1903-28 Southampton County Chancery West, E. W. et als vs West, Priscilla Admx et als

To sell property and proceeds distributed among parties entitled.

Garrick, Jennie E.
West, Priscilla Annie
West, J. S.
West, D. J.
West, Sallie M.

West, D. J.
West, Sallie M.

West

vs. } Bill

West & others

SHANDS & SON, p.q.
ATTORNEYS-AT-LAW,
COURTLAND, VA.

[illegible]

To the Honorable R. R. Prentis judge of the circuit of Southampton County in chancery sitting

Humbly complaining your Orator E. W. West showeth unto your Honor that in the year 1887 E. W. West of Sussex County departed this life intestate leaving considerable estate real and personal and that his widow Priscilla A West qualified as his administratrix and that he left his widow Priscilla A. West and six children to wit E. W. West, Jennie E Parish (who before marriage was West), Priscilla Annie West, T. S. West, D. J West and Sallie M West, the last two infants; his distributees and heirs at law and that his widow Priscilla A West qualified as his administratrix as will more fully appear by a copy of the certificate of administration herewith filed marked exhibit A. Your Orator showeth unto your Honor that for and in consideration of the sum of $1404 60/100 —— paid to the widow Priscilla A. West, Jennie B Parish Priscilla Annie West and T. S. West, he purchased all their undivided interest in three tracts of land lying in Southampton containing in the 1st tract 100 acres, in the in the 2nd tract 27 1/8 acres and in the 3rd tract 2 85/100 acres

lands which they had inherited from their father W. E. West; and the dower
a dower
interest; of Mrs Priscilla A West; her dower right having been allotted to her; all of which will more fully appear by a certified copy of the said deed herewith filed marked exhibit B and prayed to be taken as a part of this bill. Your Orator states further that he has brought this suit for partition of the said lands, as the other parties interested to wit D. J. West and Sallie M West are infants and it can only be done by a decree of a chancery court
* that partition in kind cannot be made among the parties entitled thereto
of competent jurisdiction * In tender consideration whereof and inasmuch as your Orator is without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he therefore prays that Priscilla A West administratrix of W. E. West dec'd and D. J. West and Sallie M West two infants of tender years, by some fit and proper person, their guardian ad litem appointed for that purpose, may be made parties defendant to this bill and that the court would compel them as full and perfect answer make to the allegations therein contained as if they had been thereunto

more fully and specially interrogated but answer under oath is hereby expressly waived. That the court would direct one of its commissioners to enquire and report to court whether partition can be made in kind of the aforesaid lands among the parties interested, and if partition cannot be conveniently made of the said lands, whether the entire subject matter may be allotted to any party who will accept it and pay therefor to the other parties interested such sums of money as their interest therein may entitle them to, or allotment part and sale of residue and that the court may grant such other and general relief the premises considered as equity may dictate and the nature of the case may require. And your orator hereby gives notice to all parties interested that he will ask the court to allow to his attorneys Messrs Shands & Son a reasonable fee for their services rendered in this case

Shands & Son Sol

The Joint answer of D. J. West and Sallie M. West two infant defendants under twenty one years of age to a bill in equity filed by E. W. West. in the circuit court of Southampton Co. Va. against them and others

These respondents for answer to the said bill. or as much thereof as they are advised is material for them to answer, answering say that they have read the plaintiff's bill, and understand the same, and the object of said bill and suit, and that the facts as therein set forth are correct. that they are fully advised as to their rights in the matter. That D. J West was 17 years old on Sept 26. 1897 & Sallie M West was 16 years old on Jany 13. 1898 That they know the situation and value of the real estate in question and are satisfied partition of the same in kind cannot be conveniently made among the parties entitled thereto. and that the said E. W. West (their brother) is willing to take their shares or interests in the said property and pay them therefor, the same rate per share that was paid by him

difference of 15 months

to the adult heirs, and that the same is a fair price therefor, and they think it greatly to their interest that the offer be accepted ~~to~~ ~~accepted~~. and ratified by the court. and having fully answered they pray hence to be dismissed with their costs by them in their behalf in this cause expended

D. J. West
Sallie M. West

Shands & Son p.d.

