

came to an end. One of the points which arose was as to whether the document was or was not a sealed instrument.

Semble, a printer's scroll with the printed letters "L. S." within the scroll could not be considered as a seal, or the equivalent of a seal, in the absence of evidence of intention in that respect and consequently the document is not a deed.

J. B. Clarke, K.C., C. Millar, J. M. Ferguson, J. M. Mitchell, and Gash, K.C., for various parties.

HIGH COURT OF JUSTICE.

Riddell, J.]

RE DAVIS.

[April 13.]

Infant—Custody—Adoption—Right of parents.

Application by father of an infant child for the delivery to him of the infant, which had been left with one Boon and his wife under a document signed by the parents as follows: "We hereby state that we will give Mr. and Mrs. A. J. Boon our child, Margery Davis, born October 15th, 1908, whereby we lose all claim of said child." The child was subsequently demanded of the Boons, which demand was refused; application was then made for the delivery of the child to the parents.

Held, 1. Admitting that it was the intention of all parties that the father and mother should give up the child permanently they nevertheless had the right to resume their control over it.

2. R.S.O. 1897, c. 259, s. 12, which provides that "where the parent of a child applies to any court for an order for the production of the child and the court is of opinion that the parents have abandoned or deserted the child, etc., the court may, in its discretion, decline to make the order," is not applicable in this case as the words "abandoned and deserted" involve a wilful omission to take charge of the child, or some mode of dealing with it calculated to leave it without proper care.

Luscombe, for applicant. *McEvoy*, for respondent.

Riddell, J.]

HALL v. MCPHERSON.

[April 17.]

Jury notice—Action to set aside contract for fraud—Jurisdiction of Court of Chancery before 1873.

Appeal by the defendant from an order of the Master in Chambers validating a jury notice filed and served by the plain-