

this respect be governed by the same general rule. (h) Where a parent gives a legacy to a child, especially if the child has no other means of support, there, because of the duty of a parent as far as he can to provide a maintenance for his child, the legacy shall carry interest from the death of the testator; (i) and so too in all other cases, if such be the express declaration or manifest intention of the testator, the legacy shall bear interest from his death. But this legacy is given by an uncle to his niece and her children, and there is no intimation by the testator as to the time from which the legacy is to begin to bear interest, and therefore the second exception must also be sustained.

In regard to the fee here proposed to be allowed to the solicitor employed by the trustee, it has been with propriety laid down, that where a trustee, in the fair execution of his trust, has expended money by reasonably and properly taking opinions, and procuring directions that are necessary for the due execution of his trust, he is entitled not only to his costs, but also to his charges and expenses, under the head of just allowances. (j) For these reasons this fee may well be allowed.

Whereupon it is *Ordered*, that the said exceptions be ruled good, and that the auditor correct his statements accordingly.

On the 10th of March, 1828, the auditor reported, that he had corrected the accounts as ordered; that there was due from *Wayman* the sum of \$183 42; from *Stockett* \$9 79; and that *Jones* and wife had been overpaid their annuity to the amount of \$289 99.

After which, the trustees having brought in and deposited a further sum of money, it was, on the petition of the plaintiffs, ordered to be invested in stock of the Farmers and Mechanics Bank of Frederick County.

On the 15th of November, 1827, *Richard G. Stockett* and *Henry Wayman* filed their bill here against *Samuel Jones* of *Joshua*, and *Ann* his wife, and *Larkin Shipley*, an infant. This bill stated that the late *Larkin Shipley*, who was, at the time of his death, possessed of and entitled to considerable real and personal estate, by his will gave a legacy to this defendant *Ann*, and the residue of his estate to this defendant *Larkin* in the manner therein mentioned, and in-

(h) *Hume v. Edwards*, 3 Atk. 693; *Nannock v. Horton*, 7 Ves. 401; *Sibley v. Perry*, 7 Ves. 534; *Franks v. Noble*, 12 Ves. 485.—(i) *Crickett v. Dolby*, 3 Ves. 13; *Chambers v. Goldwin*, 11 Ves. 1.—(j) *Webb v. Shaftesbury*, 7 Ves. 481; *Fearn v. Young*, 10 Ves. 184; 2 Fonb. 176; *Brocksopp v. Barnes*, 5 Mad. 90.