1912-009 Chancery Causes. Abraham Thomas Kenny et al Vs Joseph Kenny et al
Isle of Wight County

other surnames: Bunting, Bailey, Chapman, Everett, Griffin, Gatling, Whitehead, Wills,

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, MARCH 2ND. 1909.

Abraham T. Kenny et als.
vs) Chancery
Joseph Kenny et als.

On motion of the counsel for the complainants in this cause, George F. Whitley, a discreet and competent attorney al law is hereby assigned guardian ad litem to the infant defendants, Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, they being infants under the age of twenty one years, to defend their interests in this suit.

Given under my hand this 2nd. day of March, 1909.

Teste, [signature]
Clerk.

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Abraham T. Kenny et als
vs
Chomeny
Joseph Kenny et als

Order appointing gdn ad litem

Filed March 2 1904
Dest. A. Johnson
Clk

J. V. Kenney,

To) Bargain and Sale. D. B. No. 77, page 301.

B. P. Chapman,

THIS DEED made this 14th. day of August, 1909, between J. V. Kenney of the County of Isle of Wight State of Virginia of the first part and B. P. Chapman of the County and State aforesaid party of the second part.

WITNESSETH that for and in consideration of the sum of Fifty Dollars ($50.00) cash paid in hand the said party of the first part do convey unto the said party of the second part with general warranty all of his right, title and interest into the following described property in the County and State afforesaid susposed to be one eight.

First All of that certain tract or parsel of land lying and situated in the County and State afforesaid containing 43 acres,more or less and bounded as follows, Mrs. T. E. Jones, on the North B. P. Chapman, on the East Walter Godwin, on the South East, Sandy Watkins on the South.

Second. All of that certain tract or parsel of land in the County and State afforesaid containing 23 acres, more or less and bounded as follows, Mrs. T. E. Jones on the North Sandy Watkins on the South West J. T. Matthews on the East and better known as the Ricks Farm.

The said grantors covenant that they have the right to convey the said land to the grantee that the grantee shall have quiet possession of the said land free from all encumbrances, that they the said parties of the first part will execute such further assurances of the said land as may be requested that they have done no act to encumber the said land.

Witness the following signatures and seals this 14th. day of August, 1909.

J. V. Kenney, (SEAL)

County of Isle of Wight,to-wit:

I, M. F. Jordam a Justice of the Peace for the County aforesaid in the State of Va. do certify that J. V. Kenney whose name is signed

to the writing above bearing date the 14th. day of August,1909, has acknowledged the same before me in my County aforesaid.

Given under my hand this 14th. day of August, 1909.

M. F. Jordan, J. P.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight August 18th. 1909, at nine o'clock A. M. this deed was received, and, with the certificate annexed, admitted to record.

Teste, A. S. Johnson, Clerk.

A copy, Teste,

A. S. Johnson Clerk.

Exhibit "F"

John Robert Kenney,

To) Bargain and Sale. D. B. No. 77, page 298.

B. P. Chapman,

THIS DEED made this 7th. day of August, 1909, between John Robert Kenney of the County of Nansemond State of Virginia of the first part, and B. P. Chapman of the County of Isle of Wight State of Virginia of the second part.

WITNESSETH that for and in consideration of the sum of($50.00) Fifty Dollars cash paid in hand the said parties of the first part do convey unto the said party of the second part with general warranty all of his right title and interest into the following described property. In the County of Isle of Wight State of Virginia, susposed to be one eighth.

First All of that certain tract or parsel of land lying and situated in the County of Isle of Wight State of Virginia, containing 43 acres more or less and bounded as follows. Mrs. T. E. Jones on the North, B. P. Chapman on the East, Walter Godwin on the South East Sandy Watkins on the South.

Second all of that certain tract or parcel of land in the County of Isle of Wight State of Virginia containing 23 acres more or less and bounded as follows. Mrs. T. E. Jones on the North, Sandy Watkins on the South West J. T. Matthews on the East and better known as the Ricks farm.

The said grantors covenant that they have the right to convey the said land to the grantee, that the grantee shall have quiet possession of the said land free from all encumbrances; that they the said parties of the first part will execute such further assurances of the said land as may be requested that they have done no act to encumber the said land.

Witness the following signatures and seals this 7th. day of August, 1909.

John Robert Kenney, (SEAL)

County of Isle of Wight, to-wit:

I, M. F. Jordan, a Justice of the Peace for the County aforesaid

in the State of Virginia, do certify that John Robert Kenney whose name is signed to the writing above bearing date the 7th. day of August 1909, has acknowledged the same before me in my County aforesaid.

Given under my hand this 7th. day of August, 1909.

M. F. Jordan, J. P.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, August 10th. 1909, at twelve o'clock M. this deed was received, and, with the certificate annexed, admitted to record,

Teste, A. S. Johnson, Clerk.

A copy, Teste, A. S. Johnson Clerk.

Exhibit "E"

Charles B. Kenney,

To) Bargain and Sale. D. B. No. 77, page 159.

B. P. Chapman,

THIS DEED made this 18th. day of Feb. 1909, between Chas. B. Kenney and his wife O. S. Kenney both of the County of Nansemond State of Virginia of the first part, and B. P. Chapman of the first part and B. P. Chapman of the County of Isle of Wight State of Virginia of the second part.

WITNESSETH: that for and in consideration of the sum of Fifty Dollars ($50.00) cash paid in hand the said parties of the first part do convey unto the said party of the second part with general warrantee all of their right title and interest into the following described property. In the County of Isle of Wight State of Virginia, susposed to be one eight.

First all of that certain tract or parsel of land lying and situate in the County of Isle of Wight State of Virginia, containing 43 acres more or less and bounded as follows Mrs. T. E. Jones on the North B. P. Chapman on the East Walter Godwin on the South East Sandy Watkins on the South.

Second all of that certain tract or parsel of land in the County of Isle of Wight State of Virginia, containing 23 acres more or less and bounded as follows Mrs. T. E. Jones on the North Sandy Watkins on the South West J. T. Matthews on the East and better known as the Ricks farm.

The said grantors covenant that they have the right to convey the said land to the grantee that the grantee shall have quiet possession of the said land free from all encumbrances that they the said parties of the first part will execute such further assurances of the said land as may be requested that they have done no act to encumber the said land.

Witness the following signatures and seals this 18th. day of February, 1909.

Charles B. Kenney (SEAL)

Ophelia S. Kenney, (SEAL)

County of Isle of Wight, to-wit:

I, M. F. Jordan, a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that Chas. B. Kenney and Ophelia S. Kenney whose names are signed to the writing hereto annexed, bearing date the 18th. day of February 1909, have acknowledged the same before me in my County aforesaid.

Given under my hand this 18th. day of February 1909.

M. F. Jordan, J. P.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, February 19th. 1909, at nine o'clock A. M. this deed was received, and, with the certificate annexed, admitted to record.

Teste, A. S. Johnson, Clerk.

A copy, Teste,

A. S. Johnson Clerk.

Exhibit "D"

James T. Chapman, Trustee for William Kenney,
To) Bargain and Sale. D. B. No. 77, page 228.
B. P. Chapman,

THIS DEED made this 7th. day of April, 1909, between James T. Chapman, Trustee of the County of Isle of Wight State of Virginia of the first part and B. P. Chapman of the County and State aforesaid of the second part.

WHEREAS William Kenney and Lettie Kenney his wife by their deed bearing date March 24th. 1908, and duly recorded in the Clerk's Office of the County Court of the said County in deed book No. 76, page 51, did convey unto the said James T. Chapman 1/8 of all of that certain tract or parsel of land set forth and described in the said deed as follows, all of their right title and interest into the following real estate, to-wit: 1/8 of that certain piece or parsel of land lying and being in the said County and State containing first 43 acres bounded by the lands of Mrs. T. E. Jones, B. P. Chapman, Walter Godwin and Sandy Watkins, second 23 acres bounded by the lands of Mrs. T. E. Jones Sandy Watkins and J. T. Matthews and better known as the Ricks Farm situated on the main road near Burnt Mill.

IN TRUST to secure to the said B. P. Chapman the payment of the debt in the said deed of trust mentioned.

WHEREAS default having been made in the payment of the debt secured by the said deed of trust and the said James T. Chapman trustee as aforesaid having been directed so to do by the said B. P. Chapman, having first given the notice by the said deed of trust required exposed to sale at Public Auction in front of B. P. Chapman & Son store door, on the 7th. day of April 1909, the tract or parsel of land aforesaid with its appurtenances at which sale B. P. Chapman being the highest bidder became the purchaser thereof at the sum and price of $55.50 Fifty five dollars and Fifty cents.

WHEREAS the said B. P. Chapman has paid off and discharged in full unto the said James T. Chapman Trustee as aforesaid the sum of $55.~~50~~ 00 Fifty five dollars and fifty cents, the purchase price of the said as aforesaid, and now desires that the said land be conveyed unto

him by a good and sufficient deed.

NOW THEREFORE, this deed witnesseth that the said James T. Chapman trustee as aforesaid for and in consideration of the premises and for the further consideration of the sum of $55.50 Fifty five dollars and fifty cents to him cash in hand paid in full of the purchase price of the said land, the receipt whereof is hereby acknowledged to be applied and appropriated as by said deed of trust is directed, doth grant with special warranty unto the said B. P. Chapman, all of the right title and interest susposed to be 1/8 of the said William Kenney and Lettie Kenney his wife, in and to the tract of land aforesaid with its appurtenances.

Witness the following signatures and seals this 7th. day of April, 1909.

James T. Chapman, Trustee, (SEAL)

County of Isle of Wight, to-wit:

I, M. F. Jordan, a Justice of the Peace for the County aforesaid in the State of Virginia, do certify that James T. Chapman whose name is signed to the writing hereto annexed, bearing date the 7th. day of April, 1909, has acknowledged the same before me in my County aforesaid.

Given under my hand this 5th. day of May, 1909.

M. F. Jordan, J. P.

Virginia: Clerk's Office of the Circuit Court of the County of Isle of Wight, May 6th. 1909, at nine o'clock A. M. this deed was received, and, with the certificate annexed, admitted to record.

Teste, A. S. Johnson, Clerk.

A copy, Teste,

A S Johnson Clerk.

Exhibit "C"

Margaret Bailey, et als.

To) Bargain and Sale. D. B. No. 65, page 42.

