

As to status of information to obtain a writ of habeas corpus, see *Re Thaw, Boudreau v. Thaw* (No. 2), post.

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RE HARRY K. THAW (No. 2).

BOUDREAU v. THAW.

Hutchinson, J.]

[13 D.L.R.

*Habeas corpus—Demand by party who laid information upon which prisoner was arrested—Prisoner's opposition to his own liberation—Informant—Petition.*

The petition for a writ of *habeas corpus* issued under authority of c. 95 of the Consol. Stat. of L.C. (which extend the provisions of the English Habeas Corpus Act to the Province of Quebec) can validly be made by the party who illegally caused the arrest of the prisoner, although the prisoner may by intervention oppose the application, and by affidavit declare the same is so made without his authority, the prisoner further declaring that he desires to remain in jail.

See *Re Thaw* (No. 3), post p. 672.

Any person is entitled to institute proceedings to obtain a writ of *habeas corpus* for the purpose of liberating another from illegal imprisonment.

*Hottentot Venus Case*, 13 East's Reports 195, followed.

A party who causes the arrest of another, and who subsequently is advised that such arrest is illegal, is entitled to apply for a writ of *habeas corpus*, to the end that the person arrested may be restored to his liberty.

The term "on behalf of," when used in an application for a *habeas corpus*, means "in the name of," "on account of," "for the advantage of," or "in the interests of" another.

Compare *R. v. McLeer*, 7 Can. Cr. Cas. 183.

No legal relationship is required to exist between the prisoner and the person making the application for a writ of *habeas corpus* for the prisoner's release.

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