

ty-nine in number. The plaintiffs were specific legatees, and the defendants specific and residuary legatees. It was admitted that, in any event of the action, there would be ample to pay all the specific legacies and costs. Issue had been joined, and the action was expected to go to trial at London at the sittings commencing there on the 29th April. The plaintiffs moved for an order that, at the trial, the defendants "are to be represented by separate counsel only in so far as they are divided into classes, and that each class be represented by its own counsel." It was suggested that the motion was made under Con. Rule 200. The learned Judge said that he thought it clear that that Rule had no application to motions such as this or to an action which had reached the stage that this one had. See *Ward v. Benson*, 3 O.L.R. 199, for the object and scope of that Rule. No authority was cited in support of the motion; and the learned Judge could not see what power he had to interfere with the rights of the defendants as to their representation at the trial by counsel. The motion was, he considered, misconceived, and must be dismissed with costs.—On the argument, counsel for the Presbyterian Church suggested that the church made no claim with respect to the legacy mentioned in the will, as it was one contingent upon events which did not happen before the death of the testator, and expressed a willingness on its behalf to be dismissed from the action. Counsel for the plaintiffs was not prepared to consent to this; and the learned Judge said that he could not make such an order without consent. R. U. McPherson, for the plaintiffs. J. H. Moss, K.C., for the executor and a number of legatees. H. Cassels, K.C., for the Presbyterian Church in Canada. S. G. Crowell, for Catharine A. Smith. J. Folinsbee, a specific legatee, in person. Joseph Montgomery, for the London and Western Trusts Company.

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TANNER v. TANNER—KELLY, J.—APRIL 23.

*Husband and Wife—Alimony—Cruelty—Desertion—Quantum of Allowance.*—An undefended action for alimony, tried at Welland. The learned Judge finds that the defendant was guilty of cruelty to the plaintiff; that he ordered her from his house; that he made no provision for her support or for that of their only child, who went with the plaintiff; that the plaintiff is without means of support for herself and child; and that the de-