

abouts, had been brought in and invested, although not expressly asked or required to be brought in; that they were extremely anxious to have the balance brought in and invested, as should be recommended by them, who were alone interested therein; but objected to the separating of the joint trust reposed in the plaintiffs relative to the said bequest; at all events, not until the whole sum should have been invested in a manner satisfactory to these defendants.

On the 26th of March, 1828, the infant defendant Larkin answered by his guardian *ad litem*, that he was unacquainted with the facts stated in the bill, and prayed the protection of the Court.

On the 31st of July, 1828, Larkin Shipley, then an infant, by John Shipley, his guardian and next friend, filed his bill against Richard G. Stockett, Henry Wayman, and Samuel Jones, of Joshua, and Ann his wife. This bill states that the late Larkin Shipley made his will, &c. as before stated, which proceedings in the suit of Jones and wife, against Stockett and Wayman, he exhibited and prayed, might be taken as a part of this his bill; that this plaintiff Larkin was still an infant under the guardianship of his father John Shipley, who was unable out of his own funds, suitably to maintain and educate him; that during a short period, after the death of the testator, the defendants Stockett and Wayman, had advanced to the father and guardian of this plaintiff small sums for his maintenance and education, but * have latterly refused to make any further advances, whereby he has been **419** unjustly deprived of the most important benefit intended for him by the testator; that there were sundry debts due to the testator, which the defendants Stockett and Wayman had neglected to sue for and collect; and, amongst others, a debt due from the defendant Stockett, secured by mortgage for \$3,186, with interest from the 5th of May, 1811, payable annually; which interest had not been accounted for. Whereupon, the bill prayed that the trustees might be ordered to render a true account of the management of the trust fund; that they might execute the trust; that the residue of the legacy to this defendant Ann might be invested; and the residue of the trust property ascertained and invested in some productive fund, and the rents of the lands, and the interest of the money paid over to the guardian of this plaintiff, for his maintenance and education; that the said trustees might be ordered to collect immediately all debts due to the testator, the interest of which was not punctually paid annually, and be compelled to pay interest on all sums improperly retained in their hands, and to give security for the faithful performance of their trust, and that the plaintiff might have such other relief as the nature of his case might require.