

A further and better affidavit must therefore be made within a week as above directed. In this the claim of privilege can also be amended by adding "solely" if the deponent thinks it wise to do so and can so declare in view of what may appear when the reports are dated. I make this remark because the affidavit on production of the Holland Detective Bureau, made a defendant herein, mentions "Reports made at various times between November 20th, to December 27th, 1912, by the bureau to James R. Rogers." These are probably the reports mentioned in Mr. Rogers' affidavit.

The writ in this action was issued only on 27th December, 1912, though the libel action was begun earlier. The plaintiff is entitled to the costs of this motion in any event.

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HON. MR. JUSTICE LENNOX.

JUNE 7TH, 1913.

RE ETHEL GLADYS PHILLIPS, AN INFANT.

4 O. W. N. 1408.

*Parent and Child — Right of Father to Custody of Daughter—  
Alleged Moral Irregularities—Discretion of Court.*

LENNOX, J., refused to grant a father the custody of his infant daughter then in the custody of the Children's Aid Society, until he had satisfied the Court that he was living a moral life and could make a proper home for her.

Motion by father for custody of his infant child now in custody of Children's Aid Society.

C. Elliott, for the father.

W. B. Raymond, for the Children's Aid Society.

HON. MR. JUSTICE LENNOX:—I find it very difficult to decide what should be done in this matter. The right of a parent to the custody and care of his child should not be interfered with except for weighty reasons satisfactorily shewn. There are a lot of statements in the affidavits and papers filed on behalf of the Children's Aid Society that cannot be regarded as evidence, and I am not able to accept the sworn statement of William H. Lee; none of it is very convincing, and the Christmas story, as shewn by the