

1870-04

Santhampton County - Chancery

Stephenson, G. K. vs

Pope, Russell P. et al
infants

"Division of Real Estate"

Russell P. Pope
Joseph B. Pope -
infant children of
Virginia Pope and
decedents of
Elijah Stephenson
decd

A. K. Stephenson

vs

Russell P. Joseph B. Pope

Bill

1857 September Rules

To the Hon Richard H. Baker, Judge
of the Circuit Court for Southampton County -
In chancery.

Humbly complaining sheweth unto your
Honor your Orator Abner N. Stephenson of the County of
Southampton that his brother John D. Stephenson departed
this life, in the year one thousand eight hundred and fifty six,
intestate, being seized at the time of his death of certain real
estate herein after more specially described, and leaving as his only
heirs at law your Orator, who is a brother of the whole blood, and
Russell P. Pope and Joseph B. Pope (Infants) who are the legitimate
descendants of Elizabeth Stephenson, ^{deceased} a sister of the whole blood to
the said deceased, that is to say, the only children of Virginia Pope
deceased who was the only child of the said Elizabeth Stephenson.

The said real estate lies in the said County of Southamp-
ton and is all the real estate of which the said John D. Stephen-
son died seized - It is a tract of land supposed to contain
four hundred and ninety eight acres (498 acres) of which
about ~~two~~ thirds, or about three hundred acres, are supposed to
be cleared or open land and the remainder wood-land.

Upon the said farm is a good plain wood house of four
or five rooms above and below stairs, together with the ousary
out houses usually found on a small farm; And the whole
premises are, in the opinion of your orator worth about Three
Thousand dollars (\$3000.00)

Your orator is anxious to have a division of the said real estate, being advised that he is entitled to one half thereof, and that the said Russell and Joseph Pope are entitled to the other half in equal shares. And to your honor, your orator would respectfully state that, in the opinion of your orator, it would be to the interest and advantage of all the parties concerned that the said tract of land should be sold for the purposes of a just division, as a division in kind would be, if not wholly impracticable, at least impossible to be effected in such manner as to allot or assign to each or either party a sufficient quantity of land for a farm or profitable use.

Your orator therefore humbly prays that as the shares of each of the parties interested would probably exceed in value the sum of Three hundred dollars, and as there is no relief in the premises save in this honorable Court where such things are properly cognizable, that your honor would pronounce a decree appointing some proper person a special commissioner with power to make sale of the tract of land before mentioned for the purposes specified, and that your honor would make the said Russell P. Pope and Joseph B. Pope, ^{both of whom are under the age of fourteen years} infants of tender years, parties defendant to this bill and compel true answers to make to the allegations herein contained, and that your honor would do and order all other things, the premises considered, that equity may dictate and the nature of his case may require - and as in duty bound your orator will ever, pray &c.

Wm J. Kindred Atte for
A. K. Stephenson

Stephenson

vs {

Pope's }

Answer *Edn*

1857 Nov. Rules

The separate answer of Harrison P. Pope (Guardian ad litem to his infant children Russell P. Pope and Joseph B. Pope both of whom are under the age of fourteen years) to a bill filed against the said infants by Abner K. Stephenson, in the Circuit Court of Southampton County.

This defendant saying he, for an answer to the said bill, says, that he admits the facts as charged in the said bill so far as the same have come within his knowledge to be true and so far as they have not he believes them to be true. He further says that he is satisfied in his own mind from his own knowledge of the real estate of which said Stephenson died seized, and the value of the same, that the interest of his infant children, the said defendants, would be manifestly promoted by a sale of the said real estate and that no rights of no other person would be injured thereby.

The said Harrison P. Pope further states that in the consideration of the premises he is therefore anxious for the said sale.

And having arrived he prays, to be heard as aforesaid
H. P. Pope

State of Virginia }
County of Southampton } To wit.

