

29 * The defendants, as heirs or devisees of the deceased debtor, to pay whose debts the lands have been sold, may have their respective interests adjusted, so as to have the surplus of the proceeds of sale distributed among them as such.

The share or dividend awarded to a party may be paid to his solicitor, or to his attorney in fact, on a power of attorney properly authenticated. (d)

This bill was filed, on the 10th of July, 1802, by Francis Deakins, executor of William Deakins, and Benjamin Stoddart, against Benny Penn, Roby Penn, Charles Penn, Junr., William Penn, Betsy Penn, William G. Penn, Sarah Penn and Caleb Penn, grantees and heirs of the late Charles Penn, Senr., and Nathan Waters and Evan Gaither. Before any of the defendants had answered, the plaintiff Francis Deakins died, and administration *de bonis non* was granted on the estate of the late William Deakins to John Hoye; and the defendants, Charles Penn, Junr., and William Penn, died; and Benny Penn and Roby Penn removed out of the State. Upon which a bill of revivor was filed by Hoye and Stoddart, making John Penn and Lucy Penn, the infant heirs of the late Charles Penn, Junr.; and Ann Penn, and Greenbury Penn, the infant heirs of the late William Penn, defendants; and praying for an order of publication against the absent defendants, which was passed accordingly. Subpœnas were issued on this bill, some of which, instead of being served by the sheriff, as is most usual, were served by disinterested persons who made affidavit of the fact; which, according to the course of the Court, was held to be sufficient.

The bill states, that Ignatius Pigman, Joseph W. Pigman, Charles Penn, Senr., and Nathan Waters, being indebted unto a certain Edward Gwinn, in the sum of £568 18s. 1d., on the 21st of September, 1788, gave their joint and several bond to Gwinn for that amount; that Gwinn brought separate suits and recovered judgments on the bond against Charles Penn, Senr., and Ignatius Pigman, for the principal, with interest from the 21st of September, 1792, and costs. Upon which Charles Penn, Sen'r, brought a writ of error, and the plaintiff Stoddart, with the late William Deakins, became bound as sureties in a bond to prosecute the writ of error; that, the judgment having been affirmed, suits were severally brought against the plaintiff Stoddart and the executor of the late William Deakins; and, judgments having been obtained against them, they, on the 1st of May, 1802, paid the whole debt, principal, interest, and costs, then amounting to £934 10s. 9½d.; that the late Charles Penn, Senr., had, in his life-time, conveyed all his real estate, consisting of sundry parcels of land lying in Mont-

30 gomery * County, to his children; that is to say, by deed of the 22d of March, 1792, he conveyed one parcel thereof to

(d) See *Railroad v. Fitzpatrick*, 36 Md. 619.