

Case No. 4,561.

EVANS v. EVANS.

[2 Cranch, C. C. 240.]¹

Circuit Court, District of Columbia.

April Term, 1821.

TRIAL—ISSUE FROM ORPHANS' COURT.

When an issue is sent from the orphans' court to be tried in this court, and is accompanied by the libel and answer, they may be read in evidence, upon the trial of the issue.

{Libel by the heirs of Evans against his executors and legatees.}

This was an issue sent from the orphans' court, whether the testator was *compos mentis*. The respondents offered to read the libel and answer, as evidence upon the trial of the issue. The judge of the orphans' court, in ordering the issue, had directed the libel and answer to be sent to this court.

Mr. Jones and Mr. Ashton, for libellant.

Mr. Swann and Mr. Key, for respondents.

THE COURT (*nem. con.*) considered that circumstance as tantamount to an order by the chancellor, in an issue sent, from chancery, that the bill and answer should be read in evidence, and admitted the libel and answer to be read to the jury.

² [Reported by Hon. William Cranch, Chief Judge.]