

could be unreasonable enough, mean enough, to punish an innocent child for being taken away from them, through no fault of her own. But if it be so, "pecuniary benefit is often a very secondary consideration"—and more so in this new land than in the older countries. We have a different system of society, a different way of looking at life, in Canada from that in England or Ireland. In the case of a boy in a land where everyone works except the tramp or the helpless cripple, a legacy is generally, or at least, often more of a curse than a blessing. It may not be quite the same in the case of a girl; but the possession of a small legacy is by no means of such importance with us as in some countries. In any case, the hope of a legacy from grandparents must in this case be but as the small dust of the balance.

The child must be expected to grieve for a while, but youth is elastic and she will soon become accustomed to her new surroundings. And without pretending to more knowledge on the subject than "common knowledge," I venture to think that the future happiness and welfare of the little girl will not suffer from her being entrusted to an aunt of rather decided views—the father remaining near to see that the discipline is not too rigid, rather than being left in charge of doting grandparents who have no other issue—there is to say the least, rather less chance of the child being spoiled.

I think the appeal should be allowed without costs here or below; the order not to issue until the father files an affidavit shewing that he has procured a suitable house or rooms for himself and child.

A mass of affidavits has been filed containing much irrelevant material—the climax of absurdity in that regard is reached by the filing of a petition signed by a number of neighbours giving their opinions as to the proper custody of the child. This will be taken off the files, the Court does not decide cases according to the wishes or views of neighbours, however respectable, and the solicitor should have known better than to offer such a document. Many allegations are solemnly sworn to which can have no possible bearing upon this case: the Taxing Officer will pay attention to this upon the taxation.

I conclude by joining the Chancellor in the wish expressed in the last paragraph of his judgment.

HON. SIR GLENHOLME FALCONBRIDGE, C.J.K.B.:—I agree in allowing the appeal—no costs here nor below.