

and Clute and Sutherland, JJ. reversed the decision of Middleton, J., 3 O.W.N. 759, who had reduced to \$815.73 the amount of \$3,000 which the Surrogate judge of the county of Lambton had allowed as compensation to executors. In delivering the judgment of the court, the Chief Justice says, at p. 1050, "There is no fixed rate of compensation applicable under all circumstances for services of executors and trustees. They are entitled to reasonable compensation; and what is reasonable compensation must be governed by the circumstances of each case: *Robinson v. Pitt*, 2 W. & T.L.C. Eq. 214. Various authorities upon the subject are collected in Weir's Law of Probate, p. 389 et seq. An examination of the cases there cited shews the following allowances to executors according to circumstances. In some instances they have been given a commission on moneys passing through their hands, varying from one to five per cent.; in others a bulk sum; in others a commission and a bulk sum; in others an annual allowance in addition to or exclusive of commission."

Mr. Weir's book, commencing at p. 486, furnishes a compendium of cases down to time of its publication. Other cases and the later ones are:—

*Williams v. Eoy* (1885), 9 O.R. 534. By his will the testator authorised his two executors "to retain for their own use and benefit the sum of \$200 each in lieu of all charges for their services in performing the duties hereby imposed on them as the executors of this my will." Chancellor Boyd, distinguishing, if not over-ruling, *Denison v. Denison* (1870), 17 Grant 306, held that having accepted probate of the will, the executors could not afterwards be granted additional compensation to that so provided by the testator. The Chancellor points out in his judgment the different courses which may be taken where executors are dissatisfied with the provision in their favour made by the testator.

*Re Farmers Loan and Savings Co.* (1904), 3 O.W.R. 837 was an application to Falconbridge, C.J.K.B.D., by the liquidators of this company for remuneration in winding same up.