further disposition" of the certificate "as provided in the laws of the Order," and (c) if the provisions of the laws of the Order are to prevail, it is to my mind clear that the children are entitled to the money.

It is argued by the defendant that Lucy Hendershot was not a child "by legal adoption."

[Reference to Re Davis, 18 O.L.R. 384, at pp. 386, 387; Re Hutchinson, ante 933; Anon., 6 Gr. 632; Davis v. McCaffrey, 21 Gr. 554.]

Our statute (1 Geo. V. ch. 35, sec. 3) is derived from 12 Car. II. ch. 24, sec. 8, and carries the law no further than that statute. The effect of the statute is not (I speak with great deference) to take away any of the rights of the father, but to enable the father to take away the common law rights of others —it does not exclude the right of the father himself, but that of "all and every person or persons claiming the custody or tuition of such child or children as guardian in soccage or otherwise." And, accordingly, as Lord Esher says in Regina v. Barnardo, 23 Q.B.D. 305, at pp. 310, 311, "the parent of a child, whether father or mother, cannot get rid of his or her parental right irrevocably by such an agreement . . . As soon as the agreement was revoked, the authority to deal with the child would be at an end."

The statute is considered in Blackstone, vol. 1, p. 362; Co. Litt. 886, and Hargrave's notes: Eversley, 3rd ed., pp. 618, 619, 620, 622, 646, 743, 744; Simpson, 3rd ed., pp. 95, 105, 111, 113, 183, 184, 186, 188, sqq. And I do not find any case or text in which it has been thought that the statute applied except after death of the father.

The ordinary rule is, that there cannot be a guardian in the lifetime of the father: Ex p. Mountfort, 15 Ves. 445; Barry v. Barry, 1 Molloy 210; Davis v. McCaffrey, 21 Gr. at p. 562.

But, not to press that point, a deed under the statute has been called by Lord Eldon, L.C., "only a testamentary instrument in the form of a deed:" Ex p. Earl of Ilchester, 7 Ves. 348, at p. 367. Such a deed has been held, from within a few years of the passing of the statute, to be revocable even by a will. . . .

[Reference to Shaftesbury v. Hannam, Finch R. 323; Lecone v. Sheiras, 1 Vern. 442; Ex p. Earl of Ilchester, 7 Ves. at p. 367.]

I cannot find any intimation or suggestion of opinion as to the meaning and effect of the statute. See also 1 Cyc. 917. The English law is substantially the same as ours, and the decisions