

This day came the parties by their Counsel and the jury sworn yesterday to try the issue made up in this cause at the last Term of the Court, to-wit: whether Henry Miller died testate or intestate, and if testate, in what way and to whom he disposed of his estate, appeared in Court according to their adjournment and having further heard the evidence now against adjourned until tomorrow morning at ten o'clock.

Whereof Riddick, Counsel for Thomas D. Little dec'd.

against
John M. Curley, as Executor of D. H. Little dec'd. Diffy
in his own right. Diffy

This cause came on this day to be heard on the Bill of exhibits the answer of the Defendant & exhibits in pleading out to said answer, and was argued by Counsel. On consideration whereof, the Court without settling any of the principles of this cause doth approve, order and decree that all proceedings of this Court take the following account:

1st That account of the transactions of Jno M. Curley as executor of D. H. Little. Spark dec'd taking the account filed with the Bill as prima facie evidence subject to be discharged and falsified.

2nd That account showing the amount and character of the debts paid by said Curley as such Executor from and after the 1st day of Jan'y 1847 (the day of issuing the writ in the suit of Charles D. Darden against said Curley & Co. as aforesaid).

3rd That account showing the amount and character of debts paid by said Executor on and after the 4th day 1847, at which time there was a judgment in said suit of Darden against Curley.

4th That account of the transactions of John M. Curley as agent of D. H. Little Spark under the power of Attorney from Spark to Curley filed in the cause taking the accounts filed herein as correct subject to be discharged & falsified and make report to Court with any matters specially stated deemed pertinent by himself or required by any of the parties to be so stated.

Ordered that the Court be adjourned till ten o'clock tomorrow morning at ten o'clock.

Richd. H. Barker