

MIDDLETON, J.:—The plaintiff and defendant were married on the 28th October, 1907. The plaintiff is thirty-six years of age and her husband forty-eight. There is no issue of the marriage. The husband owns a farm worth \$3,500, unincumbered, and the usual stock and cattle.

In the spring of 1909, the defendant was attacked by paralysis. He became, and still remains, utterly unable to work. His condition is said to be slightly improving, but it is as yet uncertain whether he will ever be able to do anything.

The plaintiff did her best to face the situation in which she found herself with her invalid husband, but in the fall of 1909 she realised that it was impossible to continue farming, as she had not the physical strength and could not afford help. Some of the farm chattels had been sold in the meantime, and she made up her mind that the best thing was to sell the remaining stock, etc., and move to the village of Gananoque, where she would rent a house and take in boarders. In this way she hoped to be able, with the assistance of the rent of the farm, to maintain herself and her husband. The husband's condition at this time prevented him from taking any active part, but he appears to have concurred in all that his wife was doing.

A house was rented in the village, the farm was rented, and when the time for moving came the furniture was taken to Gananoque. The husband desired to remain for a few days with his father, mother and sister, who lived on an adjoining farm; and the wife left him, understanding that he would follow her in a few days. He did not come, and she has made various attempts to induce him to move to the village, but he prefers to stay where he is. It is said that he is induced to adopt this course by his relatives, and that in his enfeebled condition he has become subject to their domination. On his behalf it is said by his counsel that he prefers to stay upon a farm, that he has been brought up and lived all his life upon a farm, and that he does not think his chance for recovery would be as good if compelled to live in the village.

There is no evidence to indicate that the husband and wife cannot live happily together. It does appear that the wife and her sister-in-law cannot agree. It is entirely out of the question for the wife to live with her husband where he now is.

At the trial I went out of my way to try and bring about a settlement; but neither party would give way, and each asserted his or her right; so that I am compelled to deal with the problem, thus presented, in accordance with the strict rights of the parties, trusting that in the end good sense may prevent what I feel would be a disastrous result.