This day personally appeared before me
Davis Barrett, a Justice of the peace in and for the County and
State aforesaid, the within named H. P. Pope, and signed
the foregoing answer and made oath that the facts therein
contained are true so far as he knows or believes.

Given under my hand and seal this 31st
day of October AD 1857.

Davis Barrett J. P. Seal

Stephenson

2 } Dep.

Popes

Handed in by H. S. Howard Gunn

Oct. 31 1857 LRE

The Depositions of James W. Parker, Amos S. Pope, Richard M. Lear and Davis Barnett, witnesses of lawful age taken on the 31st day of October 1857 at the Office of John J. Kinross in the Town of Jerusalem, Southampton County, Va. by consent of the parties, (Harrison S. Pope the guardian ad litem of the infant defendants Russell S. Pope and Joseph B. Pope being present and consenting thereto) to be read as evidence in behalf of Abner K. Stephenson, in a certain suit in Chancery depending in the Circuit Court of Southampton County, Va. in which the said Abner K. Stephenson is plaintiff and the said Russell S. Pope and Joseph B. Pope are defendants before Henry S. Howard, a Commissioner in Chancery of the said Circuit Court of Southampton. Va.

The deponent James W. Parker being sworn deposes and says: "I know the real estate of which the late John D. Stephenson died seized and possessed having lived for many years in its immediate neighborhood and I should think that it consisted of or contains about 485 or 490 acres in all, and that at least two thirds of the same is cleared land, and I should think from the peculiar situation of the land that a division of the same would be very prejudicial to the interests of the parties and that it will certainly be to the interests of the parties to sell it rather than a division in kind."

And further the deponent says his reasons for this opinion are; That, the tract of land is so small comparatively that to divide the same, the party who should happen to get the dwelling house and other improvements must certainly get a very small portion of the land and from its peculiar situation it would be difficult to divide it with any thing like an advantage to either or any party.

And further this deponent says, that

James W. Parker.

Sworn to and subscribed before me as a Commissioner in Chancery

any of the Circuit Court of Southampton County.

Henry S. Howard, ^{Att.} Clerk.

The Dependent Amos S. Pope being first duly sworn deposes and says: "That I live immediately in the neighborhood of the late John D. Stephenson dec'd. and know well the real estate of which the said Stephenson died seized and possessed and having heard the testimony of Mr. James W. Parker I concur with him in his statement."

And further this dependent says not. Amos S. Pope

Sworn to and subscribed before me as Commissioner in Chancery of the Circuit Court of Southampton County.

Henry S. Howard, ^{Att.} Clerk.

The Dependent Richard M. Lean being first duly sworn deposes and says: "I have lived in the land of which the late John D. Stephenson died seized and possessed and know the same well, and having heard the testimony of Mr. James W. Parker, I concur with him in his statement."

And further this dependent says not.

Richard M. Lean

Sworn to and subscribed before me as Commissioner in Chancery of the Circuit Court of Southampton County.

Henry S. Howard, ^{Att.} Clerk.

The Dependent Davis Barrett being first duly sworn deposes and says: "I have lived in the immediate neighborhood of the land of which the said John D. Stephenson died seized and possessed and know the same well and having heard the testimony of Mr. James W. Parker, I concur with him in his statement."

And further this dependent says not.

Davis Barrett

Sworn to and subscribed before me as Commissioner in Chancery of the Circuit Court of Southampton County.

Henry S. Howard, ^{Att.} Clerk.

1 Day's attendance to James W. Parker. 50 ¢

1 " " " A. S. Pope. 50 ¢

1 " " " R. M. Lean. 50 ¢

1 " " " Davis Barrett. 50 ¢

Commissioner's fee \$ 2.70 ¢

Charge to Plaintiff.

Henry S. Howard, ^{Att.} Clerk.

Stephen

2 } Mrs. Rules

Pope

In Southampton Circuit Court

Abner H. Stephenson

against

Russell P. Pope & Joseph D. Pope

1857 Aug 31st Sum. sp^d

" Sep. R. Sum. ret^d Ex^d Bill filed Harrison P. Pope against you and
let me to Dfts.

