right to apply for a taxation de die in diem is a concurrent or cumulative remedy and may well co-exist with the common law right to bring an action.

It is clear, therefore, that the courts do not recognize any distinction between a suit for a separation and a suit for the dissolution of the marriage in reference to the allowance of alimony pendente lite and suit-money. If the wife has the right to pledge her husband's credit for the costs of her defence, should her proctor be left to his remedy at law to recover his costs? The presumption of law is in favor of the wife's innocence. She is entitled to all the privileges, rights and benefits the law by virtue of her marriage confers upon her. Can anything be more necessary than the means to enable her to defend herself against a (presumably false) charge of adultery?

She might not be able to secure a solicitor willing to conduct her defence or prosecute her suit, and takes his chances of subsequently collecting his costs under a decree or by an action at law against her husband.

I think the wife is entitled to suit-money and alimony pendente lite, unless such right is taken away by 58 Vict., c. 24.

On the argument no particular part of the Act was referred to. I have carefully exar ied the Act and fail to find anything to interfere with the right of the wife to alimony pendente lite or suit-money where the wife has no means. It is unnecessary to consider what the practice has been or is as to alimony pendente lite where the wife has separate means. In this case admittedly the defendant has no means. The practice has been to allow suit money even when the wife has separate means. See *Brown* v. *Ackroyd*, 5 E. & B. 818; *Robertson* v. *Robertson* L.R, 6 P.D. 119; *Ex parte Chase*, 6 Allen 398, and *Ottaway* v. *Hamilton*, 3 C.P.D. 393, referred to.

Application was also made that the defendant have leave to file an amended answer charging the plaintiff with adultery. The affidavit does not disclose anything beyond an expectation that she may be able to prove such a charge. In an ordinary suit the affidavit would be wholly insufficient to warrant the allowance of such an amendment. In England where in fact the party proceeding for a divorce has been guilty of adultery and it has not been set up as a defence, even after a decree nisi has been obtained, the Queen's proctor may intervene and have the case re-opened, and evidence taken, and if the adultery is proved the divorce is refused. There are no such provisions in this province, and the decree is final in the first instance.

The Court should, therefore, be astute and exercise great care as far as possible that a divorce is not improperly granted. In a suit for the dissolution of a marriage, public policy demands that the decree should only be made when the applicant comes before the court with clean hands and establishes the adultery of the defendant by proof beyond a reasonable doubt. If both parties have been delinquent the court renders no assistance to either party. I think, therefore, independently of the question of individual rights which must be subservient at times to the public good on grounds of public policy, the amendment should be allowed.