

the late owner, as a trustworthy agent for conducting it along a prescribed line; in regard to which the court always expects to hear from him; and, when he stands blameless, hears him with favour and confidence. Therefore, when such a trustee asks the assistance and protection of the court, in the execution of his trust, it is his duty to give the court all the information in his power, in order to enable it to give directions most suitable to the true nature of the case, and such as may be alike beneficial to all concerned. (n)

Passing from the consideration of these matters in relation to the legacy given to the plaintiff *Ann* for life with remainder over, it will be seen, that there has been admitted into this case, as now consolidated, a new plaintiff, *Larkin Shipley*, another legatee under this same will, claiming a legacy of a similar kind; and which therefore, must, in so far as the two legacies are substantially alike, be governed by the same directions that have been given in relation to the legacy bequeathed to the plaintiff *Ann*. But in regard to the legacy to the plaintiff *Larkin* other questions have arisen, from his infancy and peculiar situation, which call for other and further directions to the trustees as to the disposition, in some respects, of the legatee himself as well as of his legacy.

The directions of the testator are clear and explicit, 'that my said trustees shall have and retain the sole possession and custody of the said estate so given as aforesaid to my said nephew *Larkin* for the purpose of educating him, and are to rent out the real estate, and put out the money on interest to the best advantage; and pay away the yearly proceeds after his arrival at age to him; but to retain a control over the principal till the objects of this bequest and devise are fully complied with.' Hence it is manifest, that to these trustees alone have been confided the means of accomplishing the laudable intentions of this testator.

Where a large legacy is given to an infant, and it vests in him immediately, or ultimately at all events, it has been usual to allow an adequate maintenance out of the property so given, and to order it to be paid to the father for that purpose, if he should not be of sufficient ability to maintain his child in a manner suitable to the fortune so given. (o) But in this case the bequest is special and peculiar. The probable or possible misapplication by the father of the proceeds of the property bequeathed to this infant,

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(n) *Walker v. Symonds*, 3 Swan. 58; *Winder v. Diffenderffer*, ante 174.—(o) *Buckworth v. Buckworth*, 1 Cox, 80.