

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: *Meagher Estate, Re*, 2003 NSSC 5

Date: 20030110
Docket: S.H. 50018
Registry: Halifax

Between:

George Meagher and others

Appellants

- and -

Elizabeth Foran and others

Respondents

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Judge: The Honourable Justice Gerald R. P. Moir

Heard: 1 October, 2002

Subject: Probate Practice, Jurisdiction of Registrar, Expenses of Heirs

Summary: Heirs challenged actions of executors and opposed executors in a number of proceedings. In some instances the heirs recovered costs, in others they paid costs to the executors. Upon passing accounts Registrar ordered executors to pay all expenses incurred by heirs for legal advice or assistance outside these proceedings.

Issues: Whether Registrar may order the estate to pay heirs for expenses incurred in consulting counsel?

Result: Where no cause of action had been made out, Registrar exceeded her authority.

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