

JEAN L. ARNAULT, PETITIONER, VS. POTENCIANO PECSON, JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, RESPONDENT.*G.R. No. L-4027. October 02, 1950*

Ponente: TUASON, J.

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This is a petition for certiorari, prohibition and mandamus, assailing alleged refusal by the Court of First Instance of Manila to grant the petitioner ample opportunity to prepare his defense in criminal case No. 12821 of that court, in which he is charged with Income tax evasion. In his prayer the petitioner asks that Judge Pecson, the respondent judge, be commanded to allow him to go out of Bilibid Prison under guard to look for and confer with his witnesses, but from the allegations in the body of the application and annexes thereto, it appears that the motions submitted to and denied by the court were that the accused be allowed to take papers from his office in the Trade and Commerce Building on Calle J. Luna, Manila. We will regard the last as the relief which the petitioner seeks in these proceedings.

The pleadings show that the petitioner is under prosecution by an information filed by the City Fiscal on May 31, 1950, for a violation of the National Internal Revenue Code, in that, it is alleged) in certain translations he received for one Ernest H. Burt a total net profit of P1,480,000, the income tax on which, amounting to P1,089,270, the accused had the duty under law to pay but did willfully and unlawfully fail, neglect and refuse, despite repeated demands, to do.

The accused, who is in confinement in Bilibid Prison in Muntinlupa for contempt of the Senate, filed on July 6, 1950, through his attorney, a motion with the lower court to order the Director of Prisons to permit him under guard to get papers pertinent to his case from his office in the Trade and Commerce Building on J. Luna Street, Manila.

On the same date, Judge Pecson denied that motion on the ground that, since the accused was imprisoned by order of the Senate, "it would be improper to grant said motion because it would be an encroachment on the prerogatives of the Senate."

Undaunted, the accused, under date of July 27, reiterated his motion, citing the fact that one Aurelio Alvero and one Andres Camasura as defendants in other criminal cases had been allowed to leave Bilibid Prison under guard to prepare their defenses. He added that all the papers he needed for his defense were in his office and in his house and that no one else but he had access to them.

On July 28, Judge Pecson, "considering the motion well founded," "authorized (the Director of Prisons) to allow the accused to go to his office and residence under guards on July 29, 1950 from 9 a.m. to 11:30 a.m. at the most for the purpose of getting all the necessary papers which he needs for his defense."

On July 29, the accused protested that two hours and a half was not enough to enable him to take advantage of the court's liberality and stated that he had to have at least half a day.

On July 31, the court set the last motion for August 2, at 8:30 a.m., with the warning that after hearing thereof the trial of the case on the merits would proceed immediately.

It is alleged in the application for certiorari and mandamus that on August 2 the court, after taking up the motion of July 29, manifested willingness to grant the same but changed its mind when the City Fiscal objected unless certain conditions were imposed. These conditions, according to the petition, were: (1) that the petitioner first reveal the nature and contents of the documents which he wanted to get as well as the exact parts of his office and his house in which the documents were being kept and the persons who, besides the petitioner, had access to said documents; (2) that the defendant tell the court whether he could not entrust the key or keys to the containers of the documents to a person of his confidence; (3) that the guards to accompany the accused be Instructed not to allow him to destroy any of his documents because the City Fiscal intended to get a search warrant for their seizure; (4) that the accused make a list and give the description of the documents which he should have removed from his office or house.

Petitioner's counsel objected to these conditions telling the court that they were equivalent to a revelation of the evidence for the defense and to forcing the defendant to testify against himself.

One of the most vital and precious rights accorded accused by the Constitution is due process, which includes a fair and impartial trial and reasonable opportunity for the preparation of defense. While the Constitution and the law of the land do not specify what this opportunity is to consist of, beyond stating that accused shall have not less than two days to prepare for trial (section 7, Rule 114), it is by necessary implication within the court's sound discretion in exceptional cases to allow him, besides time, adequate freedom of action, if the courts are to give form and substance to this guaranty. Other judges conscious of this principle have allowed prisoners with proper safeguards to leave the prison walls with the object of securing evidence, without in so doing exceeding the bounds of their authority, of propriety, or legal procedure. The respondent Judge himself in his order of July 28 considered the petitioner's motion meritorious and would allow him two hours and a half. Leave to go under guard outside the prison or the courtroom would not, as feared, set a dangerous precedent, for the matter is always subject to the control and discretion of the court to be judged according to its merits.

