of the evidence to support it. While it is established by many authorities that the Court will not upon such a motion re-hear the case or weigh the evidence or sit in appeal, upon some of the same authorities it is clear that in this province the Court will examine the depositions to see if there is any evidence to sustain the conviction, and, if none is found, will discharge the prisoner, "since it is only reasonable that a person should not be detained in custody on a conviction which would be quashed if brought before the Court in another form." Of these authorities it is sufficient to refer to Regina v. St. Clair, 27 A. R. 308, from which the sentence that I have quoted is taken (p. 310). See also Ex p. McEachern, 17 C. L. T. Occ. N. 18; Rex v. Collette, 10 O. L. R. 718, 6 O. W. R. 746, 10 Can. Crim. Cas. 286.

Indeed, our statute authorizing the issue of a writ of certiorari in aid of habeas corpus (R. S. O. 1897 ch. 83, sec. 5) states the object of conferring this right to be that the Court may view and consider the evidence, depositions, conviction, and all the proceedings, to the end that the sufficiency thereof to warrant the confinement may be determined. Without authority, the very language of this enactment would seem to require, when papers have been returned pursuant to the certiorari, that the Court should look into them, and should, if it finds the conviction bad and insufficient to justify the commitment, or the evidence and depositions inadequate to sustain the conviction, order the discharge of the prisoner.

There does not appear to be any similar statutory provision in England, and there the return of a conviction regular in form and on its face valid and sufficient is, unless there be a question of jurisdiction, a conclusive answer to a motion for discharge on habeas corpus. The fact that no similar statutory power exists in the Canadian Supreme Court fully accounts for the decision in Regina v. Trepannier, 12 S. C. R. 113.

(1) Robert Crawford . . is police magistrate for the town of Brampton. H. H. Shaver . . is police magistrate for the township of Toronto, in which the offence is charged to have been committed. The conviction recites that Mr. Crawford sat at the request of Mr. Shaver. I think Mr. Crawford's jurisdiction to try the offence charged not open to question: R. S. O. 1897 ch. 87, secs. 17, 27, and 30;