

ATTORNEY—Continued.

of the solicitor, whose authority to file it need not be exhibited.
Georges Creek Coal and Iron Company vs. Detmold, 372. See **COMMISSIONS**, 3.

AUDITOR.

See **PRACTICE IN CHANCERY**, 23.

BANKS.

See **LIABILITY OF CORPORATIONS ON TRANSFERS OF THEIR STOCK**.

BILL AND ANSWER.

See **PRACTICE IN CHANCERY**, 2, 4.

BILL OF REVIEW.

See **PRACTICE IN CHANCERY**, 41.

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See **DECREE DORMANT FROM LAPSE OF TIME**, 2.

BILL OF RIGHTS.

See **CONSTITUTIONAL LAW**, 8, 9.

CERTAINTY.

See **PART PERFORMANCE**, 4, 6 to 8.

SPECIFIC PERFORMANCE.

CHANCERY PRACTICE.

See **PRACTICE IN CHANCERY**.

CHATTEL INTEREST.

See **LEASE**, 1.

DOWER, 1.

CHILDREN.

See **POSTHUMOUS CHILDREN**.

CIRCUITY OF ACTION.

See **PRACTICE IN CHANCERY**, 36.

CONTRIBUTION AMONG JOINT OBLIGORS, 3.

COMMISSIONS.

1. Upon a devise of real and personal property to a trustee, in trust, to apply the income arising therefrom for the mutual benefit of the uncle and aunt of the testator for life, and after the death of the uncle to the mutual benefit of the aunt and her children, and the testator having said that the trustee whom he also appointed his executor, shall have "ten per cent. on the whole amount of property which may come into his hands." **HELD—**

That he was entitled to this per centage on the whole amount of property, and not on the income only, irrespective of the sum which may have been allowed him by the Orphans' Court as executor, and in this respect the two offices are to be regarded as distinct as if filled by two different persons. *Mitchell vs. Holmes*, 287.

2. A trustee may waive his claim to commissions where that claim exists. *Barry vs. Barry*, 20.
3. Where the trustee, by the terms of the deed creating the trust, was entitled to an allowance for costs and expenses attending its execution, such allowances, should the nature of the trust and the circumstances of the case require it, will embrace, even without an express provision, the expense of employing an attorney. *Green vs. Putney*, 262.