

Thereafter the Children's Aid Society placed the child with Albert Breckon and his wife Ellen Breckon, under formal articles of adoption, dated the 17th April, 1912.

Mr. Breckon and his wife, it is conceded, are ideal foster parents; and since the child has been in their custody it has received every kindness and attention. They are well off; Mr. Breckon stating that he is worth between \$30,000 and \$40,000. They have no children of their own, and are bringing up this child as theirs.

The father now asserts his right to the custody of the child, because he claims that as its father he has the right to determine that it shall be brought up in the Catholic faith; and his desire is to take the child to Montreal and there place it with Honisdoes Charlebois and his wife, the godfather and godmother of the child, to whom he has agreed to pay three dollars and a half a week for its maintenance. These people have a family of their own, and are in very humble circumstances; and it is manifest that they are not in a position to care for the child in a way which would be at all comparable with the ability of the foster parents.

In the alternative the father desires to take the child from the foster parents and have it placed with the St. Vincent de Paul Children's Aid Society for adoption with Catholic foster parents.

If the case be determined, as I think it must be, upon my idea as to the welfare of the child, the situation is plain, and my duty is to leave the child with its foster parents. With them it has a careful upbringing and training, and its future prosperity is as certain as anything of this kind can be. With the godparents the opposite is the case. The father is only able to earn \$9 a week; and, in view of his past history, is very unlikely to continue the payment promised, \$3.50 a week. Even if he does, the lot of the child would be unfortunate and precarious in the extreme.

The one point of difficulty in the case is the father's right to determine the child's religion. The statute, 8 Edw. VII., ch. 59, sec. 30, provides that no Protestant child shall be committed to the care of a Roman Catholic Children's Aid Society, nor shall a Roman Catholic child be committed to a Protestant society, nor shall any Protestant child be placed in any Roman Catholic family as its foster home nor shall a