

## ADMINISTRATION OF ESTATES IN ONTARIO.

[COMMUNICATED.]

The recent decision of Sutherland, J., in *Parkinson v. Foy* (1918), 13 Ont. Weekly Notes 451, requires consideration, and comment. The facts of this case are as follows:—

The testator, George J. Foy, died on the 10th October, 1909. By his will he devised and bequeathed the residue of his estate to the Trust and Guarantee Company, Limited, whom he appointed trustees and executors, with power to sell and convert the same into money and set apart a sufficient portion thereof to pay his widow an income of \$3,000 per annum, and divide the residue within four months after his decease in six equal shares amongst his six children in equal shares, opening ledger accounts for each and to pay the income to each daughter until she attained the age of 30 years at which time the trustees were directed to convey, transfer or hand over, as the case might be, to each daughter her full share of the estate as the same should then stand in her account. The estate for probate was valued at \$448,854.99, of which \$331,000 represented shares in the George J. Foy Company, Limited.

The trustees distributed the shares in the George J. Foy Company, Limited, amongst the legatees and set apart \$60,000 to produce an annuity of \$3,000 for the widow but had not distributed the balance of the estate, amounting to approximately \$70,000, notwithstanding the fact that the estate had been in their hands since 10th October, 1909, and that the applicant Mary Foy Parkinson and her sisters had all attained 30 years of age and were entitled to have their respective shares of the estate handed over to them as directed by the testator to manage themselves.

It was also disclosed on the application that two of the trustees' officers had acted as directors of the George J. Foy Company, Limited, qualifying on the shares of the estate, and had received upwards of \$2,380.00 as remuneration for their services, which the trustees had placed to their own credit and refused to account for as forming part of the estate notwithstanding that they qualified on the board on the estate's shares.