

This is a painful case; both parties are to some extent under a cloud.

Apart from this offence, the defendant's reputation and character are good.

I do not think that the husband by anything he has done "has abandoned his right" to the custody of his children.

I have endeavoured to consider the rights and feelings of the mother as well as of the father—the welfare of the children—their surroundings—the chances for education and improvement—in short, I have looked at this case, having in mind the cases cited, and other reported cases, and my conclusion is, that the mother must restore the boy to the father; and the order will be that the father will have the custody of the children.

The order will make provision for the access of the mother to the children, so that she may see them at reasonable intervals, and at convenient times.

The children will be maintained by their father in a home where, together, they and their father will reside.

Subject to what may be said in settling terms of order, I think the plaintiff's visits to the children should not be more frequent than once every three weeks, upon twenty-four hours' previous notice, and that the visits should be in the afternoon between 2 and 5.

Full provision will be made in the order, and care will be taken to prevent anything being done that will not be for the good of the children.

There will be no costs to either party, of the proceedings, apart from, the alimony action.

Twenty days' stay.