

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.

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 Hoyer*; 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 *Hoyer* 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*, senr., 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 lifetime, conveyed all his real estate, consisting of sundry parcels of land lying in Montgomery