

1890-12

Southampton County - Chancery

Moore, W. W.
et al

vs

Seary, M. E.
et al

"Real Estate to be sold"
and proceeds distributed
According to rights of the parties

Moore, Jno E

Moore, Kate A.

Seary, Jas. M.

Seary, E. F.

Seary, Lizzie

Seary, Susie.

Moore & Co
Bill & Ex:
Story & others

2 Sept. Rules

X

Hon. C. W. Hill, Judge of the Circuit Court
of Southampton County:

Humbly complaining shew unto Your Honor your Complainants W. W. Moore, Mrs. E. Moore and Kate A. Moore that E. L. Story, in his life-time, was jointly seized, that is to say, the said E. L. Story was seized & possessed of one undivided half, and your Complainants of the other undivided half, in and to that certain tract or parcel of land lying in said County, containing ^{one} acre, more or less, and adjoining the lands Mrs. M. E. Story, other lands of E. L. Story decd., and others; and, being so then seized and possessed, the said E. L. Story in or about the year 1886 departed this life, leaving a last will and testament, a copy of which is herewith filed, as an exhibit, marked "X" & prayed to be read as a part of this bill, and leaving, also, ^{a widow, Mrs. E. Story, and} the following children, as his heirs at law and distributees of estate, to-wit: J. M. Story, E. F. Story, Lizzie Story and Susie Story, the last three infants of tender years, that by his said last

will & testament the said E. L. Story
directed ~~that he desired~~ first that
all his just debts should be paid
as soon as convenient after his
death, and then leave all his property
- Real & personal - to his wife, the said
"M. E. Story", during her single life, to be
held & used by her for the maintenance
of herself and their two youngest children
E. F. Story and Lizzie Story and any other
that should be born unto them, for their
support and education till the youngest
child should become 20 years of age,
at which time he directed that all
his Real Estate & such of the personal
estate as might then exist should
be divided as the law would direct -
and that in the event his wife, the
said M. E. Story, should marry again,
legal dower should be assigned her,
and the remainder of his estate to be
disposed of, as hereinbefore stated, all
which will more fully appear from
said last will & testament herewith
filed as "Exhibit X", that since the
death of the said E. L. Story, to-wit, on
the 20th day of Oct. 1886 ^{at a court held in & for said County} the said

M. E. Story and J. M. Story qualified as
Executrix & executor of said E. L. Story,
a copy of said qualification being her-
ewith filed as exhibit "A" & prayed to
be read as a part of this bill; that
since their said qualification, they have
proceeded to discharge their duties as
executrix and executor, & have
rendered an account of their trans-
actions in which it is seen that the estate is indebted to them
as such, a copy of said ac-
count to the extent of \$49.52
being herewith filed as exhibit B.

& prayed to be read as a part of
this bill; that there are some other
debts outstanding against the estate of
the said E. L. Story, amounting in the
aggregate to \$200. or \$300-; that the said
executrix & executor of said E. L. Story have
nothing in hand to meet these debts and
that some portion of the said decedent's estate
will therefore have to be sold to meet the
same & that all the parties interested
prefer that this joint interest of said
E. L. Story in said land should be
sold for this purpose; that it therefore
becomes necessary for the purpose
of paying off said debts against
the est. of said E. L. Story, and also
for the purpose of partition among the

parties that this land be sold and
the proceeds distributed according
to the rights of the parties; that
the said land is, in the opinion
of your complainants, not suscep-
tible of partition; to the end, therefore,
that justice may be done, and in as
much as your complainants are without
remedy save in a Court of Equity where
such matters are properly cognizable,
your complainants pray that M. E.
Story, Jas. M. Story, E. F. Story, Lizzie
Story and Susie Story be made parties
dependant to this bill & compelled to
answer the same; that a proper guardian
ad litem be assigned the infants to
defend their interests in this suit;
that said Real Estate be sold and
the proceeds distributed according to
the rights of the parties; that all
proper orders & accounts be made, and
for all such other further relief
as the nature of the case may require
or to Equity shall seem meet.

And your complainants will ever pray &c.

May it please the Court &c -

Primer & Sebrill,

Attys.

Order of Court.

Exhibit "A"

Southampton County Court Act Term 1886.

A writing purporting to be the last will and testament of Elliott L. Story deceased was produced in Court by Jas. M. Story the Executor and Margaret E. Story the Executrix therein named, and there being no subscribing witness thereto. W. H. Parker and W. J. Turner were sworn and severally deposed that they are well acquainted with the testator's hand writing and verily believe the said writing and the name thereto subscribed to be wholly written by the testator's own hand: whereupon the said writing is ordered to be recorded as the true last will and testament of the said Elliott L. Story deceased.

