by having a legacy given to himself, and also in consideration of a large legacy given to his child, consents that her maintainance and education shall be given up to the management of trustees. *Lyons* v. *Blenkin*, 4 *Cond. Cha. Rep.* 124.

But, although it may be admitted that this jurisdiction of the Court of Chancery, as between parent and child, has been substantially established, yet it cannot be denied that there are many cases in which it would be exceedingly difficult to exercise such authority successfully, and with real advantage to the infant. 2 *Lond. Jurist*, 66.

In the case under consideration there is no evidence whatever of any vicious habits, or improper treatment of the father towards the legatee, or any other of his children; nor does there appear to have been any such great pecuniary difference made by this legacy between this legatee and his father, as in any respect to call for a check upon the parental authority for the benefit of the infant. The father, we must presume, from the proofs, is an industrious laboring citizen, with a large family about him; who has not the means of bestowing any thing more than what is called a common country school education upon any of them. His son Larkin, the
* legatee, has had given to him an estate in the nature of an **432**
annuity for life, amounting to no more than $250 per annum; from which alone, it is true, that he may be able to obtain a much better education than his father can give him; yet his expectations in life, from such an estate, cannot be presumed to rise so far above those to which he might look as a member of his father's family, as to suggest the propriety of his being brought up with higher hopes, much less to justify any suppression of his father's authority over him. Nevertheless, from the terms of this bequest, which, beyond a specified expenditure, is to accumulate until the legatee attains his full age, as well as from the principles of equity by which this case must be governed, if the father refuses to permit these trustees to have the management of his maintenance and education, I can order nothing to be paid to him for those or any other purposes. *Jervoice* v. *Silk*, *Cooper's Rep.* 52; *Haley* v. *Bannister*, 4 *Mad.* 275; *Wellesley* v. *Beaufort*, 3 *Cond. Cha. Rep.* 14. And as the father has never, in any way, consented to part with his son, in consideration of his being maintained and educated, as directed by the testator, I cannot, on that ground, interfere with the connection between him and his child. But to whatever school he may be permitted to go, by his father, the trustees will be ordered to pay all expenses, to the extent of the annual income of his legacy, including maintenance for that purpose, if the school should be deemed sufficient, and happens to be too distant for him to reside with his father.

There seems to have been an understanding between these trustees and the father of Larkin, the legatee, that he was at all