

required to ascertain whether the entire subject may be allotted to any one of the parties who will accept the same and pay therefor to the other parties such sums of money as their interest therein may entitle them to receive, or if the interest of the parties will be promoted by a sale of the entire subject or allotment of parts and sales of the residue then the said Commissioners will act accordingly, and in either case will report the absolute and several values of the said real estate. And the said Commissioners are directed to report their proceedings to the Court, and any other matter deemed pertinent by themselves or required by the parties.

Notlin. A. Ricks & Lewis I have

off

against
William S. Vaughan

off

This cause came on this day to be heard on the bill, answer of the infant defendant William S. Vaughan by J. R. Edwards his guardian ad litem, general application thereto and was argued by Counsel. On consideration whereof the Court with adjudge, order and decree that Joshua Bellow, Samuel B. Parlor, Benjamin Devany and James Devany who are hereby appointed Commissioners for the purposes any three of whom may act having first duly sworn, proceed to make partition of the lands in the proceedings mentioned in two equal parts, having regard to quantity and value, and assign one part to the plaintiffs and one part to the defendant, and if partition cannot be conveniently made the said Commissioners or parts of them at any act are required to ascertain whether the entire subject may be allotted to any one of the parties who will accept the same and pay therefor to the other parties such sums of money as their interest therein may entitle them to receive, or if the interest of the parties will be promoted by a sale of the entire subject or allotment of parts and sales of the residue then the said Commissioners will act accordingly, and in either case will report the absolute and several values of the said real estate. And the said Commissioners are directed to report their proceedings to the Court and any other matter deemed pertinent by themselves or required by the parties.

Isaiah H. Clements Executor of William Clements dec. who sued on behalf of himself as Com. appointed and all other creditors of the estate of Giles S. Whiting dec. who shall contribute to the expenses of this suit. off

against
Elijah S. Williams administrator of Giles S. Whiting dec. Mark S. Whiting, Virginia R. Whiting, Matthew Starr Whiting, Elijah S. Williams in his own right & Sarah Ann his wife, Willis Broadshaw Alfred J. Stephenson & Sador Lawrence

off

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Howard made in pursuance of a decree rendered in this cause at November Term 1858, to which report no exceptions have been filed, and the Court confirming the same with adjudge, order and decree that Elijah S. Williams administrator of Giles S. Whiting dec. pay and distribute pro rata amongst the general creditors of the said Giles S. Whiting dec. whose claims are reported by Commissioner Howard in his reports of October 4th 1858, and of March 31st 1859 the sum of \$1798 ¹¹/₁₀₀ which appears to be due from him to the said estate by the report of Commissioner Howard of October 4th 1858, and that he make report to this Court.

And the Court with further adjudge, order and decree that the Clerk of this Court deliver to Elijah S. Williams and Elliott S. Story who are hereby appointed Commissioners for the purposes the bonds of Carr Powers and Sador Lawrence, and of Sador Lawrence Alfred J. Stephenson and Willis Broadshaw returned by them to this Court under a former decree in this cause, and that the said Commissioners collect the same, and after paying the additional costs of this suit pay out and distribute the balance pro rata amongst the general creditors of the estate of Giles S. Whiting dec. whose claims are reported by Commissioner Howard in his reports of October 4th 1858, and of March 31st 1859. And that upon payment of the said bonds by the said Carr Powers, Sador Lawrence, Alfred J. Stephenson and Willis Broadshaw the said Commissioners shall accredit to them deeds with official warranty for the lands respectively purchased by them under a former decree in this cause, and that they make report of their proceedings to this Court.

But the said Elijah S. Williams and Elliott S. Story shall not proceed to receive the latter portion of this deed until they shall receive bond with the Clerk of this Court in the penalty of \$3,000, payable to the Commonwealth of Virginia and conditioned for the faithful performance of their trust under this decree.