

principal legacy of \$7,000, the sum of \$3,552 has been invested, and the further sum of \$822 40 is deposited in court to be invested, leaving a balance of \$2,625 60 to be provided for; and that the sum of \$97 90 was due to *Jones* and wife for arrearages of their annuity to this date. The auditor further says, that the parties in their agreement annexed to the report of *Wayman* have assumed that the sum of \$150 per annum would be a reasonable allowance for the maintenance and education of the infant *Larkin* from the death of the testator; and under the circumstances the auditor was inclined to adopt the estimate. The infant *Larkin* was admitted to be about twelve years of age, and excluding some small balances due, the amount of which could not be exactly ascertained, the residue of the personal estate, bequeathed to the said *Larkin*, might be assumed to consist of,

The mortgage debt of <i>Richard G. Stockett</i> ,	. . . \$3,186 00
Balance as cash in his hands, 827 04
Do. in the hands of <i>Henry Wayman</i> , 3,105 75
Principal debt due from <i>Elisha Brown</i> , of <i>Samuel</i> ,	
and <i>Samuel Brown</i> , junior, 437 00
	7,555 79
Which is charged with the balance of the legacy	
bequeathed to <i>Mrs. Jones</i> and children, 2,625 60
	4,930 19
Clear balance, \$4,930 19

The estate bequeathed to *Larkin Shipley*, including a real estate which then rented for \$36, might therefore be safely estimated to yield two hundred and fifty dollars per annum. The auditor moreover says, that it also appeared from the agreement aforesaid, that the said *Larkin* had been maintained and educated by his father, *John Shipley*, from April, 1827, to the present time; for which the proper allowance at the rate aforesaid, would be \$393 75. And that he had received on account \$70; leaving a balance due of \$323 75. And in addition to the said balance, the said *John Shipley*, as next friend, claims to be re-imbursed his legal costs of suit; and also, the sum of \$40 as an additional fee to his solicitor, which was in the opinion of the auditor a reasonable fee.

The plaintiff, *Larkin Shipley*, excepted to the account of the trustee *Stockett*, designated by the auditor as the *second* account. And also to the auditor's account, filed on the 15th of November, 1827, in the case of *Jones* and wife, which by the interlocutory