

be sufficient for their clothing; but further states that the complainant, with her children, is living with her own father and mother, who are farmers in reasonable circumstances, and that, therefore, she is not in necessitous circumstances as long as some one is providing for her food and lodging.

There is no doubt that this position that complainant could not be in necessitous circumstances as long as some one is providing for her food and lodging is in accordance with several judgments which have been rendered under the article previous to its amendment, when the gravamen of the offence was that it endangered or injured the health of the complainant. But, as I have said, that is not now the gravamen of the offence. On the contrary, the offence is complete if the respondent neglect his legal obligation to provide necessaries for his wife and if she needs such necessaries to be provided. Now the judgment in the separation action determined that question. I do not by any means say that that judgment is decisive of the matter, but it is a decisive determination that, at the date of the judgment, the present plaintiff needed from her husband \$15 per month. I think the proof shows that that need still exists. To be in necessitous circumstances simply means to be in need. It is true that probably, in the event of the complainant's father and mother being either unwilling or unable to further give to the complainant her food and lodging, some charitable society would do the same thing rather than see her starve in their midst. But if complainant has no legal claim upon her father and mother for the support which she is now receiving from them, and if, as is proved, they are little able to provide that support, it cannot be said that she is not in necessitous circumstances because she has been receiving from them her daily food