

The plaintiff, *John Hoye*, on the 1st of February 1821, filed his petition, on oath, in which he stated, that he had agreed with the plaintiff, *Stoddart*, that he, *Hoye*, 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, *Hoye*, 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 \$1154 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*.

3d February, 1821.—KILTY, *Chancellor*.—On considering the above petition, it is Ordered, that the auditor state the claim of the petitioner, (*Hoye*), giving notice and taking evidence in the usual manner. The application of the proceeds under the order of March 1819, (as to the petitioner and *C. Gassaway's* executors,) to be suspended till further order. The order to be made on the above petition, (by *Gassaway's* executors,) will depend on the decision on the petition filed by *J. Hoye*.

In pursuance of this order, the auditor reported, on the 6th of February 1821, that the petitioners, *Hoye* and *Darne*, had appeared before him, and come to an agreement, according to which, he had made a dividend of the amount allowed to the plaintiffs, between them, awarding to *Hoye* the sum agreed upon; which report of the auditor was immediately confirmed.

The defendant *William G. Penn*, filed two petitions, in which he stated, that he was interested as a purchaser of a part of the lands