the Court doth adjudge, order and decree that the Defendant Fleming F. Smith as administrator of the said Lewis W. Bishop deceased render before a Commissioner of this Court an account of his transactions as administrator of the said Lewis W. Bishop deceased in stating which account the said Commissioner will take the account returned by the said defendant to the County Court of Southampton as prima facie correct but subject to be surcharged and falsified by the plaintiffs. and the said Defendant is hereby required to produce before the said Commissioner the books vouchers and other papers in his possession touching the matter referred to in the said audited account and to submit to be examined on oath or affirm before the said Commissioner in relation to the matter in controversy between the parties - and the Commissioner will also ascertain and report what debts are due to the said intestates and the probability of recovering the same, and whether any other assets of the said intestate are likely to come into the hands of the said defendant. which said account the said Commissioner will state & settle and to the Court report with such other matters deemed pertinent by himself or required by any of the parties to be so stated -

Fleming F. Smith in his own right and as administrator of Lewis W. Bishop dec'd suing for the benefit of himself and other creditors of Clement Rochelle dec'd &c.

against

Richard A. Crump administrator de bonis non with the will annexed of Clement Rochelle dec'd as unadministered by Wm A. Spark deceased The former executor. John M. Gurley executor of the said Wm A. Spark dec'd., George W. Crump and Judith his wife, the said Richard A. Crump, individually and Mary Jane his wife and others Defts.

This cause came on this day to be again heard on the papers formerly read and on the report of Sagewell Taylor, the receiver in the cause under the decree of Nov. 8th 1849. shewing the collection of all the bonds taken for the sale of the testator Clement Rochelle, which were sold by R. A. Crump special commissioner under the decree pronounced in this cause on the 10th November 1848. except the bond of J. A. Bishop, which is not uncollected, and distribution and payment of the said funds so collected by him, in compliance with the directions of said first mentioned decree as shewn by the receipts accompanying the said report, except the sum of forty seven Dollars and Thirty cents due Robert Sutton, the sum of twenty two Dollars and forty cents due Samuel A. Barden the sum of Thirty one Dollars and ten cents due Thomas P. Little and of twenty five dollars and two cents due to Seth A. Bishop, which the said Commissioner reports he is ready to pay over to the respective parties upon demand, but also upon the report of Commissioner Goodwyn taken and returned to court in pursuance of the decretal order made herein on the 8th. November 1849. and on the exceptions filed to said report by the defendant John M. Gurley executor of Wm A. Spark deceased and was argued by Counsel - On consideration whereof the Court doth confirm the report of the said Sagewell Taylor receiver and overruling the exceptions to the report of Commissioner