

He was arrested in Montreal, and on 22nd August, 1866, late in the evening, fully committed for extradition. On the 23rd notice was served, on his behalf, upon the attorney representing the Crown, of the presentation of a petition on the 24th at 1 p.m. for a writ of habeas corpus. At that hour the petition was presented by counsel in presence of counsel for the Crown and for the French government. Upon the argument it was pressed that attempts had been made to bribe his captors to bring him into the United States; and that he had been threatened from the beginning that, law or no law, he would be brought back to France. Counsel for the Crown protested against insinuations tending to disparage the institutions of the country, when, as he said, the prisoner was fully protected by the fact that he could not be extradited except on the warrant of the Governor-General. As counsel for the Bank of France desired to be heard, the case was adjourned till the following morning, and on that morning a writ of habeas corpus was ordered. The learned Judge (Drummond, J.) says: "I would have issued the writ before adjourning, had the counsel for the prisoner insisted upon it. But that gentleman was, no doubt, lulled into a sense of false security by the indignation displayed by counsel for the Crown, when counsel for the prisoner signified to me his apprehension that a coup de main was in contemplation to carry off the petitioner before his case had been heard. Upon the return to the writ it appeared that on the night of the 24th, at midnight, the prisoner had been delivered over to an officer from Paris by virtue of an order signed by the Governor-General, ostensibly signed by him in Ottawa on the 23rd, he being at that time in Quebec; it was really registered at Ottawa before its signature by the Governor-General. So that, when the case came to be argued, "the petitioner" was "on the high seas, swept away by one of the most audacious and hitherto successful attempts to frustrate the ends of justice which had yet been heard of in Canada." The Court, therefore, made no order as to the prisoner.

It was due to the scandal created by the outrageous proceedings in this case, and to prevent the repetition of such a transaction, that the section referred to of the Act of 1868 was passed. This legislation was not intended to and does not diminish the rights of the prisoner—it was intended to and does extend them.