

THE COURT OF APPEALS.

The Montreal term in September opened with 107 cases on the printed list. Of these, 23 cases were heard on the merits, 1 case was submitted on the facts, and 2 cases were settled out of Court. Two other cases, not on the printed list, were heard by privilege. Thus 28 appeals were disposed of. Yet in November, after an interval of only six or seven weeks, a printed list containing precisely the same number of cases (107) is placed before the Court. This suggests the epithet applied by a foreign contemporary to a somewhat similar state of things existing elsewhere. He refers to the toil of the judges in dealing with the ever-rolling mass of litigation as a "Sisyphæan" task,—without, we presume, any dark insinuation as to the locality in which the labor is performed.

NOTES OF CASES.

SUPERIOR COURT.

SHERBROOKE, NOV. 14, 1882.

Before BROOKS, J.

THE QUEEN v. J. W. MCCONNELL, & ELIZABETH MEIKLEJOHN es qual., Petitioner for Habeas Corpus.

Habeas Corpus—The Knowlton Distributing Home—Custody of minor.

A girl, aged 15, was placed in the household of a farmer by the manager of the "Knowlton Distributing Home." Soon afterwards, the manager applied for a writ of habeas corpus in order to procure the restoration of the girl to her charge. The farmer, by an amended return to the writ, declared that he did not detain the girl, who was at liberty to go where she pleased. The girl herself, when examined by the Judge, stated that she was happy and contented where she was, and would prefer remaining there to returning to the Home. No specific reasons were stated in support of the application, except that it was for the welfare and benefit of the child that she should be removed, and that the farmer with whom she had been placed was about to go to the United States. The latter statement was contradicted by affidavit.

Held, that under the circumstances the Court would not, on a writ of habeas corpus, the object of

which is the protection of personal liberty, make any order of a nature to exert coercion, but would leave the minor to follow her own inclination in the matter.

The Petition of Miss Elizabeth Meiklejohn was as follows:—

The Petition of Elizabeth Meiklejohn of Knowlton in the Township of Brome, in the District of Bedford, Spinster, in her quality of Manager of "The Knowlton Distributing Home," a charitable institution, duly authorized by law to place out children under their charge, and having their head office and chief place of business at Knowlton aforesaid, respectfully represents: That the said petitioner Elizabeth Meiklejohn is the duly authorized and appointed manager of the said Institution.

That on or about the 14th day of March, 1882, the said petitioner entered into an agreement in writing with one Jesse W. McConnell of the Township of Hatley in the District of St. Francis, farmer, wherein and whereby petitioner placed in his charge a minor child, one Margaret Rickerby, whom the said Jesse W. McConnell hired from the petitioner and agreed to pay at the rate of \$25 per annum, in addition to board and lodging for and during the term of three years, subject however to the reservation in and by said agreement specially expressed—that the said petitioner in her said quality should have the right of removing said Margaret Rickerby if and when petitioner should see fit, the whole as will appear on reference to said agreement herewith produced marked as petitioner's exhibit A, which said exhibit was duly executed by petitioner on behalf of said Knowlton Distributing Home, who previous thereto had had charge and custody of the said minor Margaret Rickerby.

That for certain reasons the said petitioner hath reason to believe and doth verily believe that it is for the benefit and welfare of said child Margaret Rickerby, that she should be removed, and petitioner desires to remove said Margaret Rickerby from the care and custody of the said Jesse W. McConnell, and petitioner, on or about the 28th of October, now last past, notified said Jesse W. McConnell at his domicile in Hatley aforesaid, that she desired to remove said Margaret Rickerby from his care and custody, and then and there did demand of him the person of the said Margaret Rickerby—but the