

where there is no *confinement or restraint* this Court has the discretionary power under the circumstances to refuse the writ if not thought to be in the interest of the minor.

What are the circumstances? A small sum of money is left to this minor from her mother's estate, amounting to about \$250. The petitioner, for the purpose of making the inventory and *that alone*, was named tutor, *the father being alive*. The notary through his blundering, for it is that and serious blundering, when he named a *tutor ad hoc*, and makes it general, and the Prothonotary without inquiry as to why the father is to be deprived of the charge of his own child, homologated the appointment, when the sole object evidently was to enable the minor to be represented in the inventory, and not that the tutor should have charge of the minor. There is no allegation that the father could not or should not care for his own daughter. The petitioner was then residing and continued to reside in the United States.

When Isaac Hodge died in 1837 the petitioner came to the funeral from Maine, and it was on all hands agreed that it was desirable that the minor should remain with respondent as long as she properly cared for her, which she agreed to do *without charge*, and still is willing to do. What was the conduct of petitioner? Returning to Canada in the winter of 1888, he presents a bill of \$41.50, for his expenses in looking after the minor's property, a pittance of \$250, which he is claiming and which possibly he may have the right to control. What are these charges? Time and expenses and board in attending his brother's funeral in November 1887, and the same after his return to Canada in 1888. For these things he would absorb in six days' time and expenses one-sixth of the sum coming to this child. At that rate if he takes the child, how long would it take to absorb the whole patrimony? While on the other hand, the respondent is willing to take care of her for nothing. But the petitioner says she has not done so properly. He has established nothing to this effect. I have examined the child. She is very bright, well advanced in her studies; clean, neat and well cared for. She is not brushed up

for to day, but evidently well cared for. She is happy, is being well cared for and educated, and I am not disposed, though she is only nine years old, but very intelligent, to give her to petitioner even if I had the power and it was within the true scope of the writ. The petitioner was never named to have charge of her. It never was the intention and I do not think it for her interest to be placed in his care under the circumstances.

I had made a suggestion to which I understand petitioner would not consent, *i.e.* the appointment of another tutor who would allow the child to remain with respondent on the same terms, with visits from her relations, but he is obstinate, and his writ is quashed with costs.

*Hon. H. Aylmer for Petitioner.*

*Lawrence & Morris, Counsel.*

*Hall, White & Cate for Respondent.*

### COLLET.

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This ignoble comedy could not last long; he felt himself called to a wider field. One day he assembled his flock and imparted to them his desire to rebuild their church, and appealed for their aid. How could they refuse anything to this generous man? They bled themselves, subscribed liberally, and added many thousand francs to the sum which their generous pastor promised to supply from his own purse, and he left them to secure the services of an architect.

They never saw him again. Disgusted, this time, with the ecclesiastical garb, Collet changed his profession. He forged a commission as general of a brigade. On his route he collected his travelling expenses, and had the audacity to return to Turin. There he negotiated, at the house of the banker Barotti, a bill of exchange drawn in his favor for 10,000 francs, and then returned rapidly to France by way of Como. *Gendarmes* were hurriedly sent in pursuit of the false general; but to no purpose; he was now a bishop, who travelled by the diligence. Collet filled up a bull of his own appointment, and as a bishop could not properly travel alone and without an almoner, he improvised a certificate of death of an almoner, of his