

It was probably owing to some mistake as to the jurisdiction of the Commissioner that any writ was issued. At all events, when the facts were placed before Mr. Justice Andrews, and the prisoners were brought before him under his order, the learned Judge did what was obviously right. He remanded them to their lawful custody from which they never ought to have been removed, and expressed himself thus:—"I consider that I am in possession of these accused "in virtue of my order, having taken them from the gaoler "in the district of Montreal, in whose lawful custody I now "return them. I consider I have no right whatsoever to "do anything which might in the most remote degree defeat "the obligation under which I feel I am, and I may say, "and I do say, that I feel that the Province is under, that "these men should go back to the place from which I took "them. If I took them by mistake from there, if I took "them without jurisdiction, that is no reason why they "should escape here, and it seems to me that it was not for "the persons who induced me to commit this act to now "endeavour to avail themselves of it in order to effect their "escape. I consider it my duty to say this, and I now say "that, sitting as a Judge, having issued a writ of *habeas corpus*, I do not recognize, but I distinctly deny, the right "of any other Judge to interfere in the matter until the "men have passed from my hands. When I have given "my order in the premises I have washed my hands of "responsibility in the matter, and then, and not till then, "it is my firm conviction, that no other Judge has the "power to interfere with them. I say this, of course, not "because I desire to say it in respect of any other Judge, "but I think I am bound to say it to the sheriff, who is now "present.

"So that there may be no mistake in the matter "I have drawn up my judgment in writing, and it is this:—"I, the undersigned Judge, having heard the petitioner by "his counsel, he, the said petitioner, being now present before "me, in the custody of the sheriff of this district, also present before me, I do hereby order the said sheriff forthwith