And on the motion of James M. Story and Margaret E. Story the Executor and Executrix therein named who made oath. Entered into and acknowledged a bond in the penalty of one thousand dollars (but without security the will requesting that none should be given and the Court requiring none) conditioned as the law directs, which bond is ordered to be recorded, Certificate is granted them for obtaining a probate of the said will in due form. and on their further motion it is ordered that - J. H. Williams - Geo. Moore and Errie Moore be appointed appraisers

who after being duly qualified will appraise
the personal Estate of the said deceased
and return the same under their hands
as the law directs.

A Copy Teste. B. F. Moore 66

A copy of
E. L. Story's Exor's A/c
made with J. M. & M. C.

Story his Exor's Ex. Tric

Exhibit "B"

Exand

Estate of E. L. Story.

In account with Mrs M. E. Story & Jas M Story his Executrix & Executor.

1886		By amt recd for apples		30.00
		" " " " " " " " " " " "		67.20
Dec	17	" Drft M. F. P. nut for		50.00
June	5	To sales for	32.42	
July	19	" pd J. W. Williams	39.20	
Aug	21	" " Mrs M. Glenney	9.60	
"	"	" Int on Miss Sunmerells bond	14.00	
July	3	" " Mrs V. Atkinson	1.90	
Dec	16	" " Farm hand Bailey	2.00	
"	"	" " J. P. Gays etc	1.75	
"	17	" " for picking P. nuts	15.86	
"	"	" " Mrs Buck for labor	.44	
1887	18	" " Joshua Bailey for labor	10.12	
Jan	17	By Cash from Mrs M. E. Story		10.00
"	26	" Drft from W. H. Holmes		50.00
Apr	2	" " " " " " " "		50.00
"	16	" " " " " " " "		50.00
July	12	" Bal of P. nut sales "		100.29
"	8	" sales of " " to Etheridge & Bond		94.15
"	"	" " " " " " " "		37.07
Jan	17	To pd W. E. L. Barrett	24.00	
"	24	" " R. Christain Advocate	1.75	
"	"	" " Mrs V. Atkinson	2.40	
Feby	5	" " N. B. Bryant & Co	1.00	
"	"	" " Bryant & Knight	3.25	
Mar	26	" " Pretlow & Co.	50.00	
Apr	2	" " H. Cobb & Co	11.58	
"	4	" " C. Smith	20.00	
"	16	" " Dr. F. J. Pretlow	10.50	
"	"	" " C. C. Vaughan	36.83	
July	12	" " L. R. Edwards	14.02	
"	"	" " W. H. Holmes	24.16	
"	"	" " Taxes	26.66	
"	23	" " Pretlow & Bain	18.75	
Nov	19	" " Pretlow & Co	44.47	
		Am't carried For.	416.18	\$538.74

1889		Amto Bount For.	416.18	\$538.74	
Nov	30	To pd for picking off P. nuts	35.00		
"	"	" " " " " " " " " "	30.00		
1888					
Feb	20	By price of 1 A. J. M. Story		16.00	
May	1	" " " " " " " " " "		53.75	
"	"	" " " " " " " " " "		132.67	
"	"	" " " " " " " " " "		18.00	
"	"	" " " " " " " " " "		11.20	
"	"	" " " " " " " " " "		86.00	
"	"	" " " " " " " " " "		37.58	
Dec	19	To pd W. C. C. Barrett	23.92		
"	"	" " " " " " " " " "	24.82		
Apr	2	" " " " " " " " " "	11.26		
"	"	" " " " " " " " " "	7.98		
May	26	" " " " " " " " " "	38.00		
"	"	" " " " " " " " " "	3.49		
"	"	" " " " " " " " " "	15.03		
Dec	19	" " " " " " " " " "	41.19		
Jan	8	" " " " " " " " " "	32.92		
June	2	" " " " " " " " " "	90		
May	12	" " " " " " " " " "	2.50		
Dec	26	" " " " " " " " " "	11.57		
June	23	" " " " " " " " " "	14.10		
Dec	22	" " " " " " " " " "	2.40		
Apr	28	" " " " " " " " " "	3.89		
Dec	4	" " " " " " " " " "	13.10		
May	14	" " " " " " " " " "	39.44		
Dec	23	" " " " " " " " " "	10.28		
July	22	" " " " " " " " " "	2.50		
"	"	" " " " " " " " " "	1.75		
Dec	26	" " " " " " " " " "	57.00		
"	"	" " " " " " " " " "	25.00		
"	"	" " " " " " " " " "	25.50		
"	"	" " " " " " " " " "	44.69		
1889					
Jan	1	" " " " " " " " " "	3.00		
"	"	" " " " " " " " " "	1.50		
"	"	" " " " " " " " " "		49.59	
1889			1943	45	\$943.45
Jan	1	To Bal due the Executor's brot down	49.59		