" Nov. R. Ans^r of Infants G. R. & came out for hearing.

" " J. Decree &c

1858 May " Rept. & Decree for sale

1859. " " Rept. & Decree

" June - Rept.

1870 Nov - Rept. Confm^t &c

1871 Jan. 1st

1872

1873 Dec. 1st

1858 May

Wk

1859 May

Wk

1858 May

1859 May

1858 May

Wk \$6.70
Skiff 1.00

H. S. Howard boat 2.70

J. W. Parker net 50

A. S. Pope 50

R. M. Gann 50

D. W. Barrett 50

Law r. 31.50

\$43.90

1859 May

Wk \$5.00

Stephenson

v { some long

John

Know all Men by these Presents, That We *Harrison S Pope*
R J. Darden

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

Four thousand _____

Dollars, current money of Virginia, to the payment

whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and

severally, firmly by these presents. Sealed with our seals, and dated this *30* day of

May -

A. D., 1859.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

*Harrison S. Pope as Commissioner appointed by a Decree of the Circuit Court of
Southampton County entered on the 6th day of May 1859 in a suit depending in
said Court between A. R. Stephenson Plaintiff & Rufus B. & Joseph B. Pope Defts.*

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation
to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of the Court. }

H. S. Pope { SEAL }

R J. Darden { SEAL }

{ SEAL }

{ SEAL }

Executed by delivering Copies of this
Summons to within named Defendants
on the 2^d September 1857

Wm A B Lowry
for Wm A B Lowry

Stephenson
2 { Sum. Chy.
Copies
1857 September 2nd

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING :

We command you to summon

Rufell P. Pope of Joseph W. Pope _____

to appear at the Clerks office of our Circuit Court of Southampton county at the Rules, to be
holden for the said Court on the first Monday in *September* — next, to answer a bill
in Chancery, exhibited against *him* in our said court by _____

A. K. Stephenson _____

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, the *31st* day of *August* 185 *7* in the *82^d*
year of the Commonwealth.

L. R. Edwards *cl*

Stephenson

to } Com. Bond

Popes

Know all men by these presents that we Harrison P Pope & Abner H
Stephenson are held and firmly bound unto the Commonwealth
of Virginia in the just and full sum of Five thousand dollars good and lawful money
of Virginia to the payment whereof well and truly to be made we bind ourselves our heirs,
Executors and administrators jointly and severally firmly by these presents Sealed
with our seals and dated this 19 day of July 1858.

The condition of the above obligation is such that whereas by a decree of the Circuit
Court of Southampton County entered on the 5th day of May 1858 in a suit in Chancery
therein depending between Abner H Stephenson Plaintiff and Russell & Joseph B Pope
Defendants the above bound Harrison P Pope was appointed Commissioner for certain
purposes therein mentioned Now if the said Harrison P Pope shall faithfully discharge
the duties of his trust under the said decree then the above obligation to be void or else to
remain in full force and virtue.

Signed, Sealed & delivered
in presence of 3

H. P. Pope (Seal)
A. H. Stephenson (Seal)

To the Hon Richard H. Baker Judge of the Circuit Court of Southampton County.

The undersigned, Special Commissioner appointed by the Circuit Court of said County in the suit of "Stephenson vs Pope's", begs leave to make the following statement as his report.

Amount of price of the three bonds \$2456.10
Int from Decem 25th '58 to May 30th '59 63.44
\$2519.54

Cost
Paid J. H. Parker witness &c. \$1.50
" J. J. Kindred Att - 10.00
" L. R. Edwards, clerk 5.00 16.50
Nett Balance due \$2503.04 \$2503.04

Paid A. K. Stephenson 1/2 \$1251.52
as per receipt herewith filed

This amt retained as guardian for

Russell P. Pope \$625.76

This amt as guardian for J. B. Pope 625.76 1251.52

\$2503.04

Respectfully submitted.

