

\$1,200 and interest. The amount of any notes returned are to be credited on the judgment. Any plaintiff is entitled to contribution from his co-plaintiffs if he pay any note. Each plaintiff was an owner of a one-sixth share in the syndicate except William Richardson, who has two-sixths. High Court costs to plaintiffs. Injunction against defendant restraining him from parting with the two remaining notes continued.

R. Vanstone, Wingham, solicitor for plaintiffs.

J. J. Stevens, Teeswater, solicitor for defendant.

FALCONBRIDGE, C.J.

MARCH 12TH, 1902.

WEEKLY COURT.

McCLENAGHAN v. PERKINS.

Executors and Trustees—Negligence—Mismanagement—Breaches of Trust—Compensation.

Appeal by defendant Perkins and his assignee for creditors, defendant Mutchmor, from report of Master at Ottawa, and cross-appeals by plaintiff and defendants H. D. and H. V. Lyon from report of Master at Ottawa, heard at Ottawa.

T. A. Beament, Ottawa, for defendants Perkins and Mutchmor.

W. J. Code, Ottawa, for plaintiff.

T. F. Barrett, Ottawa, for defendant Lyons.

FALCONBRIDGE, C.J.— . . . The findings of the Master are correct and should be sustained on the questions raised by the appeal and cross-appeals, except as to the compensation allowed to the executor, defendant Perkins, who (1) kept no books, (2) failed to invest the estate moneys, though directed to do so, (3) overpaid one of the heirs, (4) allowed taxes to run greatly into arrears, (5) paid large portions of the corpus to beneficiaries before the period of vesting, contrary to the terms of the wills; and, assuming that the estates will lose nothing, though the executor has assigned to defendant Mutchmor, the executor is not on the above facts entitled to any compensation. The plaintiff and the defendants will have their costs against the executor and his assignee of this appeal and of the cross-appeals; the report will be amended by disallowing the \$1,900 for compensation; and judgment will go in terms of the report as amended.