

prompted this motion. When there is a right to prolong litigation, the Court is slow to interfere; but, when the right is lost, and an indulgence is asked, the applicant must shew, among other things, some substantial question having an appearance of merit. When this is not shewn, those who have slumbered upon their rights until some "statute of repose" has run, waken too late. Motion dismissed with costs fixed at \$25 to each respondent. P. E. F. Smily, for the applicant. F. D. Kerr, for the purchaser. F. Wearing, for the liquidator.

RE BUTCHER—MIDDLETON, J., IN CHAMBERS—APRIL 25.

Infant—Custody—Neglected Child—Children's Aid Society—Rights of Parents—Acquired Rights of Foster-parents—Welfare of Child.]—Motion by the father and mother of a boy of twelve years of age for an order, upon the return of a habeas corpus, directing that the custodian of the boy, one Albert Moody, a farmer in Haliburton, with whom the boy was placed by the Children's Aid Society of Peterborough, shall deliver the boy to the applicants. The learned Judge, upon a careful examination of the evidence before him, came to the conclusion that, on the whole case, the child's interest will be best served by leaving him where he is. He also said that, when once the children have been taken from the parents and made wards of the Children's Aid Society, and are adopted, the foster-parents have rights that cannot be lightly disregarded. The parents have forfeited their natural rights, and others have acquired rights. Motion dismissed; no costs. G. N. Gordon, for the applicants. A. W. Ballantyne, for the Children's Aid Society of Peterborough and Moody, respondents.

DEISENROTH v. TORONTO BOARD OF EDUCATION—LATCHFORD, J.
—APRIL 25.

Contract—Building Contract—Breach by Proposed Building-owner—Loss of Contractor—Damages.]—Action for damages for loss sustained by the plaintiff by reason of the breach of a contract made in September, 1914. The plaintiff, a contractor, was to erect a school building in High Park, and the defendants were to