At the bottom of this account is written the following order of Court passed hereafter to Wit on the 17 of January 1861.

Circuit Court for Morgan County, in Equity Dec Term 1860

Ordered by the Court that the corrected account B filed in this cause be and the same is hereby overruled and rejected, and that account being corrected account A, be and the same is hereby finally ratified and confirmed and the Trustee is directed to pay over the Money accordingly with a due proportion of the interest received

Jany 16th 1861 Nicholas Pruner Circuit Judge

Dr The Real Estate of Rachel Warfield in acct B with Wm H. G. Dorsey and J. T. B. Dorsey Executors Trustees

July 3. 1855 Fees and Commissions, Taxes Expenses and costs as shown in detail in Acct A			314.14
To Mary J. Waters for Net proceeds		299.67	
To less Intenant by Curtesy of less than on her acct by Trustee	$102.73 150.00	252.93	38.74
To R. L. Waters 1/6 Net proceeds		145.83	
Less Intenant by Curtesy		51.47	94.36
To Jonathan M. Waters 1/6 Net proceeds		145.83	
Less Intenant by Curtesy		51.47	94.36
Eliza W. Southcomb 1/6 Net proceeds			291.67
Anna Catharine Southcomb 1/6 Net proceeds			145.83
Rachel Jane Southcomb			145.83
Sarlen Warfield 1/6 Net proceeds			166.67
Sarah Young			166.67
John T. Warfield			166.67
Louisa Warfield			166.67
Joshua D. Warfield			166.67
Eliza L. Warfield			166.67
Catharine Derrall 1/36			41.67
Sarah E. Derrall			41.67
Mary J. Derrall			41.67
Louis D. Derrall			41.67
Ignatius Waters tenant by the Curtesy 6/17 of 1/4		205.87	
Assigned to Smith and King	$225.00		
Less deficiency of Ignatius Waters Share	19.13	205.87	205.87
Paid to Mary J. Waters by Trustee and assigned to him			150.00
			2547.50

Cr

1855 July 3 Proceeds of Sale		2547.50
		2547.50.

And hereafter to Wit on the 23d of March 1859 the petitioner came again into Court here and by their Counsel R. J. Brent and filed the following Affidavit and agreement in the words and figures as follows.

Ignatius Waters et al vs Warfield et al } In Equity

In Open Court personally appears Reuben Warfield and made oath on the Holy Evangels of Almighty God that he is well acquainted with the late Allen Warfield of Rachel and knows the farm on which resided in Morgan County and that the said farm is the same purchased of Wm H. G. Dorsey and John T. B. Dorsey Trustees by Basil Duvall of Jesse and which is now possessed by a tenant of said Basil Duvall.

Sworn to this 23 March 1859. W. W. Watkins Clk

It is agreed that the above deposition shall be taken to have the same effect as if duly and regularly taken and returned under a Commission in this cause subject to all other Exceptions.

R. J. Brent Solr
W. H. G. Dorsey Solr for Complt

And on the 4th of September 1860 an agreement of Counsel was filed in Court here in the words following to Wit.

Waters &c vs Warfield et al } It is agreed that Catharine Southcomb accepted and claimed the Real Estate devised to Rebecca Warfield in and by the Will of Rachel Warfield and therein described and that the same is still held and possessed under the Devise made to the Heirs of said Rachel Warfield

Also that Sarah the Wife of Rachel Warfield died before her said husband leaving children all of whom died without issue except Catharine Southcomb and Allen Warfield both of whom are dead leaving issue and that the issue of Allen Warfield are entitled to one half of the Net proceeds of sale in case the Court shall decide that Allen Warfield had a fee simple in one half of the property as Heir to his Mother and that his death to Philemon D. Warfield passes Nothing more than a life Estate, Also that the property in dispute was devised by Philemon Dorsey at the date of his Will and death is part of that Mentioned and described in his will.

Also that the Record from High Court of Chancery the Copies of the deeds of Allen Warfield to Philemon D. Warfield and from said P. D. Warfield to Lot Southcomb and the Copy of Thos Dorsey's Will herewith filed shall have the same Effect as if ordered under a commission in this cause.

It is further agreed that in case the Court shall decide that Sarah Warfield Wife of Rachel Warfield died seized of the property in dispute the corrected Account B is to be ratified unless the deed of Allen Warfield is held to pass a fee simple title, but in case the Court shall decide that Rachel Warfield died seized in fee of the land in dispute, or that the said deed of Allen Warfield passed a fee simple title then in either of said cases corrected account A is to be ratified Sept 4th 1860

R. J. Brent for the Heirs of Allen Warfield.