

think the applicant should pay at least the actual expenses out of pocket of the plaintiffs' solicitor necessary for his attendance on the commission, before it issues. Costs of motion to plaintiffs in the cause.

CARTWRIGHT, MASTER.

MAY 29TH, 1903.

CHAMBERS.

FALVEY v. FALVEY.

Interim Alimony—Wife Leaving Husband—Ability to Support Herself—Application Refused—Special Circumstances.

Motion by plaintiff for an order for interim alimony.

Proulx (RobINETTE & Godfrey), for plaintiff.

L. V. McBrady, K.C., for defendant.

THE MASTER.—The statement of claim makes the usual allegations, which are repeated in the affidavit of the plaintiff filed on this motion. The statement of defence denies the allegations of plaintiff, and makes serious counter-charges, which are repeated in his affidavit, also filed on the motion.

Mr. McBrady relied on the examination of the plaintiff . . . from which it appears that she has been supporting herself up to the 1st day of this month. . . .

Under the facts of this case, I do not think an order should be made for interim alimony. The plaintiff admits that she left of her own accord, and says that she will never consent to live with her husband again. She has refused an offer which, under the circumstances, seems generous; at any rate it is much more than she is likely to get by litigation, even if successful. She admits her ability to support herself, and fortunately there are no children to complicate matters. The offer made, I understand from Mr. McBrady, is still open to her, and she would do well to consider the prudence of accepting it.

Allen v. Allen, [1894] P. 134, affirms the principle that interim alimony, if granted, is fixed after considering the incomes of the husband and wife respectively. . . .

In the present case the examination of plaintiff was used on the motion without objection. . . .

According to the best opinion I can form, I think it is not a case for interim alimony. The affidavit of defendant is full and explicit as to his financial position, and is not in any way attacked by plaintiff. Altogether, the facts of this case seem to be very different from those of any of the reported cases.