

Catholic child be placed in any Protestant family as its foster home.

It is said that this child is a Catholic, because its father was a Catholic, and desires it to be brought up in the Catholic Church, and that this is an absolute prohibition against the child being placed with Protestants as its foster parents.

The principle emphasised in *Re Faulds*, 12 O. L. R. 245, of the supremacy of the father's right to determine the religious education of his children, is of great importance; but the father's right, as I read the cases, though not lightly to be interfered with, is not absolute. Indeed, its limitation is affirmed in the case in question. It is there said that the father's wishes may be disregarded if there is strong reason or if the Court is satisfied that there has been an abandonment or abdication of the paternal right.

I do not think that abandonment and abdication are the only grounds upon which the Court may refuse to give effect to the father's wishes; and where, as here, there is not only an abdication of the paternal right, but where I am convinced that the assertion of the father's right is really against the welfare of the child, in the broadest sense of that term—including not only its temporal, but its moral welfare—then I have no hesitation in refusing to give effect to his desires.

It is to be borne in mind that I am not now discussing the propriety of handing the child over in the first instance, but am determining an application to take the child from its present custodians; and while most anxious to give effect not only to the letter, but to the spirit of the wise provision of the statute which I have quoted, I do not think that I am compelled, either by the letter or the spirit of the statute, to sacrifice this child's future.

The child will, therefore, be remanded to the custody of its foster parents, who are entitled to their costs as against the father if they care to demand them.