

evidence shows that what was done to plaintiff was one continuous act, and on the authorities referred to, supra, the defendants Cook and Burke are liable as joint wrongdoers. In answer to the eighth question put to them, viz.: Q. If the whole conduct if the defendants was wrongful, what damages do you give the plaintiff for this? The jury gave \$1,000. This was on the assumption by them that there existed no right whatever to remove the plaintiff from the house, and hence that the whole conduct from the beginning was wrongful. This assessment, based as it was upon an erroneous hypothesis, should have no effect whatever. The result is that the action should be dismissed with costs as against Robinson, and there should be judgment for plaintiff against defendants Burke and Cook for \$500 damages, with costs.

R. M. C. Toothe, London, solicitor for plaintiff.

McCrimmon & Wilson, St. Thomas, solicitors for defendant M. J. Burke.

H. B. Travers, St. Thomas, solicitor for defendant J. A. Robinson.

J. A. Robinson, St. Thomas, solicitor for defendant J. W. Cook.

STREET, J.

FEBRUARY 17TH, 1902.

CHAMBERS.

RE WATTS.

Criminal Law—Foreign Criminal Law—Presumption—Child-stealing by Father—Extradition Proceedings—Foreign Decree of Divorce—Collusion—Practice—Contempt of Court—Crim. Code, sec. 284.

Re Murphy, 26 O. R. 177, followed.

Motion, on return of writ of *habeas corpus* with *certiorari* in aid, for discharge of prisoner. The evidence shows that the prisoner was married to the complainant, Mary E. Watts, in 1895, in the State of Illinois, which was their domicil. A child was born in 1897, and in 1900 an absolute divorce on the ground of cruelty was granted to the complainant, and by terms of the decree, the prisoner was to be at liberty to see the child at all suitable times, but the custody was given to the complainant. The prisoner one day took the child and did not return it the same day, or the next, as usual, but took it out of the State of Illinois, and eventually brought it into Canada. The grand jury of