

The auditor on the 26th of February 1819 reported, that he had examined the proceedings, and from them had stated an account between the estates of *Charles Penn*, sen'r, deceased, and *Nathan Waters*, and the trustee, in which the proceeds of each estate were applied to the payment of one half of the complainant's claim and costs, and its proportion of the trustee's allowance for commission and expenses; and the balances respectively were made payable to the said *Nathan Waters*, and to those entitled to claim under the said *Charles Penn*, sen'r, deceased. The auditor further reported, that his impression was, that the surviving grantees of *Charles Penn*, sen'r, were entitled to the balance of his estate in proportion to the quantity of land held by each in virtue of his several deeds. But, it not appearing which of his two children, *Charles Penn*, jun'r, and *William Penn*, survived the other, he had not been able to make the distribution accordingly.

From this account, stated by the auditor, as of the 23d of November 1818, being the day of the sales, it appeared, that the amount of the sales of *Penn's* estate was \$4211 50; that the amount of the sales of *Waters'* estate was \$6500; and that the amount of the plaintiff's claim, with interest up to that time, was \$4968 43; leaving a surplus of the proceeds of the sales, after deducting all commissions and costs, of \$1306 4½, to be distributed among the grantees of *Charles Penn*, sen., deceased; and, the sum of \$3515 6½, which was awarded to the defendant *Nathan Waters*.

6th March, 1819.—KILTY, Chancellor.—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.