D J + Sallie M West their answer

ads 3 answer

R. W. West

1898. 2nd Mch. Rules filed
L. A. Gay C.C.

Shands & Son p.d.

The answer of Priscilla A West administratrix of W. E. West dec'd to a bill in equity filed by E. K. West. in the Circuit Court of Southampton Co Va against her and others

This respondent for answer to the said bill or as much thereof as she is advised it is material for her to answer, answering. says that the facts set forth in the plaintiff's bill are true, and that she knows the real in question and value thereof well, and is fully satisfied that partition of the same in kind cannot be conveniently be made among the parties entitled thereto. That the said E. K. West is willing to take the shares or interests of the said infants D. J. West, who is seventeen years old, and Sallie M West who is sixteen years old, and pay them therefor the same rate per share that was paid by him to the adult heirs, and which is a fair price therefor. That your respondent is not only adm'x of W. E. West dec'd, but is also mother and guardian of said infants and has fully informed herself as to their interests, and that she is confident that the above course is the best to pursue for the interests of all parties concerned. She also states that there are no debts against the estate of said W. E. West decd. and having fully answered she prays hence to be dismissed with her costs by her in this cause in her behalf expended

Priscilla A. West
Administratrix of W. E. West decd

Shands & Son p.d.

W. E. West's admx
ads
E. W. West
1898 2" Mch. Rules Filed
L. A. Gay C.C.

Shands & Son p.d.

Sussex County to wit:

I, D. P. Hamraw, Clerk of the County Court of the County of Sussex, do hereby certify that the foregoing is a true copy of the qualification of Priscilla A. West administratrix of the estate of W. E. West deceased — Given under my hand this 22d day of March 1898.

D. P. Hamraw
Clerk —

West
vs } Copy of qualification of P. A. West as Admx. of W. E. West decd.
West et als. Ex. "A"

1898. 24th March Filed
L. A. Gay c.c.

Fee & postage 49 c

Virginia:

At a County Court held for the County of Sussex on the 2d day of December 1897 -

On the motion of Priscilla A West widow of W. E. West, deceased, who made oath thereto, and together with E W West, Priscilla Annie West, Jennie E Parrish and the Fidelity and Deposit Company of Maryland (the latter acting through George D. Grizzard, its lawful attorney in fact) her sureties (who justified under oath as to their sufficiency) entered into and acknowledged a bond in the penalty of $25,000 - with condition according to law Certificate is granted the said Priscilla A West for obtaining letters of administration in due form -

It is ordered that Philip Rogers, J C. Clements, A E. Dobie, J. D. Bobbitt, and D. A Marks, or any three of them, being first duly sworn for the purpose, do truly and justly appraise, in current money, the personal estate of W. E. West, deceased, and return the appraisement under their hands to the Commissioner of Accounts of this Court.

A Copy - Teste:

L R Hargrave, Clerk.

Your letter was "missent" – sent to Army Ch.

L.P.H

22 March 1898 –

Form No. 809.

Hurt
vs
West et als.

William Shands

to { **COMMISSIONER'S BOND.**

Commonwealth.

1898. 8th. Oct. Filed
L. A. Gay C.C.

Entered Page #101

Everett Waddey,
Stationer and Printer,
Richmond, Va. } Form No. 309.

Know all Men by these Presents, That we William Shands and William B. Shands are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($1200.00) Twelve Hundred & no/100 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 obligaiton, 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 8th day of October one thousand eight hundred and ninety eight.

The condition of the above Obligation is such, That if the above bound William Shands 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 on the 4th day of October, 1898, in the suit therein depending under the name and style of West vs. West et others under this and under any future decree that may be entered in this cause

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

Signed, sealed and acknowledged in
the presence of

Wm Shands (SEAL.)
Wm B Shands (SEAL.)
(SEAL.)

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

This day Wm B. Shands surety on the above bond, made oath before me L. A. Gay, 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 is bound as security for others, and expect to have to pay is worth the sum of Twelve Hundred & no/100 dollars; whereupon the said bond is admitted to record according to law.

Given under my hand this 8th day of October 1898.

Teste: L. A. Gay Clerk.

