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S. C.

I do not give credit to so broad a statement: I think that there was violence, but it was so many years ago, that, coupled with the fact that the charge of assault in the police court was dismissed, I do not think that at this date it is sufficient to enable me to act on it.

With respect to the occurrences of 1912 and 1913, I find that on both these occasions there was considerable provocation on the part of the plaintiff, and that, as in the case of 1917, the whole occurrence was largely in the nature of a family squabble rather than in the nature of any dangerous violence.

The defendant undertakes to receive back his wife and children, and has always been ready and willing to do so, and desires her to return to his home in North Bay, and undertakes also to treat the plaintiff in all respects with consideration as a wife should be treated and to abstain from all acts of violence.

Upon this undertaking being formally given, signed by the defendant personally and filed with the Registrar, I direct that the action be dismissed. There will be the usual order for costs in case of dismissal as provided in Rule 388.

*A. G. Slaght*, for the appellant.

*R. McKay*, K.C., for the defendant.

The judgment of the Court was delivered by

MEREDITH, C.J.C.P.:—After a careful and protracted trial, and after mature consideration after the trial, the learned trial Judge came to the conclusion that there were not sufficient grounds for the Court's approval of the wife's voluntary separation from her husband, approval evidenced by a judgment for alimony, so that such separation might be continued as long as the wife chose to continue it; that the husband's few and far apart acts of cruelty—though they could not be too strongly condemned—were not very likely seriously to affect the health of either of them: that they might and should live out what remains of their joint lives as husband and wife: and we agree with him in that.

The husband was at times harsh and domineering; and his conduct in his conflicts with his wife inexcusable in some respects: but, on the other hand, the wife, instead of being tactful, was, at such times, actuated by a rebellious and stubborn spirit: between them making such inexcusable family scenes as that arising out of the petty dispute whether or not the table-cloth

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