In the nature of things, no hard and fast rule can be laid down as to what is reasonable time or reasonable opportunity. Each case must be determined by its peculiar circumstances. What are the facts in this connection? And are they such that a denial of defendant's request would constitute an abuse of discretion justifying intervention by the Supreme Court?

On this feature of the case it appears that the accused was already in jail for contempt of the Senate when the present criminal action was started. Having been committed to prison for another cause which has only an indirect bearing on the instant prosecution, and not foreseeing in all probability the turn which his imprisonment for contempt would take, it is justifiable to assume that the defendant did not bother, and had no time, to arrange his evidence and put himself in readiness for this prosecution which, as just stated, was posterior to his commitment to prison. From the character of the indictment and of the transactions involved, there is also reasonable ground to believe that much if not chief of defendant's evidence is documentary, not merely testimonial which could be assembled with a mere postponement of the trial; and remembering the volume and diversity of his business dealings, there is added ground to suppose that the defendant possesses numerous and mixed records and documents pertaining to diverse matters and kept in separate files. Lastly, the accused stated in his motion that he alone has access to these papers, documents and records, as asserted; which has not been contradicted and sounds plausible enough.

In the light of these circumstances, which are only the salient ones, it would seem that the defendant has made a

sufficient showing to merit a favorable action on his request as a measure of necessity for an adequate preparation for trial. More than that, since His Honor had already deigned to grant the accused two and a half hours in one of his orders, this made it so much easier, without endangering the interest of the public, to give him another two hours and a half for which he vigorously pleaded. The refusal to give this additional time, which would not make much, if any, difference to the prosecution, smacks of a market place haggling if not mockery, in that, as the defendant's counsel pointed out, two hours and a half was barely enough to cover the route of travel to and from the accused's home and his office, what with the heavy traffics in Pasay where his home is located and in the Manila commercial districts.

The point made that as the petitioner is imprisoned by virtue of an order of the Philippine Senate his request for "temporary release" from confinement should be addressed to that body, shows at once its inconsistency with the court's order of July 29. As previously seen, by that order the court would grant the petitioner two hours and a half. The fact that this concession was made "only in the interest of justice," as the court puts it, or "only as a privilege to the accused," as the Fiscal says, would not erase the inconsistency. Nor would the strings which the prosecution would attach to the permission make it any the less disrespectful to the legislative department or violative of the checks and balance system. If on the other hand by invoking the interest of justice the court would prevent the permission from being a subversion of the Senate's order, then the granting of, say, six hours instead of two and a half in the interest of justice and as a privilege to the accused would clothe the permission with the color of legality.

In reality, however, permission to the defendant to go to his office or home for the purpose indicated would not infringe on the Senate's order of commitment. Such permission is not a release from prison, as the lower court mistakenly assumes; not any more than to bring the defendant to court for trial from Bilibid Prison would be. In their legal and factual connotations, bringing the defendant to court for trial and allowing him to go to his office to get evidence are the same, the same if account is taken of the fact that the latter is part and parcel of the same trial and essential to the defense which has been forced upon the accused by the filing of the accusation. Only hairsplitting technicalities can find any dissimilarity between the two things. It can not be argued without resorting to unreasoning legal niceties that to take a prisoner to Manila, to Zamboanga for that matter, to face trial is not an encroachment on the Senate's prerogatives but that to allow him under guard a few hours to procure evidence from his home or office is an interference with those prerogatives.

Having shown that the two hypotheses are the same, the logical result of the court's theory would be that a prisoner of the Senate charged with a criminal offense could not be tried without the Senate's authorization, unless the trial were held in Bilibid Prison, which is outside the court's jurisdiction. Carried to its ultimate conclusion, the theory would mean that a citizen committed to Jail by the Senate or the House of Representatives could not be prosecuted in any court of justice unless the corresponding legislative body was willing. (Authority to give permission carries with it authority to refuse. It should further follow that prosecution for a criminal offense of a prisoner of one of the Houses of Congress would have to wait until the expiration of his sentence if the Senate or House should object. Even if we take for granted that the Senate or the House would always yield to the request, the incongruities would not entirely be eliminated. It should be remembered that unless convoked to a special session, the Congress meets only 100 continuous days a year, so that for eight months during congressional recess there would be no Senate or House to go to for permission. It is a fact, which may have been Ignored or overlooked, that such permission if within the congressional power to give or withhold could be granted only by either House acting as a body, and that the Senate President, the Speaker or any legislative committee would have no power to act in the premises for their respective chambers.

