

1918-007 Chancery Causes: D. T. Doles, adm of John D. Delk & Julian E. Delk vs Maggie
Dole of Wright County Barrett, S H Delk & al

241

TO A. S. JOHNSON, CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT
COUNTY, VIRGINIA:

J. T. Doles, guardian of

John D. Delk and Julian

E. Delk,.....Complainants

Vs. IN CHANCERY

Maggie Barrett, S. H. Delk and

J. G. B. Delk, adults, and John

D. Delk and Julian E. Delk, in-

fants under the age of twenty-

one years,.....Respondents

Issue summons *Second Rules (First Monday)* ~~FIRST RULES (First Monday)~~ in

July, 1916.

[Signature]
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CLERK'S OFFICE OF THE
COURT OF THE COUNTY
OF MICHIGAN

June 28 1916
Filed

Teste, C. D. Johnson Clerk.

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

J. T. Doles, guardian of
John D. Delk and Julian

E. Delk.....Complainants.

vs. IN CHANCERY

Maggie Barrett, S. H. Delk and
T. G. B. Delk, adults, and John
D. Delk and Julian E. Delk, in-
fants under the age of twenty-

one years.....Respondents.

This cause came on this day to be heard upon the
and amended bill of, only, filed
bill of complaint, verified by oath, and exhibits filed;
said and amended bill being
the bill taken for confessed as to Maggie Barrett and S. H.
Delk, upon whom process has been duly served; upon the
sworn answer of S. E. Everett, guardian ad litem, duly ap-
pointed at rules, for the infant defendants, John D. Delk
and Julian E. Delk, this day filed, *by leave of Court,* and was argued by
counsel.

On consideration whereof the Court doth adjudge,
order and decree that the papers in this cause by referred
to one of the commissioners of this Court, who is directed
to inquire into and report to this Court;

First, whether the interests of the said infants,
John D. Delk and Julian E. Delk, and all other parties to
this suit will be promoted by the sale of the property in
the said bill mentioned, or any part thereof, and the pro-
ceeds of sale be reinvested for the benefit of the said in-
fants.

Second, whether the rights of any person, or per-
sons, will be violated by such sale, and the ages of said

infant defendants, and whether all parties interested in the subject matter of this suit are ^{properly} before the Court.

Third, whether there are any delinquent taxes or liens against said land, or the interests of any of the parties will be violated by a sale of the property, and what is the fee simple value and the annual values of the said property, which inquires the said commissioner shall make and report to the Court, together with any matter specially stated, deemed pertinent by him, or required by any other parties to be specially stated.

All of which is hereby certified to the Clerk of this Court to be entered in the Chancery Order Book.

41- The

DECREE OF REFERENCE

Entered the ____ day of
May, 1917

J. R. SAUNDERS
Attorney at Law
PINNER BUILDING
Suffolk, Va.

J. E. Dolan, Notary Public sworn, makes the following affidavit: That upon the Commission in the Circuit Court of said of said County, viz. said of the said of J. E. Dolan, guardian of John D. Delk and Julian E. Delk against Mary E. Carroll, C. F. Delk and T. G. B. Delk, et al., and John D. Delk and Julian E. Delk, infants under the age of twenty-one years, the said T. G. B. Delk has died, the other parties to this suit are the only heirs at law who would be entitled to the interest of T. G. B. Delk in this suit.

Given under my hand this the 13th day of January, 1917.

J. E. Dolan

Taken, subscribed to and sworn before me this the 13th day of January, 1917.

My commission expires on the 28th day of June 1920

E. A. Tully
Notary Public.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon Maggie Barrett and S. H. Delk to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the rules to be holden therefor on the third Monday in January, 1917, to answer a bill filed against them by J. T. Doles, guardian of John D. Delk and Julian E. Dalk. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court,
at the Courthouse, this 13th. day of January, 1917.

Teste, A. S. Johnson Clerk.

J. R. Saunders, p.g.

We accept due, legal and sufficient service of the
above process.

