

The Lower Canada Law Journal.

VOL. II. NOVEMBER, 1866. No. 5.

THE EXTRADITION OF LAMIRANDE.

[Second Notice.]

On the 28th of August, when Mr. Justice DRUMMOND had finished reading the statement or judgment which appeared in our last issue, he adjourned the further consideration of the case to the 24th of September following. The *Saturday Review*, and other English journals, have expressed surprise at this long postponement. It does indeed seem rather singular that the learned Judge should have fixed so distant a day, especially as the full court of Queen's Bench was about to sit in appeal at Montreal, on the 1st of September. However, the inquiry, as we have stated, was adjourned to the 24th of September, when the September term of the Court of Queen's Bench, sitting on the Crown side, commenced, Mr. Justice DRUMMOND himself presiding. The Judge on that day formally exonerated Mr. Deputy Sheriff SANBORN from any blame in the matter, that gentleman having been in ignorance of the proceedings for *habeas corpus*, when he signed the order for the jailer to hand over the prisoner under the Governor's warrant. Mr. SCHILLER, the Deputy Clerk of the Crown, was also exculpated, on the ground that he had simply acted in obedience to instructions. The learned Judge, in his address to the Grand Jury, directed the attention of that body to the carrying away of LAMIRANDE, and strongly urged the necessity for an investigation.

Mr. Justice DRUMMOND then produced two copies of the *Montreal Gazette*, one of which contained the letter of Mr. RAMSAY, reprinted in our last issue, and the other contained another letter written by that gentleman, criticising the Judge's statement of the case, and censuring him for not issuing the writ at once, when application was made to him. These letters were printed in the *Gazette* over Mr. RAMSAY's signature. The learned Judge having ordered the papers to be filed, inquired of Mr. RAMSAY whether he was the author of

the letters. This question Mr. RAMSAY declined to answer, unless informed of the object. The Judge then directed that subpoenas should be issued, requiring the attendance of Messrs. LOWE and CHAMBERLIN, proprietors of the *Gazette*, on the following morning. His Honor declined to proceed with business till the matter of "discipline" was settled, and adjourned the Court.

On the morning of the 25th, Messrs LOWE and CHAMBERLIN failed to appear—not, we believe, through want of respect for the Court, but on account of what they conceived to be informality in the subpoenas ordering their attendance. No further proceedings, however, were adopted with respect to them, but the Judge stated that he must now treat the matter in a less lenient manner, and ordered a rule to issue against Mr. RAMSAY, returnable on Thursday, the 27th of September. Mr. RAMSAY expressed his readiness to reply at once, but the Judge would not alter the order. Further, his Honor waived the objection he had apparently entertained on the previous day, to Mr. RAMSAY's representing the ATTORNEY GENERAL, and the business of the term was proceeded with.

It would be idle to deny that the general impression of the bar on that morning was, that the Judge had receded from the position he had taken up, and that the matter was not to be carried further. Insinuations were even made that the influence of the Attorney-General had been brought to bear upon the Judge to induce him to give way, and an article appeared soon after in *Le Pays* on the subject, which gave so much offence to Mr. Justice DRUMMOND that he ordered a rule to issue against Mr. LUSIGNAN, the editor of that journal, to show cause why he should not be held in contempt of Court.

In the meantime, the argument on the rule against Mr. RAMSAY was adjourned from week to week, on the plea that public business must not be interrupted by taking up a matter of discipline; and Mr. LUSIGNAN having appeared and put in a written reply, the argument on the rule against him was fixed for the same day as the other, and also adjourned from time to time. At the date we write this, (Oct. 22) the argument has been fixed for Wednes-