

of the late *Charles Penn*, sen'r; and, that their claim might be first fully satisfied out of the surplus of the proceeds of the sale of *Penn's* estate.

9th June, 1824.—JOHNSON, *Chancellor*.—Ordered, that the trustee do not pay to the representatives of *Charles Penn*, or their orders, any further sums of money without the further order of the Court, or to any other person claiming to represent them, or to allow any other credits on account of any receipts the representatives may have or shall give; provided a copy of this order is served before the payment.

The trustee, on the 11th of June, 1824, reported, that under the authority of the order of the 25th of October, he had, on the 7th then instant, resold the tract containing 285 acres, of which *James Ferrée* had been the purchaser, for \$10 50 per acre, amounting to \$2992 50; which sale was absolutely ratified on the 14th of March, 1826.

The matter of the petition of *Hoye* and others, filed on the 9th of June, having been brought before the Court, the solicitors of the parties were fully heard.

28th February, 1825.—BLAND, *Chancellor*.—In this case, the lands of two debtors, *Waters* and *Penn*, have been sold under a decree of this Court, to pay the proportion due from each of a joint debt. The proceeds of the sales thus made, were reported to be more than sufficient to answer the whole demand. The securities for the purchase money were the lands themselves, and the purchasers with personal securities. The purchaser of *Waters'* land being, as is alleged, unable to pay, or insolvent; that land itself was again sent into the market; but owing to the general depreciation of such property, it has not sold for any thing like the original purchase money, or indeed a sufficiency to pay the proportion of the debt with which *Waters* was charged.

But, when the property was taken out of the hands of *Waters*, and sold, the parties tacitly conceded, and the Court solemnly adjudged, by confirming the trustee's report, and thereby divesting *Waters* of his real estate, and converting it, for the purposes of this suit, into personalty,^(a) that a sufficiency of his property had been taken to pay the debt due from him. This debt, as to him, was then satisfied; for his property having been disposed of, by

(a) The State use *Rogers v. Krebs*, 6 H. & J. 31.