One other incongruity that can readily be seen would be that, while the Senators or Members of the House of

Representatives themselves are not privileged from arrest and prosecution except in limited cases and during their attendance at the sessions of the Congress and in going to and returning from the same (Section 15, Article VI of the Constitution), the Congress or either of its component parts could paralyze the machinery of justice and timely stop for a longer period the prosecution of others for graver offenses.

These anomalous consequences will not be possible if we do not lose sight of the truth that the separation of powers is not rigid and absolute but abstract and general, intended for practical purposes and adapted to common sense. There is no such thing as complete and definite designation by the Constitution of all the particular powers that appertain to each of the several departments. The constitutional structure is a complicated system, and overlappings of governmental functions are recognized, unavoidable, and inherent necessities of governmental co-ordination. The power itself to punish for contempt which the Senate exercised in sending Arnault to by nature belongs to the judiciary but has been upheld as a power incidental to or inherent in a deliberative body necessary to its existence and due functioning» The rule is thus expressed in *Corpus Juris Secundum*:

"Although the absolute separation of the powers of government is the theory of American constitutional government, it has never been entirely true in practice, and is no longer an accepted canon among political scientists. The courts recognize that the separation of the powers is far from complete, and that the line of demarkation between them is often indefinite, and it has been held not the purpose of the constitution to make a total separation of these three powers, but that the division of powers is abstract and general, and intended for practical purposes, and a constitutional provision prohibiting the exercise by one department of another's powers does not include all governmental functions or powers. Hence, in practice the departments are not required to be kept entirely distinct without any connection with, or dependence on, each other, and each of the three departments normally exercises powers which are not strictly within its province, and while it is not possible wholly to avoid conflict between them, one department should not so act as to embarrass another in the discharge of respective functions, and the constitution should be expounded to blend the departments no more than it affirmatively requires." (16 C. J. S., 293, 294.)

So any action not amounting to a release of a prisoner committed by the Senate to prison, taken by the executive and the judiciary departments with respect to such prisoner in the legitimate discharge of their respective functions, is not impairment of the doctrine of the distribution of governmental powers« The fact that a person is a prisoner of the Senate or of the House does not, under the principle cited, exclude other departments during his incarceration from trying or investigating him in matters pertaining to their spheres, in much the same way that a prisoner by judgment of a court of justice is not placed beyond the reach of the legislature and the executive to summon for examination and to allow in relation to the investigation to go anywhere under guard to get such evidence as the investigator or the prisoner might deem important.

In the face of the facts here shown to prevail, we are of the opinion that the respondent Judge committed an abuse of discretion and prejudicial error in not granting the defendant's motions. By this refusal the defendant would be denied his fundamental right to a fair and impartial hearing which the Constitution assures him. Where a request by a defendant charged with crime for a chance to make his defense is reasonable and made in good faith and not for delay, it is good policy to veer towards the liberal side avoiding refinements of argument that may serve only to hide the substance of the issue. It is even of greater importance to the cause of justice for courts to deviate from the stereotyped technical rules of practice and lose a few hours than to run the risk of depriving accused of the requisite opportunity to present his side of the controversy.

Upon the foregoing consideration, the respondent Judge is ordered to grant the petitioner for the purpose hereinbefore stated not less than six hours to visit his home in Pasay City and/or his office on J. Luna Street, Manila, with guards to see, but not more than to see, that the prisoner does not escape or commit any act forbidden by law and the prison rules.

The petitioner's prayer to annul the proceedings heretofore had in the court below is denied, any irregularity committed in those proceedings prejudicial to the rights of the defendant being proper subject for review on appeal in case of conviction.

There will be no special finding as to costs.

Moran, C.J., Ozaeta, Paras, Pablo, and Reyes, JJ., concur.

MONTEMAYOR, J., concurring and dissenting:

In principle I concur in the majority opinion that the petitioner Jean L. Arnault be given an opportunity to prepare for his defense in criminal case No. 12821 in the Court of First Instance of Manila. But I dissent insofar as this Court grants him the privilege to visit his home in Pasay City and/or his office in Manila under guard, presumably, to examine his papers and obtain those needed at the trial, without previous consultation with or advice to the Philippine Senate, thereby completely ignoring that legislative body and disregarding its jurisdiction and control over the petitioner.

