

by the trustee, had been set aside without any blame having been imputed to him, and afterwards another trustee had been employed who had made sale of the same property, the first trustee was allowed half commissions. *Lawson v. The State, MS. 3rd July, 1810.* And where the trustee, after having made sale of a part of the property, had removed beyond the jurisdiction of the Court, he was allowed a commission of one and a half per cent. *Berry's Case, MS. 14th May, 1803.* And where the trustee, after having made the sale, died before he had reported it to the Court, two-thirds of the commissions were awarded to his representatives, and one-third to his successor, by whom the sale had been reported and completed. *Selby v. Selby, MS. 1st May, 1819.* No general rule has, however, been laid down in any of these cases, and perhaps none can be established in regard to this matter; the circumstances of each case being so peculiar, that each, as it occurs, must be submitted to the sound discretion of the Court upon its own particular merits.

In some cases the fund may, to a certain extent, be burthened with double commissions, as in this instance; where the trustee dies after having actually received an amount of the proceeds of * sale equal to the sum allowed to him as commissions upon the whole, by a previous order of the Court. In such case **150** the Court cannot revoke its order, merely because of the death of the trustee; and, therefore, the only mode in which this double charge could be prevented or corrected, would be to alter the

their names, with interest from the respective dates to the said sums annexed to the time of payment.

Matthias Buckey	-	-	-	£ 3 1s. 8d.	Oct. 7th, 1793.
Jacob Scheisler	-	-	-	50 Os. 0d.	May 1st, 1793.
Jacob Baltzell	-	-	-	75 Os. 0d.	Oct. 8th, 1797.

It appears on calculation, that the money to arise from the sale, (provided the purchasers shall all fully discharge their bonds,) will be more than sufficient to discharge the costs, commission already allowed, and claims against the said Baker, directed by the former and present order, to be paid. In consideration of the extraordinary trouble already, and to be incurred by the trustee, it is further ordered, that he be allowed, in addition to the aforesaid commission, whatever surplus of the purchase money may remain, after fully discharging the costs, and all the claims against the said Baker, with interest, directed by the present and former order, to be paid; provided he shall prepare or have prepared, at his own expense, deeds to be executed by the aforesaid Scheisler and Baltzell, conveying unto him and his heirs the land, by them contracted to be conveyed to the aforesaid Baker, in trust, that he shall convey the same to the purchaser, or purchasers thereof under the original decree in this cause; or provided he shall procure conveyances from the said Scheisler and Baltzell to the said purchaser or purchasers after his receipt of the whole purchase money.

N. B.—It may be proper for the said Scheisler and Baltzell to join the trustee in his conveyance to the purchasers.