

a Special Commissioner for that purpose shall after having given twenty days notice by advertisement at the Courthouse door and two or more further places, sell the land in the bill mentioned whereof the said William H. Griffen died seized and possessed to the highest bidder at public auction and after receiving so much cash as may be required to pay the expenses of such sale and the costs of this suit that for the balance of the proceeds thereof to take bond with good security payable in twelve months with interest from date and return the same with his report. and that a Commissioner of this Court take a further account of the debts outstanding against the estate of W. H. Griffen if any and report the same. But this decree is to be suspended until the said John Griffen shall have entered into bond with good security in the Clerk's Office of this Court payable to the Commonwealth of Virginia in the penalty of \$1300. Conditioned faithfully to discharge his duties as such Commissioner.

John H. Stephenson

Plff. 1

against
Russell P. & Joseph R. Pope infants under the age of twenty one years by Harrison P. Pope the guardian ad litem assigned to defend them in this suit. Diffe
This cause came on this day to be heard on the original bill the answer of the infant defendants by Harrison P. Pope, their guardian ^{ad litem} with replication thereto and exhibits, and was argued by Counsel. On consideration taken of the pleadings and of the report of James W. Patton, Esq. of the Court doth it appear that Dennis Barrett, James J. Denton, James H. Pope and Alexander Myrick, who are appointed Commissioners for the purpose, any three of whom may act having had first duly sworn, do proceed to lay off and divide the real estate of which John H. Stephenson died seized and possessed, consisting of 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 John H. Stephenson, Thomas Ridley and others first into two equal shares having regard to quantity, and quantity and assign one share or half to John H. Stephenson, and divide the other share or half into two equal parts or portions and assign one to Russell P. Pope and the other to Joseph R. Pope infant children of Harrison P. 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 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 proper simple value of the whole of the real estate of which the said John H. Stephenson died seized and possessed; and in either case they are required to report their proceedings under this order to the Court.

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

Rich. H. Baker