

any thing in it, which can, in any respect whatever, take it out of the general rule, which forbids the court from turning aside, from the direct progress of the case, to attend to the introduction of proofs in relation to any matter involved in a consideration of the merits of the whole case, and which should remain open until the final hearing.

It is, therefore, *Ordered*, that the order of the 27th of February last, be discharged; and the petition of the complainants be dismissed with costs.

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After which commissions were taken out, under which proofs were collected and returned; and the case was brought on for a final decision.

14th April, 1829.—BLAND, *Chancellor*.—This case standing ready for hearing, the solicitors of the parties were fully heard and the proceedings read and considered.

*Ann Russell*, a resident of London, and a subject of the British monarch, having a large estate and many descendants, some of whom were natives and residents of England, and others residents and citizens of the United States, on the 23d of January, 1796, made her will, and some time after died; in which will is found, among others, the following bequest:

‘I give to *William Dawson*, of Wakefield, in the county of York, and to my said grandson *Robert Clerk*, their executors, administrators and assigns, the sum of £1,500, upon trust, to invest the same in their or his names or name, in the public stocks or funds, or at interest upon parliamentary, government, or real securities. And to stand possessed of the said last mentioned £1,500, or of the stocks, funds, or securities in or upon which the same shall be invested, upon trust, to pay and apply the interest and dividends thereof unto and for the sole and separate use of my granddaughter *Margaret Russell Clerk*, the wife of *James Clerk*, of Park Hall, in the province of Maryland, in North America, during her natural life. And for which interest and dividends the receipt of the said *Margaret Russell Clerk*, or of such person or persons as she shall appoint to receive the same shall, notwithstanding her present, or any future coverture, be good discharges. And from and after the decease of the said *Margaret Russell Clerk*, then upon trust to assign, transfer and pay the said last mentioned sum of £1,500, or the stocks, funds, or securities in or upon which the same shall be invested as aforesaid, unto all the children of my said grand-