

## HIGH COURT DIVISION.

RE REID—LATCHFORD, J.—FEB. 27.

*Executors—Passing Accounts in Surrogate Court—Executors Charged with Sums Said to be Gifts by Testator in Lifetime—Jurisdiction of Surrogate Court—Investigation in another Forum.*—An appeal by the executors of the will of R. H. Reid, deceased, from the order of a Surrogate Court Judge upon the passing of the appellants' accounts. By the order the executors were charged with sums of money which came to their hands before the death of the testator, and which were said to be gifts. The executors were the father and brother of the testator. The appeal was heard in the Weekly Court, Toronto. LATCHFORD, J., in a written judgment, said that the learned Judge of the Surrogate Court might have had ample grounds for the conclusions now the subject of attack; but what the grounds were did not clearly appear. The matters in dispute could not properly be investigated on the passing of the executors' accounts; and, from circumstances disclosed, they should be fully investigated in a proper forum. The learned Judge suggested that they should be determined in an action against Andrew Reid and Philip Clayton Reid, brought by the residuary devisees and legatees, the children of the testator, by their next friend. The validity or invalidity of the alleged gifts of \$600 and \$2,690, obtained from the testator when he was slowly dying, could be established satisfactorily in no other way. In the meantime, or until advised that an action will not be begun, judgment upon the appeal will be withheld. W. C. Mikel, K.C., for the executors. E. J. Butler, for the widow and children of the testator.

## CORRECTION.

IN SELICK V. NEW YORK LIFE INSURANCE CO., ante 463, in the catch-words, second line, for "Trial Judge" read "Counsel."