

a case as this, where the defendants are charged with libel or conspiracy. These matters are of a criminal character, involving serious charges as to the character of the defendants, and each one is, in my opinion, justified in intrusting his defence to a separate solicitor of his own choosing. The Taxing Officer has proceeded upon this principle, and his taxation should be affirmed with costs.

BOYD, C.

MARCH 11TH, 1911.

RE MOORE.

*Will—Construction—Devise—Life Estate—Remainder in Fee—  
Executory Devise over.*

Motion by the executors of James Moore for an order determining certain questions as to the construction of his will.

W. M. McClemon, for the executors.

M. C. Cameron, for James Brown Moore.

J. R. Meredith, for unborn issue.

BOYD, C.:—The will is inartificially drawn, but effect may be given to all its words without addition to or change therein.

The important parts are these: "This farm lot will not be sold as long as my wife lives and shall remain in her possession as long as she lives and at her death it will be in possession of her only son and if the said party dies without heirs or will it will go to Mrs. William Parker's children," etc.

"My wife is to get living on this farm as long as she lives and she will get keeping cows hens and sheep and if her son James gets married and his wife and his mother cannot agree he is to allow her \$100 a year as long as she lives."

"James Brown Moore" (the son) "gets the implements and horses."

The mother is alive, and the son is not yet married.

The intention of the testator is that mother and son shall jointly occupy the farm, which he is to work, and provide for her living during her life. If he marries and adds a wife as a new member to the family, and all agree, things are to go on as before—but, if the wife and the mother cannot agree to live together, then the son is to allow the mother \$100 while she lives.

The intention is plain that, subject to the mother's life estate,