

that the first hearing took place. At this hearing the petitioners' counsel urged that the son be removed, on the ground that, being a trustee, he could not be the agent of the estate and receive a salary, thus making profit out of it, and on the ground of excessive extravagance in the management of the estate, the son's income as trustee and agent having, the previous year, amounted to \$2,150, a larger sum than received by any of the heirs but one; that the father (petitioners' uncle) be removed on the ground that he, having written the letter which was read in court, and which was published in full in the daily papers of the city, was not one to have the confidence of the heirs, and that one who had threatened to make them paupers and to destroy their reputation was not fit to be continued in a position of trust over their property. The judge, however, refused to hear the case until the accounts had been gone over before a referee. These accounts, we are told, had been annually passed before the Court of Probate, but none of the *cestuis que trustent* were ever present or represented by counsel. After some half-dozen adjournments, lasting about a month, owing chiefly to the trustees not being ready with their accounts (!), the examination was entered upon, and upon the 23rd of July the reference was concluded, the referee making his report on the 25th of August. In the course of the examination it was found necessary to apply to the court on a point of evidence, when the judge's son, a Q.C., appeared for one trustee, each of the other trustees being also represented by a Q.C., though the interests of all—on this point at least—were identical. On this occasion it was that the judge expressed an opinion that the trustee making out the account (the son) should not be asked to work more than *two days in the week*.

By the referee's report he disallowed the sum of nearly \$4,800, charged and received by the trustees. Though this report was made on the 25th of August, 1892, argument upon it was delayed on one pretext or another till the 12th of January, 1893. Decision was then reserved for three weeks, but no judgment given till the 6th of May following. By this judgment it was held that the amount reported against the trustees by the referee (as improperly charged) should be reduced from \$4,752 to \$4,549, on the ground that it was now too late to go into accounts which had