M.D. Maggie W. Barrett per S.H.D.
S.H.D. S. H. Delk

Letter 741
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Letter et des

Spa on amended
Revis.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF SOUTHAMPTON, GREETING:

We command you that you summon Maggie Barrett, S. H. Delk, and T. G. B. Delk, to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the Rules to be holden therefor, on the Third Monday in July, 1916, to answer J. T. Deles, guardian for John D. Delk and Julian E. Delk, a bill in chancery exhibited against them by said guardian. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse of said County of Isle of Wight, this 28th. day of June, 1916.

Teste, A. S. Johnson Clerk.

J. R. Saunders, Suffolk, Va., p.g.

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Executed in Southampton
County, Virginia, this the 5th,
day of July, 1916, by delivering
true copy hereof to Maggie
Barrett and S. H. Dolk in person.

G. L. Grizzard, SHERIFF.

By: C. W. Whitehead D.S.

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

July 10 1916
Thomas H. Ford
Teste A. Johnson Clerk.

AMENDED BILL OF COMPLAINANTS.

J. T. Doles, guardian of
John D. Delk and Julian

E. Delk.....Complainants.

Vs. IN CHANCERY

Maggie Barrett, S. H. Delk and

L. G. B. Delk, adults, and John

D. Delk and Julian E. Delk, in-

fants under the age of twenty-

one years.....Respondents.

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY,
-VIRGINIA.

Your complainant J. T. Doles guardian respectfully
represents.

(1) First, that sometime about the year 1908
George Delk, departed this life, leaving certain real
estate in the county of Isle of Wight, Virginia, des-
cribed as follows: all that certain farm in Isle of
Wight County, Virginia, known as the George Delk farm,
and bounded on the North by the lands of the Surry Lum-
ber Company, ^{John} James Rancey, deceased, and James Bets, on
East by the land of Webb and what is known as the Rattle
Snake Road, on the South by the land of Coffer and the
land of Hobby Humford and on the West by the Black Water
River. Said land is estimated to contain about two hun-
dred (200) acres. The said George Delk was seized and
possessed of the said tract of land during his life time
and departing this life owning same, and leaving Maggie
Barrett, S. H. Delk, L. G. B. Delk and John D. Delk and
Julian E. Delk, his only children and heirs at law;

(2) Second, that John D. Delk and Julian E. Delk are

infants under the age of twenty-one years; and,

(3) Third, that the said real estate is, as your complainant verily believes, susceptible of partition among the parties entitled thereto; but should the ~~same~~ ^{not} property be ^{not} divisible in kind, your complainant believes, and here states, that the interests of those who are entitled to the said real estate, or its proceeds, if sold, will be promoted by a sale of the whole of same, or by an allotment of part and a sale of residue.

(4) Fourth, that since the filing of this suit, T. G. B. Delk has departed this life, intestate, unmarried and without issue; and that John D. Delk, Julian E. Delk, Maggie Barrett and S. H. Delk, all of whom are parties to this suit, are his only heirs at law, and would inherit his entire interest in the said property.

In consideration whereof, and forasmuch as your complainant is remediless save by the aid of a court of equity, he prays that the said Maggie Barrett, S. H. Delk ^{adults} and John D. Delk and Julian E. Delk, infants, may be made parties defendants to this bill, and required, but not on their oaths, to answer the same, the oaths being hereby waived, the said adults in their own proper person, and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process may issue; that the said estate be divided among the proper parties entitled thereto, or else, if it can not be so divided that it may be sold and the proceeds be divided among the adults and infants parties according to their respective rights, the shares of the infants to be

held as directed by the statute for such cases made and provided, that all proper orders and decrees may be made, accounts taken and inquiries directed; that the papers in this cause be referred to one of the Commissioners in Chancery in this court, and that your complainant may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

J. J. Dallas Recorder of
Jno D Julian & Deak
by J. J. Dallas Rec
att

AMENDED BILL OF COMPLAINTS.

J. T. Deles Guardian

v.

