

receive anything, as a compensation, until he has paid all he owes to the plaintiffs, or *cestui que trust*.

It is clear that this trustee, *John Diffenderffer*, is entitled to some commission, and as his claim to such compensation cannot be affected by a reference to those circumstances, upon which he has been charged with compound interest, it follows, that the amount of his commissions can only be determined by a consideration of all other circumstances connected with the discharge of his duty as trustee. It appears from the proceedings, that he has had, in all respects, as complicated and troublesome an estate to deal with, as ever was committed to the management of a trustee of any denomination. His receipts have been very numerous, many of them small; and the collections and disbursements, it is evident, must have been attended with much trouble; and, therefore, upon every principle of analogy, apart from considering him as the successor of the trustee *Vincent*, to whom ten per cent. had been allowed, I am of opinion, that ten per cent. commission is a reasonable compensation, and shall therefore ratify the statement of the auditor, which makes that allowance.

Whereupon, it is *Decreed*, that the statement D, making a part of the auditor's report, filed on the 10th of November, 1828, be and the same is hereby ratified and confirmed; and all other statements at the same time reported by the auditor, together with his report of the 26th of March last, be and the same are hereby rejected; and all the exceptions of the parties at variance with the statement D, are hereby overruled.

And it is further *Decreed*, that the defendant *John Diffenderffer*, pay unto the plaintiffs *William S. Winder* and *Araminta*, his wife, or bring into this court to be paid to them, the sum of \$13,060 58, with legal interest thereon, from the 8th day of November, 1828, until paid or brought into court.

And it is further *Decreed*, that the defendant *John Diffenderffer*, pay unto the defendant *Amelia Diffenderffer*, or bring into this court to be paid to her, the sum of \$8,707 05, with legal interest thereon, from the 8th day of November, 1828, until paid or brought in.

And it is further *Decreed*, that the defendant *John Diffenderffer*, pay unto the defendant *Michael Diffenderffer*, or bring into this court to be paid to him, the sum of \$8,707 05, with legal interest thereon, from the 8th day of November, 1828, until paid or brought in.