

The gift to the widow is for support and education of the family; a need which would decrease as forisfamiliation took place and increased. At 25 these sons should in all probability need a home for themselves and their families, thus lightening the mother's duties and outlay; so the land in question should become theirs, in possession, absolutely.

The gift was not a gift to the widow for life: but there was a gift to her, for life, plainly expressed, of the land devised to the third son; that, with the family home upon it, she was to have as long as she should live: what more should be needed? No more seemed to be needed now, when all the children but one had other homes of their own.

Her life-estate in that land, her dower in the rest of the land, and her bequests under the will, seemed a very fair share of the estate when her obligations to support and educate the family had ceased.

The express gift of the life-estate in one of the three farms given to the three sons, in all the circumstances of the case, more than ordinarily negatived any intention to give an unexpressed life-estate in the other two farms.

In this view of the meaning of the will, the learned Chief Justice was glad to find himself in concurrence with the widow in her own judgment as to it. She deemed that she had dower only in the lands in question, and conveyed her dower to the sons' mortgagee.

Whether estopped from demanding more against the mortgagee was a question which was not raised in this matter.

Upon the construction of the will, the ruling must be that the sons took absolutely at 25.

Costs of the motion should come out of the part of the estate in question—no other part of it was involved in the motion.

MIDDLETON, J., IN CHAMBERS.

JANUARY 27TH, 1920.

MILLER v. DUGGAN.

Particulars—Statement of Defence and Counterclaim—Particulars for Trial—Examination for Discovery—Pleading—Practice.

Appeal by the plaintiff from an order or direction of the Master in Chambers that a motion made by the plaintiff for particulars of the statement of defence and counterclaim stand until after the plaintiff had examined the defendant for discovery.