This Deed made and entered into between Jennie B. Parrish, Priscilla Annie West and J. S. West and S. D. West his wife, parties of the first part grantors, and E. W. West party of the second part grantee. Witnesseth that the said grantors for and in consideration of the sum of Nine hundred and ninety five dollars and thirty cents ($995.30) paid them by the said grantee the receipt of which is hereby acknowledged, do hereby grant, bargain sell and convey with general warranty unto said grantee, all their right title and interest (and which is an undivided one half interest, subject to the dower right of their Mother - Mrs. Priscilla A. West - widow of W. E. West dec'd - therein); and which interest they inherited from their father W. E. West, in the following tracts or parcels of land lying and being in Southampton Co. Va. namely-

1st, a certain tract of land containing One hundred acres more or less, adjoining the lands of W. F. - Laine, J. T. Boykin, Geo. Hill, W. H. Stephenson and others and conveyed to said W. E. West by deed of bargain & sale from Geo. W. Harris & Martha A. - Harris, W. E. Godsey & Cora F. Godsey, K H Harris, W. R. Warren and Lillian A. Warren, deed dated Jany 24. 1891 and duly recorded in the County Clerks Office of Southampton Co. Va in deed book No 41. Page 577. and by deed from M. A. -

Emory and Joseph A. Emory, dated May 25th 1893. and duly recorded in the County Clerks Office of Southampton County Va. in deed book No. 42 Page 688.

2nd A tract of land containing twenty seven and one eight (27 1/8) acres conveyed to W. E. West by W. H. Stephenson, by deed of bargain & sale dated Oct 20th 1891 and duly recorded in the County Clerk's Office of Southampton Co. Va. in deed book No. 42 Page 179. said land adjoins the lands of W. E. West, W. H. Stephenson, Mrs Wellons and others

3rd A tract of land containing two acres & ninety five hundreds of an acre (2.95/100) acres conveyed to W. E. West by R. M. Jones and Etna G. Jones by deed of bargain and sale dated Oct. 21st 1893 and duly recorded in the County Clerk's Office of Southampton Co. Va. in Deed book No. 43, Page 75.

and to all of which said deeds for a fuller and more accurate discription of said tracts reference is hereby specially made. The said W. E. West having in his lifetime converted all the said tracts into the farm on which he resided, and whereas his said widow Mrs Priscilla A. West has a dower right in the aforesaid real estate and whereas she has sold the same to the said E. W. West for the sum of four hundred and nine dollars and thirty cents ($409.30) now for and in consideration of the said sum of–

\$409.^{30} paid her by said E. W. West the receipt of which is hereby acknowledged she hereby becomes a party to this deed as is evidenced by her signing and sealing the same and hereby grants bargains sells and conveys with general Warranty unto the said E. W. West all her right, title and interest in the aforesaid real estate, as Witness the following signatures and seals this 4th. day of March 1898.

Jennie E. Parrish (seal)
Priscilla Annie West (seal)
T. S. West (seal)
S. D. West (seal)
Priscilla A. West (seal)

Virginia,
County of Sussex; to wit.

I Philip Rogers a notary Public in and for the County aforesaid in the State of Virginia, do hereby certify that Jennie E. Parrish, Priscilla Annie West, T. S. West, and S. D. West his wife, and Priscilla A. West whose names are signed to the foregoing writing bearing date on the 4th. day of March 1898, have acknowledged the same before me in my County aforesaid.

Given under my hand this 4th day of March 1898.

Philip Rogers, Notary Public

Virginia:

In the Clerk's Office of Southampton County Court March 9th. 1898.

The foregoing Deed was this day presented, and with the certificate thereto annexed admitted to record.

Teste: B. F. McLemore C.C.

A Copy,

Teste. L. A. Gay D.C.

West

ro. { Deed of B&S. from
P. A. West et als.
To E. W. Sands

West et als Ex. "B"

1898. 1st March Recorded

L. A. Gay C. C.

COMMISSIONER'S OFFICE,

Courtland, Va., Sept 14th 1898

To E. W. West -
Priscilla A. West, Administratrix of
W. E. West, decd - D. J. West and Sallie
M. West - the last two are infants, by
J. B. Prince, their Guardn ad litem.

You are hereby notified that I have fixed upon the 21 *day of* September *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 - The Actual and Annual Value of the real Estate in the bill mentioned - And the interest of the said infants therein.

