

or as guardian seems to me to indicate that she preferred others to care for and manage the estate.

The Surrogate Courts Act, R. S. O. 1897 ch. 59, sec. 59, states who may be appointed executor or administrator of an estate, and gives the Court or Judge certain powers of appointment: Carr v. O'Rourke, 3 O. L. R. 632, 1 O. W. R. 331; and, having carefully considered the matter, I am of the opinion that the special circumstances which warrant the exercise of the discretion conferred on me by sec. 59 exist in this case, and that in order to have the terms of the will carried out, the funds safely guarded, the infants properly clothed, maintained, and educated, and the estate of the late Patrick Brandon also wound up, I should appoint the Toronto General Trusts Corporation to be administrators with the will annexed of the property of the late Catherine Kehoe.

CARTWRIGHT, MASTER.

MAY 21ST, 1906.

CHAMBERS.

RE SOLICITOR.

Solicitor — Taxation of Bill — Motion for — Submission to Arbitration — Construction.

Motion by Miller et al. for an order for taxation of a bill of costs rendered by the solicitor.

E. W. Boyd, for the applicants.

S. C. Biggs, K.C., for the solicitor.

THE MASTER:—The parties by agreement under seal referred "all existing and valid claims," arising out of "divers dealings and accounts" between them, to an arbitrator, from whose award "there shall be no appeal."

One of the questions was as to a bill of costs rendered by the solicitor to the Millers, which the latter wished to have taxed. . . . The arbitrator ruled that he was empowered to deal with it, and refused to send it up for taxation. Thereupon the Millers moved for an order for taxation.