

of the estate on 30th June, 1903, were those set out in a schedule to the order.

The compensation to the executors was fixed by the order at \$6,890, which sum, together with the costs of auditing and passing the accounts and fixing the compensation was directed to be allowed and paid out of capital, and, after deducting these amounts, the amount remaining in the hands of the executors was found to be \$23,952.41.

On 7th February, 1906, the appellant (the widow) presented to the Judge of the Surrogate Court a petition in which she alleged that she had recently for the first time been informed "that an item of \$1,200 was charged against the trust estate in these accounts as of 14th August, 1897, for the purchase of stock in the Scramble Gold Mining Company;" that she had no knowledge of the purchase, and never authorized it; that the stock is of no value; that no certificate for the stock is held by the executors; and that the register of the company shews that no stock was ever issued to the estate of the testator or to her; and that this sum of \$1,200 was debited against the estate by the executors in fraud of the estate and of the petitioner.

It was further alleged in the petition that the executors had used money of the estate and lent it and received interest on it to a much larger amount than they had credited the estate with, and had made a profit out of their trust which the estate had not received or been credited with; that the executors had from time to time charged the estate with interest on overdrawn balances at a much higher rate than that at which they had obtained the money, and had taken to their own use and benefit the difference between the lower and the higher rate of interest; that in the inventory there appeared an item shewing as an asset a mortgage from one J. Thompson for \$1,000, which did not appear to be accounted for in the accounts filed in the Surrogate Court; that among the assets of the estate which came to the hands of the executors was a mortgage from one Brock for \$37,400, covering about 210 lots; that nearly all the lots, including all the best locations, had been sold by the executors, and yet that the indebtedness on the mortgage still stood at \$40,000; that the executors, without consulting the petitioner, had sold a residence and lands belonging to the estate, worth upwards of \$10,000, for \$5,000; that the estate