Canthampton bounty. In the Clerk's office Jan 21. 1889-

The foregoing Executor's Acct of J. M. Story Exor of E. L. Story decd. ~~Est~~ was this day received and filed for exceptions and at a bounty court held for said bounty April 15. 1889. said acct having lain in the Clerk's office more than thirty days and no exceptions being filed thereto it was examined confirmed and ordered to be recorded.

Teste B. F. McLenore C. C.

A copy Teste T. M. Howard D. C.

Respectfully Submitted

Franklin D.
Jan. 1. 89

J. B. Parker
Clerk's Acct

A copy of
Elliott L. Story's
Will

"Exhibit X"

Examd

In the name of God amen, I Elliott
L Story being of sound mind and memory,
but of infirm body and approaching the
period of life where all must pass away
do make this my last will and testament
as follows. I will and desire that all
my just debts be paid as soon after
my decease as conveniently may be done.
I doan to my beloved wife - Margaret E.
Story all the property of which I may be
seised at the time of my decease both
personal and real during her single life to
be held and used by her for the mainten-
ance of her and our two children Elliott
Franklin and Elizabeth Francis and any
other that may be born to us for their sup-
port and education until the youngest child
arrives at the age of twenty years.

That I will and desire that all of said
real Estate and such personal Estate as
may remain shall be divided among
my heirs as the law would direct, had my
decease taken place at that time without
a will. Should my beloved wife
Margaret Ellen marry again. I will and
desire that her legal dower be assigned
her and the remainder be held for the
support and education of our children

as mentioned above till the youngest arrives at the age of twenty years when I wish it to be divided as mentioned above.

I leave nothing in the above to my son James Mariaⁿ till the youngest child is twenty years old, for the reason he ^{that} is raised and educated and that I have already made him a deed for a small tract of land called the Williams place, but in the distribution he is to receive an equal share with the others as if he had received nothing before. I appoint my beloved wife Margaret E. and my dutiful son James Mariaⁿ as Executor and Executrix of this my last will and testament and desire that no bond may be required of them in their qualification for the execution of the same. In witness whereof I have hereunto set my hand and affixed my seal this 12th day of September 1852.

Elliott L. Story, (Seal)

In Southamptown County Court: October Term 1856

A writing purporting to be the last will and testament of Elliott L. Story decd was produced in Court by James M. Story the Executor

and Margaret E. Story the Executrix therein named and there being no subscribing witnesses thereto. W. H. Parker and W. H. Turner were sworn and severally deposed that they are well acquainted with the testator's handwriting and sincerely believe the said writing and the name thereto subscribed wholly written by the testator's own hand, whereupon the said writing is ordered to be recorded as the true last Will and Testament of the said Elliott E. Story and on the petition of J. B. Prince and Margaret E. Story the executor and executrix therein named who made oath Entered into and acknowledged a bond in the sum of one thousand dollars but without security the will requesting that ^{should} none be given and the Court requiring none. Conditions as the Court directs which bond is ordered to be recorded a certificate is granted them for obtaining a probate of said will in due form.

Teste J. B. Prince C. J.
Attest B. F. McLenore C. L.

Cant divide in kind to any advantage -
interest of parties will be promoted by sale.

Cash value \$300.⁰⁰ 60 acres -

J. M. Tins owns interest of W. W. J. E. + Kate A. Moore.
see Recd.

J. M. Tins will take land & pay miners for their
shares for \$200.⁰⁰ - Costs of suit to be borne
by J. M. Tins + Minors, equally.

Moore et al

vs 3

Story et al

Answer of Donald C. L. et al

The joint and separate answers of E. F. Story, Lizzie Story and Susie Story, infants under the age of twenty one years, by W^m H. Parker their Guardian ad litem, assigned to defend them in this suit, to a bill of Complaint exhibited against them and others, in the Circuit Court for the County of Southampton by H. W. Moore and others.

These respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof, as they are advised that it is material they should answer, by their said guardian ad litem, answer and say:—

That they are infants of tender years, and by reason of their infancy, are incapable of understanding, or of taking care of their rights and interests. They, therefore, by their said guardian commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which may tend to their prejudice. And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

W^m H. Parker, G'dn ad litem
for E. F. Story, Lizzie Story and
Susie Story.

~~Moore & Co.~~

Williams J. H.

to { COMMISSIONER'S
BOND.

Commonwealth.

1890. May 27. filed.

Recorded page 10.

Know all Men by these Presents, That we

J. H. Williams
& J. M. Story

are held and firmly bound unto the Commonwealth of Virginia, in the sum of three
hundred

Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 27 day of May one thousand eight hundred and ninety

The condition of the above Obligation is such, That if the above bound

J. H. Williams

shall faithfully perform the duties of his office or trust, as Special

Commissioner

under a decree of the Circuit Court of the County of Southampton, pronounced ^{at} on the May

day of Term

, 1890, in the suit therein depending under the name and

style of

Moore & also J. M. Story & also: to collect

certain money from J. M. Story and execute
to him a deed with special warranty
in the tract of land in the proceedings
mentioned, and to perform such other
duties as is required by the decree
aforsaid.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in
the presence of

J. H. Williams
J. M. Story

SEAL

SEAL

SEAL

In the Clerk's Office of the Circuit Court of the County of Southampton:

This day

J. M. Story

surety on the above bond, made oath before me B. F. McLeamore, Clerk
of the Circuit Court of the County of Southampton, that his estate after the payment
of all his just debts, and those for which he bound as security for others,
and expect to have to pay is worth the sum of three hundred dollars;
whereupon the said bond is admitted to record according to law.

Given under my hand this 27 day of May 1890.

Teste:

B. F. McLeamore Clerk.

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Mrs M. E. Gory*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the ~~first~~ ^{3^d}
Monday in *September* next, to answer a bill in Chancery exhibited against *her & others* in our
said Court by *W. W. Moore, Jno. E. Moore & Kate A. Moore*

And this *shy* shall in no wise omit; and have then there this writ.

B. F. McLeann
Witness, ~~L. L. R. Edwards~~, Clerk of our said Court this *14* day of *Sept*

188 *9*, in the *114* year of the Commonwealth.

Teste: B. F. McLeann cc

I acknowledge legal service of the
within writ: J. M. E. & T. Co.

Mrs. M. E. & T. Co.

Moore et. als:

or "S" Sum

Story et. als:

1889 ~~2nd~~ Sept. Rules

Cir: Et:

Executed Sept 16th

1889 by delivering a
copy of this decree
to J. M. Story & H. H.
Parker and at law

J. H. Williams
Shff

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON

*J. M. Story. E. F. Story -
Lizzie Story and Susie Story - last three infants by
M. H. Parker their gin ad litem*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the ^{3^d} ~~last~~
Monday in *September 1889* next, to answer a bill in Chancery exhibited against *them* in our
said Court by *W. W. Moore, Jno. E. Moore and Kate A. Moore*

And this *they* shall in no wise omit ; and have then there this writ.

B. P. McLemore
Witness, ~~L. L. R. Edwards~~, Clerk of our said Court this *14* day of *September*

188 *9*, in the *114* year of the Commonwealth.

Testo:

B. P. McLemore C. C.

Southampton Circuit Court. Nov. Term 1889
Moore &c.

27

Decease

Story & others.

This day this Cause came on to be heard upon Complainants bill & Exhibits. taken in Confess as to the adult defendants, the answer of the infant defendants by Gdn ad litem. and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court. to enquire into and report to Court, 1st Whether the Realty in the proceedings mentioned can be conveniently divided in kind among the parties entitled thereto: 2^d If the same cannot be conveniently divided in kind, whether any interested party will take the entire property & pay therefor to the other parties such sums as their interest therein will entitle them to.

3^d And if the same cannot be conveniently divided in kind and no party will take the entire property & pay the others for their shares, whether the interest of the parties

would be promoted by a sale of the property & a proper distribution of the proceeds; which enquirer said Commissioner will make & report to Court, together with any matter specially stated deemed pertinent by himself or required to be ^{so} stated by any interested party.

Attest: B. F. McLeod Sec.

Moore & als:

Notice

Story & als:

1890 1st April

£ March 29th 1890
by delivering a copy of
this notice to each of
the within named parties
except J^{rs}. Moore who
is not a resident of this
shali.