2 - Whether partition can be conveniently made of the same; among the parties entitled thereto - in any of the modes prescribed by law - and if it cannot be so divided - whether the interest of the parties would be promoted by a sale thereof, and division of the proceeds.

3rd - The liens thereon, if any - and whether the it has ever been sold for delinquent taxes.

required to be taken by a decree of Southampton Circuit Court, rendered at the April *term, 189*8, *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 said Court the day and year first aforesaid.

B. F. McLemore, *Commissioner.*

To the Sheriff of Southampton County to execute.

We acknowledge legal service of the within Notice.

Shands Dorn

Attys for parties.

J. B. Prince

Gdn ad litem.

E. W. West

vs. } 1st Decree

West & others

We consent to this
decree being entered
Shands & Connally attys for
adult parties
J. B. Prince Gdn.
ad litem.

To be entered
April (5th) Term 1898
Robert R. Prentiss

Ent'd - 199 -

In the Circuit Court of Southampton County. April Term 1898.

E. W. West Plaintiff

vs.

Priscilla A. West. Administratrix of W. E. West dec'd. D. J. West and Sallie M. West two last named being infants under 21 years of age by J. B. Prince their Gdn. ad litem.

This day this cause which has been regularly matured came on to be heard on the plaintiffs bill and exhibits filed therewith; the answer of Priscilla A. West Administratrix of W. E. West dec'd; the answer of infants D. J. West and Sallie M. West; and the answer of J. B. Prince Gdn. ad litem for the said infants, duly assigned at rules to defend them in this suit, with general replication to the said answers and was argued by Counsel. On consideration the Court doth adjudge order and decree that one of the Commissioners of this Court take, state and report the following account to Court.

1st. The actual and annual value of the said real estate in the bill and proceedings mentioned and the ~~[illegible]~~ interest of the said infants therein,

2nd Whether partition can be conveniently made of the same among the parties entitled thereto in any of the modes prescribed by law; or if the same cannot be so divided whether the interest of the parties will be promoted by a sale thereof and a division of the proceeds among the parties entitled thereto.

The liens thereon if any and whether it has been sold for delinquent taxes and said Comr will report any other matter deemed pertinent by himself or which he may be required to state by any interested party. and by the consent of the adult parties by their Counsel, and the consent of the infant defendants by their Gdn. ad litem, given in open Court, ordered that this cause may be submitted to the judge of this Court for such decision or decree therein, in vacation as might be made in term.

A Copy.

Teste: L. A. Gay C.C.

The Deposition of John W. Pittman & others, taken by B. F. McLemore, Commissioner in Chancery of the Circuit Court for Southampton County - to be used by said Commissioner in making a report in the Chancery Cause of E. W. West & West, et: als: - Sept 21st 1898. -

Present: Shands & Son, Attys: for Parties -
J. B. Prince, Gdn. ad. litem.

The Witness John W. Pittman, being duly sworn, deposes as follows:

Q: What is your age, residence and occupation, do you know the parties to the suit and the land in the proceedings mentioned?

A: My age is 52 years old - reside in Southampton County - am a farmer & Merchant by occupation. Know the parties to the suit, and the land in the proceedings mentioned.

Q: What is the actual and Annual value of the land mentioned - and what is the ~~infants~~ interest of the infants in said land.

A: The tract contains 130 acres - and is worth, in fee simple, about $2000.00, the annual value is, I think, about $100.00 - W. E. West left six children, E. W. West - Janie Parrish - formerly West - Annie West - Tom West - D. J. West and Sallie M. West - the last two are minors - said children are entitled to 1/6 part, each, subject to the widow's dower.

Q: Whether partition can be conveniently made of the said land, among the parties ~~to the~~ entitled thereto - in any of the modes prescribed by law - & if it cannot be so divided - whether ~~in~~ the interest of the parties would be promoted by a sale thereof, and division of the proceeds?

A: The farm being small - it cannot, in my judgment - be conveniently divided in kind among the parties - to do so would injure the value of the property. I believe the interest of the parties would be promoted by a sale of the entire farm and division of proceeds.

Q: Are there any liens thereon - and has the land ever been sold for delinquent taxes.

A: None to my knowledge.

And more this deponent sayeth not.

