

he were to do so, it would not be applied according to the intention of the testator.

On the 28th of October, 1828, the defendant Stockett put in his answer, in which he prays that the former proceedings may be taken as a part of this, his answer, and admitting the facts which he had therein admitted, says that he is indebted by mortgage, as stated in the bill, and that he is ready and willing to account, &c.

To these answers the plaintiffs put in a general replication, and a commission was issued, under which testimony was taken and returned, from which it appeared that the pecuniary circumstances of John Shipley, the father of the plaintiff Larkin Shipley, were such that he was unable to give to his son even a common country school education, without laboring under some inconvenience with regard to the rest of his family. After the return of this commission, these four cases were together brought before the Court.

BLAND, C., 5th November, 1829.—These cases standing ready for hearing, and having been argued by the counsel for the complainant Larkin Shipley of John, and the defendants * Stockett and Wayman, it is thereupon, with the consent of the **421** parties, decreed, that these cases be, and they are hereby consolidated, and that the said defendants Richard G. Stockett and Henry Wayman account with the complainants in the premises. It is further decreed, that these cases so consolidated, be, and they are hereby referred to the auditor to state the accounts, and to inquire whether any, and what allowance shall be made, and to whom, for the maintenance and education of the complainant for the time past or to come; and that he take any testimony adduced by either party relating to the said matter. It is further decreed, that the defendants Richard G. Stockett and Henry Wayman make a full and particular report of their proceedings, as trustees under the will of Larkin Shipley, deceased, setting forth what debts due the deceased they have collected, and when; specifying the amount of principal and of interest and costs separately, and what investments they have made of the same, or of any other funds of the deceased in their hands; and that they bring into this Court any securities, or evidences of loans, or investments of any of the said funds, and the vouchers for any expenditure heretofore allowed them by this Court, or the Orphans' Court of Anne Arundel County. And it is further decreed, that the said Richard G. Stockett and Henry Wayman, on or before the fifteenth day of November next, file in this Court, a bond or bonds, with surety to be approved by the Chancellor, in the penalty of \$20,000, with condition for the faithful discharge of the trusts reposed in them by the will of the said Larkin Shipley, deceased.

After which, the auditor made up a report, as of the 30th of November, 1829, which he filed on the 4th of December following in,