

Pleading. As to relevancy of facts pleaded to show unfitness of husband to have custody of child. *Pyne v. Pyne*, 3 O. W. N. 162.

An application for interim alimony may be made as soon as the defence is filed or the time for filing one to the original statement of claim has elapsed. Rule 624.

On such an application the merits of the defence set up should not be looked into or considered. *McArthur v. McArthur* (1905), 15 M.R. 151, 1 W.L.R. 1, following *Foden v. Foden* (1894), P. 307. *Campbell v. Campbell* (1873), 6 P.R. 128. *Keith v. Keith* (1876), 7 P.R. 41. See also *Thrower v. Thrower*, 3 O.W.R. 541.

Unless the statement of claim makes a demand for a specific sum by way of interim alimony as contemplated by rule 624, it should only be allowed from the date of the Order, not from the commencement of the action, *Peterson v. Peterson* (1873, 6 P.R. 150, *McArthur v. McArthur* (1905), 15 M.R. 151, 1 W.L.R. 1.

As to registration of Judgment see section 19.

SECTION 18.—CRIMINAL CONVERSATION.

To be tried by Jury unless waived, section 49.

Semble, there is no such action in Saskatchewan. *Marson v. Coulter*, 16 W.L.R. 157, but one for enticing and harbouring, *ibid*.

Measure of Damages, *Herve v. Dominique*, 2 W.W.R. 235.

Proof of marriage must be as strict as in a Bigamy action, per *Richards and Perdue, J.J.A.*, *Zdrahal v. Shatney*, 22 M.R. 521; *Aliter* per *Cameron & Haggart, J.J.A.*, *ibid*.

SECTION 19.—REGISTRATION OF JUDGMENT FOR ALIMONY.

Semble, an order for interim alimony is within this clause.

SECTION 25 (e).—RULES OF LAW—DECLARATORY JUDGMENTS AND ORDERS.

In Saskatchewan it was held under a similar section that in an action where there is no claim for consequential relief the plaintiff was not entitled to a declaration, *Viola School District Trustees v. Canada Saskatchewan Land Co.*, 16 W.L.R. 176.