

Manitoba King's Bench Act Annotations

SECTION 2—INTERPRETATION.

These interpretation sections also apply to the Rules.

Rule 5. See section 86. As to clause (c) *Les Soeurs de la Charite v. Forrest*, 16 W. L. R. 395.

SECTION 17—ALIMONY.

R. S. O. 1897, C. 51, s. 34, was similar—it is dropped from the 1913 Act, but see s. 3 (3-4 Geo. V., c. 19, Ont.)

As to jurisdiction, see *Wood v. Wood*, 1 M. R. 317.

In an action for alimony the plaintiff must prove—

1. Marriage de facto, unless tacitly admitted by filing no defence.
2. Need of alimony and refusal of defendant to provide support.
3. Defendant's means.
4. Validity of the marriage.

Interim Alimony. See Rule 624.

The Statement of Claim should ask for alimony, interim alimony and costs.

In England a husband was allowed alimony, *Swift v. Swift* (1899), Pro. 159—this section only applies to "any wife."

The Order for interim alimony should contain the plaintiff's undertaking to go down to trial as speedily as possible. *Bowslaugh v. Bowslaugh*, 6 P.R. 200. As to Costs, Rules 944 and 945. Counsel fees *ibid*.

The defendant in an action for alimony offered "to receive the plaintiff as his wife at any time when she is prepared to come and reside with him and accept the home he is able to provide for her, and conduct herself as a wife reasonably should," but the trial Judge, being satisfied upon the evidence that desertion had been proved and that the defendant's offer was not honestly made, but only for the purpose of avoiding