

KILTY, C., 6th March, 1819.—Ordered, that the above statement, as reported, be confirmed; and the proceeds applied accordingly; except the sum to be distributed among the grantees of Charles Penn, Sen'r, which is reserved for further order. Interest to be paid on the commission, claim and dividends, in proportion as it has been or may be received. After which, on the 25th of October, 1819, the Chancellor again ordered upon this account, that the trustee, after retaining his commission and paying such costs above reported as may be still due to the officers, may deposit, to the credit of the estates, any sum in his hands, or to be received.

It having been shewn, that Benny Penn had assigned a part of the land he had purchased of the trustee, to Lyde Griffith; and that William G. Penn had assigned a part of that which he had purchased to Caleb R. Penn, and Ann his wife; it was, on the 7th of July, 1820, ordered, that, on the purchase money being paid, the trustee convey according to those assignments.

* The plaintiff, John Hoyer, on the 1st of February, 1821, filed his petition, on oath, in which he stated, that he had **37** agreed with the plaintiff, Stoddart, that he, Hoyer, should be at all the trouble and expense of prosecuting this suit; and also another suit against Lloyd Beall, in which these plaintiffs were jointly interested; and, that he, Hoyer, should be remunerated for all his expenses; and, also be allowed for his trouble a reasonable commission upon whatever should be recovered; and, that he had accordingly prosecuted those suits; and had, for that purpose, expended in various ways the sum of \$1,154.40; that Stoddart, after the agreement with this petitioner, had assigned all his interest in those suits to Charles Gassaway, who had refused to contribute any thing towards the expense of prosecuting them; that Gassaway was dead, leaving William Darne and Charles Gassaway his executors; that Stoddart was dead intestate, and no administration had been granted on his estate; and, that the auditor, in the account reported by him, had awarded the amount claimed by the plaintiffs to them jointly, without making any division of it between them. Whereupon the petitioner prayed, that this his separate claim might be allowed out of the amount so awarded to the plaintiffs jointly, &c.

At the same time the executors of the late Charles Gassaway, filed their petition, claiming the one-half of the amount of the proceeds which had been awarded to the plaintiffs, for their testator, who was the assignee of the plaintiff Stoddart.

KILTY, C., 3rd February, 1821.—On considering the above petition, it is ordered, that the auditor state the claim of the petitioner, (Hoyer,) giving notice and taking evidence in the usual