We should not lose sight of the fact that as the case now stands, the petitioner is not a prisoner of the Court of First Instance of Manila by reason of the information filed against him and his subsequent technical arrest. According to the petition he has already filed the corresponding bond of P3,000 recommended by the prosecution and approved by the trial court. Under that bond, he should therefore have been released, at least technically in criminal case No. 12821. If he continues in New Bilibid Prisons under custody, it is by reason of the commitment made by the Senate for contempt. In other words, he is a prisoner of the Senate, apart of the Legislative Department and not of the Judicial Department, and in dealing with petitioner in the present certiorari, prohibition and mandamus proceedings, we are dealing with him as such prisoner of the Senate.

The Senate may not prevent his leaving prison to go to the Court of First Instance for arraignment or for trial. The reason is that according to the information in criminal case No. 12821, he has committed an offense against the State and the Sovereign, of which the Senate is but a part and a mere instrumentality. Consequently, the People have a superior right to release him from confinement in prison, temporarily, to go to Court and answer the charge of committing a crime against said people and be tried for the same. But in granting the petition herein and ordering the respondent Judge to allow him to visit his house and his office for not less than six hours, we are doing something much more than bringing him from prison to the court and back, something which involves judicial discretion. In allowing him to go to his house and his office even under guard, we are exercising jurisdiction and judicial discretion over a prisoner of the Senate, a part of the legislative body, a co-equal, coordinate and independent branch of the Government, as regards his conduct, movements and actions outside of and not strictly necessary to the routine of his going from prison directly to the trial court and back, for arraignment and trial. Under the circumstances, the respondent Judge partly shared the idea motivating this partly dissenting opinion when in his order of July 6, 1950 denying the petition of defendant Arnault, he said:

"It appearing that the accused is confined at the New Bilibid Prisons by the Senate, and insofar as this case is concerned he is bonded, it would be improper to grant the motion, because it would be an encroachment on the prerogatives of the Senate; hence, the motion is denied."

I believe that before taking any action in the present case we should consult the Senate or the Senate Committee in charge of the investigation of Arnault, at the same time manifesting our opinion that petitioner should be given an opportunity to prepare for trial by allowing him to examine his private papers. The least we could do as a matter of courtesy to the Senate is to advise that body that we are granting the petition, and that the Senate or the Committee in charge of the investigation of Arnault may send a representative or representatives to accompany

him together with his guards when he goes to his house and/or his office to examine his papers, to see to it that nothing is done by him or on his behalf that may in any way interfere with, frustrate or adversely affect the Investigation still being conducted by the Senate.

It is pertinent here to recall that as already stated, Arnault is being held in New Bilibid Prisons under custody as a prisoner of the Senate under a commitment whose validity this Tribunal has just recently upheld in a petition for habeas corpus in G.R. No. L-3820. If Arnault had been committed to prison by the Senate for a definite period of imprisonment, say six months, a year or more, and the Senate investigation of him had been terminated, the case might assume a different aspect. In such a case, he would be in Bilibid only undergoing punishment for an offense committed against one of the houses of the Philippine Legislature. As long as he is under custody and under guard to prevent his escape from confinement and restraint of liberty, the purposes of the Senate in punishing him with imprisonment will be served and accomplished.

The present confinement of Arnault, however, is a little bit if not quite different. The Senate, and its committee is not yet thru with him. He is still under investigation. The committee may call him tomorrow and continue investigating him and asking him questions. He is confined not only as a mere measure of punishment but he is being deprived of liberty for an indefinite term, the length and termination of which lies entirely in his own hands. He may go out tomorrow a free man if he answers certain questions of the Senate or its Committee and reveals the identity of the man to whom he had supposedly given the P440,000. It is therefore clear that aside from the punishment that he is suffering by his confinement in prison, strong pressure is being brought to bear upon him to do something which is still within his power to do or to perform in exchange for his liberty and freedom from the rigors and hardships and the unpleasant atmosphere of prison life. Any absence from prison, especially going to his office and to his home, meeting his loved ones and friends, renewing old and intimate associations, even for a few hours and seeing, once again old and familiar scenes, serve to materially relax that pressure which the Senate is bringing to bear upon him, all calculated to persuade and induce him to comply with the Senate's lawful desire.

