

NOVEMBER 26TH, 1906.

DIVISIONAL COURT.

RE WILSON AND TORONTO GENERAL TRUSTS  
CORPORATION.

*Surrogate Court — Jurisdiction — Reopening Order Made on  
Passing Executors' Accounts — Fraud or Mistake — Con.  
Rule 642 not Applicable—Inherent Jurisdiction—Ecclesi-  
astical Courts — Statutory Courts — Surrogate Judge —  
Persona Designata—Courts of Record.*

Appeal by the widow of Sir Adam Wilson from an order of the Judge of the Surrogate Court of the County of York, made in the following circumstances.

The Toronto General Trusts Corporation, as successors of the Trusts Corporation of Ontario, were the executors of the will of Sir Adam Wilson, deceased, bearing date 22nd June, 1891, and letters probate of the will were granted to the corporation on 15th February, 1892.

An application having been made to the Surrogate Judge by the executors for the auditing and passing of their accounts, and for fixing the compensation to be allowed them for their care, pains, and trouble, and time expended in or about the estate, and the Surrogate Judge having audited and passed the accounts, and fixed the compensation to the executors, in the presence of counsel for the appellant (the widow), on 3rd January, 1905, an order was made by which it was found: (1) that the total amount which had come into the hands of the executors down to and including 30th June, 1903, was \$95,890.34; (2) that the total amount of the revenue from the estate which had come to the hands of the executors to the same date was \$42,630.43; (3) that the executors had properly paid out and disbursed to the same date out of capital \$21,189.63, and out of revenue \$86,329.93 in due course of administration, and that the balance in their hands on the same date was \$31,001.21; (4) that down to the same date the executors had made investments out of capital on mortgages on real estate and stock, and that on the same date there was outstanding on these investments \$24,306.67; (5) that the assets