Nellie Kenney,

THIS DEED made this 18th. day of January in the year 1900, between Margaret Bailey, Savannah Wills who was Bailey and Nicholas Wills her husband of the County of Nansemond and in the State of Virginia parties of the first part, and Nellie Kenney wife of Charles Kenney of the County of Isle of Wight and in the State of Virginia party of the second part;

WITNESSETH: That for and in consideration of the sum of one hundred and thirteen dollars cash in hand paid the receipt whereof is hereby acknowledged, the said parties of the first part do grant with general warranty unto the said part of the second part the following property to-wit: All of that certain tract, piece or parcel of land situate lying and being in the County of Isle of Wight in the State of Virginia containing by actual survey twenty two and one half (22½) acres bounded and described as follows: beginning on the County road leading from Lyons Mill to Smithfield at a post cornering on the land of Sandy Watkins and running North 82 degrees E. 10.15 chains to a gum tree, thence South 82½ degrees E. 3.30 ch. to a pine tree, thence North 89 degrees E. 3.50 ch. to pine tree, thence North 85 degrees E. 4.00 ch. to a pine tree, cornering on the lands of the said Sandy Watkins and Junius Watkins, thence North 48 degrees W. 3.60 ch. to maple, thence North 46 degrees West 2.30 ch. to dog wood tree, thence North ~~48½~~ 34½ degrees W. 1.45 ch. to a pine tree, thence North 32 degrees W. 2.33 ch, to cedar post, thence north 51½ degrees W. 2.75 ch. to another cedar post, thence North 65 degrees W. 6.45 ch. to a pine tree, thence North 84½ degrees W. 6.70 ch. to a red oak tree, thence North 85 degrees W. 6.45 to said County road, thence along the said road South 26 degrees E. 15.85 ch. to starting point. It being the same tract of land which was assigned to Belvy Ricks and Ellen Ricks (col) as their dower in the lands of the estate of Levy Ricks deceased, and which now stands charged upon the land books of Isle of Wight County

in Newport District in the name of Belvy Ricks and Ellen Ricks, and which upon the death of the said Belvy Ricks and Ellen Ricks descended to th- children of Margaret Bailey deceased, This deed is intended to convey all of the said tract which as it now stands charged is estimated at twenty five acres. The said grantors covenant that they have the right to convey the said land to the grantee; that the grantee shall have quiet possession of the s said land; free from all encumbrances; that they the said parties of the first part will execute such further assurances of the said land as may be requisite; that they have done no act to encumber the said land.

Witness the following signatures and seals:

Margaret Bailey, (SEAL)

Savannah Wills, (SEAL)

Nicolas Wills, (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, Samuel H. Edwards, a Commissioner in Chancery of the Circuit Court for the County aforesaid in the State of Virginia, do certify that Margaret Bailey, Savannah Wills and Nicholas Wills whose names are signed to the foregoing writing bearing date January 18th. 1900,have acknowledged the same before me in my County aforesaid.

Given under my hand this 18th. day of January 1900.

Samuel H. Edwards,
Commissioner in Chancery.

In the Clerk's Office of theCounty Court of Isle of Wight County January 18th. 1900, this deed was received, and, with the certificate annexed, admitted to record.

Teste, N. F. Young, Clk.

A copy, Teste,

A. Johnson Clerk.

Exhibit "B"

G. R. Bunting

To) Bargain and Sale. D. B. No. 66, page 226.

Nellie Kenney.

THIS DEED, Made this 23rd. day of February, in the year one thousand nine hundred, between G. R. Bunting, and E. S. Bunting, his wife, of Nansemond County, Virginia, of the first part, and Nellie Kenney, of Isle of Wight County, Virginia, of the second part.

WITNESSETH: That in consideration of the sum of Two Hundred ($200.00) Dollars, the said parties of the first part do grant unto the said party of the second part, with General Warranty, all that certain tract of land in the County of Isle of Wight, in the State of Virginia and bounded as follows, to-wit: On the East by the lands of John J. Kirk, on the North by the land of E. G. Pitt, on the West by the lands of Mrs. M. M. Jones, and on the South by the lands of John Hill, and containing forty two acres, more or less.

It being the same land conveyed to Geo. W. Bunting and Son by Chas. Kenney and wife the 26th. day of February, 1891, and recorded in the Clerk's Office of the County Court of Isle of Wight County, in Deed Book No. 55, page 425.

The said parties of the first part covenant that they have the right to convey the said land to the grantee: That they have done no act to encumber the said land; that the grantee shall have quiet possession of the said land, free from all encumbrances, and that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

G. R. Bunting, (SEAL)

State of Virginia,

County of Nansemond, to-wit:

I, S. E. Everett, a Notary Public for the County aforesaid, in the State of Virginia, do certify that G. R. Bunting and E. S. Bunting his wife, whose names are signed to the writing hereto annexed,

bearing date the 23rd. day of February, 1900, have acknowledged the same before me in my County aforesaid.

Given under my hand this 23rd. day of February, 1900.

B. E. Everett, Notary Public.

In the Clerk's Office of Isle of Wight County Court this 24th. day of January, 1901, this deed was received, and, with the certificate annexed, and 50 cents in U. S. Int. Rev. affixed and duly cancelled, admitted to record.

Teste, N. F. Young, Clerk.

By Albert S. Johnson, Deputy.

A copy, Teste, A. S. Johnson Clerk.

Exhibit "A"

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA, DECEMBER TERM, 1912.

Kenny, et als.....Plaintiffs,

vs.) Chancery

Kenny, et als,.....Defendants.

This cause came on this day to be again heard on the papers formerly read, and upon the report of payments of E. H. Williams, Special Commissioner, filed this day by leave of Court, to which no exceptions have been taken, and was argued by Counsel:

On consideration whereof the Court confirming the said report, and it appearing that nothing further remains to be done herein, doth adjudge, order and decree that this cause be stricken from the docket.

Kenny, et als.

vs.) In chancery/

Kenny, et als.

DECREE.

Dec. 1912

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA:
DECEMBER 5TH. 1910.

Kenny, et als. ..... Plaintiffs.

vs.) In Chancery.

Kenny, et als. ..... Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of sale made by E. H. Williams, Special Commissioner, under a decree entered herein on filed this day by leave of Court
October 11th. 1910, no exceptions having been taken to said report, and was argued by counsel: And it appearing from said report that at said sale Abraham Thomas Kenny, his bid of $800 for the property was the highest bid therefor; upon consideration whereof, the Court doth adjudge, order and decree that the said E. H. Williams, ~~who has heretofore been appointed~~ Special Commissioner, do collect from Abraham Thomas Kenny the sum of Eight Hundred Dollars, the amount of the purchase price of the land in the bill and proceedings of this cause mentioned and described; and upon such collection to execute and deliver to the said Abraham Thomas Kenny a good and sufficient deed with covenants of Special Warranty for the land aforesaid.

And it is further adjudged, ordered and decreed that out of the proceeds of said sale that E. H. Williams, Special Commissioner as aforesaid, shall pay, first the costs of this

suit up to and including a final decree, ~~the usual fees to a Special Commissioner~~, a fee of $60.00 to E. H. Williams for his services in this cause; ~~a fee of $ to C. R. Bux-~~ and Geo. F. Whitley guardian ad litem the sum of $5.00 ~~ton for his services in this cause; a fee of $ to Geo. F. Whitley, guardian ad litem for the infant defendants;~~ and, then pay out the residue to the parties ~~in~~ interest such sums as they ~~in the said land,~~ are entitled to, taking vouchers for such payments.

And the said Special Commissioner shall make report to Court how he has executed this decree.

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Kenny, et als.

Vs.) In Chancery.

Kenny, et als.

DECREE.

1910
Dec. 5.
To be entered, E.H.W.

C. O. B. No. 7, page 44

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN VACATION, MAY _____, 1910.

Abram Thomas Kenny, Elizebeth Kenny,
Mima Gatling and John Robert Kenny,..... Plaintiffs.

vs) Chancery.

Joseph Kenny, Charles B. Kenny, Ophelia
S. Kenny, B. P. Chapman, Florence O. Chapman,
J. T. Chapman, Lettie Kenny, Mabel Kenny,
Pauline Kenny, Nellie Kenny, William W. Kenny,
Lavinia Kenny, David Kenny, Dollie Kenny,
Rose Everett, John Everett, Wallace Everett,
and Emmett Everett, the last eleven
being infants under the age of twenty one
years, and George F. Whitley, guardian
ad litem.....Defandants.

This cause came on this day, ~~in vacation, by consent of all parties in interest~~, to be again heard on the papers formerly read and on the report of Commissioner A. S. Johnson, filed ~~April~~ September 29th. 1910, and to which no exceptions have been taken, and was argued by counsel; and it appearing to the Court from ~~the~~ said report ~~of said Commissioner and the evidence returned herewith,~~ that the property mentioned in these proceedings can not be ~~advantageously partitioned in kind~~ conveniently divided among the parties entitled to share therein, ~~and it further appearing from the said report that a public sale of the aforesaid property will be to the best interest of the parties entitled to share therein.~~ and that no party will take the entire subject matter and pay therefor such sum to the other parties such sums as their interests would entitle them to, and that the interests of all parties will be promoted by a sale of the said property

On consideration whereof, the Court doth confirm said report, and doth adjudge, order and decree that S. R. Buxton and E. H. Williams, who are hereby appointed Special Commissioners for the purpose, ~~,~~ do, after having advertised the time, place and terms of sale for the period of two weeks by hand bills posted in ten or more public places in the County of Isle of Wight, proceed to sell at public auction, to the highest bidder, at the front door of the Post office in the town of Smithfield, Virginia, the tracts of land in the bill and proceedings ~~of~~ as follows

~~this cause mentioned, namely~~:

FIRST: All that certain tract of land in the County of Isle of Wight, Virginia, and bounded as follows, t-wit: On the East by the lands of John Kirk; on the North by the land of E. G. Pitt; on the West by the lands of Mrs. M. M. Jones; and on the South by the lands of John Hill, and containing forty two acres, more or less. It being the same land which was conveyed to Nellie Kenny, deceased, by deed from G. R. Bunting, which said deed bears date of February 23rd. 1900, and is on record in the Clerk's office of this county, in Deed Book No. 66, page 226.

SECOND:- All of that certain tract, piece or parcel of land situate lying and being in the County of Isle of Wight in the State of Virginia, containing by actual survey, twenty two and one-half (22 1/2) acres bounded and described as follows: beginning on the County road leading from Lyons Mill to Smithfield, at a post cornering on the land of Sandy Watkins, and running North 82 degrees E. 10.15 chains to a gum tree, thence South 82 1/2 degrees E. 3.30 ch. to a pine tree, thence North 89 degrees E. 3.50 ch. to pine tree, thence North 85 degrees E. 4.00 ch. to a pine tree, cornering on the lands of the said Sandy Watkins and Junius Watkins, thence North 48 degrees W. 3.60 ch. to maple, thence North 46 degrees West 2.30 ch. to dog wood tree, thence North 34 1/2 degrees W. 1.45 ch. to a pine tree, thence North 32 degrees W. 2.33 ch. to cedar post, thence North 51-1/2 degrees W. 2.75 ch. to another cedar post, thence North 65 degrees W. 6.45 ch. to a pine tree, thence North 84-1/2 degrees W. 6.70 ch. to a red oak tree, thence North 85 degrees W. 6.45 to said County road, thence along the said road South 26 degrees E. 15.85 ch. to starting point; it being the same land which was conveyed to Nellie Kenny by deed from Margaret Bailey, et als.; and upon the following terms, to-wit:- one-~~half~~ third in cash and the residue in two equal credit installments, each evidenced by the bond of the purchaser, bearing date with

Payable in ~~six~~ twelve and ~~nine~~ twenty-four months, respectively, the day of sale and carrying interest from said date with option to the purchaser to pay all of the purchase price in cash, the title to the said property to be retained until the entire purchase money shall have been paid. And the insurance to be assigned for more than their value, the policies & in addition the assignment to be made as additional security for the same.

