

tions of personal liberty. He argued that the warrant should set out the grounds on which the arrest was ordered. He referred to the celebrated case of *Gossett vs. Hoyle*, 10 English Q. B. R., pp. 359, 460. There the action was for trespass, assaulting the plaintiff. A justification was pleaded to the effect that the assault was committed under and by virtue of a certain general warrant. A demurrer was put in to that plea, and the judge held that the plea showed no justification. There was no resemblance between a Colonial House of Assembly and a Court of Justice, and it did not follow that the former had any power to punish for contempt because the latter possessed such power. The conclusion was that the warrant having issued on confessedly limited authority, should have shown on its face the authority and the circumstances under which it was issued.

Mr. Ritchie, after remarking that the questions presented here were of the gravest importance, said that as the issue of the writ of *habeas corpus* was a matter of discretion with the judge, he supposed he might assume that is Honor's mind was made up to a certain extent.

Mr. Justice Ramsay said it was not so. He issued the writ because he considered that he had no alternative. There were only two cases under the Statutes of Charles in which a Judge could refuse; where a party was in execution of a judgement; and second, where a party is arrested for a felony, clearly expressed in the warrant.

Mr. Ritchie was glad to find that impression was incorrect. He then referred to the circumstances under which the attendance of witnesses was required at the Bar of the House. The witnesses when examined at Montreal refused to answer certain questions, constituting themselves judges of what was proper and what was not, and the question now was whether the inquiry should be stopped on that account. The question was, first, whether the Legislative Assembly had the power to summon these gentlemen before the bar of the House — was there any authority for it? And, secondly, had the Legislature exercised that authority in a proper way? He would argue in the first place that the Act of 1870 was the law; it had the force of a Statute binding upon every tribunal and judge in this country. It could not be inquired into; it