

by twice the amount of the item of \$298.37; but, as we do not agree with the conclusion, \$198.15 and \$298.37 should be deducted from the balance at the credit of the Detroit company, as shewn by their account filed in the Master's office, \$6,245.53, and there should also be deducted from that balance the amount of the advertising account, \$2,765.79; and, these deductions having been made, that balance is reduced to \$2,983.22, which is apparently the sum in which the Canadian company is indebted to the Detroit company.

Counsel for the appellants, upon the argument, said that all that they desired to obtain by the appeal was to wipe out the balance which, according to the report and the judgment in appeal, is owing by the Detroit company to the Canadian company; and, in view of this, there will be no declaration that the Canadian company is indebted to the Detroit company, but a declaration that neither company is indebted to the other in respect of the matters in question in the action; and each party will bear his own costs of the litigation throughout.

The result of this will be, that the Canadian company will receive the benefit of \$2,983.22 as compensation for any errors which, though not proved to exist, may have been made in the credits to which it was entitled in respect of this property shipped to Detroit.

DECEMBER 2ND, 1913.

*RE KENNA.

Infant—Custody—Right of Father—Welfare of Child—Foster Home—Children's Protection Act of Ontario, 8 Edw. VII. ch. 59, secs. 13, 27, 28, 30—3 & 4 Geo. V. ch. 62—Review of Decision of Commissioner—Father's Right to Determine Child's Religion—Limitation—Abdication of Paternal Right—Discretion of Judge of High Court—Appeal.

Appeal by Philip Kenna, the father of Frederick Kenna, an infant of five years of age, from the order of MIDDLETON, J., 4 O.W.N. 1395, dismissing the application of the appellant, upon habeas corpus, for the custody of the child, and remanding the child to the custody of its foster parents, Albert Breckon and his wife.

*To be reported in the Ontario Law Reports.