

would have to be free from such custody—at least until the expiration of the term of imprisonment in the Toronto gaol.

Such questions as these may be better dealt with by the Judge hearing the application and after argument.

NOTE:—Upon the reading of this judgment, counsel for the prisoner stated that he abandoned the application for a new writ—as, if a new writ were to be issued, the delay would prevent his client being tried at the sittings of the New York Court then imminent.

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