a report of the trust Estate which had come into his hands. The report showed that he had received from the Executors of his predecessor certificates for two hundred shares of the Capital Stock of The Frederick County Bank, a promissory note of the cestui que trust Mary A Foaley for two hundred and fifty Eight dollars, dated in April 1851. and twenty five cents in cash. He represented to the Court in this Report that he had an opportunity of investing the sum of $300. of said trust funds with gentlemen and safe bankers security and he then asked for authority to sell the bank stock for the purpose of making that investment. On the same day the Court passed an order empowering the trustee to sell the stock, directing him "to invest the proceeds of sale in good landed security" and requiring him to "report his proceedings to and bring the investment into xx Court for its action thereon" In the latter part of 1868 and Early in 1869 Zimmerman sold the bank stock. The proceeds of these sales aggregating $1675.00 he paid in November 1868 and January 1869 to one Daniel Culler in part payment for a farm of about One hundred acres which Mr. Foaley through her son Francis M Foaley had purchased. To secure the balance of the purchase money Zimmerman gave to Culler a Mortgage upon his Zimmerman's personal property: and on January 19. 1878. when that balance had been paid out of the proceeds of the sale of real estate owned by Mary A Foaley, Culler conveyed the farm to Zimmerman, whom he described in the deed as "trustee of Mary Ann Foaley under the will of N. Holtz" The trustee made no report of this transaction to the Court. Shortly after the Execution of this deed Mrs. Foaley died having surviving a son, Francis M Foaley, a daughter Ellen Stein and a granddaughter the child of a deceased son. On February 12 - 1879 John W. Hargett to whom Francis M Foaley had assigned his interest in the trust Estate filed a Bill against Zimmerman calling on him for an account of the trust and praying for a decree compelling him to pay over the one third of the trust Estate which had been originally received by him. The case was not brought to a final hearing until September 1888. more than nine and a half years after the bill had been filed. In the meantime Hargett assigned the interest he acquired from Foaley to Foaley's wife; Zimmerman's own property was sold under Mortgage and Zimmerman himself died. His heirs were made parties and from the decree holding his Estate liable for the whole of the trust funds and directing the surplus in the hands of the Trustee who made sale of Zimmerman's property under the mortgages alluded to to be applied in replacing the trust money invested in the farm and in the promissory note referred to, they have appealed to this Court.

It is of the most vital importance that Trustees be held to a strict and rigid accountability: and however serious may be the consequences which in particular cases the application of this rule may entail upon the individuals affected or upon their heirs or executors, insensibility to those consequences is a stern and an imperative mandate of Judicial duty.

It is infinitely better even in Exceptional cases of manifest hardship, that a Trustee should suffer the results of his own Errors and mistakes of Judgment than that the settled and established principles which have uniformly governed Courts of Equity in protecting the interests of the cestui que trust against the Trustee should be relaxed or strained