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RIGHTS OF PARENTS TO THE CUSTODY OF MINOR CHILDREN.

Exception must be taken to the dictum of Judge Reynolds of the Circuit Court of the City of St. Louis, Missouri, to the effect that, other things being equal, a mother has just as much right as a father to the custody of a minor child. The mother claimed from the father the custody of their child, who was of what the law calls "tender years." The wife had left her husband without cause, and had taken the child with her.

Every lawyer is aware that by the common law the father has, subject to some well understood exceptions, a paramount right to the custody of his child, and this right has always been recognized and none of the statutory enactments for the benefit of married women have affected the principle that the father, as against the mother and the whole world, has the primary right to the care, control and education of his own offspring.

It is only where by improper or profligate habits a father has rendered himself unfit to have the custody of the child that he can be deprived of such custody. The tendency to weaken the supremacy of the father, which has exhibited itself of late years, however desirable in exceptional cases, is fraught with danger to the stability of the family as an institution. There are, of course, cases where neglected children must be legally protected. The Children's Protection Act of Ontario, 1897, consolidating the law on the subject, contains ample provisions by which Children's Aid Societies may obtain the custody of the children of immoral or vicious parents.

But the view that, on some sentimental ground, a father should be deprived of the custody of his child, is really pernicious inasmuch as it tends to disrupt the family, and ignores the re-