H. B. Pope Special
Commissioner

Southampton Circuit Court, May 6th 1859.
A. K. Stephenson } Plaintiff

against
Russell S. Pope & Joseph B. Pope. Defendants }

This cause came on this day to be further heard on the papers formerly read and the report of the sale made by the Commissioner pursuant to the decretal order of the May term 1858, of this Court to which there is no exception and was argued by Counsel. On consideration whereof the Court confirming and approving the said report doth adjudge, order and decree that upon the payment by the said A. K. Stephenson of his two bonds for the sum of \$614.02 cents each in the said report mentioned to the said H. S. Pope, Commissioner, which said bonds were executed by him for the purchase in part of the land and premises directed to be sold by the said decretal order, the said Commissioner deliver to the said A. K. Stephenson the other bond of \$1228.05 cents as his the said Stephenson's property and that the said Commissioner do further convey to the said A. K. Stephenson the said lands with special warranty.

And it is further ordered that when the said Commissioner shall have received payment of the said two bonds of \$614.02 cents each the same shall be considered in his hands as the guardian of the infant Defendants & he shall forthwith invest the same by loaning it out taking good and sufficient personal security or by investing it in Virginia State Stock at his the said Commissioner's discretion and file among the papers of this Court a certificate or other evidence of such loan or investment. But the said H. S. Pope is not to proceed to act under this decree as such Commissioner until he shall have entered into bond with sufficient security in the Clerk's Office of this Court payable to the Commonwealth of Virginia in the penalty of five thousand Dollars conditioned for the faithful discharge by him of his duties as such Commissioner. And the said Commissioner is directed to report his proceedings

under this name to Capt. Fish,

letters. books . . \$5.00 paid.

Henry S. Howard, D.C.

A. R. Pope, Commr.

To $\frac{3}{4}$ Acct.

James W. Parker

\$1.50¢

Harrison F. Tappan, commit. to sell J. D. Stephensons Land
To James W. Parker Dr.

1837. Oct. To 1 days attendance, at Jerusalem, as witness .	\$0.50
1838. Apl. " Services, under Deared Supr. Ct. as commit.	1.00
	\$1.30

1839. May. 30th, Recd. payment in full

James W. Parker
" "

1859 June 10th Recd of H. O. Pope
Comptroller appointed by the Circuit
Court of Essex Town City to
sell the land of Mrs D Stephenson
our Decd. Twelve hundred fifty
one dollars fifty two cents
with Int. from 30th day May 1859
The same being in full of our
half of the net proceeds of the
sale of said land after paying
all costs - as shown by said
Pope's Comptroller Report to Court.
Just of Stephenson & Pope)

A K Stephenson

Received May 30th 1839 of Harrison P. Pope
Coun^r appointed by the Council Court of New Hampshire
in the suit of Stephenson vs Pope's, Ten dollars
in full for professional services.

Ans I. Kindred
Attorney at Law

Stephenson

or {

Pope's

Learn'r's Report

1859. May 6th

1859. May 30th Review of 3rd volume with the Report.

To the Hon Richard H. Baker
Judge of the Circuit Court of Southampton County -

To your honor, we respectfully re-
sents, the undersigned, a special Commissioner ap-
pointed by a decree rendered in the said Court
at the May term 1858 in a suit in chancery the title
of which is "Stephenson vs Pope's", and begs leave
to report as follows -

That having complied with the direction
of the said decree in all respects, he proceeded
on the 10th day of August 1858, to sell the real estate
in the proceedings mentioned at public auction
on the premises, and that Abner T. Steplein
Jr became the purchaser for the sum of
Two thousand five hundred dollars (\$2500.00 cash) -
that he has paid all the cost and expenses attend-
ing the said ~~sale~~ sale &c, making in the ag-
gregate \$43.90 cash and has taken receipts therefor
which are herewith filed (marked A) -

