

défendeur à payer aux avocats de la plaignante leurs frais dans l'action de la séparation de corps et de biens (1).

In appeal:

Mr. Justice Archibald, Acting Chief Justice: This is an appeal from a judgment rendered by the District Magistrate in the District of Bedford dismissing the complaint of *Edith Algiers v. Harry Tracey*, her husband, taken under Section 242a of the Criminal Code. This complaint was rejected by the Magistrate who heard the same on certain grounds which appear in the reasons of the judge contained in one of the papers of record signed by him.

In the first place, it appears by these reasons that a judgment had been rendered at the suit of complainant against the respondent, granting her separation from bed and board and condemning the respondent to contribute \$15 per month to her support. There are three children, issue of the marriage, who are left in the care of the mother, complainant.

The judge in his reasons says that he does not consider that the proof which was made concerning these proceedings in the Civil Court was relevant to the issue and that he does not deem it necessary to go into the legal question of how far the rendering of a judgment against the respondent condemning him to pay a pecuniary amount replaces or relieves him of the obligation of providing necessaries. The judge thereupon proceeds to say that two things must be proved:

1. The destitute or necessitous circumstances of the wife or children.

(1) Other notes of the magistrate were put in the record, but could not be procured. They are substantially stated by the Acting Chief Justice.