

S. W. Graham, for the defendants.  
The plaintiff, in person.

MIDDLETON, J., in a written judgment, said that the plaintiff sued in person. She was convicted as a vagrant, and served her sentence of 3 months' imprisonment. The conviction stood, and it afforded a complete answer to an action such as this, wherein damages for malicious prosecution and false imprisonment were claimed. The action must be dismissed as frivolous and vexatious and because the statement of claim shewed no cause of action.

The learned Judge delayed making this order to allow the plaintiff, if she so desired, to obtain legal advice and ascertain if she had any real grievance and any possible remedy. No application had been made on her behalf, and the order must go dismissing the action with costs.

The technical language of the pleading indicated that the plaintiff had some professional assistance. Any barrister or solicitor preparing for a suitor in person a pleading which he must know is vexatious and shews no cause of action, is guilty of serious misconduct.

MIDDLETON, J.

MAY 1st, 1920.

### GORDON v. ADAMSON.

*Infant—Custody of Illegitimate Child—Right of Mother—Abandonment—Adoption of Child by Strangers—Welfare of Child—Finding of Judge upon Oral Evidence.*

Issue as to the custody of an illegitimate child, tried without a jury at a Toronto sittings.

J. E. Lawson, for the plaintiff.  
W. K. Murphy, for the defendant.

MIDDLETON, J., in a written judgment, said that the issue arose out of an application upon habeas corpus, which came before RIDDELL, J., who directed the trial of an issue, upon oral evidence.

The plaintiff, the mother, affirmed her right to the custody as against the present custodian, the defendant, who received the child when very young from its father.

The plaintiff is now the wife of another man. She is a white woman, while the father of the child and the plaintiff's husband are both negroes.