

view or control their discretion." For this, twenty-four cases are cited. "Nor will a bill be entertained to compel the execution of a mere discretionary power." Ibid. Mr. Hill, in his work on Trustees, ed. 1846, p. 482, says, "as a court of equity will not, in general, assume the exercise of a discretionary power vested in trustees, so it will not interfere to control the trustees acting *bona fide* in the exercise of their discretion." He cites many cases for this statement. 14

In conclusion, there is no ground in fact or in law, on which the prayers of this bill can be supported.

The decree of the Court at Nisi Prius is, therefore, reversed, and the bill is ordered to be dismissed at the cost of the plaintiffs.

READ, C.J., and MERCUR, J., dissenting.

