

objection to Mr. Housley they would be free
to say so, to which they answered they knew
no objection against that Gentleman being of
very fair Character and Repute - And
beside him deserv'ing of his Excellency's
- your therein - Resolved that his Security be
one thousand pound Ster.

The Board happening to be very thin the
Excellency was pleased to desire the Advice
of Mr. Dillemore Lord one of the Judges of the
Provincial Court upon an odd Accident
in the Case of Mr. Thomas Macnemara &
his wife.

After which was read Mr. Chief Justice Smithson's
Letter to his Excellency in Justification of carrying
the said Macnemara - Which being con-
-sidered to the Lawyers present they offered
following Opinions, and first Mr. Justice

May it please your Excellency

Having according to your Excellency's Request
I have considered on the Case of Mr. Macnemara
- married against Thomas Macnemara & his wife
in Charter 1763 & so forth. & I humbly on the following
- following Observations to your Excellency followeth

Some

Whether a habeas Corpus in the 2^d of the
- Cap. 11 - is to be granted or allowed in Civil as
as Criminal cases and when and by whom a
Corpus at the Common Law and a habeas Corpus
the said Statute is to be granted in order to the
- carrying of any person or persons.

2^{dly}

Of the whom such habeas Corpus are to
- returned who shall be Judges of such returns
and pay the party or returnee there.

3^{dly}

Whether your Excellency hath Jurisdiction as
- Chancery or Superior of the great Seal of this Province
- to hold a writ of Habeas Corpus in order to