But this is not all. Under the custody of prison guards alone whose sole duty and concern is to see to it that he does not escape, things may happen which may not exactly be conducive to the purposes of the Senate in its present and continuing investigation. Without intending any refraction on the petitioner but merely dealing in possibilities and in what people, even honest person may do to defend and protect themselves and their interests, in visiting his home and his office, the petitioner without any supervision might destroy or conceal papers, documents and memoranda which may be useful to the Senate in its investigation and which it may thru lawful process have taken and brought before it in connection with its investigation. Arnault might during that visit do things which he could not otherwise do in prison or during his trip or trips from prison to court and back, things that may in one way or another thwart, frustrate or otherwise adversely affect the investigation being conducted by the Senate Committee.

And yet this Court thru the majority decision is, not only relaxing the pressure being put by the Senate upon its contumacious prisoner, pressure designed to break down his resistance but is also opening wide the door to all the possibilities I have partly enumerated, dealing with the prisoner as if he were its own or of the judiciary which he is not, and completely ignoring a co-equal and coordinate branch of the Government which made him a prisoner and whose prisoner he continues to be, without even giving notice to said branch of the Government so that it may take and suggest precautions and safeguards designed to keep its investigation from being frustrated or nullified. That is why in my opinion, the Senate should be consulted and its voice heard because after all, we are dealing with its prisoner. At least, we should accord the Senate or the Senate Committee in charge of the investigation an opportunity to have a representative or representatives accompany the prisoner and be present when he visits his office and his home and examine his papers, so as to properly protect the interest of the Senate in the

investigation.

Moreover, in peremptorily and, shall I say, arbitrarily granting the permission to the petitioner, without first seeking the views of the Senate whose prisoner he is, we are treading on dangerous ground. If we can now grant him a minimum of six hours to visit his home and office, we could just as properly grant him twelve hours, or a whole day or more if he really needed it. If we can permit him to visit his office in Manila and his home in Pasay outside of Manila, we could just as well let him go to a nearby province or even farther away, if his office or his house happens to be in that place. It is hard to limit the scope of this judicial discretion now being exercised. During all that period of time and so far removed from the eyes of the Court, many things and events, unforeseen and unexpected may happen unknown to us and the Senate. And all the time, we are closing our eyes to the fact that the man we are giving permission to and otherwise dealing with is not our prisoner or of the Courts, but a prisoner of the Senate, committed to jail, to stay there until he decides to do something required of him by the Senate who by the way, is still investigating him. And yet we decline to consult said Senate or even advise it of what we are doing or propose to do. That our attitude and position are not entirely proper and tenable, to me is not difficult to see and realize.

It has been intimated that my proposal would mean subservience to the Senate, I beg to differ from that view. Courtesy to a co-equal, coordinate and independent branch of the Government and respect for and acknowledgment of its jurisdiction is not subservience. It is only giving to that branch of the Government its due. It is by intruding into and encroaching upon the province and jurisdiction of a coordinate branch of the Government that we invite and provoke mutual disrespect and discourtesy. On the other hand, respect and courtesy make for mutuality of the proper feeling and attitude, and for harmony.

For instance, if this high Tribunal had committed a person to prison for contempt, to stay there indefinitely until he complied with an order, I at least, if not this Court would certainly view with disfavor and disappointment any act on the part of the Executive or the Legislative department dealing with that prisoner in such a way that it may interfere with or frustrate the purpose of this Court in making the commitment, without consultation with or advice to us, and completely ignoring our prerogatives and judicial authority.

In conclusion, while I agree with the majority that petitioner should be allowed a reasonable time and opportunity to visit his home- and his office and examine his papers in order to prepare for trial, I believe that before taking action on this matter, the Senate or its Committee in charge of the investigation should be consulted and its views and suggestions considered; or at least as a matter of courtesy, said body should be advised of the action being taken by this court in the present petition for certiorari, prohibition and mandamus so as to give such Senate or Committee ample opportunity to send a representative in order to protect its interests.

BENGZON, J., dissenting:

I dissent on three main grounds: (a) because the decision fails to render unto the Senate what is the Senate's; (b) because it refuses to recognize that constitutional rights of convicts are necessarily curtailed; and (c) because petitioner has another adequate remedy.

