

sum due, if any, to the complainants on account of Ann Jones' annuity. And also submitted to the Chancellor, "whether the loss of interest occasioned by the deposit of the moneys brought into Court is to be borne by the complainants or the estate?" and "whether the complainants and defendants, or any of them, are to be allowed costs against the estate?"

BLAND, C., 25th April, 1827.—I have examined the proceedings and reflected upon the question submitted. The plaintiffs by their bill complained, that the defendants had suffered the legacy, the profits of which were given to the plaintiff Ann to remain in their hands unproductive; whereby the interest, which might otherwise have been accumulated and paid to her, was lost. And prayed, that the trustees might be ordered to make an investment thereof. The defendant Stockett answered, and brought into Court a great proportion of the legacy, which was ordered to be deposited as usual, as I have before remarked, for safety, and until the plaintiffs should suggest a mode of investment. Hence, it is evident, that the plaintiffs, in effect, called the money into Court; and it was their fault, that it remained here so long unproductive. The trustees being blameless, are therefore not chargeable; and there is no ground upon which these plaintiffs can have the estate taxed, to the prejudice of others, for the purpose of reimbursing them for a loss occasioned by their own mismanagement or negligence: for even if the trustees had been guilty of any misconduct, the estate could not be charged to make good the loss; *Anonymous*, 1 *Salk.* 153; *Carter v. Barnadiston*, 1 *P. Will.* 518; and upon the same general principles, neither these trustees nor the estate can be charged with costs. *Curteis v. Candler*, 6 *Mad.* 123.

Whereupon it is ordered, that the loss of interest occasioned by the deposit of any moneys in this Court, pursuant to the order of the 31st of August, 1825, be borne by the complainants; that they pay all costs; and that this case be, and the same is hereby referred to the auditor, with directions to state an account or accounts, in pursuance of the foregoing agreement and of this order.

After which the auditor made up a report, as of the 8th of November, 1827, which he filed on the 15th of the same month, in
416 * which he says that he had stated and therewith returned accounts A and B, between each of the defendants, as an executor, and the estate of Larkin Shipley, deceased; and also account C, between said estate and the complainants Jones and wife; that there was a balance in the hands of Wayman of \$51.68, and in the hands of Stockett of \$145.95; and that there was due to Jones and wife, on account of interest on their legacy, the sum of \$144.01. The auditor further says, that he had allowed Stockett