J. W. Pittman

The Witness, L. A. Gay, being duly sworn, deposes as follows:

I am 58 years of age, reside in Southampton County - have been, for many years Commissioner of the Revenue for this District - Southampton County - Am at present - Clerk of the Circuit Court of Southampton Co., know the parties to the suit and the land in the proceedings mentioned - have read the deposition of J. W. Pittman, and fully corroborate all he has said in regard to the sale of the land and division of proceeds - the interest of the parties thereon - but do not agree with him as to the fee simple value thereof. I am of opinion that $1500.00 is all the land is worth. I agree with him as to the annual value.

L. A. Gay

Subscribed and sworn to before me, this 21 day of September 1898.

B. F. McLemore,
Com'r in Chancery

Commissioner's Office,
Courtland Va,
Sept. 21st 1898.

To the Circuit Court of Southampton Co:
Pursuant to a decree of said Court, entered at the April Term 1898, in the Chancery Cause of E. W. West vs West, et: als: the undersigned Commissioner reports to Court that having issued Notice against the parties to the suit, and after taking the depositions of John W. Pittman and L. A. Gay as Witnesses - he proceeded to take the accounts required by the aforesaid decree - and submits the following report: Viz:

1st. That the Annual value of the land in the proceedings mentioned is $100.00 - and the Actual value is $1500.00. - Mr Pittman one of the Witnesses - fixes the Actual value of the property at $2000. - while Mr Gay, who knows the property well - and who was, for many years - Commissioner of the Revenue, thinks $1500.00 - is all the property is worth. The Commissioner leans to the latter opinion. That the interest of the infants is 1/6 part, each - of said property - subject to the widow's dower.

2 - That partition of said land cannot be conveniently made between the parties entitled thereto. the farm is small, and

to divide or cut it up into six or seven shares. would impair the value of the property.. That it will be better to sell the whole subject matter and divide the proceeds among the several parties entitled thereto.

3" That a part of said land, to wit: 100 acres. purchased by W. E. West. from Geo: W. Harris et: als: is delinquent. and has been sold for the taxes due thereon for the year 1889 - the amount of taxes due is $\$4.^{25}$ with interest thereon from the 15" day of Dec 1890, till paid, and Costs. (Page 14)

I find no other liens against the property. The decree ~~of~~ under which this report is made, the notice of the time and place of taking the same, and the depositions of the witnesses upon which it is based. are filed herewith, to which the attention of the Court is directed.

Respectfully Submitted
B. F. McLemore,
Com in Chancery.

Commissioner's fee $\$10.^{00}$
Witness: J. W. Tillman $\$1.^{00}$
L. A. Gay .50

The Commiſsioner, being requested, states Specially, that E. N. West, the plaintiff in this suit – and who has brought the interest of the Adults in the land – is willing to take the interest of the minors – and pay at the same rate he paid for the other shares. which the Commiſsioner thinks is a very good price.

Respectfully Submitted.
B. F. McLemore
Comr in Chancery

West et ors

ads Ans of Gdn ad litem

West

1898. 2" March Rules filed

L. A. Gay C.C.

Shands Son p.d.

The answer of J. B. Prince Gdn ad litem of the two infant defendants D. J. West and Sallie M. West, to a bill in equity filed by E. N. West in the circuit court of Southampton Cnty against him and others

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says that he knows nothing of the facts as set forth in the plaintiffs bill but supposes the same to be truly stated. and that he confides the care of his wards' interests to the protection of this court. asking that all proper enquiries be made and decrees and orders entered to fully protect and advance the interests of his said wards. and having fully answered, he prays hence to be dismissed with his costs &c

J B Prince
Gdn ad litem

Shands Son p.d.

West

vs. } [illegible] In Chy.

West et als.

1898. 1st March Rules

[illegible]

We hereby ocknowledge leggl service of the within summons

Priscilla A. West

administratrix of W. E. West decd

L. J. West

Sallie W. West

J. B. Prince Gdn ad litem

S. Henderson p.q.

Pos. 4th

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Priscilla A. West administratrix of W. E. West dec'd, D. J. West and Sallie M. West, two last named being infants under 21 years of age by J. B. Raines their Gdn 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 1st Monday in Mch. 1898 ~~next~~, to answer a bill in Chancery exhibited against them in our said Court by E. W. West

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 7th day of March, 1898, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

West

Vs. } 2nd Decree

West et als.

