

FRITZ V. JELFS—LENNOX, J., IN CHAMBERS—JUNE 6.

*Pleading—Statement of Claim—Motion to Strike out Portion—Prejudice—Materiality.*]—Appeal by the plaintiff from the order of the Master in Chambers of the 29th May, 1913, ante 1371, refusing to strike out certain paragraphs of the statement of defence of the defendant Green. LENNOX, J., dismissed the appeal; costs in the cause. L. E. Awrey, for the plaintiff. H. E. Rose, K.C., for the defendant Green.

RE PHILLIPS—LENNOX, J., IN CHAMBERS—JUNE 7.

*Infant—Custody—Right of Father—Welfare of Infant—Conduct and Character of Father.*]—Motion by the father of Ethel Gladys Phillips, an infant, on the return of a habeas corpus, for an order for delivery of the infant by the Children's Aid Society to the applicant. The learned Judge said that he found it very difficult to decide what should be done in this matter. The right of a parent to the custody and care of his child should not be interfered with except for weighty reasons satisfactorily shewn. There were a number of statements in the affidavits and papers filed on behalf of the Children's Aid Society that could not be regarded as evidence. The affidavits in support of the father's claim made it pretty clear that, in a general way, in his outside life, he was a well-behaved man; but they afforded no actual evidence as to the relations alleged to exist between the father and a woman at whose house he was boarding. So long as the father continued to make his home there, it could not be said that he was a fit and proper person to have the care, custody, education, or control of his daughter Ethel Gladys Phillips. It was, therefore, directed that the application should stand adjourned until Friday the 20th June instant. If it should then appear, to the satisfaction of the learned Judge, that the applicant had permanently abandoned his present residence and established a respectable and suitable home for himself and his daughter, and entered into an undertaking faithfully to carry out the new arrangement, the order asked for would be made; otherwise the application would then be dismissed with costs. C. Elliott, for the applicant. W. B. Raymond, for the Children's Aid Society.