

The Rev. Father O'Leary was undoubtedly the means of getting this helpless woman to leave her home and take the children with her. That he was actuated by an honest desire to promote the best interests of these children, from his point of view, I am not disposed to question, although I am bound to say that his methods were not by any means commendable. I am only concerned, however, in the actions of the Rev. Father O'Leary in so far as their scrutiny may assist me in determining whether these children were ever properly and legally committed to the custody of the Children's Aid Society. The Justices who committed them have been ordered to return the records and papers into Court. There are none. There was no record kept. The proceedings were instituted by Father O'Leary, or by Mr. Miller, an agent of the society, upon his instructions. Father O'Leary understood the situation fairly well. . . .

As to how these children were committed, Mr. Miller, secretary and inspector of the Children's Aid Society, swears that he was instructed by Father O'Leary, and "that the said Father O'Leary stated before the two Justices of the Peace, and in my presence, that the above-named infants Josephine and John Culin were entirely in his care and under his charge and control; that the parents were Roman Catholics, but that the father died, and the mother was mentally incapable of looking after the children, and that the children are dependent; and requested that they both be made wards of the Children's Aid Society as Roman Catholics, there being nobody to support and educate them; and, on the said priest's statement, the order for the committal of the said children to the Children's Aid Society was made." The affidavit of Mr. Greene, one of the Justices of the Peace, is to the same effect. On the other hand, there are two affidavits to the effect that Elizabeth Culin, the mother of the infants, handed them over to the Rev. Father O'Leary before the commitment, and signed a document to that effect; and that, in the opinion of the deponents, Mrs. Culin was then of sound mind. I am prepared to believe that this generally demented woman did purport to make over these children in the way stated.

But take it all in all this thing should not have happened.

The Culin children were not "neglected children" within the meaning of the Children's Protection Act of Ontario, 8 Edw. VII. ch. 59, or the present Act, 3 & 4 Geo. V. ch. 62. The Children's Aid Society, or persons acting in concert with them, must keep within the limits of the Act or they are trespassers—