

1912, is entitled to judgment for alimony. After that assault the defendant decided to leave the plaintiff, and the plaintiff was willing that the defendant should go. The plaintiff was the lessee of the house; and, had not the defendant decided to go, the plaintiff would have been justified in refusing to live with him.

The plaintiff is not, in the circumstances, disentitled to recover because she expressed her willingness that the defendant should leave her.

The plaintiff desires to keep their two children, and she is willing that the defendant should, as permanent alimony, pay only an amount that would be reasonably sufficient to enable her to maintain the children. The defendant is not in very good financial circumstances; \$5 a week will be sufficient for him to pay, and sufficient for the purpose for which the plaintiff asks money. Owing to costs having been incurred, there may be loss and inconvenience by delay in the plaintiff's receiving any money.

The judgment will be for alimony, and the defendant must pay the costs, which I fix at \$80. The plaintiff incurred some unnecessary costs in having witnesses who appeared to know nothing of facts material to the issues herein. These costs will be payable, \$5 each week, to the plaintiff's solicitors, commencing on Saturday the 8th March, and on each Saturday thereafter until sixteen payments have been made of \$5 each. Then the payment of alimony will commence—on Saturday the 28th June next, and continue weekly thereafter until otherwise ordered, so long as the plaintiff has the custody of and is maintaining the children, as above-mentioned.

The defendant will be released from further payment of interim alimony, even if payments are in arrear under the order made.

There will be an order in reference to the custody of the children. They are to remain in the possession and care of the plaintiff, to be maintained by her until further ordered, free from any interference or attempted control by the defendant. The defendant will be allowed to see the children, or either of them, on any afternoon, at a time to be named, between 2 and 5 o'clock in the afternoon; but not more frequently than once every two weeks, and the interview is not to exceed thirty minutes in duration. No attempt is to be made by the defendant at any interview to influence them, or either of them, against their mother or to make them, or either, discontented with their home. Notice of the time when the defendant wishes to see the children must be