J. W. Williams
Sgt.

COMMISSIONER'S OFFICE,

COURTLAND, VA., March 24 1890

To W.W. Moore, Jas. E. Moore, & Kate A. Moore
J. M. Story & others.

You are hereby notified that I have fixed upon the 1st day of
April next, if fair, if not, the next fair day thereafter (Sunday

excepted), to take and settle, at my office, the following accounts, to wit:

- 1st: Whether the Realty in the proceedings mentioned can be conveniently divided in kind among the parties entitled thereto.
- 2^d: If the same cannot be conveniently divided in kind, whether any party interested will take the entire property, & pay therefor to the other parties such sums as their interest therein will entitle them to.
- 3^d: If the same cannot be conveniently divided in kind, and no party will take the entire property, & pay the others for their shares, whether the interest of the parties would be promoted by a sale of the entire property & a proper distribution of the proceeds.

required to be taken by a decree of Southampton Circuit Court, rendered at the Nov term, 1889, in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

B. F. McLemore Commissioner.

To the Sheriff of Southampton county to execute.

Moore No. 140

W. Moore Report.

Story & other

1890 file 9. filed

B.A.M. ce.

Commissioner's Office.
Covtland Va.

To the Circuit Court of Southampton Co.
Pursuant to a decree of the Circuit Court of Southampton County. rendered at the November Term 1889 in the Chancery Cause of "Morre & Story & others". the undersigned, one of the Commissioners of said Court to whom the aforesaid decree stands referred. reports to Court, that on the 24 day of March 1890 he issued Notices against the parties, Plaintiffs and Defendants, requiring them to appear at his Office on the 1st day of April 1890, at which time and place he should proceed to make the several Enquiries directed in the aforesaid decree; that said Notice has been returned, "Executed". Whereupon the Commissioner submits the following:

1st: That the land in the bill mentioned cannot be divided among the parties to any advantage.

2^d: That since this suit was instituted, J. M. Story, one of the parties defendant hereto, has purchased from W. W. Morre,

Jno. E. Moore and Kate A. Moore, the
Plaintiffs to this suit, all their right, title
and interest in and to the Realty in the
proceedings mentioned. (the same being a
one-half interest therein) and ~~therefore~~
~~own~~ five-eighths of the entire tract, that
he is willing to purchase the interest of
^{and life interest of the widow M. E. Story, in said land}
the minors, and pay at the rate of \$300.⁰⁰
for the whole tract. that being the amount
paid for the shares already purchased, to
wit: \$150.⁰⁰ for the one-half interest pur-
chased of W. W. Moore, Jno. E. Moore and
Kate A. Moore. as shown by deed from
said Moores to said Story. of record in
the Clerk's Office of Southampton County
Court. Your Commissioner therefore,
recommends a sale of the remaining
(E. F. Story, Lizzie Story and Lavinia Story's interest
in said real Estate)
to the said J. M. Story, at the above figures.

Respectfully Submitted

B. J. McLemore

Com'r in Chancery

Commissioner's fee

\$5.⁰⁰

Moore + als: 151

7" Stat: Rules

Story + als:

M. H. Moore, Jno. E. Moore }
and Kate H. Moore. } Pltffs

"
J. M. Story - E. F. Story -
Lizzie Story + Susie Story -
last three infants, by
M. H. Parker Gov ad litem } Drfts

1889. Sept 14. Process ip? to 2 Sept. Rules

" 2 " Rules: Process ret? Executed -

Bill + Ex: filed. decrea
nisi:

" 1 Oct. Rules: Bill taken for Confess? as
to adults. Answer of
~~Gov ad litem~~ - Genl. r/o:
Cause set for hearing as
to adults

More + ch.
+ } Coal
Sung + ch 133

Monr + als: $\frac{1}{2}$ Story Jr. Costs-

Clerk Costs \$ 6.60

Shffs " 4.50

Comm " 5.00

Law Jr. 16.50

\$ 32.60

16.30

\$16.30 paid by

J. M. Story. June 7/90.

Received June 12th 1890 of J. W.
Williams, Comr. in suit of Moore
vs. W. Story et al. One Hundred
and Sixty three & ⁷³/₁₀₀ Dollars,
balance in his hands, after paying
costs &c., & deemed to be paid us by
deem entered in said cause at the
May term 1890 of the Circuit Court
of Southampton —

J. M. Story

Editors of
E. L. Story Dec.

Report of
Comdr. J. H. Williams

More shals

vs.

