p. 359, for the proposition—"It (a warrant of commitment) cannot be amended like the information, but, if there is any error in it, a fresh commitment may be lodged with the governor of the prison"—are all cases in which the new warrant was so lodged before the return.

In Ex p. Cross, 26 L. J. M. C. 201, there had been a bad warrant, but, before the rule for the writ had been obtained, a good warrant was lodged. In Ex p. Smith, 27 L. J. M. C. 186, the commitment was (see p. 187) 30th March, the new warrant 12th April, the return 14th April, setting forth, as in the Cross case, both warrants. So also in Regina v. Richards, 5 Q. B. 926. The remark in Regina v. Shuttleworth, 9 Q. B. 651, at p. 658, of Coleridge, J., "The case is somewhat analogous to that of an insufficient commitment, where, if we are satisfied that the party ought to be committed, we recommit," does not carry the case much further, referring, as it does, to such cases as Regina v. Marks, 3 East 157. And Channell, B., in Re Timson, L. R. 5 Ex. at p. 261, points out the distinction between such cases as Re Timson and Regina v. Chaney, on the one hand, and Rex v. Taylor, 7 D. & R. 622, on the other, and the non-applicability of the last-named case to facts like the present. The remark of Mr. Justice Osler in Regina v Whitesides, 8 O. L. R. 622, at p. 628, 4 O. W. R. 237, 238, is obiter and not necessary for the decision.

I see no reason, however, to change the opinion I had formed when I considered the case previously, ante at p. 949. That has been strengthened by the case of Rex v. Morgan (1901), 5 Can. Crim. Cas. 63, 272, not cited upon the argument. In that case the prisoner was charged for that he did "pick the pocket" of a person named, and was brought before the police magistrate at Barrie. Electing to be tried summarily under what is now Part XVI., he was convicted of having "attempted to pick the pocket" of a person named, and sentenced to the central prison for 6 months. No warrant of commitment was made out, but the conviction was lodged with the gaoler at the central prison as the warrant for his detention there. Writs of habeas corpus and certiorari were issued, and his discharge asked for. Mr. Justice Street says (p. 65): "I think there should have been a warrant of commitment, although the Code is silent upon the point, and no form is given. The conviction in the gaoler's hands is an extremely informal