That he charges no commission or compensation
of any kind for his trouble and labor in the premises -

That he has taken ^{three} bonds from the said pur-
chaser for the balance due making in the ag-
gregate \$2456.10 cash with sufficient security
which said bonds are herewith returned (marked
B - C & D) -

All of which is respectfully submitted

H. P. Pope

Com^r

(A)
Receipt

Stephenson

47

Pope's

James M. Smith

1858 Sept 1st. Recd of H. P. Pope ~~Special~~ Commissioner
Acting under a Decree of the Circuit Court of Southampton
County (May Term 1858) in which Abner K. Stephens
is Plaintiff and Russell P. & Joseph B. Pope are Defendants
The amt due us in said Decree or Suit, for services
rendered in same, as Attorney, Clerk, Sheriff, & witness
fees, ~~the cost of which is~~ Forty three
Dollars, ninety cents (\$43.90)

Amos G. Pope	50
Davis Barrett	50
James W. Taylor	50
Geo J. Kindred	31.50
J. R. Edwards	6.70
Wm W. Briggs	1.00
Henry S. Howard	2.70
Richard H. Carr	.50
	43.90

Stephenson

or

Pope's

Decree

To be entered

November 12th 1870

Geo. B. L. L.

Sur Court Court for Southampton County -

Stephenson

^{M³}
Pope

There appearing nothing further to be done in this cause the same is dismissed from the docket, subject however to be restored thereto on the motion of any party interested. Each party is to pay his own costs already accrued.

Southampton Circuit Court, November 13th, 1857.

Abner K. Stephenson

Plff.

^{against}
Rufell D. & Joseph B. Pope infants under the age of twenty one years
by Harrison D. Pope the guardian ad litem assigned to defend them
in this suit. Deft.

This cause came on this day to be heard on the original bill, the answer of the infant defendants by Harrison D. Pope, their guardian ad litem with replication thereto and exhibits and the examination of witnesses and was argued by counsel. On consideration whereof the Court doth order that Davis Barrett, James J. Darden, James W. Parker, John W. Munroe, Amos R. Pope and Alexander Myrick who are appointed Commissioners for the purpose, any three of whom may act having been first duly sworn do proceed to lay off and divide the real estate of John D. Stephenson died seized and possessed consisting a certain tract or parcel of land lying in the County of Southampton and containing about four hundred and ninety eight acres and bounded by the lands of Abner K. Stephenson, Thomas Ridley and others, first into two equal shares having regard to quality and quantity and assign one share or half to Abner K. Stephenson and divide the other share or half into two equal parts or portions and assign one to Rufell D. Pope and the other to Joseph B. Pope infant children of Harrison D. Pope. But if the said Commissioners should find it impracticable to divide the said real estate among the said parties or should be of opinion that the interest of the said parties would be more promoted by a sale of the same in such case they are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fair sample value of the whole of the real estate of which the said Jno. D. Stephenson died seized and possessed and in either case they are required to report their proceedings under this order to the Court.

Attest, Henry S. Howard, Ck.

Stephenson
vs. ~~3~~ ² Dred
Jones

Exhibit Report.

1856 May 4

To the Honble. Richard H. Baker, Judge of the Circuit Court
of the County of Southampton: We, Davis Barrett, Amos Pope,
& James W. Parker, three of the Commissioners appointed by a
Decree of the said Circuit Court at the November term 1857,
which said Decree is hereto annexed, having been duly sworn,
as will appear by certificates herewith filed, & marked A.,
present the following Report:

The said Commissioners proceeded, on the 27th
day of April, to view & examine the real estate of which
John D. Stephenson died seized & possessed, and after such
examination are unanimously of opinion that the said real
estate cannot be advantageously divided into three shares, as
directed in said Decree, and that the interest of the parties
would be more promoted by a sale of the land — especially
the interest of the minors.