The said Special Commissioners, ~~S. R. Buxton and E. H. Williams,~~ shall receive no money under this degree until they or the one qualifying ~~shall enter into a bond with sufficient security, in the Clerk's office of this county,~~ shall execute a bond before the Clerk of this court with sufficient surety, payable to the Commonwealth of Virginia, in the penalty of $2000.00 and conditioned for the faithful discharge of their duties under this decree and any future decree herein. The said Special Commissioners shall make report to the Court how they have executed this decree.

~~All of which is certified to the Clerk of the Circuit Court of the County of Isle of Wight.~~

Special Commissioners

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Kenny, et als.

vs) Chancery

Kenny, et als.

DECREE. 1910 Oct. 11, Enter this. B. Dld

We consent to the within decree.

E. H. Williams p.q.
Per R. Whitley, Guardian ad lite

B. B. Chapman
James F. Chapman.
J. O. Chapman
S. R. Bunton attys.

C. O. B. No 7 Page 43

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN VACATION, MAY _____, 1910.

Abram Thomas Kenny, Elizabeth Kenny,
Mima Gatling and John Robert Kenny,..... Plaintiffs.

vs) Chancery.

Joseph Kenny, Charles B. Kenny,
Ophelia S. Kenny, B. P. Chapman,
Florence O. Chapman, J. T. Chapman,
Littie Kenny, Mabel Kenny, Pauline
Kenny, Nellie Kenny, William W. Kenny,
Lavinia Kenny, David Kenny, Dollie
Kenny, Rosa Everett, John Everett,
Wallace Everett and Emmett Everett, the
last eleven being infants under the
age of twenty one years, and George
F. Whitley, guardian ad litem,..... Defendants.

This cause came on this day, in vacation, to be again heard upon the papers formerly read and was argued by counsel, and by consent of all parties,entered of record in vacation, the Court doth adjudge, order and decree that all such orders and decrees may be made and entered herein in vacation as might be made in term time.

All of which is certified to the Clerk of the Circuit Court of the County of Isle of Wight.

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Kenny, et als.

vs.) Chancery

Kenny, et als.

DECREE.

We consent to the within decree.

Thos. Williams p.q.
Geo. B. Whitley Executor
& Trustee
H. B. Claiborne Jr. pqa
James T. Chapman.
F. O. Chapman
S. R. Burton Atty for Def.

May 1913

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA:

OCTOBER TERM 1909.

Abram Thomas Kenny, Elizabeth Kenny, wife of Thomas Kenny, Mima Gatling, who was Kenny, and John Robert Kenny, ... Plaintiff

vs) In Chancery.

Joseph Kenny, Chas. B. Kenny, Ophalia S. Kenny, B. P. Chapman, Florence O. Chapman, J. T. Chapman, Little Kenny, Mable Kenny, Pauline Kenny, Nellie Kenny, William W. Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett,.....Defendant.

This cause came on this day to be heard on the Complainant's bill taken for confessed as to all the absent defendants, Joseph Kenny, Chas. B. Kenny, Ophelia S. Kenny, B. P. Chapman, Florence O. Chapman, J. T. Chapman, Littie Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William W. Kenny, Lauvinia Kenny, David Kenny Dollie Kenny, Rosa Everett John Everett, Wallace Everett and Emmett Everett, (the last eleven named being infants) on whom process has been duly served, or who have duly accepted service of process, and on the answer of the infant defandants Mabel Kenny, Pauline Kenny, Nellie Kenny, William W. Kenny, Lavinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, by their guardian ad litem, Geo. F. Whitley, a discreet attorney at law duly assigned at rules, practicing in this court, and upon the general publication heretofore made, this day filed by leave of court, and was argued by counsel:

On consideration whereof, the court doth adjudge, order and decree that A. S. Johnson one of the Commissioners of this Court do take, state and report to court the following inquiries and accounts;

FIRST: Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein;

SECOND: If the same can not be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to;

THIRD: And if the same cannot be conveniently divided in kind and no party will take the entire property and pay the others for their share, whether the interest of those entitled to the said property, or ~~his~~ its proceeds, will be promoted by a sale of the entire property or by allottment of part and sale of the residue;

FOURTH; An account of the real estate of which Nettie Kenny died seized and possessed, with the annual and fee simple value of the said land, and the respective interests of the parties entitled to the same;

FIFTH: Whether or not there are any liens on the said land for delinquent taxes, or otherwise, and whether there are any liens on the interest of any party in the said land.

SIXTH; Whether all of the proper parties are properly before the court.

Which several inquiries the said commissioner shall make and report to Court, together with any matter specially stated, deemed pertinent by himself or ~~a~~ required by any party in interest to be so stated.

5

Kenney et als.

V. Dr Shockey

Kenney et als.

Decree

1909
Dec. 6.
Entered this.
P.D.W.

We Consent:
E.H. Williams, p.q.
S.R. Buxton p.q.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

*

3.00
42.50
5.00
72.34
72.33
72.33
72.33
72.34
289.33
2.50
10.00
42.50
1.50
5.00
36.50

799.50*

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2

Smithfield, Va., 2/1 1911 No. 1240

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of T. L. Griffin $3 00

Three & No/100 Dollars

Services in Kenny v. Kenny

E. H. Williams Spl
Comm'r in Kenny v. Kenny

THE BANK OF SMITHFIELD
PAID
FEB 1 1911
SMITHFIELD, VA.

T. G. Griffin

E. H. WILLIAMS,
ATTORNEY
MAIN STREET
SMITHFIELD, VA.

1081

Smithfield, Va., 1/20 1911 No. 1232

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of A R Whitehead $ 1.50

One & 50/100 Dollars

Trip to Veintland
Summonses in
Kenny v. Kenny — Expense

E H Williams

THE BANK OF SMITHFIELD
PAID
JAN 20 1911
SMITHFIELD, VA.

Per Chas. Kenny v. Kenny

A. R. Whitehead

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2 Smithfield, Va., 1/19 1911 No. 1230

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of L. R. Bertram Atty for Deerslead $72.34

Seventy-two 34/100 Dollars

Compromise in

Kenny V. Kenny

PAID
JAN 22 1911
THE BANK OF SMITHFIELD
SMITHFIELD, VA.

L. R. Bertram
L. R. Bertram in Kenny V. Kenny

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

Smithfield, Va., 1/19 1911 No. 1229

The Bank of Smithfield
SMITHFIELD, V

Pay to the order of E. R. Bullock and Bro. $72.24

Seventy-two & 24/100 Dollars

For Jan rent in Lowry N

Lowry E. H. Williams

THE BANK OF SMITHFIELD
PAID
JAN 24 1911
SMITHFIELD, VA.

S R Buxton atty
David Kenny

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

Smithfield, Va., 1/19 1911 No. 1228

The Bank of Smithfield
SMITHFIELD, VA.

PAID
JAN 24 1911
SMITHFIELD, VA.

Pay to the order of D. R. Burton Atty for Mary E. Brewer $72.33

Seventy-two & 33/100 Dollars

Int. on Note in Lunn v. Kenny

E. H. Williams
Pd. Cashier Lunn v. Kenny

S R Burton Atty for
Mary E Everetts Heirs

Pay to any Bank or Banker
or Order
JAN 21 19
Norfolk National Bank
NORFOLK, VA.
A. COBLE, Cashier.

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

Smithfield, Va., 1/19 1911 No. 1227

The Bank of Smithfield
SMITHFIELD

Pay to the order of S. R. Burton $72.33

Seventy-two & 33/100 Dollars

Expense Check in full

Kenny V. Kenny

E. H. Williams

THE BANK OF SMITHFIELD PAID JAN 24 1911 SMITHFIELD, VA.

S. M. Burton atty Mine Gallery

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

Smithfield, Va., 1/19 1917 No. 1226

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of J. R. Bruton Agt for A. Kenny $72.33

Seventy two & 33/100 Dollars

On fine Shoe in

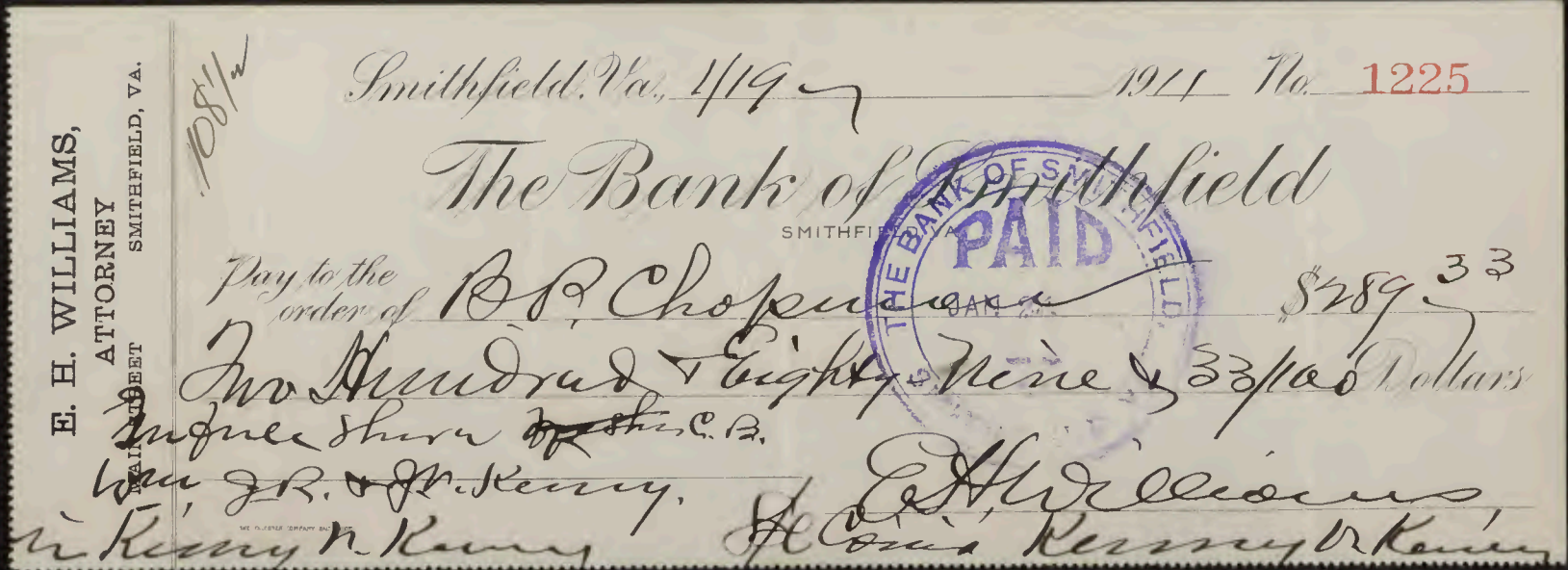
Kenny N Kenny

THE BANK OF SMITHFIELD. PAID JAN 24, 1917 SMITHFIELD, VA.

