

\$2,150; the loss at the 1st May, 1913, was the present value of \$2,150, or \$850.83, of which \$672.74 was attributable to the land alone. She was not entitled to anything for severance or for incidental damages. She should be allowed, therefore, \$850.83, with interest from the 1st May, 1913.

The sum allowed to O Neil, \$1,900, was too high; it should be reduced to \$1,500. His claim was only for the expense occasioned by rounding the corner; he had assigned his claim in respect of the land taken, and could not claim for severance.

The sum allowed to Wagner & Hallat should, on the evidence, be reduced to \$1,127.26, with interest from the 1st May, 1913.

The claimant Gibson not having appealed, she should have leave to appeal nunc pro tunc, and in that case she should have no costs. If, however, she was content with the existing award, her costs should be paid by the city corporation.

The other claimants should pay the costs of the city corporation.

MEREDITH, C.J.C.P., and LENNOX, J., concurred.

MASTEN, J., for reasons stated in writing, agreed in the result, except as to the amount allowed to Wagner & Hallat, to which, he thought, \$900 should be added.

Award varied.

HIGH COURT DIVISION.

FALCONBRIDGE, C.J.K.B.

JUNE 12TH, 1916.

RE HOPF.

Executors and Administrators—Executor Passing Accounts in Surrogate Court—Disallowance of Payment Made to Wife of Executor—Effect upon Claim of Wife against Estate—Not a Bar to Action to Recover from Estate—Payment Made without Notice to Beneficiaries—Refusal of Surrogate Court Judge to Re-open Case for Fresh Evidence—Appeal.

Appeal by Philip Stroh, executor, and Mary Stroh, his wife, from an order of the Judge of the Surrogate Court of the County of Bruce upon the passing of the accounts of the executor in respect of the estate of a deceased testatrix.