

The Legal News.

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The Jewish ritual is a subject with which the courts hitherto have had little to do. This week, however, a case arose in New York. The Board of Trustees of the Congregation Beth Israel Bikur Cholim resolved to depart from the orthodox rule of separating the sexes in the synagogue, and adopted the ritual of the Reformed Jewish Church, which permits male and female members to sit together during service. The bringing forward of the ladies from their gallery into the body of synagogue was an innovation which appeared so terrible to some members of the congregation that an injunction was applied for by Kalischer and others, to restrain the Trustees from making the change in the ritual, the petitioners setting forth that they are members in good standing, and have a right to attend divine service, but that they cannot do so if the change is made. The application was rejected by Judge Barrett, of the Supreme Court.

The statutes of Quebec, passed in the last session, have been issued, and comprise 132 acts. The vetoed bill respecting district magistrates appears as chap. 20. Several important Acts relating to procedure are contained in this volume.

The vacancy in the Queen's Bench, caused by the retirement of Mr. Justice Monk, has been filled by the appointment of Mr. Bossé, Q.C., of the Quebec bar. The new judge has enjoyed an excellent reputation as a very able lawyer, and the appointment gives satisfaction. It may be remarked, however, that this nomination disturbs the equality which existed in the Court as to French and English-speaking members, and as the larger part of the business, especially of the more important cases, has been English, that arrangement seemed to be the more reasonable one. Formerly, when the Court consisted of five judges, there were three English and

two French members. Now, constituted of six judges, there are four French to two English members. However, capacity is more important than representation of nationality, and while it cannot be suggested that capacity could not be found among the English-speaking bar in Quebec, the appointment being unassailable in respect of fitness will be generally accepted with favour.

SUPERIOR COURT:

MONTREAL, September, 1888.

Before MATHIEU, J.

TOMBYLL V. O'NEILL.

Action in nullity of marriage—Provision for costs of wife.

Held:—*That in an action by the husband in nullity of marriage, the wife's attorneys, upon proof of her poverty and of the husband's means, are entitled to receive from the husband a sufficient sum to provide for the wife's costs of action.*

Action in nullity of marriage by husband against wife. Motion that plaintiff be ordered to pay to defendant's attorneys \$100 to provide for her costs, and failing to do so that all proceedings be stayed.

Affidavits were filed, establishing the wife's want of means and plaintiff's position. Counter affidavits were filed on behalf of plaintiff.

The plaintiff having left the Dominion, there was no application for alimentary allowance, as the same could not have been collected.

A. B. Major in support of motion, cited:

Bioche, vo. "Séparation de corps," Nos. 45 et 54; *Dict. du Droit Civil*, vo. "Aliments," No. 138; *Duranton*, vol. 2, No. 263; *Laurent*, vol. 3, p. 300; *Pigeau*, 2.216.

J. A. St. Julien, contra.

MATHIEU, J. The right of the wife to a *provision de frais* in actions of this description is admitted by all the authors. It is in the nature of an alimentary allowance, and must be proportioned to the needs of the wife and the means of the husband. I am satisfied by the proof herein that the wife is poor and unable to provide for her own defence. As to the husband's resources the affidavits he produces are not of a satisfactory character, and I arrive at the conclusion that