In the judgment of the Commissioners the present
value of the real estate of said John D. Stephenson is Two
thousand seven hundred & fifty dollars. (\$2750.00.)
The yearly rent of this estate is one hundred dollars.
(\$100.00.) That the land, at public auction, will
bring an amount exceeding that at which we have estimated
it, is more than probable. The interest, therefore, upon one
moiety of the amount for which it will likely sell, would
greatly exceed the annual interest received by the minors
out of the rent. To this consideration we add, should a
division of the land be made, its annual decrease in value
through a period of some 10 or 12 years — longer than
which time it could not come into the possession of the minors.

Respectfully submitted to the Court.

James W. Parker.

Davis Barrett

Amos S. Pope

May 1st 1858.

S. emphatically. To wit:

Personally appeared before me, Davis Barrett,
a justice of the peace, Arnes Popw & James M.
Parker, who were qualified according to law,
Given under my hand this 27th of April, 1858.

Davis Barrett J. P.

Southampton County To Wit:

Personally appeared before me Thos Vaughan a
justice of the Peace Davis Barrolls who was
qualified according to law given
under my hand this 29th April 1858

A.
—

Thos. Vaughan J. P.

But the said Commissioner is not to proceed to act under this decree, until he shall have executed, in the Clerk's office of this Court, a bond in the penalty of five thousand dollars with sufficient security, conditioned as the law directs for the faithful performance of the duties enjoined by this decree.

[Faint, mostly illegible text from the reverse side of the page, appearing as bleed-through.]

[Handwritten signatures and notes in the left margin:]
John H. ...
May ...
...

A. N. Stephenson

No 3

Dec 20

Respectfully by Joseph S. Pope

This Cause again came on this day to be heard on the papers formerly read and the report of Commissioner James H. Parker, Davis Barrett and Amos S. Pope, three of the Commissioners appointed by a decree rendered at the November Term 1857 of this Court, to which report there is no exception, and was argued by counsel:

On Consideration whereof, the Court approving and confirming the said report, doth adjudge, order and decree that Harrison P. Pope, who is hereby appointed a special Commissioner for that purpose, proceed, after having advertised the time, place and terms of sale, by posting a notice at the Court House door and one or more public places in the vicinity of the real estate to be sold, for at least twenty days to sell on the premises, the tract of land whereof John D. Stephenson died seized and possessed, containing by estimation four hundred and ninety eight acres, on the following terms to wit; Sufficient of the purchase-money in cash to defray the expenses of this suit and of the sale, the residue on a credit of twelve months, and take from the purchaser three bonds with sufficient security carrying interest from date, for the said residue or net proceeds of said sale, that is to say, one bond for one half thereof and two other bonds, in equal portions, for the other half thereof.

And the said Commissioner is directed to return the said bonds together with a report of his proceedings, to the Court in order to a further decree. And the title to the said real estate is to be retained till the further order of this Court.

Abner K. Stephenson

v.s.

Russell P. & Joseph B. Pope infants under the age of twenty one years, by Harrison P. Pope their Guardian ad litem, assigned trustees in this suit.

This cause came on for hearing to be

heard upon the original bill the answer of the infant defendants by Harrison P. Pope their Guardian ad litem with replication thereto ^{and the examination of witnesses} and exhibits and was argued by counsel: On Consideration whereof the Court doth order that Davis Barrett James I. Garden James W. Parker John W. Murfee Amos S. Pope and Alexander Myrick who are appointed Commissioners for the purpose, any three of whom may act having been first duly sworn do proceed to lay off and divide the real estate of which John D. Stephenson died seized and possessed Consisting of a certain tract or parcel of land lying in the County of Southampton containing about four hundred and ninety eight acres and bounded by the lands of Abner K. Stephenson Thomas Ridley and others, first into two equal shares having regard to quality and quantity, and assign one share ^{or half} to Abner K. Stephenson and divide the other share in half into two equal parts or portions and assign one to Russell P. Pope and the other to Joseph B. Pope infants children of Harrison P. Pope.

