thereby waives all right which he might have had under the writ. I am unable to distinguish such a case from a case in which the detention had ceased before the issue of the writ—there it is clear the writ should not issue: Barnardo v. Ford, [1892] A. C. 326.

Some assistance may perhaps be derived from cases nearer in their circumstances to the present. . . . . .

[Reference to Regina v. Eavin, 15 Jur. 329 (a); Barnardo v. Ford, [1892] A. C. at p. 535, per Lord Watson.]

In view of these cases and upon principle, I am of opinion that at the time of the conclusion of the argument, the prisoner having by his own act discharged himself from custody, he thereby waived all rights he may have had under the writ, and that, had I given judgment at that time, I should have declined to make an order for his release.

There are cases in some of the Courts of the American Union which may be referred to. Reference to these cases is made in Church on Habeas Corpus, 2nd ed., s. 191. . . . Ex p. Walker, 53 Miss. 366; Harmdon v. Flowers, 57 Miss. 14; Re Watts, 3 O. L. R. 279, 1 O. W. R. 129, 133; Hurd on Habeas Corpus, 2nd ed., p. 249, and Impey's Sheriff, there cited; Ex p. Robinson, 6 McLean, 355, 360. . . .

Does the fact that since that time the applicant has again come into the custody of the same sheriff make any difference? I think not—the judgment should be given now that should have been given at the close of the argument, and that is, that the writ should be quashed.

The next question to consider is whether a new writ should issue.

In . . . Rex v. Robinson, 10 O. W .R. 338, 14 O. L. R. 519, I held that after a writ of habeas corpus had been obtained, and the prisoner remanded to custody upon the return, the Court was not necessarily precluded from granting another writ of habeas corpus, notwithstanding Taylor v. Scott, 30 O. R. 475. That decision has not been appealed against. I see no reason to depart from it, and I now follow it. And I am of opinion that there may be circumstances under which a second writ may issue other than those suggested in the