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Legis. Council.

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## **BILL.**

**An Act to enable Executors, Trustees and others, to charge for their reasonable time and labour in matters committed to their care.**

**WHEREAS** it is proper that Executors, Administrators, Trustees and all others in the like capacities, should recover their reasonable compensation for their time, labour and trouble in and about all matters committed to their care in their respective capacities. And whereas in many cases in Wills, Deeds and other Instruments, it has been expressed that such persons might charge or retain their costs, charges and expenses, and it has been generally understood that such and the like expressions would have entitled such persons to have charged for their reasonable time, labour and trouble, beyond their mere disbursements, yet disbursements only in such cases are recoverable by reason of which great injustice has been occasioned, to remedy which; Be it therefore enacted, &c.

**I.** That hereafter all Executors, Administrators, Trustees and others in the like capacities, whether appointed before this Act or afterwards, shall be entitled to charge for their reasonable time, labour and trouble, such reasonable fees and charges, over and above their disbursements as may be proper, according to the circumstances of the case, which fees, charges and disbursements, may be taxed at any time, if so required, by summary application to the Probate or Surrogate Courts, from which the Probate or Letters of Administration may have issued, or to the Court of Chancery.

**II.** And be it enacted, That all payments or retainers of such fees and charges heretofore made or retained, shall be deemed to have been properly made or retained although such fees and charges would not have been recoverable before the passing of this Act: Provided always, that such fees and charges may be taxed as in other cases; and all matters or business done by any such persons before this Act, may be charged for under this Act.

**III.** And be it enacted, That this Act shall extend and be construed to extend to Upper Canada only.