I. Jean L. Arnault is confined in prison by an order of the Senate for having refused to answer, without cause, a question propounded to him during a properly conducted Congressional investigation. He must be there until he shall have answered that question.. Any order permitting him to leave the prison walls to visit his home or office, in effect frustrates the purposes for which he is kept under confinement. It may amount to an unwarranted encroachment upon the prerogatives of the Upper Branch of Congress as Mr. Justice Montemayor explains at length.

The only instance in which a prisoner held for contempt of a legislative body was allowed to be taken "to testify in court under official custody" occurred in 1870 in the case of Patrick Woods. That was by virtue of a resolution of the House of Representatives expressly permitting the trip.[1]

So jealous is the Congress to preserve its control over the prisoner held for contempt that it even declared "no Member (of Congress) had the right to converse with the prisoner at the bar while in custody." [2]

Therefore the most that could be said to petitioner Arnault is that he should seek permission from the Senate or the corresponding committee to perform the acts he would like to perform through court intervention.

The courtesy which our courts should accord to the restrictions imposed on Arnault by the Senate may be compared to the respect which, in the name of duality of jurisdiction, the State courts in the United States accord to incarceration decrees by the Federal courts or vice-versa. What is the practice there? Consent of the imprisoning authority is required.

"* * * A federal prisoner may be taken into a state court for trial with the consent of the United States' attorney general, given in his discretion, fairly exercised, provided such removal does not prevent enforcement of the federal sentence or endanger the prisoner. Conversely, a state prisoner may, with the state's consent, be taken into a federal court for trial." (18 C. J. S., p. 110.)

II. Supposing that Jean L. Arnault may be tried of this criminal offense during his confinement by Senate order, I must admit that he may be removed from jail and brought to court to defend himself. But, when invoking his constitutional right to defense, he demands the privilege to visit other places than the court premises, I certainly draw the line.

No law grants him specifically the right which he invokes: i. e., the right to examine papers in his office to get those he may deem convenient.[3]

An effort is made to spell this right out of the "due process" clause "which includes a fair and impartial trial and reasonable opportunity for preparation of defense." But this Court has practically interpreted the requirements of such "due process" by the rules quoted in the footnotes and in none of them do we find recognition of the prisoner's privilege to go out of jail to hunt for witnesses or other documentary evidence. Furthermore—and this is important—we are not dealing here with a mere "accused" person. The petitioner is an accused person who is a convict of another offense. A convict's constitutional rights are necessarily curtailed. For instance, as a person he has constitutional right to the pursuit of happiness, and yet as a convict he may not demand the privilege to visit his wife or girl friend even under guard.

This decision may be a dangerous precedent. Murderers in jail may invoke the same right hoping for chances to escape or only to annoy the government that provides escort and expenses. Probably, the answer will be interposed that the grant is a matter of discretion. Yet once an opening is made, it will be difficult to stem the rush of similar petitions. And the courts' mettle will be sorely tried.

Arnault is in jail as a convict of Senate contempt. He should not leave the prison walls unless it is absolutely necessary. He is brought to court, because it is absolutely necessary. Now, is it necessary for him personally to go to his office? No, because his friends or relatives or attorneys may do that for him under his instructions. They may even bring to him all his office papers for examination.

III. Our action now seems to be inconsistent with our decision in *Arnault vs. Nazareno, et al.*[*] In that case we practically told Arnault "You have to stay in jail until you answer the question". Now, when he has to answer the question to be able to visit his office, or be at some disadvantage in defending his income tax evasion, we melt and let him leave Muntinglupa, without answering the question. We even overlook the consistent doctrine that

these special remedies are granted only when the applicant has no other adequate remedy; and Arnault, I repeat, has an adequate remedy, even two adequate remedies: (first) examine the papers by a friend or relative or bring the papers to prison; and (second) answer the Senate's question, and then repair to his office at pleasure. If he refuses to answer the question, he deprives himself of the advantage or privilege which he asks. The courts are not to blame. They are not expected to abet his refusal to answer the Senate's inquiry.

[1] Hinds' Precedents, Sec. 1627, Vol. 2.

[2] Hinds' Precedents, supra, Sec. 1626.

[3] His legal rights as an accused person have not been denied: two days to prepare for trial, and the rights enumerated in sec. 1, Rule 111. The right to visit his office and inspect his papers is not vouchsafed to him.

[*] Supra, p. 29.

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