children, and she, in turn, did not seem to care about their absence.

The plaintiff remained in the house, making her home there, and making no request to, or claim upon defendant.

After a little, the plaintiff moved out, stored the furniture in a storage warehouse; and, later on, sold it, not accounting to the defendant for the proceeds.

The defendant did not ask her to account.

Ever since, the plaintiff has maintained herself by her work as a dress-maker, and has, apparently, been very comfortable, and financially successful.

While the plaintiff was living alone, the defendant made no offer to assist her, and did nothing for her support.

For a considerable time after, plaintiff left the house she had no communication with her husband, and made no effort to see him, or speak to him.

In 1910, it is said that the plaintiff preferred a charge against the defendant for non-support; but nothing came of it.

In 1911, on more than one occasion, the plaintiff desired to see the children, but made no request to the defendant to take her back, or for support.

This action was commenced on the 23rd January, 1912, but was not brought to trial until the sixth day of February last.

In the action the plaintiff complains that the defendant has improperly kept the children from her, and avers that she has done nothing to disentitle her to the custody of the children.

On the 30th October, 1912, the defendant filed his statement of defence in this action. In it he claims the custody and control of the children.

After the filing of the statement of defence, and on or about the 31st October, 1912, the plaintiff, with an automobile, and the assistance she had secured, captured her son Marshall, who has remained in her custody ever since.

The defendant thereupon obtained a writ of *habeas corpus* addressed to his wife, to bring up the body of the child Marshall.

On the 22nd November, 1912, the application of the defendant came before Mr. Justice Middleton in Chambers, and it was ordered that the application be referred to the Judge at the trial of the present action.