

HON. MR. JUSTICE BRITTON.

APRIL 17TH, 1914.

RE JOHN ROSS, AN INFANT.

6 O. W. N. 242.

*Infant—Custody—Right of Father—Welfare of Child.*

BRITTON, J., refused to give mother the custody of an infant, holding that it was for his welfare that he be retained by the 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.

A. R. Hassard, for the applicant.

W. B. Raymond, for the respondents.

HON. MR. JUSTICE BRITTON:—I have 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, my conclusion is 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 has been well clothed and cared for. He is now learning how to do useful work—is willing to do it and likes 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 under all the circumstances the boy should not be subjected.

No costs.