

From ROSE, J.]

[May 11.]

HOOVER v. WILSON.

*Executors and administrators—Accounts—Commission.*

An executor who discharges his duty honestly, but owing to want of business training keeps his accounts loosely and inaccurately, is entitled to compensation for his care, pains and trouble, but the amount of compensation should not, in such a case, be relatively large.

Compensation when allowed should be credited to the executor at the end of each year.

Judgment of ROSE, J., reversed.

Moss, Q.C., and J. G. Rykert, for the appellant.

H. H. Collier, for the respondent.

From ROSE, J.]

[May 11.]

IN RE COUNTY OF CARLETON AND CITY OF OTTAWA.

*Municipal corporations—City separated from county—Maintenance of court house and gaol—Compensation for use of court house and gaol—Care and maintenance of prisoners—55 Vict., c. 42, ss. 469, 473.*

No compensation can be awarded by arbitrators to a county municipality in respect of the use by a city separated from that county of the court house and gaol unless the question is specifically referred to them by a by-law of each municipality.

A claim for compensation for the care and maintenance of prisoners stands, as far as the meaning to be given to the word "city" is concerned, upon the same basis as a claim for compensation for the use of the court house and gaol.

The right to and the mode of arriving at the amount of compensation for the use of the court house and gaol considered.

Judgment of ROSE, J., affirmed.

MacTavish, Q.C., for the appellants.

Chrysler, Q.C., for the respondents.

From MEREDITH, J.]

[May 11.]

DALE v. WESTON LODGE.

*Insurance—Life insurance—Benevolent Society—"Member in good standing"—Domestic forum.*

Where the rules of a benevolent society give to a member dissatisfied with a decision as to sick benefits a right of appeal to a domestic forum, the widow of a member, whose application for sick benefits has in his lifetime been refused, and who has acquiesced in that decision and has not appealed, cannot recover sick benefits.

Judgment of MEREDITH, J., reversed.

Where, however, the widow of "a member in good standing" is entitled to certain pecuniary benefits, and the status of the member has not been passed upon by the society in his lifetime, an action by the widow will lie, and the status of the deceased member at the time of his death is a question of law to be determined in the usual way.