

Appelwhite & May R. Simmons an infant. This day this cause came on to be heard in the first civil office filed therewith, the answer of the infant defendant May R. Simmons by James Drury her guardian, and answer of John E. Appelwhite, admr. with the will annexed, the answer of John E. Appelwhite, admr. with the will annexed, of Nathaniel Simmons and also as admr. of Lucy J. Appelwhite, the day filed by leave of the Court and general applications to the said answer and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that Samuel Drury, Benjamin C. Dole, Francis F. Ridley, Joseph H. Parkman, and Nathaniel R. Bond, who are hereby appointed Commissioners for the purpose, any three of whom may act, having been first duly sworn do proceed at the end of the present year, or as soon thereafter as practicable to lay off and divide the real estate of the decedent and their increase in the land mentioned of which the said Nathaniel Simmons died seized & possessed (with the exception of the two slaves Ellen and Margaret bequeathed in the will of the said Nathaniel Simmons to his young daughter May R. Simmons, which said last mentioned slaves the said John E. Appelwhite admr. is directed to deliver up to the guardian at Law of the said May R. Simmons at the end of the present year) the said real estate consisting of a tract of land in the County of Southampton, adjoining the lands of Nancy Miller's estate, Drury Waller, J. F. Ridley, Benj. C. Waller and R. M. Carr, and containing about 7030 acres, and the said slaves being left in number and named as follows to wit: Sam, Anthony, Jesse, Jacob, Ben, Robert, Nathan, Charlotte, Quincy, Adeline and Child and Mary and her two children Sally and Margaret in such manner as to all of to the said May R. Simmons one fourth part of said real estate, having regard to quantity and quality and assign the same to the guardian at Law of the said Simmons and also one fourth part of the said slaves and their increase having regard to value and assign the same to the guardian at Law of the said May R. Simmons; and the remaining three fourths of the said real estate and the said slaves assign to the guardian at Law of John E. Appelwhite, Jr., Benjamin F. Appelwhite and Charles F. Appelwhite, the infant plaintiffs. 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 or a part thereof, in such case, the said Commissioners are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fair value of the whole of the real estate of which the said Nathaniel Simmons died seized and possessed; and in either case they are required to report their proceedings under this order to the Court. And the Court doth further order, adjudge and decree that a Commissioner of this Court take the following accounts as admr. with the will annexed of the said John E. Appelwhite 3^d an account of the transactions of the said John E. Appelwhite 3^d an account of the transactions of the said Appelwhite as admr. thereof devised in the will of the said Nath. Simmons to Lucy J. Appelwhite