

of land whereof John L. Stephens 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 in a order of twelve months and take from the purchaser thereof with sufficient security carrying interest from date for the said residue or two percents of said sale, that is twenty, one bond for one half thereof and ten 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.

But the said Commissioner is not to proceed to act under this decree until he shall appear in the Clerk's Office of this Court at least in the presence of five thousand dollars with sufficient security conditional as the law directs for the faithful performance of the duties imposed by this decree.

Augustus Humphreys, of Virginia & his wife, who before marriage was Virginia S. Vaughan } Plaintiff

against }
Debt to, Francis M. Richard L. & Maria S. Vaughan Defts.

This cause came on this day again to be heard on the papers filed by and on the report of Commissioners James W. Munroe Jacob Lewis and Matthew W. Vaughan three of the Commissioners appointed under the decree of the November term 1857 to which there is no exception and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Daniel W. Cobb, Leonard W. Cobb and Augustus Humphreys who are hereby appointed Special Commissioners for that purpose and any two of whom may act do proceed after having advertised the land, place and terms of sale by posting notice at the Court house door and in a more public place in the vicinity of the real estate to be sold for at least twenty days, to sell with premises the tract of land whereof Thomas Vaughan died seized and possessed containing by estimation two hundred and thirty 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 in a order of twelve months and take from the purchaser thereof with good and approved security carrying interest from the date, and the title to be returned until the further order of this Court. And the said Commissioners are directed to return the said bonds together with a report of their proceedings to the Court in order to a further decree. But the said Commissioners are not to proceed to act under this decree until they shall have appeared with the Clerk's Office of this Court at least in the presence of five thousand dollars with good and sufficient security conditional as the law directs.

Samuel Wells Trustee who sues for the benefit of J. M. Rutledge } Plaintiff
against }
James Glasgow adms. Martha Branch de.

On motion of the Plaintiff by Counsel in open court appearing to the Court the order made in this cause on yesterday is set aside and the cause is remanded.

6th § 7.59
5th 2.00
Jan. 1. 21.50
§ 40.89