

nardo had acted thus in order that all traces of the boy might be lost, and they came to the conclusion that Dr. Barnardo did, in fact, not know where the boy was. They therefore held, in accordance with the decision of the House of Lords, that the return to the writ was sufficient. When one considers the length of time that this case has been before the Courts, one must regret that (as the House of Lords ruled) an appeal lies against an order for the issue of a writ of *habeas corpus*. The writ was issued on November 23, 1889, the matter came before the Court of Appeal in 1890, and was only disposed of by the House of Lords in July, 1892. Such a delay may sometimes defeat the purpose for which the writ has been obtained, and ought to be impossible.

Another important case relating to the custody of a child was disposed of last week by the Court of Appeal. In *Regina v. Gyngall* the mother of a girl, aged fifteen, sought to compel a schoolmistress, who was training the child to be a schoolmistress, to give her up, against the child's wish. The mother, who was a lady's maid, and when out of employment a dressmaker, had been obliged, in earning her livelihood, to move about from one place or country to another, and, through no fault of her own, had been unable to bring up the girl personally. The case did not fall within the Custody of Children Act, 1891, for the mother had not abandoned nor deserted the child, nor proved herself unmindful of her parental duties. On her behalf it was contended that a parent is absolutely entitled to the custody and guardianship of his or her children, unless this right is forfeited by misconduct, and the Court allowed that this right exists at common law, though it is subject to certain statutory limitations; but they said, further, that the Court of Chancery had from time immemorial exercised a parental jurisdiction, by virtue of which, even without any misconduct on the part of the parent, the rights of the latter are superseded, when in the opinion of the Court this is essential for the welfare of the child. This being the case of an intelligent girl, who in another year would be in a position to earn her living and choose where she would live, the Court thought that it would be almost cruel to take her away from her present surroundings, especially as the mother would be obliged to place her with strangers. Therefore they affirmed the order of a Divisional Court discharging the writ, on the respondent giving an undertaking to educate and maintain the girl.—*Law Journal (London)*.