

Third part in value of the tract of land in the premises mentioned, sufficient to entitle Plaintiff, and James George Gardner his son and his wife to live in the County of Southampton upon which his Master and Children and his Servants may live as and for his service, and it appearing by the said report that there are due from the said estate of the said George Gardner the following sum of money, to the Plaintiff herein after mentioned, that is to say, To the Plaintiff Benjamin Griffin, Esq. of Netley Holls, &c^r the sum of One hundred and six dollars and Thirteen cents with interest thereon from the ninth day of April 1831 till paid to Benjamin Griffin, undividedly, the sum of Eight dollars with interest from the 25th day of December 1832 till paid; and to Thomas Hamby the sum of Fifty eight dollars and fifty nine cents with interest thereon from the ninth day of September 1833 till paid: And the Court being of opinion that the said Thomas Hamby a creditor is in the full estimation entitled to his sum in part satisfaction of his claim with the sum of Twelve dollars and eighteen cents with interest thereon from the ninth day of September 1833 till paid that being the balance found due by the report of the Court to be in the hands of the defendant James Nick and Co^r of George Gardner his late father's debts further adjudge order and decree that he as aforesaid pay to the said Thomas Hamby the sum of £12. 18^c with interest from the ninth day of September 1833 till paid: And the Court being further of opinion that the real estate of the said George Gardner his late father together with the interest of £5. 00 which the said George Gardner holds in a tract of land of Seventy Six acres formerly owned by James Gardner his father and which is now held by the widow of the said James Gardner at her desire situated in the said County of Southampton on account of which real estate is to be found in the report of the Commissioner as aforesaid, it shall at public sale of sale of record after deducting the sum of £12. 18^c with interest as above mentioned debt aforesaid Order and decree that until the defendants or some one or more of them pay to the Plaintiff respectively the sum of money to which they are entitled and the costs of this suit on or before the first day of January next then that Jno. Henry Deputy Sheriff of this County after giving Twenty days notice by advertisement in writing placed up in the front door of the Court-house of this County and at one or more public places in the neighbourhood, proceed to sell at public auction the real estate of the said George Gardner and including the necessary interest of his late father James Gardner allots to the said Martha Gardner daughter of his son a tract of nine Months Raking land with sufficient security from the purchaser or purchasers payable unto the said Jno. Henry Commissioner as aforesaid and to have the same to Court: which said real estate is described in the form of several reports made in the deposition of the witness, as a tract of land sufficient to contain Seven acres upon which the widow and heirs now live situated in the County of Southampton adjoining the lands of James Griffin father Charles father - also an interest of One fifth in a tract of land sufficient to contain Seven acres and situated also in the County of Southampton, and is sold by Sally Toper as two acres in the lands of her former husband James Gardner who was the father of the said George Gardner: which said Commissioner is directed to convey the said lands unto the purchaser or purchasers at such sale in a simple without warranty and make report of his proceeding to the Court on Order to a final decree.