

in England had been greatly enlarged by the Acts of 1848 and 1854; but, so far as actions such as this are concerned, the jurisdiction was still entirely concurrent. Cases in the Common Law Courts for negligence in navigating a ship are found collected in the 2nd edition (1863) of Bullen and Leake, p. 319.

In 1873, in England, the Court of Admiralty became an integral portion of the Supreme Court of Judicature; and by the Judicature Act of 1875 provision was made for the hearing in that Division of all actions of which it had hitherto taken cognizance concurrently with the Courts of Common Law. This change, having been made subsequent to 1859, would not in any way affect the jurisdiction of the Supreme Court of Ontario.

While the Exchequer Court is given very wide jurisdiction under the Colonial Courts of Admiralty Act, that jurisdiction is concurrent, and there is nothing to displace the jurisdiction of the ordinary Common Law Courts.

I, therefore, determine the point of law raised in favour of the plaintiff; and, in pursuance of the arrangement made at the argument, this judgment will be embodied in the formal judgment disposing of the case upon the merits, so that the whole question may be open upon one appeal. Costs occasioned by the raising of this legal question will be paid to the plaintiff in any event.

T. H. Peim, for plaintiff. *H. A. Burbidge*, for defendant.

SUPREME COURT.

Middleton, J.]

RE HILKER.

[March 11.

Infant—Application of father for habeas corpus—Infant removed out of jurisdiction by foster parents—Children's Protection Act.

Motion by the father of an infant for a writ of habeas corpus. On 28th May, 1907, the child was made a ward of the Children's Aid Society of Waterloo, the judge having found it to be a neglected child within the meaning of the statute (the Children's Protection Act). The child was then placed in an approved foster home, the foster parents at that time residing within Ontario. The foster parents have now removed out of Ontario, having gone, it is said, to Alberta, taking the child