
 REPORTS AND NOTES OF CASES.

Province of Nova Scotia.

 SUPREME COURT.

Graham, E.J. THE KING v. FOLEY. [August 15.

Indictable Offence—Committal for Trial—Crim. Code, s. 777—Practice.

The prisoner was committed for trial to goal for the theft of an automobile at Halifax by a Justice of the Peace and Stipendiary Magistrate for the County of Halifax. He applied *ex parte* for writs of *habeas corpus* and *recipias corpus* to the goaler and Chief of Police at Halifax (who is the officer by statute of the Court of the Stipendiary Magistrate for the City of Halifax), to be taken from jail and handed over to the Chief of Police and by him brought before the City Stipendiary Magistrate for trial under Crim. Code S. 777.

Held, that as the part of the Code relating to the summary trial of indictable offences under s. 777 provides no machinery for bringing the accused before the Magistrate for trial as contrasted with section 826 of the Code for the speedy trial of indictable offences, recourse was properly had to the common law practice for that purpose and the orders for the writs asked for could be properly made. Power, K.C., for the motion referred to Archbold Cr. Off. Pr. (Ed. 1844) 349, and 2 Gude's Cr. Pr. 235.

The accused was under the above writs brought before the City Stipendiary Magistrate at Halifax and tried for the offence above mentioned and as certified by the goaler under the *habeas corpus* to the Chief of Police and acquitted.

 Province of British Columbia.

 SUPREME COURT.

Gregory, J.] HILL v. HANDY. [17 D.L.R. 87.

1. Mortgage—Foreclosure—Final order—Re-opening accounts—Purchaser.

A final order of foreclosure may be re-opened for concealment of material circumstances from the court in the foreclosure