

*SUPPORT OF ILLEGITIMATE CHILDREN.*

In a case which was recently decided in England of *Marshall v. Malcolm*, 117 L.T. 752, it was held that a claim for support of an illegitimate child of a married woman born while her husband was absent in the service of the Royal Navy, could not be maintained, because, although the English Act permits such actions to be maintained where the wife is living separate and apart from her husband: *Reg v. Pilkington* Ell. & Bl. 546; *Reg v. Collingwood*, 12 Q.B. 681: it could not be said that a wife was living "separate and apart from her husband" merely because he was absent from his home in discharge of his duties as a sailor. It may be open to doubt whether in any case a claim could be made under the Ontario Act (R.S.O. c. 154), for the support of the illegitimate child of a married woman, inasmuch as by its express terms the Act only applies to "a child born out of lawful wedlock," and it may be well argued that no child born to a married woman during the lifetime of her husband can be "born out of lawful wedlock" so long as the marriage tie remains unsevered, although her offspring may in some cases, on proper evidence, be declared to be illegitimate, notwithstanding the strong presumption in favour of legitimacy. The question in short is, does the case of an adulterine come within the Ontario Act? We are inclined to think it does not.

*RELIGION OF CHILDREN.*

In view of the custom which largely prevails in the case of marriages between persons of different religious belief, of making ante-nuptial agreements as to the religion of the possible offspring of such marriages, it cannot be too widely known that all such agreements, so far as they purport to control the absolute authority of the husband in the matter, are really of no legal effect whatever; and, notwithstanding any such ante-nuptial or post-nuptial agreement to the contrary, the husband has a paramount right to determine the religious upbringing of his children, of which he cannot contractually divest himself. The law on this point is