
Province of Manitoba.

COURT OF APPEAL.

Full Court.]

MONROE v. HENBACH.

[Feb. 10.

Agreement for sale of land.

Appeal from decision of MATHERS, J., noted ante, vol. 44, p. 630, dismissed with costs.

KING'S BENCH.

Cameron, J.]

RE SANFORD ESTATE.

[Feb. 2.

Administration—Compensation to trustees.

Application to fix the amount of compensation to be paid to the trustees in Manitoba of the estate of the late W. E. Sanford, whose duties were to realize on his real estate and transmit the proceeds to the Ontario executors. At the time of the testator's death the real estate was valued at \$158,000, but before the lands were all sold their values had so increased that \$366,000 was realized. The judge gave great credit to Mr. Riley for his successful handling of the sales of these lands.

Held, that in fixing the amount of compensation there should be taken into consideration (1) the magnitude of the trust; (2) the care and responsibility springing therefrom; (3) the time occupied in performing its duties; (4) the skill and ability displayed; (5) the success which has attended its administration. *Re Toronto General Trusts Co. v. Cent. Ont. R.W. Co.*, 6 O.W.R. 354, per Teetzel, J., and the compensation allowed must be fair and just, but not necessarily *liberal*, also that Mr. Riley was not entitled to a commission on the value of lands sold by him on the basis of a real estate agency, though he might have employed an agent to make the sales and paid him the usual commission. A. & E. Encyc., vol. 2, p. 1306.

The judge took into consideration the length of time, nine years, taken up in the administration, and that it had been carried through without criticism and with unusual success, and allowed Mr. Riley, who had performed the greater part of the work, two per cent. of the gross amount realized by the sales