E. H. Williams

For Acct Kenny N. Kenny

Pay to any Bank or Banker
or Order
JAN 21 1910
Norfolk National Bank
NORFOLK, VA.
W. A. COSNAM, Cashier.



E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2

Smithfield, Va., 1/19 1914 No. 1225

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of B. P. Chopeu & Co $289.33

Two Hundred & Eighty Nine 33/100 Dollars

Engineers Share of Est. C. B.

Wm. J. R. & H. Kenny.

E. H. Williams

H. Louis Kenny & Kenny

THE BANK OF SMITHFIELD PAID

BBC Information

E. H. WILLIAMS,
ATTORNEY
MAIN STREET
SMITHFIELD, VA.

108 1/2

Smithfield, Va., 1/19 1911 No. 1224

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of E. Holladay $42.50

Forty-two & 50/100 Dollars

For ½ of fee of Atty for Co. writing deed in Kenny v. Kenny

E. Holladay
Spl Comm'r Kenny v. Kenny

THE BANK OF SMITHFIELD
PAID
JAN 20 1911
SMITHFIELD, VA.

E. B. Williams

H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2

Smithfield, Va., 1/19 1911 No. 1223

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of J. R. Butler $42.50

Forty-two & 50/100 Dollars

1/2 $40.00 Gen'l 1/2 Stated Atty Fee
1/2 $2.50 In Writing Deed
In Kenny vs. Kenny

J. H. Williams
Comm'r Kenny vs. Kenny

THE BANK OF SMITHFIELD
PAID
JAN 26 1911
SMITHFIELD, VA.

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108

Smithfield, Va., 1/19 1911 No. 1222

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of Wm A Worthington $ 8 00

Dollars

for account of

Kenny & Kenny

THE BANK OF SMITHFIELD
PAID
JAN 21 1911
SMITHFIELD, VA.

E. H. Williams

West H. Williams Dec,
By Geo. K. Shelmire,
Secty.

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2 W

Smithfield, Va., 1/19 — 1911 No. 1221

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of D. J. Wood $2 50

Two + 50/100 Dollars

THE BANK OF SMITHFIELD
PAID
JAN 24 1911
SMITHFIELD, VA.

E. H. Williams

Kenny V. Kenny

D. C. Morris Kenny V. Kenny

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108¼

Smithfield, Va., 1/19 1911 No. 1220

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of Augustus Edwards $5 00

Five & no/100 Dollars

For

E H Williams

Spec Comm Kenny V. Kenny

THE BANK OF SMITHFIELD, PAID JAN 20 1911 SMITHFIELD, VA.

R. Augusto Ramos.

E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2

Smithfield, Va., 1/19 1911 No. 1219

The Bank of Smithfield

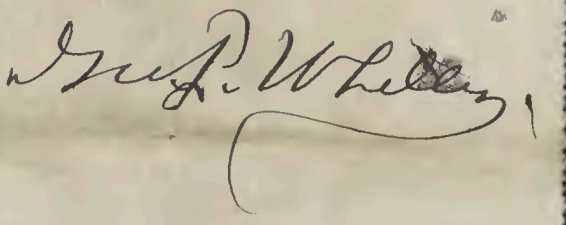
Pay to the order of Leo. T. Whitley $5.00

Five and no/100 Dollars

For mes. co. Ed. Ad
Litem in Kenny v. Kenny E. H. Williams,
Atty. Ad Litem in Kenny v. Kenny.

THE BANK OF SMITHFIELD, SMITHFIELD, VA.
PAID
JAN 24 1911

THE FALCONER COMPANY BALTIMORE



E. H. WILLIAMS,
ATTORNEY
MAIN STREET SMITHFIELD, VA.

108 1/2

Smithfield, Va., 1/19 1911 No. 1218

The Bank of Smithfield
SMITHFIELD, VA.

Pay to the order of B. S. Johnson $36.50

Thirty-six & 50/100 Dollars

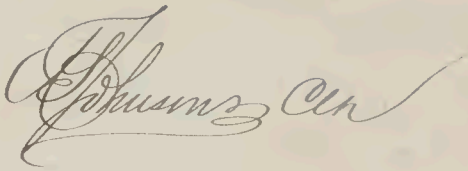
Cont. Rec 1/50. Clk's Def 18.50, #1.50
Cont 15.00 = Witness

E. H. Williams,

Kenny V Kenny

THE BANK OF SMITHFIELD
PAID
JAN 20 1911
SMITHFIELD, VA.

Kenny V Kenny



THE BANK OF SMITHFIELD

SMITHFIELD, VIRGINIA

In Account With

Remember

Always bring your book with Deposits.
See that the Entries agree with your Tickets.
Please leave your Bank once a month for balancing.

MADE BY
U S BANK NOTE CO.
INDIANAPOLIS

The Bank of Smithfield

In Account with

E H Williams Spcl Comr.

Dr.

1917	DEPOSITS		CHECKS Kenny vs Kenny.	
Jan 20	✓	80000	1912	
			11/30 By Ck	79950
			Balance ✓	50
		80000		80000
11/30	To Balance	50		

REMAINING PAGES IN VOLUME ARE BLANK AND HAVE NOT BEEN REFORMATTED

TO THE HONORABLE, B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Kenny, et als,.....Plaintiffs,

vs) in Chancery

Kenny, et als,.....Defendants,

The undersigned, E. H. Williams, Special Commissioner, under a decree entered herein on December 5th. 1910, begs leave to report that in pursuant of said decretal order, and upon the collection of Eight Hundred Dollars ($800.00) in cash from Abram Thomas Kenny, purchaser of the land in the Bill and proceedings of this cause mentioned and described, did execute and deliver to the said Abram Thomas Kenny a good and sufficient deed, with covenants of Special Warranty the land aforesaid.

And out of the proceeds of the said sale your said Commissioner, after first paying the cost of this suit, up to and including a final decree, a fee of $60.00 to E. H. Williams, for his services in this cause, which said fee to-gether with the fee of the said E. H. Williams, Special Commissioner, was divided with S. R. Buxton, Attorney; a fee of $5.00 to Geo. F. Whitley, Guardian ad litem, and then paid out the residue to the parties in interest, as will appear from a full statement of receipts and disbursements hereto annexed and prayed to be read as a part of this report,

Nothing further remaining to be done in this cause your Commissioner requests that it be stricken from the docket.

Respectfully submitted,

E. H. Williams

Special Commissioner.

E. H. WILLIAMS, SPECIAL COMMISSIONER,

IN ACCOUNT WITH THE SUIT OF KENNY? ET ALS, VS.

KENNY, ET ALS.

1911.

Jan. 19th.	To amount received from Abram Thomas Kenny, purchase price of the land in the bill and proceedings of this cause mentioned,.....	$800.00	
Jan. 19th.	By paid West & Withers, premium on bond,.....		10.00
" " "	paid D. J. Wood, printing circulars advertising sale of land,...		2.50
" " "	paid E. H. Williams, half attorney fee of $60.00,.....$30.00 half taxed attorney fee,.. 7.50 half fee for writing deed,. 5.00,		42.50
" " "	paid S. R. Buxton, half attorney fee of $60.00,.....$30.00 half taxed attorney's fee,.. 7.50 half fee for writing deed,.. 5.00,		42.50
" " "	paid Geo. F. Whitley, Guardian ad litem, services,.....		5.00
" " "	paid A. R. Whitehead, trip to view land, secure witnesses, and incidental expenses,.....		1.50
" " "	R. Aug. Edwards, crying land,.....		5.00
" " "	paid A. S. Johnson, writ tax, $1.50		
	" " " " " Clerk's fees 18.50		
	" " " " " Comnrs. fees, 15.00		
	" " " " " witnesses, 1.50,		36.50
" " "	" T. L. Griffin, services on viewing land, posting, circulars, etc...		3.00
" " "	paid S. R. Buxton, Atty. distributive share of David Kenny,,.....		72.34
" " "	S. R. Buxton, Atty. distributive share of Miamie Gatling,.....		72.33
" " "	paid S. R. Buxton, Atty, distributive share of A. T. Kenny,.....		72.33
" " "	paid S. R. Buxton, Atty, distributive share of Mary E. Everett's heirs,.....		72.33

Jan. 19th.	By	paid S. R. Buxton, Atty, distributive share of Dolly Kenny,.....		$72.34
" "	"	paid B. P. Chapman, distributive shares of C. B. Kenny, William Kenny, J. R. Kenny and J. V. Kenny,.....		289.33
" "	"	paid E. H. Williams, staionery, stamps, etc.....		✓.50
			$800.00	$ 800.00

Kenny, et als,

vs.) In Chancery

Kenny, et als.

Commissioner's report of payments.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VIRGINIA

SALE OF VALUABLE LAND

IN ISLE OF WIGHT COUNTY, NEAR LONGVIEW.

By virtue of authority vested in me as Special Commissioner, in a certain decree entered in the Circuit Court of Isle Wight County, Virginia, on October 11, 1910, in a certain Chancery cause pending therein, between Abram Thomas Kenny et als, Plaintiffs, and Joseph Kenny et als Defendants, I shall sell at public auction to the highest bidder

SATURDAY, NOV. 19, 1910 AT 3.00 p.m. IN FRONT OF THE POSTOFFICE AT SMITHFIELD, VA., THE FOLLOWING REAL ESTATE, TO WIT:

First, all that certain tract of land in the County of Isle of Wight, Virginia, and bounded as follows, to wit: On the East by the lands of John Kirk; on the North by the lands of E G. Pitt; on the west by the lands of Mrs. M M. Jones; and on the south by the lands of John Hill; and containing forty-two acres, more or less. It being the same land which was conveyed to Nellie Kenny, deceased, by deed from G. R. Bunting, which said deed bears date of February 23, 1900, and is on record in the Clerk's office of this county, in Deed Book No. 66, page 226.

