

ECKERSLEY V. FEDERAL LIFE ASSURANCE CO.—BRITTON, J., IN CHAMBERS—APRIL 15.

*Jury Notice—Action on Insurance Policy—Proper Case for Trial without Jury—Order Striking out Notice—Direction for Transfer of Action to Non-jury List—Rule 398.*]—Motion by the defendants to strike out the jury notice served by the plaintiff. The learned Judge said that he had read the statement of claim, the statement of defence, and the affidavits filed, and it appeared to him that the action was one which ought to be tried without a jury. He, therefore, directed that the issues should be tried, and the damages, if any, assessed, without a jury. If the action had been entered for trial, it should be transferred to the non-jury list, pursuant to Rule 398. Costs of the motion to be costs in the cause. J. Y. Murdoch jun., for the defendants. J. P. Crawford, for the plaintiff.

RE ROSS—BRITTON, J., IN CHAMBERS—APRIL 17.

*Infant—Custody—Right of Father—Welfare of Child—Children's Aid Society.*]—Motion by the father of John Ross, an infant, upon the return to a habeas corpus, for an order for the delivery of the child to the applicant. The learned Judge said that he had given this matter anxious consideration, and, having regard for the true welfare of the boy, and at the same time not forgetting the affection of his mother and the natural desire on her part to have her son with her, his conclusion was that the custody of the boy should not be given to the mother, but that he should be returned to, and be retained by, the Children's Aid Society of Toronto. The boy had been well clothed and cared for. He was now learning to do useful work—was willing to do it—and liked the work of the farm and country life. At the boy's present age, living in the city, with no other boys of his own household to associate with, would be a constant trial and temptation, to which, in all the circumstances, the boy should not be subjected. No costs. A. R. Hassard, for the applicant. W. B. Raymond, for the respondents.