

ford, deceased, allowing with costs the claim of Florence Harding against the estate, to the amount of \$2,340, being wages at the rate of \$2.25 per week for about 20 years.

The appeal was heard in the Weekly Court at Toronto.

R. S. Colter, for the appellants.

S. E. Lindsay, for the administrator.

H. Arrell, for the claimant.

The widow, in person.

MIDDLETON, J., said that, upon the evidence of the claimant, she remained with the intestate and worked for him in reliance upon his statement and promise "that he had plenty and could do for me as if I were his own girl; he would provide for me, and I did not have to go away and earn." This promise was corroborated; and the Judge was justified in inferring that what was intended was, that the claimant should be provided for, not only during the intestate's life, but also by his will.

The amount allowed was not excessive—it was, no doubt, allowed in addition to whatever the claimant received in clothing or otherwise.

But the Judge should have given effect to the Statute of Limitations—the allowance should have been confined to 6 years. The Surrogate Court Judge was of opinion that the administrator could waive the statute, notwithstanding the wishes of those beneficially interested. If the administrator had paid the debt before any contest had taken place in the Courts, the beneficiaries might be bound; but the matter had been brought into Court, and the beneficiaries had the right to insist upon the statute.

Reference to *In re Wenham*, [1892] 3 Ch. 59; *Midgley v Midgley*, [1893] 3 Ch. 282; the Surrogate Courts Act, R.S.O. 1914 ch. 62, sec. 69 (5).

Appeal allowed and amount of claim reduced to the proper amount of remuneration for 6 years; costs of all parties out of the estate.