

MIDDLETON, J., in a written judgment, said that the Master had arrived at \$1,080 by taking the defendant's income as \$1,500 salary, \$1,200 as net income from realty, and \$600 bonus from business—\$3,300 in all—and allowing the plaintiff approximately one-third of this sum. The salary, \$1,500, was admitted. The gross income derived from real estate, \$1,781.36, was admitted, but the defendant contended that from this should be deducted \$720 representing an estimated expenditure for repairs, dilapidations, and upkeep, leaving the net income from this source \$1,060. The Master thought, and the learned Judge agreed with him, that this was too great a deduction—the amount found by the Master, \$1,200, was approximately right.

The \$600 allowed as a bonus could not be supported. The defendant was the owner of four-fifths of the stock of an incorporated company, Stephenson and Malcolm Limited, a concern carrying on a substantial plumbing business in Guelph, the remaining one-fifth of the stock being held by clerks and employees of the company. The defendant was employed by this company as its business manager, and received from it the salary of \$1,500. He had habitually overdrawn his account to the extent of about \$600 annually, and so, according to the books of the company, owed it between \$3,000 and \$4,000. The Master took the view that this overdraft must be regarded as an annual bonus of \$600, and assumed that the \$1,500 salary would be augmented by a similar amount in years to come. The defendant contended that his income ought not to be regarded as the whole \$1,500, but that this should be reduced by sums which he ought to repay on account of the overdraft, or at any rate by interest on the amount overdrawn.

The learned Judge was unable to agree with either view. The salary paid was not an adequate measure of the defendant's actual earnings. The \$1,500 was probably the amount which he set as that which he was content to draw as remuneration for his management—his earnings in excess of this going to augment the value of his stock-holdings.

The capital of the company was said to be \$25,000; the defendant's four-fifths would represent a capital investment of \$20,000; and the earning value of this might well be taken at between 10 and 15 per cent. The lower figure would justify the allowance made by the Master.

The Master, however, was wrong in assuming that the amount to be paid to the wife was to be determined by any arbitrary rule by which he should allow to her one-third of her husband's income.

The true principle is indicated in *Leslie v. Leslie*, [1911] P. 203, 205: the husband's obligation is to provide for the wife's main-