

well-being of the subject. Undeterred by seeming obstacles in the way of its being permitted to inure to the subject's benefit, the judges have been found affirming with tiresome iteration, the principle that—where want of jurisdiction appears—no statutory expression whatsoever is to be construed either to abridge its operation, or hamper its grant.

Even a direction that the lower tribunal "shall hear and determine" will be abortive to prevent its issue, any such planned infringement upon the suitor's privilege being pronounced to be without efficacy beyond the realm of matters of fact. In England, *Ex parte Bradlaugh*, 3 Q.B.D. 509, most pointedly illustrates this doctrine, while to accord with it, there is presented a solid array of cases in our own reports.

Howbeit, with us, this time-worn conception of the availability of the writ in a particular case, notwithstanding its apparently effectual denial by statute, has been almost, if not wholly, deprived of force, as the result of a consistent, and no less intelligible, group of recent decisions. It has lately, indeed, come to be regarded as an axiom that any serviceable ground for bespeaking the writ will suffice to obtain it, apart altogether from the consideration that a party's otherwise unassailable title to it might be to suffer statutory invasion. Now-a-days, an application which invites the Court to undertake a weighing of the evidence, furnishes the only occasion where the rejection of the suppliant's prayer is, for no single moment, enshrouded in doubt.

The writ will not, of course, be denied, should no adequate and legitimate case of complicity be made out before the magistrate: *Ex parte Ransley*, 3 D. & R. 572. Realizing as well as bequeathing an index of the quality and strength of the testimony needed to sustain a conviction, this judgment here has pre-eminent value. Upon this prosecution the defendant had been charged with knowingly harboring, keeping and concealing some vessels containing spirits. Upon a search made of his premises, a good-sized jar of liquor was discovered. The defendant himself was not present during the overhauling of the place, but his wife was; and two men were noticed to retire from the room with precipitancy, upon