To be entered

Oct. 4th. 1898

Robert R. Prentis

Entered Page # 235–

In the Circuit Court of Southampton County.
Oct. Term 1898.

West
vs. } Decree
West et als.

This day this cause came on again to be heard on the papers formerly read, and upon the report of Commissioner B. F. McLemore filed Sept. 21st. 1898. to which report no exceptions have been filed, and was argued by Counsel. And it appearing to the Court that the said E. W. West, plaintiff in this suit owns all the interests in the real estate in the bill and proceedings mentioned, except the interest therein of his minor brother and sister, D. J. West and Sallie M. West; and that partition of the said real estate in kind cannot conveniently be made among said parties, and that said E. W. West is willing to have allowed to him the shares of said D. J. West and Sallie M. West in said real estate, and pay them therefor the same price that he paid the other heirs per share for their shares in the said real estate, namely, the sum of \$331.76⅔ per share, and that it is to the advantage of said minors that he be allowed to do so. The Court doth further adjudge order and decree that he be allowed to take said shares on said terms, and that Wm Shands, who is hereby appointed a Special Commissioner for the purpose, proceed to collect from him the said sum of \$$331.^{76\,2/3}$ for each of said shares, and upon receipt of the same execute to said E.W. West a deed with Special Warranty for the shares or interests of said D.J. West and Sallie M. West in the said real estate in the bill and proceedings mentioned and described. That the said William Shands Special Commissioner out of the proceeds pay proportionate share of the said infants of the delinquent & other taxes due on said real estate and then deposit the residue in Vaughan & Co's Bank or in some other good bank, to be selected by said Com'r, taking proper interest bearing certificate of deposit therefor, and file the same in the papers in this Cause: But the said Commissioner shall not proceed to act under this decree untill he shall have first entered into bond with approved security before the Clerk of this Court in penalty of \$$1200.^{00}$, conditioned for a faithful discharge of his duties under this and under any future decree that may be entered in this Cause.

A copy.

Teste: L. A. Gay C.C.

E. W. West Plaintiff
against
Priscilla A West Administratrix of W. E. West dec'd. D. J. West and Sallie M. West two last named, being infants under 21 years of age by J. B. Prince their Gdn ad litem

This day this cause which had been regularly matured came on to be heard on the plaintiffs bill and exhibits filed therewith; the answer of Priscilla A West administratrix of W E West dec'd; the answer of infants D. J. West and Sallie M West; and the answer of J B Prince Gdn ad litem for the said infants duly assigned at rules to defend them in this suit, ~~and~~ with general replication to the said answers. and was argued by Counsel. on Consideration the Court doth adjudge order and decree That one of the Commissioners of this court Take. state and report the following accounts to Court

1st The actual and annual value of the said real estate in the bill and proceedings mentioned. and the interest of the said infants therein.

2nd Whether partition can be conveniently made of made of the same among the parties entitled thereto in any of the modes prescribed by law, or if the same ~~will have to~~ cannot be so divided whether the interests of the parties will be promoted by a sale ~~by auction and proceeds thereof to divide~~ thereof, and a division of the proceeds among the parties entitled thereto ~~and the liens thereon if any and whether it has ever been sold for delinquent taxes and~~ said Comr will report any other matter deemed pertinent by himself or which he may be required to state by any interested party. and by the consent of the adult parties by their counsell, and the consent of the infant defendants by their Gdn ad litem, given in open court, ordered that ~~the further hearing~~ of this cause may be ~~had in vac-~~ submitted to the judge of this court for such decision ~~have and such decree rendered therein~~ or decree therein, in vacation ~~as~~ ~~the~~, as might be ~~rendered~~ in term.