Stone shals

Moore et al
 vs
 Story et al } Comr J. W. Williams Report

To the Hon. C. W. Hill Judge
 Your Comr. begs leave to
 report that in the above case
 he has sold the land and paid
 the cost and paid the remainder
 to the Executor of E. L. Story as per
 receipt of E. L. Story filed as the
 Court directs - Respectfully Submitted
 Nov. Term J. W. Williams
 1890 Comr.

Statement re -

To paid $\frac{1}{2}$ atty's fee re. land,	{	pd. Price & Seabee - 8.25
in suit as per agreement		
" paid $\frac{1}{2}$ amt. of additional	{	Price & Seabee - 5.00
atty's fee, as per agreement		
" paid for writing deed -	pd. Price & Seabee - 5.00	
" " $\frac{1}{2}$ Clerk's cost as per agreement -	paid. B. F. M. 3.30	
" " Comr. McLennan -	paid. B. F. M. 2.60	
" " Shiff Cash -	pd J. W. Williams 2.25	
" " Station Cash to Clerk -	paid. B. F. M. 99	
Commission on \$200.00	pd J. W. W. 10.00	
Paid Exp. of E. L. Story as		
shown by receipt herewith filed	\$ 163.73	

Moore &c. }
47. } decree.

Story & others.

This day this cause came on to be heard upon complainant's bill & exhibits, taken for confessed as to the adult defendants, the answer of the infant defendants by jdw. ad litem and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to inquire into and report to the Court, 1st Whether the Realty in the proceedings mentioned can be conveniently divided in kind among the parties, entitled thereto; 2nd. If the same cannot be conveniently divided in kind, whether any interested party will take the entire property & pay therefor to the other parties such sums as their interests therein will entitle them to. 3rd And if the same cannot be conveniently divided in kind and no party will take the entire property & pay the others for their shares, whether the interests of the parties would be promoted by a sale of the property & proper distribution of the proceeds. Which inquiries said Commissioner will make & report to Court, together with any matter specially stated, deemed per-

Moore, H.
47. } Dec. 1889.

Strong & others

Nov. term 1889.

Do be entered.
C. W. H. H.

Entered for 1887

April 1st

Entered by himself or required to be
as stated by any interested party.

More et al.
in 3 deems.
Story et al.

May term 1890

To be entered.

Count

Entered

Prairie & Sebrice, p. 9.

Moore &c.

v. $\frac{3}{3}$ Deane.

Story et al.

This day this cause came on to be further heard upon the papers formerly read and upon the report of Comr. McLeane filed Apr. 9th 1890, to which report there is no exception, and was argued by Counsel. On consideration whereof, the Court doth approve and confirm the said report; and it appearing from the said report that the land in the proceedings mentioned cannot be divided among the parties to any advantage, and that J. M. Story who, as vendor of the plaintiffs, owns one undivided half of the land in the proceedings mentioned, is willing to take the other undivided one half in the sum of \$150⁰⁰, deducting from this amount such a sum as his interest therein may entitle him to, the Court doth adjudge, order and decree that the said J. M. Story be allowed to take this said other undivided one half of said land upon said terms and conditions; and in order to carry out this decree more effectually and completely the Court doth adjudge, order and decree that J. W. Williams, who is hereby appointed special Commissioner

for the purpose, do ~~proceed~~ to collect
from said J. M. Story the said purchase
price of \$100.⁰⁰ less the amount to which
said J. M. Story's interest in the ^{said} land, may
entitle him, and after collecting pay
over same to the Executor and Execu-
trix of said E. L. Story dec'd., taking
their receipt for the same and return
along with his report to Court. It is,
also, ordered that said J. W. Williams,
Comm'r., after collecting this said
purchase-price, execute to said J. M.
Story a deed, with special warranty,
for said land. But said J. W. Williams,
Comm'r. will not proceed to execute this
deed unless he shall have entered into
bond, with approved security, before the
Clerk of this Court, in the penalty of
\$300.⁰⁰, conditioned for the faithful
discharge of his duties hereunder.

Mine 7;
m 3 Deer
Story 7;

1890 Nov 20

W. H. S. S. S.

C. W. S.

Nov 1890

Ent

Memoirs

4 3 Decem.

Story to:

This day this Cause came on table again heard on the paper before read, the report of Com. Williams filed by leave of the Court during the term showing disbursement of the fund in his hands, and approved by Council. On consideration whereof the Court doth confirm the said report to which there is no exception, and nothing further appearing necessary to be done, this Cause is ordered to be removed from the Docket.