

conditions under which the boy was living, or whether it would be for his advantage to have him removed to his father's home or not. It did not appear that sufficient was shewn to justify an order; but there might be facts which, if set out and verified, would shew that it would be for the benefit of the infant that the order should be made. In these circumstances, the motion should stand over, with leave to the applicant to renew it upon the material filed, and such other material as he might be advised to use, within six months, upon service of proper notice; and, in default of this being done, the motion should be dismissed with costs, without further order. F. Regan, for the applicant. A. C. Heighington, for the Protestant Orphans' Home.

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RE SCARTH—LENNOX, J., IN CHAMBERS—NOV. 4.

*Infant—Custody—Separation of Parents—Right of Father to Custody of Girl of Ten—Welfare of Infant—Costs.*]—Application by James Frederick Scarth for an order giving him the custody of his daughter, Mary Howitt Scarth, a girl of about 10 years of age, living with her mother, the wife of the applicant, and the mother's parents, in the city of Toronto. The applicant is manager of a bank at Port Arthur. Differences having arisen between the husband and wife, they have separated, and the father demands the custody of the only child of the marriage. The learned Judge read a judgment in which he examined the facts with great care, and stated his conclusion that the interests of the infant would be best served by committing her to the custody of her father, with a provision for access by the mother at times to be stated. The learned Judge further says that, in view of the fact that there is in reality no excuse for the wife separating from her husband, in view of his attitude, and in the hope that the calamity of final separation may even now be averted, he will be prepared to consider an application for suspension of the order for a reasonable time if the application is made before the order is taken out. Order for delivery of the child to the applicant, who, notwithstanding the result, is to pay his wife's costs. R. C. H. Cassels, for the applicant. Henry Howitt, for the respondent.