

in circumstances exposing him to an idle and dissolute life." The police magistrate heard the charge on the 1st of June, and, after hearing the husband's evidence, in which he accused the wife of adultery, the magistrate dismissed the charge. As the child was only three years of age, it is probable that the magistrate thought it should not be taken from its mother.

Kenna then went to the United States, and did not return to Canada for nine months, when he went to Montreal, where he has since been employed, earning one dollar and a half per day. In the intervals prior to this there seem to have been repeated quarrels and reconciliations between the husband and wife; followed by charges of adultery and other quarrels.

While the husband was away in New York, the Children's Aid Society of Toronto (Protestant), finding the child in the custody of its mother, who claimed to be a Protestant, and deeming her entirely unfit to have custody of the child, took proceedings before Commissioner Starr; resulting in an order on the 1st of April, 1912, for the delivery of the child to the Children's Aid Society. The mother was apparently concurring in these proceedings, and the Commissioner acted upon her evidence.

She stated that the child had been given into her custody by the order of the Police Court above referred to. In her deposition she states that "the father Phillip Kenna was a Catholic and wanted the child brought up as a Catholic. This resulted in the matter being brought to Court and decided as above, since which time the father has deserted his wife and child. The mother is now unable to support the child and desires it to be made a ward of the Children's Aid Society, and adopted in some good home."

This evidence was untrue, as far as the records appear. No notice was given to the father of these proceedings; but, upon the faith of this evidence, the Commissioner determined that the child was a dependent and neglected child within the meaning of the statute, his father having deserted him, and his mother being unable to support him, and that he was a Canadian by birth and a Protestant by religion. The Commissioner directed the child to be delivered to the Children's Aid Society, to be there kept until placed in an approved foster home, pursuant to the provisions of the statute.