

Friday, the 9th day of November 1855.

Present.

The Hon. Richard H. Baker, Judge.

Whitwell H. Mayhew

1844

against
Richard H. Mayhew & Lhe. S. Mayhew Executors of James R. Mayhew
and in their own right of office. Diffs

This cause came on again to be heard on the papers formerly read, the annexed Bill, the answers thereto, and affidavits and the report of Thomas H. Mayhew, Esq. J. Holmes, Robert Dutton, John Dutton, John Mayhew and William H. Summerville made in pursuance of the decree pronounced at the May 11th term of the year 1853, to which no exceptions have been filed & was argued by counsel. On consideration thereof, the Court doth confirm said Report (and doth further adjudge, order and decree that Richard A. Mayhew and Charles F. Mayhew Executors of the last will and testament of James R. Mayhew dec'd receive of Whitwell H. Mayhew the sum of Ten thousand seven hundred & eighty four dollars & 50 cts (10,764.50) shown to be due by the said Whitwell H. Mayhew by the said Report on the allotment therein made which sum of \$10,764.50 the said Executors are hereby directed to receive in stock bearing interest of six per cent or loan out on sufficient security real or personal to be held by their indent under the will of James R. Mayhew dec'd. And the Court doth further adjudge, order and decree that John Mayhew, Thomas H. Mayhew, Robert Dutton, John Dutton, & Gray & Mayhew (any three of whom may act) who are hereby appointed for such purposes proceed to receive & value the real estate & negroes now in the hands and under the control of the executors of the said James R. Mayhew dec'd excluding the land and negroes allotted & assigned to Whitwell H. Mayhew. the names of the said negroes appearing by the inventory and appraisement & in this Cause filed as statement A including therefrom as aforesaid those allotted to Whitwell H. Mayhew and separating that part of the same (real estate & negroes) having regard to quality & quantity to James R. Mayhew as his portion of his late father's estate according to the intent of his said last will and testament. And the said Commissioners in carrying out this decree are not necessarily to allot one third part of the land or negroes, but if beneficial and decidedly advantageous to all parties may assign any greater or less quantity than one third of either and for the crop or deficiency in either kind may make compensation either by a greater or less quantity of the other species of property or in money or may assign altogether of one kind as to them may seem best. And the Court doth further order and decree that the said Commissioners or any three of them inquire & make report whether the interest of Margaret & Emily Mayhew the infant children of James R. Mayhew dec'd will be promoted or not by a ratification of the sale made of the tract of land called "Mayhew's Store" and the proceedings mentioned & purchased by R. H. Mayhew and report to Court their reasons for their opinion, and make report of their proceedings under this decree in and to a further decree.