with them. The father now desires to have the child restored to his custody.

MIDDLETON, J.:—I do not think that I should grant a writ of habeas corpus, under the circumstances. In *Regina* v. *Barnardo*, 23 Q.B.D. 305, where there was a case of strong suspicion, it was said that the writ ought to be granted so that a return might be made shewing that the child was out of the jurisdiction as alleged, and thus the truth of the return might be tried; but where the truth and the fact set up are not only admitted, but the facts are stated by the applicant, no useful purpose would be served by the formal issue of a writ and by having a formal return which it is not desired to controvert. Clearly, the applicant must resort to the court of the province where the child now is. These courts alone have jurisdiction over its person.

In so saying, I do not desire to deny that our court might exercise a coercive jurisdiction to compel the bringing back of the child to Ontario, if it was thought that the child had been removed therefrom contumaciously, and with a view of defeating proceedings taken or to be taken in our courts. Motion refused.

Hassard, for applicant. *Cartwright*, K.C., for Children's Aid Society.

Province of British Columbia.

SUPREME COURT.

Gregory, J.] HILL v. HANDY. [March 5.

Vendor and purchaser—Absolute foreclosure—Motion to reopen—Bad faith of vendor.

Where a vendor had obtained an order nisi in a foreclosure action by misrepresenting the facts, and an order absolute because of the defendant's ignorance of the order nisi, he being out of the province, travelling on business, and where on his return the defendant was prompt in applying to reopen, the order absolute was set aside. It being further found that the evidence tendered by the plaintiff at the taking of accounts was false, a new accounting was ordered.