

aried offices, and there being in this case no contract with the company upon which they could recover remuneration, they were nevertheless entitled to a *quantum meruit* for services rendered to the company during the time they discharged the duties of their respective offices.

*F. A. Hilton and W. M. Smythe* for the claimant.

*Hoyles, Q.C.*, for the liquidator.

BOYD, C.]

[Oct. 15.

IN RE FERGUSON, BENNETT v. COATSWORTH.

*Will—Construction—"Right heirs"—Period of ascertainment—Distribution of estate—"Equally"—Per capita and not per stirpes.*

Upon appeal from the Master's report on a reference for the administration of the estate of the testator whose will was construed in *Coatsworth v. Carson*, 24 O.R. 185,

*Held*, having regard to the judgment in that case, that the "right heirs" were to be ascertained at the date of the death of the testator's daughter, and among them the whole of the estate was to be divided equally, share and share alike.

The expression "*per stirpes*" in the former judgment was improvidently used, due weight not having been given to the word "equally."

*W. M. Clark, Q.C., Starr, and A. J. Boyd* for the descendants of Jane Ball.

*Macklem* for the descendants of Eliza Purdy.

*F. E. Hodgins* for the executors.

BOYD, C.]

[Oct. 15.

DODDS v. THE ANCIENT ORDER OF UNITED WORKMEN.

*Life insurance—Infants—Payment to executors—Security—Discharge—R.S.O., c. 136, ss. 11, 12.*

Moneys payable to infants under a policy of life insurance may, where no trustee or guardian is appointed under ss. 11 and 12 of R.S.O., c. 136, be paid to the executors of the will of the insured, as provided by s. 12, without security being given by them, and payment to them is a good discharge to the insurers.

*Totten, Q.C.*, for the executors and the insurers.

*A. J. Boyd* for the infants.

Common Pleas Division

Div'l Court.]

[June 23.

MIDDLETON v. FLANAGAN.

*Work and labour—Horses—Plant—Meaning of.*

By one of the clauses of a railway contract for rock, etc., excavation, "all machinery and other plant, materials, and things whatsoever," provided by the