Second, All that certain tract, piece or parcel of land situate, lying and being in the county of Isle of Wight, in the State of Virginia, containing by actual survey, twenty-two and one-half ($22\frac{1}{2}$) acres bounded and described as follows: Beginning on the County road leading from Lyon's Mill to Smithfield, at a post cornering on the land of Sandy Watkins, and running north 82 degrees E. 10.15 chains to a gum tree, thence south $82\frac{1}{2}$ degrees E. 3 30 ch. to a pine tree, thence north 89 degrees E. 3.50 ch. to a pine tree, thence north 85 degrees E. 4.00 ch. to a pine tree, cornering on the lands of said Sandy Watkins and Junius Watkins, thence north 48 degrees W 3.60 ch to a maple tree, thence N. 46 degrees W. 2.50 to á dogwood tree, thence N. $34\frac{1}{2}$ degrees W. 1.45 to a pine tree, thence N. 32 degrees W. 2 33 ch. to cedar post, thence N. $51\frac{1}{2}$ degrees W. 2.75 ch to another cedar post, thence N. 65 degrees W. 6.45 ch. to a pine tree, thence north $84\frac{1}{2}$ degrees W. 6.70 ch. to red oak tree, thence north 85 degrees W. 6.45 to County road, thence along the said road south 26 degrees E. 15 85 ch. to starting point; it being the same land which was conveyed to Nellie Kenny by deed from Margaret Bailey et als

Terms: One third in cash and the residue in two equal credit installments, each evidenced by the bond of the purchaser, bearing date with the day of sale and carrying interest from said date payable in twelve and twenty-four months, respectively with option to the purchaser to pay all of the purchase price in cash, the title to the property to be retained until the entire purchase money shall have been paid, and the improvements to be insured for three-fourths of their value, the policies of insurance to be assigned to said special commissioner as additional security for the deferred payments.

E. H. WILLIAMS,

November 3, 1910. Special Commissioner.

VIRGINIA:
Clerk's Office of the Circuit Court of the County of Isle of Wight, Octobe 31st, 1910.

I. A. S Johnson, Clerk of the Circuit Court of the County of Isle of Wight, do hereby certify that the bond required to be executed by the special commissioners or special commissioner in the decree entered in the Chancery cause in the said court now pending styled Kenny et als vs. Kenny et als, on the 11th day of October, 1910, has been duly executed by E. H. Williams, as such special commissioner.

Teste, A. S. JOHNSON, Clerk.

All of which is very respectfully submitted,

E. H. Hollenbeck

Special Commissioner.

TO THE HONORABLE, B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA:

Kenny, et als,..... Plaintiffs.

Vs.) In Chancery.

Kenny, et als,..... Defendants.

The undersigned, your Special Commissioner in the above cause, begs leave to report, that in pursuance of the decree herein entered on October 11th. 1910, after having first given the bond required by the said decree, he advertised the land in the bill and proceedings of this cause mentioned and described, for sale at public auction on Saturday, Nov. 19th. 1910, at 3:00 P. M., in front of the Post Office at Smithfield, Virginia, by hand bills posted in ten or more public places in this County for a period of two weeks and upon the terms set forth in the said decree as will appear from one of the said hand bills hereto attached and made a part of this report, at which sale Abraham Thomas Kenny being the highest bidder became the purchaser of the land in the bill and proceedings of this cause mentioned and described for the sum of Eight hundred Dollars ($800.00); and, he, the said Abraham Thomas Kenny, has elected and desires to pay the whole of the purchase price in cash:

Your commissioner is advised and so reports that the said land sold for its full value and recommends that the said sale be confirmed, and that it be decreed that a good and sufficient deed with covenants of Special warranty, be executed and delivered to the said Abraham Thomas Kenny for the said land upon the payment in cash of the purchase price.

Kenny, et als.

vs.) In Chancery.

Kenny, et als.

Commissioner's report.

Filed Decem 5/1910

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

*******CHANCERY********

Abram Thomas Kenny et als,. .....Complainants.

vs) Report of Commissioner.

Joseph Kenny et als,.....Defendants.

TO HONORABLE B. D. WHITE,

Judge of the Circuit Court of the County of Isle of Wight.

The undersigned, one of the Commissioners of your Honor's Court, to whom has been referred the papers in the above entitled cause for the execution of a decree entered therein on the 6th. day of December, 1909, begs leave to report that on the 10th. day of September, 1910, Your said Commissioner notified the parties in the above suit, or issued notices to the said parties that he would, on the 29th. day of September, 1910, at his office at Isle of Wight Courthouse, County of Isle of Wight and State of Virginia, proceed to execute the said decree, which said notice is attached hereto showing service thereupon upon all the parties herein, and is made a part of this report. That at the said time and place your commissioner atterded and proceeded to execute the said decree, and in the execution thereof took the evidence of T. L. Griffin et als, which evidence is filed herewith to be read together with this report as a part hereof. From the evidence before your Commissioner he is informed and so reports:

First: That the real property in the bill and proceedings of this suit mentioned cannot be conveniently divided in kind.

Second: That it is not in evidence that any party will take the entire subject matter and pay to the other parties entitled to share therein the several amounts that would be due them.

Third: That it does not appear to your commissioner that any advantage would be derived from a sale of a part and an allottment of the rest. One of the parties to this suit, who has testified, seems to want a piece of the land allotted to her, but your commissioner does not

believe she fully understands the situation or really knows what would be best for her. He here refers to Mima Gatling.

Fourth: The land books of the said County discloses the fact that the said Nellie Kenny died siezed of two tracts of land, one of twenty two and a half acres, and the other of forty acres, the whole of which is worth some eleven or twelve hundred dollars; the larger tract being worth some seven hundred dollars or better, and the smaller tract being worth some four hundred dollars. There appears to me some mill timber on the larger tract which would make it more valuable, probably, than it would otherwise be. The whole shoud rent for some sixty or seventy dollars per annum, and taken separately the smaller tract should rent for some thirty dollars and the larger tract for some forty dollars or better. There is but little cleared land on the larger piece, being, for the most part, woodland, and there is but little fence around the smaller piece.

It appears that there are nine shares in the said land, the heirs of the said Nellie Kenny, at her death, being as follows: 1, Mima Gatling, a widowed daughter; 2 Charles B. Kenny, whose wife is Ophelia Kenny: 3, William Kenny, whose wife is Lettie Kenny, and who, since the ~~xxxxxxxxxx~~ death of his mother, the said Nellie Kenny, has died and left him surviving a wife, and five children, to-wit: Mabel, Pauline, Nellie, William and Lavinia Kenny: 4 Abram Thomas Kenny, whose wife is Elizabeth: 5 John Robert Kenny, who is unmarried; 6 Joseph Kenny, who is unmarried: 7 David Kenny, and unmarried infant? 8, Dollie Kenny, and unmarried infant: and 9, the heirs of Mary Eliza Everett, a daughter of the said Nellie Kenny, and the wife of John Everett, who, it appears from the testimony of Mima Gatling, left his said wife some thirteen years before her death and did nothing after for her support or the support of her children and who, your Commissioner believes, under the statute, takes no interest in his said wife's part of the said estate. The heirs of the said Mary Eliza Everett, according to the testimony before your Commissioner, are: Rosa Everett, John Everett, Wallace Everett and Emmett Everett.

It also appears to your commissioner by reference to Deed Book No. 77, at page 159, of the Clerk's Office of the said County of Isle of Wight, that Charles B. Kenny and Ophelia S. Kenny, by their deed bearing date the 18th. day of February, 1909, conveyed their interest in the said subject matter of this suit to one B. P. Chapman, and now is entitled to no share in the said land,

It further appears to your commissioner by reference to the said deed book No. 77, page 228, that J. T. Chapman, Trustee for William and Littie Kenny, by his deed bearing date on the 7th. day of April, 1909, sold the interest of the said William Kenny in the said subject matter of this suit to the said B. P. Chapman, under a trust sale, and; therefore, the said William Kenny, nor any of his heirs, are now entitled to any interest in the said land

It further appears to your commissioner that by reference to the said deed book No. 77, page 298, that the said John Robert Kenny, since the institution of this suit, has sold and conveyed his interest in the subject matter of this suit to the said B. P. Chapman by his deed bearing date on the 7th. day of August, 1909.

And it further appears to your commissioner that on the 14th. day of August, 1909, J. V. Kenny has also sold and conveyed his interest in the said land as will appear by reference to the said deed book at page 301, and no has no interest in the subject matter of this suit.

Therefore, those now entitled to share in the said property appear to be as follows, to-wit:

B. P. Chapman, Four shares.

Mima Gatling, one share.

The heirs of Mary Eliza Everett, 1 share

Abram Thomas Kenny, one share.

Devid Kenny, one share

Dollie Kenny, one share

Fifth: Your commissioner finds that the said land was sold on the 3rd.

day of January, 1910, for for taxes delinquent for the year 1908 to the amount of $2.37 and was bought by one G. F. Doyle, but finds no further liens upon the said land.

Sixth: It appears to your commissioners that all of the parties properly belonging before the Court in this cause have been made parties thereto and upon whom process has been properly served. ~~xxxxxx~~ ~~xxx~~ ~~xxxxxxxxxxx~~

Seventh: George F. Whitley, the guardian ad litem of the infant defendants in this cause, has now attended the taking of testimony in this cause two or three times, or the attempted taking of testimony and the execution of the said decree, and your commissioner recommends that for his services the said guardian ad litem should be paid, out of the proceeds of the said of the property of this suit, if sold, at least the sum of fifteen dollars.

All of which is respectfully submitted.

A. S. Johnson
Commissioner in Chancery.

Costs $15.00
Witness
J L Griffin .50
A Whitehead .50
Miss Gentry .50

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Abram Thomas Kenny et als,.....Complainants.
vs) Chancery.. Report of Commissioner.
Joseph Kenny et als.,.....Defendants.

The depositions of T. L. Griffin, et als., taken before me, A. S. Johnson, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, at my office at Isle of Wight Courthouse, on the 29th. day of September, 1910, between the hours of ~~eleven~~ Ten o'clock A. M. and four o'clock P.M., to be read as evidence in the execution of a decree entered in the above styled suit, entered therein on the 6th. day of December, 1909.in the presence of E. H. Williams, Counsel for the complainants, and Geo. F. Whitley, guardian ad litem of the infant def'ts.
T. L. Griffin being duly sworn, deposes and says:
(EXAMINATION CONDUCTED BY THE COMMISSIONER)
Q. Mr. Griffin, please state your name, ages residence and occupation?
A. My name is T. L. Griffin, I am thirty three years of age, I reside in Isle of Wight County, near Long View, in Newport Magisterial District of the said County, and am a farmer.
Q. Are you acquainted with the land of which Nellie Kenny died siezed and possessed, and if so please state how well you know it and how long you have known it? A. I have lived in about three quarters of a mile of it ever since I was about five years old. I have been over it hunting many a time and know it very well.
Q. The land of which the said Nellie Kenny died siezed is listed on the land books of this county as two tracts of twenty two and a half and forty two acres, respectively. Do you know whether this is about right, according to your judgment? A. I think so.
Q. Do the several pieces of land adjoin each other? A. No. They are separate and about a quarter of a mile from each other.

