

later date than is usual for the commencement of the allowance. The plaintiff has a child of two years old, and they are both living at her father's house, and dependent on him.

The defendant's income is admitted to be about \$3,000, and there was evidence of his ability to indulge in tastes and pursuits which are somewhat costly. It is only fair to say that he says he does so on medical advice and not as a matter of self-indulgence.

In some of the cases it is said that interim alimony is to be dealt with a sparing hand, because the plaintiff is expected to live while the action is pending in quiet and retirement. I think a fifth of the income of the husband was stated in that case to be reasonable (see *Holmested & Langton*, p. 548). Applying that principle, I consider that \$12 a week, to commence from 1st September last, would be a proper sum, and that necessary disbursements should also be furnished.

The amount of these will be settled by the Clerk in Chambers if the parties cannot agree.

MARCH 7TH, 1905.

DIVISIONAL COURT.

NISBET v. HILL.

Interpleader — Seizure by Sheriff — Inconsistent Claims to Goods Seized—Form of Order—Sale of Goods by Sheriff—Trial of Separate Issues.

Appeal by claimants Green and Smale from order of STREET, J. (ante 337), dismissing appeal from interpleader order made by Master in Chambers (ante 293).

W. J. Tremear, for the claimants, chattel mortgagees, contended that, as the legal title was vested in them, a sale of the goods seized by the sheriff should not have been directed.

W. H. Blake, K.C., for sheriff of Elgin.

F. Arnoldi, K.C., for execution creditor.

W. E. Middleton, for assignee.

THE COURT (FALCONBRIDGE, C.J., GARROW, J.A., BRITTON, J.), dismissed the appeal with costs.