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FEBRUARY 8TH, 1905.

DIVISIONAL COURT.

WEIR v. JACKSON.

Trustee—Mal-investment—Competent Advice—Trustee Acting Honestly and Reasonably—Relief under 62 Vict. (2) ch. 15.

Appeal by plaintiffs (Charlotte Weir, G. W. Weir, and W. M. Weir) from judgment of BOYD, C., dismissing without costs action against the executors of Thomas Jackson, to recover the sum of \$1,500, part of the estate of the deceased husband of plaintiff Charlotte Weir.

Thomas Jackson was the executor of the will of the deceased Weir. The plaintiff Charlotte Weir was entitled to the income of the estate for life, and the other plaintiffs were entitled to the estate after her decease. The sum of \$1,500 was invested by Thomas Jackson in the stock of the Elgin Loan and Savings Co., and, owing to the failure of the company, was lost to the estate.

By this action the plaintiffs sought to make the estate of Thomas Jackson liable for the loss to the Weir estate by the mal-investment of the \$1,500.

The Chancellor found that the executor Thomas Jackson had acted honestly and reasonably as a trustee in making the investment, and that his estate ought to be relieved under 62 Vict. (2) ch. 15.

J. R. Green, St. Thomas, for plaintiffs.

W. K. Cameron, St. Thomas, for defendants.

The judgment of the Court (MEREDITH, C.J., ANGLIN, J., MAGEE, J.), was delivered by

MEREDITH, C.J.—This is, no doubt, a very hard case upon the unfortunate plaintiffs, but the statute which the learned