

report of the auditor, to be equally entitled to the sum of \$511 14, stated in the report of the auditor, as the proportion of *Benny Penn* and *Roby*; and he, I am informed, is willing to make a deduction on account of his having before sold part of the land to *Fielder Parker*; *Roby Penn* is not in the State, but has left a person authorized to act for him. On the trustee's obtaining the receipt of the agent for the amount appearing due to *Roby*, that also can be passed to the credit of Mr. *Griffith*; and he and the agent can then settle between them. By this course, the trustee's proceedings in this Court will comport with his trust.

Roby Penn and *Betsy Penn*, then residents of the State of New York, gave a power of attorney to *Benjamin Willet*, authorizing him to receive their dividends; which power of attorney was executed before a magistrate of the county, in New York, where they resided; and further authenticated by a certificate, under the seal of the county, that the magistrate was properly commissioned as such at the time.

23d June, 1823.—*JOHNSON, Chancellor*.—Ordered, that the trustee be authorized to settle with the attorney *Willet*.(a)

James Ferrée, *Abraham Ferrée*, and *Basil Warfield*, with the trustee, filed their petition, in which they stated, that to secure the payment of the purchase money for the lands in Anne Arundel county, which had been sold to *James Ferrée*, he had given bond, with *Abraham Ferrée* and *Basil Warfield* as his sureties; that *James* had sold his interest in the land to *Abraham*; that the trustee, having brought suit and obtained judgment on the bond, had sued out a *feri facias*, which, having been levied on the land, so sold to *James*, it had been accordingly advertised to be sold; that if sold by the sheriff for cash, it would not sell for more than one third

(a) So in England, money has been directed to be paid to an attorney in fact, on a power made in Paris, and duly authenticated, 1 *Mad. Rep.* 227; and, in some cases there, it has also been ordered to be paid to the solicitor of the party entitled to it, without any special order from the party himself; 1 *Salk.* 157; *Doug.* 623; 1 *Blac.* 8; 1 *T. R.* 710; *Prec. Chan.* 209; *Jac. Rep.* 48. Here, on a person's producing a power, authenticated under the notarial seal of a notary public of Leghorn, attested by the consul of the United States, at that port, with a translation, the claim, amounting to \$2373 77, was ordered to be paid to him as attorney in fact of the claimant.—*Taylor v. Casanave*, *MS.* 12th November, 1817. But it is usual to order payment of small sums on the written draft filed of a resident claimant, or that the money be paid to his solicitor in the case to any amount, because of all the parties being within reach and under the control of the Court.—*Henck v. Todhunter*, 7 *H. & J.* 275; *Munnicyson v. Dorsett*, 2 *H. & G.* 374; *Branch v. Burnley*, 1 *Call.* 147.