of the expenses of sale in the hands will pay all the costs of this suit and then the residue he will distribute amongst the said parties as their following proportions to wit: Samuel Kelly a legatee of Sol. Boyd wife $71.55 to Polly Brewer $47.84 to Patsey Reid $47 to Solomon W. Shelton $104 to Jesse Boyd $68 to Mary A. Brick $64 & $65 to Fred'k Boyd $64 to John Boyd $64 to Jane Boyd $64 to Wm A. Stephenson a legatee of Peter Dale $64 to Catherine Dale a legatee of Willis Davis $64 to James Sadler $64 to James Whitehead $65 to Arthur Whitehead $65 to Lydia Jeffrey $65 to Nancy Sweet $65 to Hannah $65 to Alfred Gardner $136 to John Gardner $136 to Joseph Gardner $136 to Joshua Gardner $136 to Alfred J. Gardner $150 to Augustus B. Gardner the same, to Marshal Gardner the same, Jno. C. Gardner the same, to B. C. Nash and Sarah J. Asher wife the same to Lycurgus Jones $104 to Alphonso Jones the same, Samuel E. Mustoe & Peter his wife, the same, Samuel Fields of Temple and his wife $136 to Jonathan Davidson and whose descendants are unknown $68 to Minerva Davidson & Lucy his wife, the same, Alfred Davidson the same, William Davidson the same, John W. Whitehead $65 to Jos. B. Whitehead the same Jeptha Davidson & Martha his wife's dower unknown the same, Wm H. Whitehead the same, Edward Whitehead the same, Martin Judkins $104 to Robert R. Brooks of Margaret Brooks wife $136 to Catharine Whitehead the same, Noah C. Whitehead the same, Edgar F. Whitehead, the same, Robt. R. Whitehead $51, Albert Lyons & Ann his wife the same, Jno M. Shivers of Martha his wife the same; R. F. Wilson $68 Henry R. Wilson the same, Mary A. Garrett the same, George A. Wagner & Mary Ann his wife the same, Charles A. Wilson $55 to Thomas A. Wilson the same, W. T. Wilson the same, Jacob Lewis $65 to Joseph Lewis the same, Jno. W. Holland & Hannah his wife, the same, Joseph A. Holland & Louisa his wife, the same, James W. Lewis $130 to Jno. A. Lewis, Francis A. Lewis the same, Joseph Lewis the same. And the Court doth further adjudge, order and decree that the said Robert H. Whitfield is hereby directed to deposit with Savings Bank of Norfolk City the portions to which the unknown parties aforementioned may be entitled, and also the shares of others who shall fail to apply thereunto said Whitfield after sufficient notice of the date of this decree taking certificates of deposites therefor and to report the same with a report of his proceedings to Court. And the Court doth further adjudge, order & decree the said commissioner or either of them executed the writ special warranty with covenants as to the realestate in the bill & proceedings mentioned, for the "Mill & six acres thereto attached" to Marcus M. Boles, for the "Washington tract" to Murdoch Stephenson for the "Carroll tract" to James T. Boyd and for the "Home tract" to the consent of Thomas J. Baxter to Benjamin Brewer.

Mitchell Briggs Sheriff &c as well administrator of Jeff Herring dec'd Pltff

against

Mitchell & Herring Deft

This day this cause came on to be heard on the bill, answer & the defendant replication thereto, & the proofs taken, and was argued by Counsel, On consideration whereof the Court doth adjudge, order and decree that the bill be dismissed. And that the Plaintiff pay to the Defendant his costs.

1776

Sept 4th