S. H. Delk

5th January Rule 1917
 Process returned executed.
 Amended Bill filed.
 Return nisi

7th January Rule 1917
 Defendants not appear-
 ing cause set for
 hearing

J. R. SAUNDERS
 Attorney at Law
 PINNER BUILDING
 Suffolk, Va.

J. T. Doles, guardian of
John D. Delk and Julian

E. Delk,.....Complainants

Vs. IN CHANCERY

Maggie Barrott, S. H. Delk and

² J. G. B. Delk adults, and John

D. Delk and Julian E. Delk, in-

fants under the age of twenty-

one years..... Respondents

TO THE HONORABLE CIRCUIT COURT OF ISLE OF WIGHT COUNTY VIRGINIA.

Your complainant J. T. Doles, guardian, respectfully represents.

(1) First, that sometime about the year 1908 George Delk, departed this life, leaving certain real estate in the county of Isle of Wight, Virginia, described as follows; all that certain farm in Isle of Wight County, Virginia, known as the George Delk farm and bounded on the North by the lands of the Surry Lumber Company, ^{John} ~~James~~ Ramsey deceased and James Bets, on the East by the land of Webb and what is known as the Rattle Snake road, on the South by the land of Coffey and the land of Hobby Mumford and on the West by Black Water river. Said land is estimated to contain about two hundred (200) acres. The said George Delk was seized and possessed of the said tract of land during his life-time and departing this life owning same, and leaving Maggie Barrott, S. H. Delk, ² J. G. B. Delk and John D. Delk and Julian E. Delk, his only children and heirs at law; and,

(2) Second that John D. Delk and Julian E. Delk are infants under the age of twenty-one years; and.

(3) Third that the said real estate is, as your complainant verily believes, susceptible of partition among the parties entitled thereto; but should the ^{same not} ~~property~~ be divisible in kind, your complainant believes, and here states, that the interests of those who are entitled to the said real estate, or its proceeds, if sold, will be promoted by a sale of the whole of same, or by an allotment of part and a sale of the residue.

In consideration whereof and for as much as your complainant is remediless ^{in the premises} ~~in the premises~~ saved by the aid of a court of equity,

he prays that the said Maggie Barrett, S. H. Delk and ^J. C. B. Delk, adults, and John D. Delk and Julian E. Delk, infants, may be made parties defendants to this bill and required, but not on their oaths, to answer the same, the oaths being hereby waived, the said adults in their own proper person, and the infants by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants, who shall also answer this bill; that proper process issue; that the said estate be divided ^{among} ~~to~~ the proper parties entitled thereto, or else; if it cannot be so divided that it may be sold and the proceeds be divided among the adults and infants parties according to their respective rights, the shares of the infants to be held as directed by the statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken, and inquiries directed; that the paper in this cause be referred to one of the Commissioners in Chancery of this court, and that your complainants may have all such further and other and general relief in the premises as the nature of his case may require, or to equity shall seem meet.

J. T. Dales Guardian
of John D. Delk and Julian
E. Delk by J. T. Dales
his atty

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J. J. Dolan Gordon

Maggie Barrell
Eals

Bill

VIRGINIA CLERK OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

June 28 1916
Filed

Teste, Johnson Clerk

2nd July rules 1916

Heard as to Maggie
Barrell & H. H. Hales, defendants
on return process has been served
Continued, without order from
as to H. H. Hales.

1st August rules 1916

Cause set for hearing as
to Maggie Barrell & H. H. Hales
Continued as to H. H. Hales.

2nd Aug. 1916

R. SAUNDERS
Attorney at Law
COURT BUILDING
Suffolk, Va.

1st Sept rules 1916

Continued

2nd Sept Rules 1916

Continued

3rd Sept Rules 1916

Continued

2nd October Rules 1916

Continued

1st November Rules 1916

Continued

2nd November Rules 1916

Continued

3rd November Rules 1916

Continued

2nd December Rules 1916

Continued

1st January 1916

Amended Dec filed

2nd

Final decree entered

December 2, 1918