liberty to which he is entitled is the writ of habeas corpus, and he dwells on the importance of that writ. Nobody will question that. But he goes on to say that in his opinion this Parliament could suspend that writ. I have not the slightest doubt of that. I have never conceived, and I do not think it at all a correct conception, that Magna Charta limited the supremacy of parliament. Magna Charta is the charter of the people's liberties that protects those liberties from invasions on the part of the king. Parliament is acting in the very exercise of those liberties and their own constitutional rights, legislating in the exercise of the powers resulting to them from the confidence that the people repose in them, and to my mind Magna Charta never was intended to apply to or to restrict the exercise of the powers of Parliament. If it be so, then Magna Charta is a restriction on the power of the people to govern themselves through their own representatives, and you have the instrument that was devised to insure the people's liberties against encroachment of royal authority twisted to deprive the people's representatives, in Parliament assembled, of the right to legislate as they deem best in the interests of the people. So, for my part, with all respect—and a very profound respect I entertain for the hon. Chief Justice—Magna Charta had absolutely nothing to do in this case. In the Imperial Parliament this supremacy is undenied and undeniable. I think the saying is perfectly good law: that Parliament can do anything except make a man a woman. Now, in so far as the subject matter of any legislation falls within the legislative competence of this Parliament of Canada, I have no hesitation in saying that this Parliament has, on that matter, all the power that the Parliament of the United Kingdom has. That being so, there is, to my mind, no shadow of a doubt that this Parliament has power to say that, under certain circumstances, there shall be no writ of habeas corpus. There remains the question of whether this Parliament has said it, and on that question I do not know whether the Chief Justice may have meant to make a distinction or not, but he seems to have recognized in this Parliament the power of suspending habeas corpus. He says, and he says something that is perfectly true, that the exercise of that power must be by express terms; you cannot conclude to the suspension of habeas corpus by mere inference, you cannot base it on some casual expression. I absolutely and thoroughly agree with the Chief Justice in his proposition, but I say that, in my judgment—and I want to recall the fact that I am not pretending to give an absolute final decision if it were in my power to do so on this question—by this legislation the habeas corpus is expressly excluded. The error—I say it with all respect, because, disagreeing with the hon. Chief Justice, I must necessarily be of the opinion that he has fallen into error—the error of the Chief Justice is that he confounds 'express' with 'specific,' and the authority that he cites in support of his proposition does not say that you cannot, without specifically mentioning the habeas corpus, exclude it. He is citing from a previous judgment of Mr. Justice Ouimet.

> I cannot admit that an Act of the importance of the Habeas Corpus Act can be amended, and the rights of the subject intended to be preserved under it can be curtailed by a casual expression found in a subsequent statute. To amend an existing Act there must be a clear and precise enactment. Such amendment cannot be interpreted as resulting from mere implication or inference.

Now that is the authority on which the Chief Justice relied. With that I absolutely agree. But turn to the words of this statute, section 23, and let us see what is left to inference and where is the casual expression that does not avail to remove the habeas corpus. What is the wording of the section?

> No court and no judge or officer thereof shall have jurisdiction—

It goes to the very root of things, to the jurisdiction.