

RIDDELL, J.

APRIL 3RD, 1909.

CHAMBERS,

RE DAVIS.

*Infant — Custody — Adoption — Rights of Parent—R. S. O.
1897 ch. 259, sec. 12—Payment for Maintenance of Child.*

Application by one E. J. Davis for an order upon A. J. Boon and his wife for the delivery of the applicant's infant child to his custody.

T. H. Luscombe, London, for the applicant.

J. M. McEvoy, London, for the respondent.

RIDDELL, J.:—To E. J. Davis of London and his wife was born, at that city, in October, 1908, the female child the subject of the present controversy.

Davis was a brakesman, and both he and his wife were in bad health; he was "laid off" from his employment, and, having been promised a place in Detroit, he made up his mind to go there, rather than wait in London in idleness till the spring. His wife had an older child, and did not feel well enough to look after both children: accordingly a temporary home was advertised for (Mrs. Davis's mother was also sick, and the baby could not be left with her). Mrs. Boon, wife of the chef at a leading London hotel, answered the advertisement, and an arrangement was made whereby Mrs. Boon was to be paid \$8 per month in advance for care of the child so long as it remained with her. She apparently was also to be paid for clothing, etc., supplied for the child.

Davis and his wife went to Detroit, leaving the infant with Mrs. Boon, who lived with her husband in London.

The money was not paid as agreed, and on 15th December, 1908, Mrs. Davis wrote Mrs. Boon, saying: "If you want to adopt the baby, we are willing any time;" and, after desiring Mrs. Boon not to mention the matter to a person named in the letter, she concludes by "hoping we shall come to terms." On 5th January, 1909, she again writes: "There is no need to worry about our delay in