

County Court of Southampton and exceptions filed by E. D. Edwards.

This day this cause came on to be heard on the said account and the exceptions filed thereto. And was argued by counsel. Or considered whereof. The Court without deciding any other questions involved in this cause. doth agree, order and decree that the said account be recommended to a Commissioner of this Court, for review, taxation and settlement, and the said Commissioner will include in his report, 1st. the account of all the transactions of Jno. M. Hurley as Ex^r of W^m. A. Sparks up to the date of said settlement.

- 2nd. The time of the Testator's death (and of the Executor's qualification.
- 3rd. The several periods at which Hurley sold the property real and personal of the Testator (and in what character the same was sold.
- 4th. The agency account of Hurley, showing in the usual way the date of the several payments; showing the amount of principal; the amount of principal with lawful interest; and the amount of principal with twelve per cent interest.

The Commissioner will report the said accounts (and statements to this Court with any matters specially stated deemed pertinent by himself or which may be required by either of the parties to be so stated.

William H. Nicholson
against

Plff

John Whitehead adm^r with the will annexed of Harriet Whitehead dec^d Df

§ 227
1854

To pay

This day this cause came on to be heard on the bill, answer, replication and the exhibits filed (and was argued by counsel. Or consideration whereof. The Court being of opinion that the devise contained in the first clause of the will of Harriet Whitehead dec^d is valid, (and John Whitehead the Administrator with the will annexed of said Harriet Whitehead having in his answer admitted that he had in his hands assets sufficient to pay and satisfy the same, doth decree that the said John Whitehead (Administrator of Harriet Whitehead dec^d pay to William H. Nicholson one thousand dollars with interest thereon from the 5th day of May 1853, till paid, (and that the said John Whitehead (Administrator as aforesaid of the personal estate of the said Harriet Whitehead, out of the assets of his testatrix in his hands to be Administrator do pay to the plaintiff his costs by him about his suit in this behalf expended. And the Court doth further order that after paying the expenses of this suit, in a partnership in the Court. But this decree is to be suspended until the said William H. Nicholson shall execute before the Clerk of this Court a bond with sufficient security in the penalty of two thousand dollars conditioned to carry into effect this decree aforesaid