Q. Do you think this land, composed of the two pieces, can in any manner be divided among the several heirs of the said Nellie Kenny in kind. There appear to be nine shares in said land? A. No sir.
Q. Do you know whether or not any party in interest will take the entire property and pay the others for their shares therein? A. No sir, I do not.
Q. And if the same cannot be conveniently divided in kind, and no party will take the entire property and pay the others for their share, will the interests of those entitled to the said property, or its proceeds, ~~will~~ be promoted by a sale of the entire property or by allottment of a part and a sale of the residue? A. I certainly think that it would be to the interest of all the parties to sell the entire property and divide the proceeds.
Q. What is the present condition of these two tracts of land? A. The smaller tract is not under fence and not in cultivation, of course, A part of it is cleared, something like fifteen acres, and the rest of it in woodland, small trees, no mill timber. ~~The large~~ There is a small two story house on this land, no out buildings, that is now in very bad condition. The larger tract is under cultivation, under a fairly good rail fence, there are about twelve acres of this tract cleared and the rest in woodland with some mill timber on it. The houses on this tract consist of a dwelling house and outbuildings not in very good repair.
Q. What do you consider a fair market value for the said two tracts of land and what a fair annual value. I mean by market value the cash value? A. The two tracts of land are worth eleven or twelve hundred dollars, and would rent for sixty or seventy dollars.
And further this deponent saith not.

Allen Dec 30th

T. L. Griffin

A. R. whitehead being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. A.R. whitehead, I live in Smithfield, I am sixty years of age, and I am a collector.

Q. Mr. whitehead, are you acquainted with the land of which Nellie Kenny died seized and possessed, if so please state how well and how long you have known it? A. I have known the land for twenty five years, out not well till the other day, I went out there then for the purpose of going around it with a view of ascertaining its value.

Q. What do you consider a fair fee simple market value of the said land and what a fair annual value? A. I think the larger of the two tracts, the forty two acre piece is worth about seven hundred dol lars. I think there is about two hundred dollars worth of timber on this land, and there is a house on it that you cannot put there for a hundred dollars and it is enclosed with a fair rail fence and about fifteen acres of cleared land which is right good land. The smaller tract--there is about fifteen acres of this tract clear and just a little wire fence on one side,but is not entirely enclosed. I think this piece is worth about four hundred dollars. There is a house on this which for fifty dollars could be made right habitable, and there is a good grove around it. There is no mill timber on this tract. The smaller tract ought to rent for forty dollars.

Q. Do you mean that the larger tract is worth seven hundred dollars with or without the timber? A. with the timber included.

Q. Do you think that this land, the several pieces,could be conveniently divided among the several parties entitled to share therein in kind? A. Not to any advantage.

Q. Why? A. Beacuse in the first place to divide it up into small shares it would not be of any value to any one, as the land is not situated so as to be capable of division. As a whole it is a good one horse farm. Cut up into small piecesit would not be desirable to live on.

Q. Do you know whether or not any party in interest would take the en tire property and pay the others their several interests therein?A.No sir

Q.Would it be practicable to allot a part of the land and make sale of the residue and divide the proceeds? A. No. sir.

Q. Do the two tracts lie together? A. No sir, they are about four hundred yards apart.

Q. If the several tracts cannot be divided among the parties entitled to share therein and are sold for a division of the proceeds, how do you think is the proper manner to make sale of them, collectively or separately? A. Separately.

And further this deponent saith not.

Attendance 50

A. R. Whitehead

Mima Gatling being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? A. My name is Mima Gatling, I am thirty two years old and I live in Isle of Wight County, on the farm owned by mother, Nellie Kenny.

Q. Cand the land of which your mother was possessed at the time of her death be divided among the parties entitled to share in it? A. I rather have mone in land.

Q. Do you know whether any of the other parties desire their shares in land? A. Nossir, I have not asked them anything about it.

Q. What do you think the entire property is worth? A. Both places are worth at least a thousand dollars.

Q. Do you think you would be better off with your share of a thousand dollars in money, after paying costs of this suit, or your share of the land? I would be satisfied with the land, and I reckon I would be as well satisfied with the money.

Q. Do you know whether any of the parties entitled to share in the land will take the entire property and pay the others for their respective shares? A. No sir, I do not know any one.

Q. Now tell me who the heirs of your mother, Nellie Kenny are? Ans. Mima Gatling, myself.

Charles B. Kenny. I think he has sold his interest to Mr. B. P. Chapman.

William Kenny. I think he gave Mr. B. P. Chapman a deed of trust and I

think Mr. Chapman has had his interest sold and has bought it. William left a wife, Littie Kenny, and five children, Mabel, Pauline, Nellie, William and Lavinia Kenny, the last one,Lavinia,has died since William died.

Abram Thomas Kenny, whose wife is Elizabeth.

John Robert Kenny, who is not married.

Joseph Kenny, who, I understand has sold his interest to Mr. B. P. Chapman. He was not twenty one when my mother died. I think he was twenty one some time in September of last year (1909).

David Kenny, who is not twenty one.

Dollie Kenny, who is not twenty one.

Mary Eliza Everett, who is dead and who lexft four children and a husband, the children being Rosa Everett, John Everett, Wallace Everett and Emmett Everett, all of whom are now living and are infants.

Q Where is John Everett, husband of Mary Eliza? In New York.

Q Was he living with Mary Eliza Everett at the time of her death? A. No sir.

Q. Where was he then living? A. In Suffolk.

Q. How long had they been apart? A. I do not exactly know. they dad been separated a long time before her death. I think they parted in 1897.

Q. Did John provide for her children any after they separated? No sir.

Q. Do you know what made them separate? No sir.

Q. Did he ever stay with her any after they separated and do anything for her support? No sir.

Q. You state that one of the children of Nellie Kenny is Charles B. Kenny. Is he married and if so tell me the name of his wife? A His wife is named Ophelia.

And furtherthis deponent saith not.

Attendance 50¢

Minnie Gatling

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

ABRAM THOMAS KENNY, ELIZABETH KENNY,
MIMA GATLING, AND JOHN ROBERT KENNY,.....COMPLAINANTS.

VS) CHANCERY-- NOTICE TO TAKE REFERENCE.

JOSEPH KENNY, CHARLES B. KENNY, OPHELIA S. KENNY, B. P. CHAPMAN, FLORENCE O. CHAPMAN, J. T. CHAPMAN, LITTIE KENNY, MABEL KENNY, PAULINE KENNY, NELLIE KENNY, WILLIAM W. KENNY, LAVINIA KENNY, DAVID KENNY, DOLLIE KENNY, ROSA EVERETT, JOHN EVERETT, WALLACE EVERETT AND EMMETT EVERETT, THE LAST ELEVEN BEING INFANTS UNDER THE AGE OF TWENTY ONE YEARS, AND GEORGE E. WHITLEY, GUARD*-IAN AD LITEM,.....DEFENDANTS.

Isle of Wight C.H. September 10th 1910

To the parties in the above styled suit:

TAKE NOTICE, that I shall, at ~~the~~ office of E. [illegible], Attorney at Law, ~~in the town of [illegible]~~, in the Town of Isle of Wight C.H. of Virginia and in the County of Isle of Wight, on the 29th day of September, 1910, at ten o'clock, a.m. proceed to execute the decree entered in the said suit, in the Circuit Court of the County of Isle of Wight now pending, on the 6th day of December, 1909, of which the following is an extract:

On consideration whereof, the Court doth adjudge, order and decree that A. E. Johnson, one of the Commissioners of this Court, do take, state and report to Court the following inquiries and accounts:

FIRST. Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.

SECOND: If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to.

THIRD: And if the same cannot be conveniently divided in kind and no party will take the entire property and pay the others for their share, whether the interests of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property or by allottment of a part and a sale of the residue.

FOURTH: An account of the real estate of which Nellie Kenny died siezed and possessed, with the annual and fee simple value of the said land, and the respective interests of the parties entitled to the same.

FIFTH: Whether or not there are any liens on the said land for delinquent taxes, or otherwise, and whether there are any liens on the interest of any party in the said land.

SIXTH: Whether all of the proper parties are properly before the Court.

Which several inquiries the said Commissioner shall make report to Court, together with any matter specially stated, deemed pertinent by himself, or required by any party in interest to be so stated.

A. E. Johnson
Commissioner in Chancery.

Service hereof
accepted.
S. K. Burkholder
Agt. Lott

Geo. F. Whitley
guardian ad litem

E. N. Willcuts
B. P. Chapman
Florence O. Chapman
J. T. Chapman Trustee

4

Chancery

Kenny et als

vs Court Report

Kenny et als

Filed September 24th

1910

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT

Kenny et als,.....Complainants.

vs) Commissioner's Report.

Kenny et als.,.....Defendants.

Commissioner's Office,
Isle of Wight, Virginia,
August 25th. 1910.

TO HONORABLE B. D. WHITE,
JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

The Undersigned, one of the Commissioners of Your Honors Court, to whom has been referred the papers in this case for the execution of the decree entered herein on the 6th. day of December, 1910, begs leave to make report as follows:

That on the 17th. day of December, 1909 notice was given to all the parties mentioned in the suit that your Commissioner would, on the 22nd. day of December, 1909, at the office of E. H. Williams, Esquire, Attorney at Law, in the town of Smithfield, County of Isle of Wight and State of Virginia, at eleven o'clock on that day, proceed to execute the said decree. That your commissioner attended at the time and place here mentioned, and by agreement of the parties hereto, either in person or by counsel, and by the guardian ad litem, who was present in person, for the infant defendants, the execution of the said decree was continued till the 24th. day of December, 1909, at the same hour and the same place.

Your Commissioner attended at the time and place last mentioned, and proceeded to execute the said decree. In the absence of witnesses no depositions were at this time taken, but it was agreed by and between the parties represented, either in person or by counsel, viz: E. H. Williams, Attorney for the plaintiffs in this cause; B. P. Chapman, representing himself, and also representing Florence O. Chapman and James T. Chapman, Trustee; S. R. Buxton, Attorney at Law, representing all the adult defendants not heretofore mentioned; and George F. Whitley, Attorney at Law, as guardian ad litem, representing the infant defendants in this cause, after making investigation, and they so stated, that the land in the bill and proceedings mentioned was of the annual value of about twenty five dollars, and of the fee simple value of about eight hundred dollars, and that the said property could not be advantageously divided in kind among the several parties entitled to share in the same; and also that no party in interest would take the entire property, and pay the others entitled to share therein for their respective shares, and no part thereof, and from such statements made to your commissioner it is very clear that a public sale of the said land would be to the interest of all the parties concerned.

It appearing to your commissioner that John Everett, husband of Rosa Everett, deceased, the mother of the Everett children mentioned in the pleadings of this cause, and who are infant defendants, is living, the further execution of this decree was continued till such time as your commissioner could get testimony bearing upon the propriety of making sale of the said property and a division of the proceeds thereof and also as to whether or not the said John Everett should be a party to this suit.

