

contract of lease or hire, or to remove said girl from my service and employ, and no sufficient opportunity has been given me to seek elsewhere for a servant to take the place of said Margaret Rickerby, who is and has been of great assistance to me and my wife, and needed by us to perform the duties for which she was hired. And her immediate departure with said Louisa Birt or with petitioner would subject us to great inconvenience and damage. That I am, as I believe, and, as I have been informed by legal counsel, entitled to the usual legal notice of intention to terminate said contract of lease and hire. That I am not detaining said Margaret Rickerby against her will and consent, and her liberty is in no way infringed by me or by my family. That I hold said girl under a contract of lease and hire of personal service under which there is no stipulation or agreement that petitioner, or that either party shall have the right to terminate the same in a summary manner *without notice*.

"These are my reasons for the present detention of said Margaret Rickerby whom I now produce before your Honor to abide your Honor's order in the premises.

Dated 10th November, 1882.

(Signed) J. W. McCONNELL."

The petitioner then moved that the foregoing return attached to the writ be declared to be inconsistent, and that the respondent be required to declare whether he detained the girl or not.

Respondent amended his return by declaring that he did not detain the girl, and that she might go where she pleased—thus waiving any rights respondent might have had over the said Margaret Rickerby by reason of the agreement above mentioned. The amended return reads as follows:—

"I, Jesse W. McConnell, the respondent in this cause, hereby amend my return by alleging that I have not and do not detain said Margaret Rickerby, that she has been and is at perfect liberty to go with petitioner if she sees fit, and I hereby withdraw from my return (the subject of this amendment) any and all allegations by which I claim any detention of said girl, and substitute therefor this allegation, that I do not detain her, that she is under no restraint, and is not confined or restrained of her liberty in any way, but is at liberty to act for herself, and

choose for herself whether she will remain with me or go with petitioner."

The following affidavit was then made by Miss Meiklejohn:—

"That the said Respondent, by an amended return made by him to the Writ of Habeas Corpus in this cause, declares that he does not detain the body of Margaret Rickerby who is at liberty to go where she pleases:

"That the said Margaret Rickerby is a minor child under the age of fifteen years, and has an elder sister in this Province who is now between the ages of seventeen and eighteen, and who is at present in the charge of Mrs. Samuel Brown of Waterloo, under whose care she was placed by the petitioner.

"That the said minor children have a mother living in the city of Liverpool, in England, by whom they were placed in the charge of Louisa Birt in England, for the purpose of and with the intention of their being brought to Canada and placed in the care and custody of deponent.

"That the said Margaret Rickerby is not capable of exercising a sound discretion as to the custody in which she should remain or be placed, that she is easily influenced, as shown by the facts that up to quite a recent date she has shown great love and affection for petitioner: when she left Knowlton in March last she threw her arms about petitioner's neck and said, she did not wish to leave petitioner, but would prefer to stay with her without wages, than to go out for service: and now without any just cause her affections have been alienated, and she is apparently unwilling to have any conversation with petitioner.

"That since the said Margaret Rickerby was placed in respondent's custody, certain circumstances have been disclosed to deponent, which deponent cannot divulge without injury to other persons, and which (whether true or untrue) are of so grave a character as to make petitioner deeply apprehensive for the future welfare of said Margaret Rickerby.

"That in the desire to remove said Margaret Rickerby again into her own care and custody, the deponent is actuated by no other motive than a consideration for the moral welfare of the said child, and a desire to discharge the sacred obligations assumed by deponent towards said child and her sister and mother, as well as