

IN THE SUPREME COURT OF CANADA.

In the matter of Robert Evan Sproule, a prisoner in the common jail at Victoria, British Columbia, in custody of James E. McMillan, the Sheriff for Vancouver Island.

Upon reading the rule or order granted the third day of May, in the year of Our Lord one thousand eight hundred and eighty-six, calling upon James E. McMillan, Sheriff of Vancouver Island, to shew cause why a writ of *Habeas Corpus* should not issue, requiring him to bring before the Court the body of Robert Evan Sproule, together with the day and cause of his detention, and why, in the event of the writ being allowed, the prisoner should not be discharged without the writ actually issuing or the prisoner being brought before the Court.

And I, the said Judge, after hearing Counsel for the crown as well as for the said Robert 10 Evan Sproule, having ordered and adjudged that the said Robert Evan Sproule was entitled to be, and should be discharged out of the custody of the said Sheriff.

And an order absolute for a writ of *Habeas Corpus ad subjiciendum* having been made by me for the purpose of having the said Robert Evan Sproule brought before me, that he might be discharged, in accordance with the tenor of my said judgment, and the said Writ having issued accordingly, and having been duly served upon the said sheriff as well as upon Her Majesty's Attorney General for British Columbia.

And upon application of Counsel for the said Robert Evan Sproule that he should be forthwith discharged out of custody, without the production of his body before the Court or Judge: the said Robert Evan Sproule not having been produced before me in accordance with 20 the requirement of the said Writ.

Upon reading the notice of motion that the return of the said Sheriff should be deemed insufficient, and the said Robert Evan Sproule should be discharged out of custody as aforesaid, —without the production of his body before a Court or Judge—or in the alternative, that a Writ of Attachment do issue against the said Sheriff for disobedience to the said Writ.

And the Affidavit of Service of said Notice of Motion upon the said Sheriff, and the said Attorney-General.

Upon reading the Endorsement upon the said Writ, purporting to be a return to the same, by the said Sheriff.

And upon hearing Counsel as well for the Crown as for the said prisoner, I do Order that 30 the said Robert Evan Sproule be forthwith discharged out of custody.

Dated in Chambers this 6th day of August, A.D., 1886.

(Sgd.)

W. A. HENRY,

A Judge of the Supreme Court of Canada.