On the 20th. day of April, 1910, Thomas Kenny, son of Nellie Kenny and Charles Kenny, and one of the defendants

in this cause, appeared before your commissioner and made affidavit that he is the son of the late Charles and Nellie Kenny; that he is also the brother of Mary Eliza Everett, the deceased mother of Rosa Everett, John Everett and Wallace Everett, three of the infant defendants named herein; that John Everett, husband of the said Mary Eliza Everett was not living with her at the time of her death, nor had he been living with her for twelve years or more prior to her death, and that he never went near her, the said Mary Eliza Everett, from the time that he left her, twelve years or more before her death, until she was dead, and not then, and that she never saw him after he had left her as aforesaid; that after the death of the said Mary Eliza Everett, mother of the said infant children, the said Nellie Kenny and Charles Kenny took them to raise, who were their grand-parents, and that after the death of their said grand-parents, the said John Everett then came and took the said children and carried them to his mother's, one Millie Everett, in the town of Suffolk, Virginia, with whom the said children now reside, that being the first time that the said children had seen their said father since he left their mother as aforesaid. This being true the said John Everett should not be a party to this suit, according to the statute in such cases made and provided, and is properly excluded.

That on the 1st. day of August, 1910, B. P. Chapman and T. L. Griffin appeared before your Commissioner and gave testimony touching the propriety of a sale of the said land and a division of the proceeds thereof among the several parties entitled to share therein, which testimony, together with the affidavit of the said Thomas Kenny, mentioned above, is filed herewith, and from which testimony your commissioner is informed, and so reports, that the fee simple value of the said property is not over eight hundred dollars, and the annual value

thereof is probably thirty or forty dollars.

That the said property cannot be conveniently divided in kind among the several partios entitled to share therein; that none of the parties, so far as the evidence discloses, would take the entire property and pay to the other parties entitled to share therein for their respective parts, nor any part of the same; nor would it be practical to allott a part and make sale of the residue.

Your Commissioner finds that the said land was sold in 1910, on the 3rd. day of January of that year, for taxes delinquent for the year 1908 to the amount of $2.37 and was at that sale purchased by one G. F. Doyle. Further than this your commissioner does not find any liens thereon.

Your commissioner recommends that George F. Whitley, Attorney at Law, and the guardian ad litem herein, who personally attended the execution of this decree on the 24th. day of December, 1909, be paid the sum of ten dollars for his services as such guardian ad litem.

All of which is respectfully submitted,

E. Johnson
Commissioner in Chancery.

Commissioner's fee, ...$15.00

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Abram Thomas Kenny, Elizabeth Kenny, Mima Gatling, and John Robert Kenny,----------Plaintiffs.

vs) Chancery. Notice to take depositions.

Joseph Kenny, Charles B. Kenny, Ophelia S. Kenny, E. P. Chapman, Florence C. Chapman, J. T. Chapman, Little Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William W. Kenny, Lavinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, the last eleven being infants under the age of twenty one years, and George F. Whitley, guardian ad litem.

Isle of Wight, Va.

December 17th. 1909.

To the parties in the above suit:

Take notice that I shall, at my office at Isle of Wight Courthouse, on the 22nd. day of December, 1909, at eleven o'clock A.M., proceed to execute the decree entered in the above styled cause on the 6th. day of December, 1909, of which the following is an extract:

> On consideration whereof, the Court doth adjudge, order and decree that A. S. Johnson, one of the Commissioners of this court do take, state and report to court the following inquiries andx accounts:
> FIRST: Whether the real property in the bill mentioned can be conveniently divided in kind between the several parties entitled to share therein.
> SECOND: If the same cannot be conveniently divided in kind whether any party will take the entire property and pay therefor to the other parties such sums of money as their interest may entitle them to;
> THIRD: And if the same cannot be conveniently divided in kind and no party will take the entire property and pay the others for their share, whether the interests of those entitled to the said property, or its proceeds, will be promoted by a sale of the entire property or by allottment of part and sale of the residue:
> FOURTH: An account of the real estate of which Nellie Kenny died siezed and possessed, with the annual and fee simple value of the said land, and the respective interests of the parties entitled to the same.
> FIFTH: Whether or not there are any liens on the said land for delinquent taxes, or otherwise, and whether there are any liens on the interest of any part in the said land.
> SIXTH. Whether all of the proper parties are properly before the Court.
>
> Which several inquiries xndzxexxnnsx the said Commissioner shall make and report to court, together with

with any matter specially stated, deemed pertinent by himself or required by any party in interest to be so stated.

A copy, Teste. J. P. Johnson
Commissioner Clerkin Chancery.

J. P. Johnson
Comr

We hereby accept due & legal service of the within Notice.

E. H. Whittemore, P.G.

B. Blackman

James F. Chapman Trustee

Warren O. Chapman

Geo. F. Whitley.
guardian ad litem.

I, Thomas Kenny, a resident of Sparrow's Point, in the State of Maryland, do solemnly swear that I am twenty five years of age; that I am the son of Charles and Nellie Kenny, late of the County of Isle of Wight and State of Virginia, who are now deceased; that I am brother to Mary Eliza Everett; that the said Mary Eliza Everett departed this life after the death of her mother, the said Nellie Kenny; that her husband, John Everett, was not living with the said Mary Eliza Everett at her death, nor had he been living with her for a period of some twelve years or better before her death; that he had abandoned and deserted her, the said Mary Eliza Everett for a period of twelve years or more prior to her death and that he never went near her from the time that he abandoned and deserted her as aforesaid during her life, and that she never saw him thereafter. At the death of Mary Eliza Everett her children by the said John Everett then living were Rosa Everett, John Everett and Wallace Everett, and that after the death of their said mother the said children resided with their grandfather, Charles Kenny, till his death, and that after the death of the said Charles Kenny the said John Everett. father of the said childrer, then came and took the said children away to his mother's (Millie Everett) who resides in the Town of Suffolk, Virginia, with whom they now reside, that being the first time that the said children had seen their said father since he first left their mother, as aforesaid.

Thomas Kenny.

Sworn and subscribed to before me, a Commissioner in Chancery of the Circuit Court of the County of Isle of Wight, April 20th. 1910.

E. Johnson
Commissioner in Chancery.

B. P. CHAPMAN, being suly sworn, deposes and saith as follows:

1. Q. what is your name, age, residence and occupation?

   A. B. P. Chapman, I am sixty two years old, live in Smithfield, Virginia, and am a Merchant.

2. Q. Have you any interest in the Nellie Kenny land, and if so what?

   A. I have four shares.

3. Q. What is the fee simple value of the real estate of which Nellie Kenny died seised and possessed?

   A. Five or Six hundred dollars.

4. Q. what is its annual or rental value?

   A. Twenty five or thirty dollars.

5. Q. Does the property lie so that it could be conveniently divided in kind between the several parties entitled to share therein?

   A. That would be impossible.

6. Q. Would any of the parties in interest take the entire property and pay to the parties entitled therein such sums of money as their interest entitled them to?

   A. I do not know of any one.

7. Q. If the same cannot be conveniently divided in kind, and no party will take the entire property and pay to the others for their share, would the interest of all parties be promoted by a sale of the entire property and the proceeds divided among the parties.

   A. I think so.

8. Q. would it be at all practical to sell a part of the land and allot the residue?.

   A. Oh, no.

And further this deponent saith not.

B P Chapman

T. L. Griffin, being duly sworn, deposes and saith as follows:

1. Q. What is your name, age, residence and occupation?

   A. T. L. Griffin, age 33 years, live in Isle of Wight County, about one mile from the Nellie Kenny property, and I am a farmer.

2. Q. What is the fee simple value of the real estate of which Nellie Kenny died, seised and possessed?

   A. Seven or eight hundred dollars.

3. Q. What is its annual or rental value?

   A. Fifty or Sixty dollars.

4. Q. Does the property lie so that it could be conveniently divided among the several parties to share therein?

   A. No sir, it cannot be.

5. Q. Would any of the parties in interest take the entire property and pay to the other entitled to share therein such sums of money as their interest might entitle them to.

   A. No.

6. Q. If the same cannot be conveniently divided in kind and no party will take the entire property, would the interest of all parties be promoted by a sale of the land and the proceeds divided among the parties.

   A. I should think so.

7. Q. Would it be at all practical to sell a part of the land and allot the residue.

   A. I don't think so.

And further this deponent saith not.

T. L. Griffin

59-B456.

Kenny et al
vs
Report of Comm
Kenny et al

Filed 8/25/1910

The Commonwealth of Virginia,

Sergeant of the City of Newport News,
To the ~~Sheriff of the County of Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon Joseph Kenny, Charles B. Kenny, Ophelia S. Kenny, B. P. Chapman, Florence O. Chapman, J. T. Chapman, Littie Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny, Lauvinia Kenny, David Kerny, Dollie Kerny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, the last named eleven being infants under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight, at the rules to be held for the said Court, on the 3rd. Monday in March, 1909, to answer a bill in chancery, exhibited against them in our said court for by Abraham Thomas Kenny, Elizabeth Kenny, Nima Gatling and John Robert Kenny

And have then there this writ. Witness ~~NATHANIEL P. YOUNG~~, T. J. Johnson, Clerk of our said court, at the court-house, the 2nd. day of March, 1909, and in the 12 ~~XX~~133rd. year of the Commonwealth.

Teste, T. J. Johnson Clerk.

A copy
Test, T. J. Johnson Clerk

We hereby accept legal service of the within summons. This the — day of August 1907

Lettie Kenney

Mrs. Millie Everett

~~Minna Gallins~~

Minna Gallins

1

for Joseph Kenny

Joseph Kenney

vs. { SUBPOENA IN CHANCERY.

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Co

B 35119

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon Joseph Kenny, Charles B. Kenny, Ophelia S. Kenny, B. P. Chapman, Florence O. Chapman, J. T. Chapman, Littie Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, the last eleven named being infants under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the 3rd. Monday in March, 190 9, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by Abraham Thomas Kenny, Elizebeth Kenny, Mima Gatling, and John Robert Kenny

A. S. Johnson,

And have then there this writ. Witness ~~NATHANIEL F. YOUNG~~, Clerk of our said court, at the court-house, the 2nd. day of March, 190 9, and in the ~~12~~ 133rd. year of the Commonwealth.

Teste, A. S. Johnson Clerk.

Executed Mch 1st 1909. by delivering to B.P. Chapman, & J.T. Chapman, a true Copy each of the within process in person, & to true Copy thereof to B.P. Chapman for his wife F.O. Chapman all in the County of Isle of Wight.

W.A. Edwards D.S.C.
of the County of Southampton.

Lettie Kinney Not a resident
of My County - has moved
to Nansemond County. Mch 18th 1909
W.A. Edwards D.S.C.

Sup'k

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1 5
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Abraham J. Kenny et als

vs.

Joseph Kenny et als

SUBPOENA
IN
CHANCERY.

