then? Suppose he does pay up & take the property, we have made a sale that none of us have any object in making now & to a man that may give a great deal of trouble & annoyance to Aunt Ruth. I think it probable that as William thinks, the property will rise greatly in a few years - not perhaps double, but still very considerably, especially if the road is made. If we want to divide it, we can do so better by an amicable partition suit than could be done by a hostile one - and now that the debts are all paid there is no necessity for a sale or even an immediate partition - Our individual shares would be in any event small.

The probability of our losing the suit, I am now satisfied is less than I at first supposed, so far as the ~~immediate~~ ultimate result is concerned, for Mr Payne informed me that he could reopen the case so as to admit ~~new testimony~~, and the Governor now states that Whitwell once assumed ownership over the town lots. ~~&~~ He had before informed Mr Payne & myself that ~~they~~ Whitwell had refused to give the property back, in the presence of witnesses - Sanckes should have shown this in the trial, but I understand said it was of no consequence - You will see that Sheffield makes a point in his argument of the omission,

However, I leave the whole matter to you and Mr Parker, so far as I am concerned. Only we had better make no roads till we settle this suit.