

in which compound interest may be charged.—Commissions allowed to a trustee, as a compensation for his skill and trouble, are not to be lessened, or withheld; because of conduct in respect to which he had been charged with interest.

THIS bill was filed, on the 8th of August, 1825, by *William Sydney Winder*, and *Araminta*, his wife, against *John Diffenderffer* and his three infant children, *Amelia Diffenderffer*, *Michael Diffenderffer*, and *Charles R. Diffenderffer*. The answer of the defendant *John* invoked into this case the proceedings in a suit instituted some time before in this court, which forms a preliminary and necessary illustration of the grounds of this controversy. The proceedings in that suit are as follows:

On the 27th of February, 1806, *Sarah Rogers*, *Mary Lee*, *Catharine Rogers*, and *Nicholas Hopkins*, filed their bill against *John Merryman* and *William R. Smith*, in which they stated, that *Charles Rogers* had, on the 15th of November, 1805, made his last will disposing of his estate, in trust, for the benefit of the plaintiffs, *Sarah*, *Mary*, and *Catharine*, and soon after died. This will, so far as regards the matter in controversy, is as follows:

‘I do hereby nominate and appoint my friends *John Merryman*, *William R. Smith*, and *Nicholas Hopkins*, and the survivors, or survivor of them, and the heirs of such survivor trustees of all my real estate, to hold the same in trust as is hereinafter mentioned, and also I do hereby make them executors of this my last will and testament.

‘Secondly, I do give and devise to my dear wife *Sarah Rogers*, my dwelling plantation, whereon I now live, for and during her natural life; it being my intention, that she shall occupy the same without the interference of my trustees during that period. I give and bequeath to my said dear wife, her executors, administrators, and assigns, all my household furniture, of what nature or kind soever, and all my plate; except as hereinafter excepted; as also her choice of three horses; three milch cows; all the hogs; carriage; a wagon; carts; ploughs, and other farming utensils on the place whereon I now reside; the residue of my stock, it is my will and desire, shall be sold in order to the payment of my just debts. I also do hereby give and bequeath to my said wife all my negro slaves to be by her manumitted, when she may think prudent and advisable.

‘Thirdly, I do further give and devise to my said friends *John Merryman*, *Nicholas Hopkins*, and *William R. Smith*, and the survivors and survivor of them, and the heirs of such survivor, all my