

ments after that time. His explanation of the notice was, not that he was objecting to provide what the plaintiff needed, but that he desired to prevent unauthorised expenditure in his name, and so adopted this means of preventing credit being given without his consent.

The plaintiff was responsible for the living apart, and she was not inclined to do anything towards effecting a reconciliation. The learned Judge said that he knew of no law requiring a husband, in such circumstances, to pay alimony. None of the plaintiff's general charges of abuse, neglect, or ill-treatment, had been so substantiated as to stand the test of liability laid down by the Appellate Division in the recent case of *Bagshaw v. Bagshaw* (1920), ante 334; and evidence was wanting to prove either desertion or such failure to support or maintain her as would justify an order for alimony. Her claim, therefore, failed. The effect of this action and its result upon the order made in the plaintiff's favour under the Deserted Wives' Maintenance Act was determined by *Re Wiley and Wiley* (1919), 46 O.L.R. 176.

Upon the counterclaim, there should be a declaration that the plaintiff is the owner of the farm, subject to any unpaid purchase-money, and subject also to any moneys expended or paid thereon by the defendant which have gone into the farm itself or towards its improvement since the 7th July, 1917; the learned Judge finds that the moneys so expended amounted to \$190, and directs that the defendant shall have a lien for that sum and interest from the commencement of the action upon the plaintiff's interest in the farm.

As between the plaintiff and defendant, the learned Judge finds that all the livestock, implements, and furniture upon the farm, are the husband's, with the exception of a team, set of harness, and a waggon, which are the wife's.

The plaintiff's action should be dismissed, and the defendant should pay such costs thereof as are payable under Rule 388. On the counterclaim there should be judgment in accordance with the above findings, but without costs.