made on the gaoler or person detaining another in custody, the latter must make his return along with the original writ, it being so directed by the command contained in the writ itself. So it was held in *R.* v. *Rowe* (1894), 71 L.T. 578, referred to in Tremeear's Criminal Law, 2nd ed., 822, that, if the original writ is not delivered to the principal of several persons to be served, the service of a copy of the writ upon the others is not a good service upon any of the others. When it is possible to effect personal service, a writ of *habeas corpus* can only be properly served by actually delivering the original writ to the person to be served, and, if a copy of the writ is served, this is an irregularity which the person served cannot waive by appearing, so as to render himself liable for attachment for disobedience to the writ: *R.* v. *Rowe* (1894), 71 L.T. 578. In the event of the original writ being inadvertently lost before service, a new writ might be allowed to issue: *Pease* v. *Shrimpton* (1651), Sty. 261.

The "return" to the writ if duly made will be endorsed upon or attached to the original writ, and no proof of service will be required: *Re Carmichael,* 10 C.L.J. 325. If the "return" is not made in due form together with the writ served, a motion to attach the delinquent would be in order. An affidavit of a gaoler verifying a copy of the warrant has been accepted as a return when it was accompanied by the original order in the nature of a *habeas corpus* made under the Liberty of the Subject Act, R.S.N.S. 1900, ch. 181, which provides an alternative procedure by motion in Nova Scotia in lieu of the actual issue of a writ: *R.* v. *Skinner*, 9 Can. Cr. Cas. 558.

In other provinces of Canada a different practice prevails in instituting *habeas corpus* proceedings from that followed in Ontario and Quebec. In the Province of Alberta it is the established practice, following in this respect the practice which prevailed in the Courts of the former North-West Territories, to issue a rule *nisi* to be served upon the custodian of the detained party and all others interested as respondents, and which called upon each of them to shew cause why a writ of *habeas corpus* should not issue, and why, in the event of the rule being made absolute, the prisoner should not be discharged without the actual issue of the writ: *R.* v. *Farrar* (1890), 1 Terr. L.R. 306; and see the English case of *Ex parte Eggington*, 2 E. & B. 717. By the Crown Office Rules of British Columbia, 1906, a similar procedure is recognized in that province. An application is to be made either to the Court or a Judge, and if to a Judge he may order the writ to issue *ex parte* in the first instance, or may direct the issue of a summons for the writ: Crown Office Rules (Civil), 1906, rules 235 and 237; Crown Office Rules (Criminal), 1906, rule 1. If, however, the application is to be made to the Court and not merely to a Judge, it must be made by motion for an order, which if the Court so direct may be made absolute *ex parte* for the writ to issue in the first instance, or the Court may follow the more usual course of granting an order *nisi* to shew cause why the writ should not issue. On the argument of the order *nisi* the Court has a discretion, under Crown Office Rule 244, to direct an order to be drawn up for the prisoner's discharge, instead of waiting for