To 2 nd March Rules,
Decem Court.
1909

P. q

B 3119

In the Circuit Court of the
CIRCUIT COURT
IN THE
COUNTY OF ISLE OF WIGHT
this 10 day of March 1909
Returned Filed
Oct. 1909

Kelly Kenny - Joseph Kenny

The Commonwealth of Virginia,

To the Sheriff of the County of ~~Isle of Wight~~ Nansemond, Greeting:

WE COMMAND YOU that you summon Joseph Kenny, Charles B. Kenny, Ophelia S. Kenny, B. P. Chapman, Florence O. Chapman, James T. Chapman, Littie Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, the last eleven named being infants under the age of twenty one years,

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the 3rd. Monday in March, 1909, to answer a bill in chancery, exhibited against them in our said court for by Abraham Thomas Kenny, Elizabeth Kenny, Mima Gatling and John Robert Kenny

And have then there this writ. Witness ~~NATHANIEL F. YOUNG~~ A. S. Johnson, Clerk of our said court, at the court-house, the 2nd. day of March, 1909, and in the ~~12~~ 133rd. year of the Commonwealth.

Teste, [signature] Clerk.

Hammond Co

Abraham T Kenny et als

vs. { SUBPOENA IN CHANCERY.

Joseph T Kenny et als

E R Williams p. q

To 2nd March Rules,

Circuit Court.

1909

B 3119

In the Clerk's Office of the
CIRCUIT COURT,
OF THE
COUNTY OF ISLE OF WIGHT
this 15 day of Mch 1909
Wm H Lee
Dpt Clerk

We hereby accept
Service of this
Subpoena
Abraham T. Kenny
Joseph T. Kenny
by their Solicitor
E. R. Williams

Executed By delivering a true copy
of the within Subpoena
and
Danny O. J. Kenny
in person to them
this 19 day of March
1909

Fees Paid
$1.—

By
A H Barham D.C.
E. R. Williams D.C.

The Commonwealth of Virginia,

To the ~~Sheriff of the County of Isle of Wight~~ Sergeant of the City of Newport News, *Greeting:*

WE COMMAND YOU that you summon Joseph Kenny, Charles B. Kenny, Ophelia S. Kenny, B. F. Chapman, Florence O. Chapman, J. T. Chapman, Littie Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, the last named eleven being infants under the age of twenty one years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight, at the rules to be held for the said Court, on the 3rd. Monday in March, 1909, to answer a bill in chancery, exhibited against them in our said court for by Abraham Thomas Kenny, Elizabeth Kenny, Mima Gatling and John Robert Kenny

And have then there this writ. Witness A. S. Johnson, ~~NATHANIEL F. YOUNG~~, Clerk of our said court, at the court-house, the 2nd. day of March, 1909, and in the ~~12~~133rd. year of the Commonwealth.

Teste, A. S. Johnson Clerk.

N. News

Abraham D. Kenny et als

vs. { SUBPOENA IN CHANCERY.

Joseph Kenny et als

D. H. Williams p. q

To 2nd March Rules,

Circuit Court.

1909

B 33119

Joseph Kenny not found in my Bailiwick March 6th 1909.
E. R. Hilstead. Sergeant
City of Newport News.
By E. C. Curtis Deputy Sergeant

In the Clerk's Office of the
CIRCUIT COURT
for
COUNTY [illegible]
this [illegible] day of [illegible]

15 Mch 1909
Rets Fees
Teste [illegible] C

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

Kenny, et als. Plaintiffs.)
)
Vs. In Chancery)
)
Kenny, et als. Defendants.)

The answer of Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, Wallace Everett and Emmett Everett, infants under the age of twenty-one years, by George F. Whitley, a discreet and competent attorney at law, their guardian ad litem assigned to defend them in this suit, and the answer of the said George F. Whitley, guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants and others by Abraham Thomas Kenny and others, in the Circuit Court of the County aforesaid.

For answer to the said bill the said infant defendants by their said guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now, having fully answered, these defendants pray to be hence dismissed, with their costs, etc.

By Geo. F. Whitley
Guardian ad Litem.

Mabel Kenny,
Pauline Kenny,
Nellie Kenny,
Millian Kenny,
Lauinia Kenny,
David Kenny,
Dollie Kenny,
Rosa Everett,
Wallace Everett
Emmit Everett,

_____

Geo. F. Whitley, Guardian ad Litem of the Said Infants.

STATE OF VIRGINIA)
)
COUNTY OF ISLE OF WIGHT.)

Sworn to before me in my County aforesaid by George F. Whitley, guardian ad litem as aforesaid, this the 23rd. day of October, 1909.

E. Williams,
Commissioner in Chancery.

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Kenny et als Plaintiffs
vs. In Chancery

Kenny et als Defendants

Filed 17/6/1909

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Kenny, et als.....Plaintiffs.
Vs. In Chancery
Kenny, et als.....Defendants.

Humbly complaining, showeth unto the Court, your complainant's, Abraham Thomas Kenny, Elizabeth Kenny, wife of Thomas Kenny, Mima Gatling, who was Kenny, and John Robert Kenny, that your Complainant's mother, Nellie Kenny, was in her lifetime seized and possessed of two certain tracts of real estate, lying in the County of Isle of Wight, to-wit:

FIRST: All that certain tract of land in the County of Isle of Wight, Virginia, and bounded as follows, to-wit: On the East by the lands of John J. Kirk; on the North by the land of E. G. Pitt; on the West by the lands of Mrs. M. M. Jones; and on the South by the lands of John Hill, and containing forty two acres, more or less.

It being the same land which was conveyed to the said Nellie Kenny, deceased, by Deed from G. R. Bunting, which said Deed bears date of February 23rd. 1900, and is on record in the Clerk's Office of this Court, in Deed Book No. 66, page 226, a certify copy of the said Deed being hereto filed, marked "Exhibit A" and made a part of this bill.

SECOND: All of that certain tract, piece or parcel of land situate lying and being in the County of Isle of Wight in the State of Virginia, containing by actual survey, twenty two and one-half (221/2) acres bounded and described as follows: beginning on the County road leading from Lyons Mill to Smithfield, at a post cornering on the land of Sandy Watkins, and running North 82 degrees E. 10.15 chains to a gum tree, thence South 821/2 degrees E. 3.30 ch. to a pine tree, thence North 89 degrees E. 3.50 ch. to pine tree, thence North 85 degrees E. 4.00 ch. to a pine tree, cornering on the lands of the said Sandy Watkins and Junius Watkins, thence North 48 degrees W. 3.60 ch. to maple, thence North 46 degrees West 2.30 ch.

to dog wood tree, thence North 34-1/2 degrees W. 1.45 ch. to a pine tree, thence North 32 degrees W. 2.33 ch. to cedar post, thence North 51-1/2 degrees W. 2.75 ch. to another cedar post, thence North 65 degrees W. 6.45 ch. to a pine tree, thence North 84-1/2 degrees W. 6.70 ch. to a red oak tree, thence North 85 degrees W. 6.45 to said County road, thence along the said road South 26 degrees E. 15.85 ch. to starting point; it being the same land which was conveyed to the said Nellie Kenny by Deed from Margarett Bailey, et als. A certify copy of the said Deed being hereto attached, marked "Exhibit B" and prayed to be made a part of this bill:

And being so seized and possessed of the said real estate, on September 11th. 1903, the said Nellie Kenny departed this life intestate, leaving your orators and Joseph Kenny, Chas. B. Kenny, William W. Kenny, David Kenny, Dollie Kenny, and the children of Mary Eliza Everett deceased, namely: Rosa Everett age 15 years, John Everett age 14 years, Wallace Everett age 11 years, and Emmett Everett age 4 years, as her only heirs at law.

That since the death of the said Nellie Kenny, William W. Kenny, one of her children and heirs at law, has departed this life, leaving a wife, Littie Kenny and the following children, namely: Mabel Kenny, Pauline Kenny, Nellie Kenny, William Kenny and Lauvinia Kenny; the interest of the said William W. Kenny deceased, in the said land has been sold to B. P. Chapman by Jas. T. Chapman Trustee, as will appear from a Deed hereto attached, marked "Exhibit C" and prayed to be read as a part of this bill; the said Littie Kenny, and the said children of William W. Kenny deceased, now have no interest in this suit;

That since the institution of this suit, the said B. P. Chapman has purchased the interest of the said Chas. B. Kenny, et ux., John Robert Kenny and J. V. Kenny, as will appear from the certified copies of the said Deeds herewith attached, marked "Exhibit D. E. and F." and prayed to be made a part of this bill;

And your orators farther state that the said real estate ~~cannot~~ but of the same cannot be advantageously partitioned in kind, and that the interest of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of said real estate.

In tender consideration whereof, and forasmuch as your complainant's are remediless in the premises save by the aid of a Court of equity, where matters of this kind are alone and properly cognizable, your complainant's pray that the said Joseph Kenny, Chas. B. Kenny, Ophalia S. Kenny, B. P. Chapman, Florence O. Chapman, J. T. Chapman, Littie Kenny, Mabel Kenny, Pauline Kenny, Nellie Kenny, William W. Kenny, Lauvinia Kenny, David Kenny, Dollie Kenny, Rosa Everett, John Everett, Wallace Everett and Emmett Everett, the last eleven named being infants, may be made parties defendants to this bill, and required to answer the same; an answer under oath being hereby expressly waived as by the statute in such cases made and provided;

That a proper guardian ad litem be assigned to the infants defendants to defend their interests in this suit; that proper process issue; that the said real estate be sold for a division; that a reasonable fee be allowed your complainant's Attorney for his services in this cause; that all proper orders and decrees may be made, and proper enquiries be directed, and that all such other, farther and general relief may be afforded your complainant's as the nature of their case may require, or to equity and good conscience ~~shall~~ seem meet.

And your complainant's will ever pray, &c.

E. H. Williams, Sol'r

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Kenny et als - Plff.

V. In Chancery -

Kenny et als -- Dfts

Bill of Cons & Cancl

March 2nd 1909: Geo J Whitley appointed Gdn ad litem -
2nd March rules 1909:
Summ returned executed on Chas B & O S Kenny - B P and D O Chapman and Jas J Chapman Infts Same nisi - as to them - Lillie Kenny and Joseph Kenny not found - No alias issued request Plff Atty - Continued for Bill:
3rd March rules 1909:
Continued for Bill - without alias for Joseph Kenny and Lillie Kenny - request Plaintiffs Attorney - Cause set for hearing
1st April rules 1909. Bill filed - No alias issued - request Plaintiffs Attorney.
1st May rules 1909. Cause set down for hearing as to C B Kenny - O.S. Kenny. B P Chapman. D. O Chapman. & James D. Chapman Infts.

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

1st May rules 1909
Cause set for hearing as to C B Kenny. Ophelia S Kenny B P Chapman. Thomas O Chapman & James J Chapman. Infts

3rd Nov rules 1909
Service acknowledged by Lillie Kenny & cause set down for hearing