But if the said Commissioners, should find it to be impracticable to divide the said real estate among the said parties or should be of opinion that the interest of the said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based, to the Court, and also what ^{in their opinion} is the fair simple value of the whole of the real estate of which the said Jno D. Stephenson died seized and possessed: and in either case they are required to report their proceedings under this order to the Court.

Stephenson

or

Pope's

Dance

To be entered

P. H. B.

Wm. Cowell Esq

A. K. Stephenson

v. 5

Pope's

Deane - copy

Saukumpston County Court, May 3th, 1858.

Abner K. Stephenson

Plaintiff

against

Russell & Joseph B. Pope

Defendants

} In Chancery

This cause again came on this day to be heard on the papers formerly read and the report of Commissioners James M. Barker, Davis Bennett and Amos S. Pope, three of the Commissioners appointed by a decree rendered at the November Term 1857, after this Court to which report there is no exception and was argued by Counsel; On consideration whereof, the Court approving and confirming the said report doth adjudge, order and decree that Harrison S. Pope who is hereby appointed a special Commissioner for that purpose proceed after having advertised the time, place and terms of sale by posting a notice at the Court house door and one or more public places in the vicinity of the real estate to be sold for at least twenty days to sell on the premises the tract of land whereof John D. Stephenson died seized and possessed containing by estimation four hundred and ninety eight acres in the following terms, to wit; Sufficient of the purchase money in cash to defray the expenses of this suit and of the sale, the residue on a credit of twelve months and take from the purchaser three bonds with sufficient security carrying interest from date for the said residue or nett proceeds of sale, that is to say, one bond for one half thereof and two other bonds in equal portions for the other half thereof.

And the said Commissioner is directed to return the said bonds together with a report of his proceedings to the Court in order to a further decree. And the title to the said real estate is to be returned till the further order of this Court.

But the said Commissioner is not to proceed to act under this decree until he shall execute in the Clerk's Office of this Court a bond in the penalty of five thousand dollars with sufficient security conditioned as the law directs for the faithful performance of the duties enjoined by this decree.

Attest,

Amos S. Howard, D.C.

Stephenson

vs Dee

Pope's

This cause came on this day to be further heard upon the papers formerly read and the report of the sale made by the Commissioner pursuant to the decretal order of the May Term 1858 of this Court, to which there is no exception - and was argued by Counsel. - On consideration whereof the Court confirming and approving the said report doth advise, order and decree that upon the payment by the said A. K. Stephenson of his two bonds for the sum of \$614.02 cents each, in the said report mentioned to the said H. P. Pope Commissioner, which said bonds were executed by him for the purchase in part of the land and premises directed to be sold by the said decretal order, the said Commissioner deliver to the said A. K. Stephenson the other bond for \$1228.05 cents as his the said Stephenson's property - and that the said Commissioner do further convey to the said A. K. Stephenson, the said lands, with special warranty -

And it is further ordered that when the said Commissioner shall have received payment of the said two bonds of \$614.02 cents each, he shall forthwith invest the same by logging it out taking good and sufficient security, or by investing it in Virginia State stock at his, the said Commissioner's discretion, ~~to the credit of the Commissioner's account~~ and file among the papers of this Court a certificate ~~of such investment~~ or other evidence of such loan or investment.

But the said H. P. Pope is not to proceed to act under this decree as such Commissioner, until he shall have entered into bond with sufficient security in the clerk's office of this Court, payable to the Commonwealth of Virginia, in the penalty of four thousand dollars, and determined for the faithful discharge by him of his duties as such Commissioner - and the said Commissioner

1
is directed to report his proceedings under this deed
to Court.

Stephenson

by

Pope's

Deene

May 1859

to be entered

R. W. Barker

44 44 44 44 44
Stephenson

2 { Papers

Pope

See Sanders 67/1447.