

order of Court at November Term 1846 to which report no exception is filed and was argued by Counsel. On consideration whereof the Court enjoining the said report with adjudge, order and decree that the decree and partition of the land in the proceedings mentioned according to the said report be made firm and stable between the parties respectively. And the Court doth further adjudge, order and decree that the parties Thomas Allen Jester Complainant & Henry Jester each pay his ^{own} expenses costs.

Charles F. Becker

Plff.

In Chy

James Jester, Elizabeth Allen Jester, & Jane M. & Mary Jester, Peale infants of Henry Peale formerly Jester - the said Allen & Jester Jester & Mary Jane Peale by the said Elizabeth Jester their guardian ad litem.

Defts

This cause came on this day to be heard on the proper solemnly read and the report of the Commissioner and was argued by Counsel. On consideration whereof the Court doth order that the decree entered on this cause at November Term 1846 be and the same is hereby set aside. And the Court doth further order that the Commissioner proceed to take on account of the transactions of Elizabeth Jester executrix of Thomas Jester dec. in which the account heretofore rendered in this cause may be taken as prima facie correct. And further more take an account of the plaintiff's demand as well as of the claims of all other creditors of said deceased (showing the character and amount thereof) who may choose to come in before said Commissioner upon the usual terms. And also an account of the real estate of which the said Thomas Jester died entitled showing the annual & simple value thereof which accounts the said Commissioner is directed to examine state and settle and to the Court report with any matters specially stated deemed pertinent by himself or required by the parties to be so stated.

Heathman

Joshua Prepost executor of the last Will & Testament of Joel Prepost dec.

Plff.

against

In Chy

Bartholem Prepost, Nancy Whitney, Benjamin Drew, Robert & Joseph Smith M^r. McHenry, Henry Balthazy, Alexander Farrow, Mary C. & James Prepost infants by James C. Clayton their guardian ad litem & James Colburn

Defts

This cause came on to be heard this day on the bill answers of Defendants Bartholem Prepost, James & Mary Prepost infants of Joel Prepost dec. by James C. Clayton their guardian ad litem and of Nancy Whitney which is this day filed by Counsel. replications thereto and was argued by Counsel. On consideration whereof the Court doth order adjudge and decree that a Commissioner of the Court proceed to take the following accounts - First, an account of the transactions of Joshua Prepost executor of Joel Prepost dec. showing what debts if any paid by the said executor bound the heirs - and also the character and amount of all other debts so paid - 2^d Take an account of the substance of the character and dignity thereof. 3^d An account of the real estate to which the said Joel Prepost died entitled showing the absolute & annual value thereof.