Friday November 10th 1848

Present The Hon'ble Richard H. Baker Judge

Henning J. Smith in his own right and as administrator of Susan W. Bishop dec'd

Pltffs

against

Wm. Thos. B. Spark Executor of Clements Rochelle dec'd George H. Crump and Judith his wife Richard H. Crump and Mary Jane his wife John C. Crump Ann Eliza Crump John W. Rochelle James H. Rochelle Jeremiah H. Rochelle John Tyler Jr. and Martha his wife Benjamin Rochelle George S. Turley and Lucy C. his wife Nicholas Davison and Mary his wife William Rochelle John W. Thomas Benjamin R. Thomas George H. Thomas Judith C. Thomas Ann Thomas Francis C. Thomas

Defts

Richard B. Spark dec'd of Clements Rochelle having departed this life: the Mother of John M. Turley Executor of the said Wm. B. Spark and of Richard B. Crump administrator de bonis non with the will annexed of C. Rochelle dec'd by their counsel they are admitted parties defendants to this suit and by their counsel indorsed on the bond the Court came on this day to be argued heard on the papers formerly read and on the Report of Commissioner Lockwood taken and returned to Court pursuant to our order made on the 10th day of November 1847 on the exceptions filed thereto and on the depositions returned with said Report the examination of other depositions taken since the last decree in the Cause and on the petition of the President Directors and Company of the Bank of Virginia and the Farmers Bank of Virginia the day filed praying leave to be permitted to prove their claims against the estate of the said Clements Rochelle dec'd and was argued by Counsel. Mature consideration whereof the Court does without deciding upon the exception to the said Report but reserving the same for future decision doth adjudge order and decree that the said Report be recommitted to the said Commissioner who is hereby directed to review the evidence touching the said exception and to report the Executorial account of the said Wm. B. Spark Executor of C. Rochelle dec'd according to the evidence that may be before him and ascertain and report whether the said Executor has committed any devastavit in the administration of the said estate and to state a special Executorial account in such way as to exclude from the said account any credit to the said Wm. B. Spark Executor for any debts due by the estate of his Testator which he may have paid contrary to law as also any other matters or things which he may deem pertinent to the question which he may or requested to state by any of the parties together with the evidence which may be taken before him. And the said Court reserves liberty is reserved to all other