

work of the Children's Aid Society to act in loco parentis to the deserted child. The intervention of the society had duly reached its culmination in finding a new and suitable home for the waif so rescued; and the Court ought not, on general principles, lightly to interfere with the status quo. The removal having rightly taken place, and the child having been legally taken over by the statutory guardian and legally transferred to foster-parents, who stand, by the act of the law, in loco parentis, she should not be taken away from an unexceptionable home, in a healthy locality, and transferred to the crowded life of a city, with no reasonable assurance that her well-being would be in any wise bettered by such a change.

Reference to the Apprentices and Minors Act, R.S.O. 1914 ch. 147, secs. 3 (1), 4; the Children's Protection Act of Ontario, R.S.O. 1914 ch. 231, secs. 14, 27; In re McGrath, [1893] 1 Ch. 143, 148; In re Goldsworthy (1876), 2 Q.B.D. 75, 84; In re Agar-Ellis (1883), 24 Ch.D. 317, 326; Eversley on Domestic Relations, 3rd ed., p. 510; In re Connor (1863), 16 Ir. C.L.R. 112, 118; In re O'Hara, [1900] 2 I.R. 232; Smart v. Smart, [1892] A.C. 425, 435.

The age of the child, not yet nine years old, is not such as to require the Court to ascertain her views.

The applicant has to prove or to shew in some satisfactory way that the removal of the child from the custody of the foster-parents will enure to the welfare of the child. The onus on the applicant has not been discharged.

Application refused without costs.

MIDDLETON, J.

APRIL 25TH, 1916.

BANK OF BRITISH NORTH AMERICA v. TURNER.

Promissory Notes—Demand Notes Made by Directors of Company and Endorsed by Company as Collateral Security for Company's Indebtedness to Bank—Action by Bank against one of Several Directors—Motion for Summary Judgment under Rule 57—Suggested Defences—Hypothecation Agreement—Ultimate Balance of Indebtedness—Realisation of other Securities—Suretyship—Matured Debt.

Appeal by the plaintiffs from an order of the Master in Chambers refusing the plaintiffs' motion for summary judgment under Rule 57.

G. Larratt Smith, for the plaintiffs.

G. S. Hodgson, for the defendant.