

## PRICE v. CARGIN AND CARGIN

1957

*Infants—Custody—Welfare of child—Award of custody to strangers in blood rather than to father.*

\*Mar. 27

APPEAL from a judgment of the Court of Appeal for Ontario (1) affirming the judgment of Barlow J.

*George T. Walsh, Jr.*, and *George H. Davies*, for the appellant.

*John Mirsky, Q.C.*, for the respondents.

The judgment of the Court was delivered by

THE CHIEF JUSTICE (orally):—Mr. Mirsky, it is unnecessary for us to call upon you. Mr. Walsh and Mr. Davies have said everything possible on behalf of the appellant, but we are unable to disagree with the result arrived at by the two Courts below.

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v.  
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AND  
CARGIN

The appeal is, therefore, dismissed with costs, but there will be no costs of the motion for leave to appeal.

*Appeal dismissed with costs.*

Kerwin C.J. *Solicitor for the plaintiff, appellant: George H. Davies, Toronto.*

*Solicitor for the defendants, respondents: J. C. M. German, Cobourg.*

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\*PRESENT: Kerwin C.J. and Rand, Locke, Cartwright and Fauteux JJ.

(1) [1956] O.W.N. 366, 3 D.L.R. (2d) 300.

(2) [1955] O.R. 783, [1955] 5 D.L.R. 305.