E. W. West
vs. No 3. 1st Decree
West & others

We consent to this decree being entered
Shands & [illegible] for adult parties
J. B. [illegible] Gdn ad litem

To be entered
April (5th) Term 1878

Cited 199
Copying [illegible] 60

West
vs 2nd Decree
West et als

To be entered
Oct 4, 1878
Robert R. Prentis

Entered Page # 235

West
vs Decree
West et others

This day this cause came on again to be heard on the papers formerly read, and upon the report of Commissioner B. F. McLemore filed Sept 21st 1898, ~~and~~ to which report no exceptions have been filed, and was argued by counsel, and it appearing to the court that the said E. W. West plaintiff in this suit owns all the interests in the real estate in the bill and proceedings mentioned, except the interests therein of his minor brother and sister, P. J. West and Sallie M. West; and that partition of the said real estate in kind cannot conveniently be made ~~in kind~~, among said parties, and that said E. W. West is willing to have allotted to him the shares of said P. J. West and Sallie M. West in said real estate, and pay them therefor the same price that he paid the other heirs per share for their shares in the said real estate, namely, the sum of $334.26⅔ per share. And that it is to the advantage of said minors that he be allowed to do so. The court doth further adjudge order and decree that he be allowed to take said shares on said terms, and that Wm Shands, who is hereby appointed a special Commissioner for the purpose, proceed to collect from him, the ~~said~~ sum of $331.26⅔ per ~~each~~ of said shares, and upon receipt of the same execute to said E. W. West a deed with special warranty for the shares or interests of said D. J. West and Sallie M. West in the said real estate in the bill and proceedings mentioned and described. That ~~the said William Shands Special Commissioner~~ ~~pay~~ out of the proceeds ~~pay~~ ~~proportionate share of the said infants of the~~ the delinquent & other taxes due on said real estate ~~and that deposit the residue~~ ~~in the~~ ~~Farmers~~ ~~R. S. Blackburn~~ ~~or in some~~ other good bank, to be selected by said Court, ~~and~~ taking proper interest bearing certificate of deposit therefor, and file the same in the papers in this cause; but the said Commissioner shall not proceed to act under this decree until he shall have first entered into a bond with approved security before the clerk of this Court in penalty of $1200.00 conditioned for a faithful discharge of his duties under this and under any future decree that may be entered in this cause

West
vs } Statement of Sales
West et als.

E. W. West Plaintiff
vs.
Priscilla A. West Administratrix
of W. L. West decd. D. J. West
and Sallie M. West. Two last
named being infants under Defendants In Chancery
21 years of age by J. B. Prince
Their Gdn. ad litem

1898. 4th March Process Isd. to 1st Mch. Rules

1898. 1st March Rules. Process returned executed.
Bill and exhibits filed.
J. B. Prince appointed Guardian
ad litem to infant defendants.
Decree nisi vs adult defendants.

1898. 2" March Rules. Bill taken for confessed
as to adult defendants.
Answer of Guardian ad litem filed.
Genl. replication and answers of
P. A. West. Admx. and D. J. and
Sallie M. West also filed, Genl.-
replication and Cause set for
hearing.

West

vs. } Statement of costs

West et als.

West

vs. } Statement of Costs

West et als.

1902 Jan 17
1901, Oct

Summ. 25. 3 Copies 39. receipt 18. Atty. 10. Docket 18 =	1.10
Rules $1.00, Entering return 35. filing bill 15. =	1.50
Do. Ex. 15. Do. 3 answers 45. Copy Ex. $1.00, fil. Com's rept. 25 =	1.85
Taking Special Com's bond $1.45, 2 decrees & copies $1.82	3.27
Tax costs & copy 40, filing away papers 25 –	.65
1 com. 25. Tax costs 4 years @ 10 = 40	.65
2 continuances 1.50. Future Costs 1.00 / .50 = 1 Witness fee	2.50
Clerk	$12.07
Sheriff	0.00
Lawyer.	16.50
	$28.57
Fee & postage of Clerk of Sussex Co.	.40
Fee of Com'r B. F. McLemore	10.00
Witnesses J. H. Pittman	1.00
	$39.97

Teste: L. A. Gay C.C.

West

vs 3rd & Final Decree

West et als

To be entered

April (7th) Term 1903

Robert R. Prentis

Entered

Page No. 1.

West
vs 3 3rd final Decree.
Wests et als

It being suggested to court by counsel for plaintiff that the defendants in this cause have become of legal age and settled the matters mentioned in this cause with the plaintiff out of court; and that there is nothing further to be done in this cause. On consideration whereof the court doth adjudge order and decree that the same be removed from the docket at the plaintiffs costs.