

Abner Ritchie, Executor of Thomas D. Little dec'd & plaintiff
against
John M. Guley Executor of William A. Spark dec'd & defendant

This case came on the day before again heard in the papers formerly read and on the report of Commissioner Howard made pursuant to the decree of May term 1857 to which no exception has been filed and was argued by Counsel. On consideration whereof the Court doth dissolve the Supersedeas awarded in this case & doth decree that the debt due by the plaintiff (testator Thomas D. Little) of \$1257.55 with interest from the 29th day of August 1848 (and the costs being amount of judgment in the Court of Pleas & Quarter, & fines of Hertford County North Carolina to Geo. M. Guley executor of W^m A. Spark dec'd. shall be set off by the debt of \$2085.20 with interest from the 27th of Nov. 1846 due by W^m A. Spark to the plaintiff's Testator (Thos. D. Little) as appears by exhibit (A) filed with the bill in this cause, and hereupon the said Geo. M. Guley, by his counsel doth consent and agree that the said sum of \$1257.55 and interest aforesaid may if the same has been paid by said Little or others for him be paid over to the plaintiff or his attorney for said Little's estate or whoever may have paid the same and the Court doth further adjudge order & decree that this said decree respect be recommended to him and that he proceed to take the following additional accounts:

1st An account showing the Balance due to the Plaintiff's Testator of the said \$2085.20 & interest & costs after deducting the said sum of \$1257.55 aforesaid & interest & costs.

2nd An account of the proceeds of real estate sold by said Guley as Ex^r of W^m A. Spark and the amount to which the several debts due by said Spark paid by said Guley either as agent or Executor and also the balance due to the plaintiff's Testator are severally entitled.

3rd A Statement showing the amount and character of the several debts paid by Guley as agent for said Spark and as executor of said Spark.

4th A Statement showing the character of the debt due by W^m A. Spark to the said plaintiff's Testator.

5th An account of all assets (other than assets from real estate received by said Guley as executor of W^m A. Spark), due &c.

6th An account of all outstanding debts due by W^m A. Spark dec'd not as contained in any of the foregoing accounts, which accounts the said Commissioner will report to Court with any matter specially stated deemed pertinent by him or that may be required by any one of the parties to be so stated. And that notice of the taking of said accounts be published by said Commissioner once a week for four successive weeks in some convenient news paper and that such publication be equivalent to personal service of such notice on the parties or any of them.

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

Rich^d H. Baker