fees are treated and described as costs (see s. 215), and he should be governed by the Division Court tariff in fixing the amount. The Division Court has no power to give costs of the appeal. That Court derives its power, as to such appeals, wholly from the Act respecting master and servant. The appeal is not an action or proceeding within the meaning of ss. 213 or 312 of the Division Courts Act, as those sections relate only to actions and proceedings had or taken under the authority of that Act. There is no express power to deal with the costs of the appeal given to the Court by the Master and servant Act, and the expression "costs awarded" in ss. 18, 23, means costs awarded by the magistrate. Appeal dismissed on the merits, and order of magistrate directed to be enforced by the officers of this Court; no order as to the costs of the appeal.

J. W. Gordon for appellant. *Geo. Drewry* for respondent.

Nova Scotia.

SUPREME COURT.

Full Court.] RE ESTATE OF DANIEL CRONAN. [Jan. 14.

Trustee, appointment of—Discretion of judge on petition—Appointment of relatives—Costs.

The appointment of a fit and proper person to be a new trustee is a matter largely within the discretion of the judge who hears and decides upon the petition, and if, after a full consideration of the circumstances, it does not appear that the discretion has been wrongly exercised, or that the rules governing the making of such appointments have been infringed, the appointment made will not be disturbed.

Per MEAGHER, J., while under the circumstances shown the Court should not set aside the appointment, the appointment of relatives should be avoided wherever another competent party can be had.

D. McNeil for appellants. *H. McInnes* for respondents.

Full Court.] HORSFALL *v.* SUTHERLAND. [Jan. 14.

Coroner acting in place of Sheriff—Rights and liabilities—Held personally liable for taking bond with insufficient sureties—Replevin bond, requirements as to.

The provisions of the Judicature Act as to replevin call for a bond with two sureties.

Held, affirming the judgment of TOWNSHEND, J., and dismissing the