

intricate and badly kept, and gave rise to many questions, some difficult to determine, and required much time and trouble to adjust, and covered about 300 items on each side, the receipts being over \$9,000 and the disbursements about \$11,500, the estate now being about \$3,400 and some personalty specifically bequeathed, outside of the balance, if any, due from the surviving executor. Some 74 pages of evidence have been taken and 135 hours spent in attendance before the Master.

The Master had power to direct the accounts to be brought in in proper shape, and the parties beneficially interested should not be put to greater expense because of the executors' neglect of duty. It does not appear on what sum the commission under Rule 1146 would be calculated in this case: see *Re Brown*, 19 C. L. J. 367. But, as pointed out by the Chancellor, in *Re Stubbing*, 20 C. L. J. 193, the Rule was not intended to do strict justice, but only to afford a convenient mode of fixing the remuneration, though in some cases it might be too little, or, as alleged in that case, too much. And, as he points out, if a departure from it is desired, it should be asked at an early stage.

The solicitors for all parties agree in the application, but if, as is to be assumed, the clients also approve, there should be no difficulty in getting what may be considered proper remuneration. On the material before me I do not think Rule 1146 should be departed from.

MAGEE, J.

JUNE 18TH, 1906.

WEEKLY COURT.

RE MANUEL.

Will — Construction — Bequest to Widow — "Dower of One-third of my Estate" — Non-technical Use of "Dower" — Absolute Gift of One-third of Whole Estate.

Application by the executors for an order declaring the construction of the will of Obed Manuel, deceased, as to the interest taken by his widow thereunder in his estate.

M. F. Muir, Brantford, for the executors.

T. R. Slaght, K.C., for the widow and for Frederick Manuel, a legatee.

E. E. A. DuVernet, for Christiana Stoddard.