

and I reluctantly consented. I did not ask them any questions as to their religious views or preferences or as to where they prefer to live. I did not think it proper to discuss the religious feature of the case with children of this age. Nor would I be much influenced by what they might say under such circumstances. It is unfortunate that this delicate and supremely important matter will probably have to become a debated controversial question to each of these children sooner or later. I am quite convinced that they are satisfied with their present homes and have no desire to get away; but, all the same, they both made it perfectly clear to me that they have been very busy and useful—working hard in the time they have been at home—but not too hard. The boy, for instance, had his arm in splints, and this led to him giving me a pretty full account of the work he has been in the habit of doing; and Josephine seems to have been very usefully employed in all kinds of house-work, including scrubbing; and outdoor work too of certain kinds, including throwing down hay, and, I think, perhaps, milking cows, although I am not sure as to this. I do not think that compensation should be ordered, particularly as both the statute and the contracts provide for termination at any time by the society.

I have referred to the statute shewing that the religion of the child is to determine its foster home. It remains to be pointed out how the religion is to be determined. The religion of the child is the religion of the father; and, in determining the home or custody of a child, side by side with the religious question, must be the inquiry, what is really in the best interest of the child? It is considered of importance to keep the members of a family together. This was emphasised by Mr. Justice Anglin as to a brother and sister in *Re Faulds*, 12 O.L.R. 245. . . .

[Reference also to *In re Newbery*, L.R. 1 Eq. 431; *Hawksworth v. Hawksworth*, L.R. 6 Ch. 539.]

It was the father's wish that these children should be brought up in the home of the applicant. It is shewn by a number of affidavits that he is a respectable and worthy man—has a comfortable home, and is a proper person to have the custody of children. . . .

I, therefore, order and direct that the infant children above-named be forthwith delivered into the custody and control of Emil Culin, their half-brother, and that he have charge and control of them as members of his family, and the direction and supervision of their education, secular and religious, for