" to convey the said petitioner, John Francis Gaynor, to
" the common gaol of the district of Montreal, and
" there to deliver the said John Francis Gaynor
" into the custody of the keeper of the said com-
" mon gaol in Montreal, who is hereby ordered to receive the
" said John Francis Gaynor into his custody, and to safely
" keep him until duly discharged in due course of law,
" according to the terms and exigencies of the warrant, under
" which the said gaoler, has returned on the writ of *habeas*
" *corpus* to him directed by me that he detains him, to wit,
" the warrant under the hand and seal of Ulric Lafontaine,
" Esq., Extradition Commissioner, issued and dated at the
" said City of Monreal, on the ninetenth day of May, in the
" second year of his Majesty's reign, and in the year of Our
" Lord, one thousand nine hundred and two. Thus adjudged
" and ordered by me at the City of Quebec the twenty-first
" day of June in the said year one thousand nine hundred
" and two. Frederick W. Andrews, Judge, Superior Court,
" Quebec."

Their Lordships are of opinion that Mr. Justice Andrews
was quite accurate in what he then did. There had been
a regular and proper application to the Extradition Commis-
sioner, who, after receiving evidence to indentify the per-
sons charged, had appointed a day for the regular procedure
in extradition and had in the meantime committed the ac-
cused to the proper custody by way of remand.

Mr. Justice Andrews was apparently not informed of this,
and he issued the writ of *habeas corpus,* but (as will be
pointed out hereafter) the writ, if issued, could have no
other return that the cause of detention was a lawful remand
by a Commissioner having jurisdiction over the subject-
matter of the inquiry.

When the learned Judge found out the mistake that had
been made, he at once proceeded to put it right, and then the
somewhat extraordinary intervention of Mr. Justice Caron
took place, which has given rise to this appeal. Notwith-
standing the judgment of Mr. Justice Andrews before him,
who had justly pointed out that the matter stood for adjudica-