1903-003
Nansemond Co (Suffolk) Chancery Causes: Etta Lavinia Lilly vs James Edward Lilly et al

Rountree, Smith, Riddick, Ruby

Farmers Bank of Nansemond,

SUFFOLK, VA.

In Account with

E. E. Mallard

Life Estate

HOLDING & TILDEN BANK STATIONERY

Lilly vs Lilly

Farmers Bank of Nansemond,
SUFFOLK, VA.

Dr. In account with E. E. Holland Cr

1894					
Dec 24	Draft		8 14	Tpl. Crum Lilley vs Lilley & others	

REMAINING PAGES IN VOLUME ARE BLANK AND HAVE NOT BEEN REFORMATTED

William Lilly

To

Borland R. Doughtie

1889 Feb. 28	To amount of judgment docketed this day.		11. 20
	" Int. from 1 Dec. 1888 to 26 Mar. 1893.- 4 y. 3 m. 25 ds.		2 90
	" Costs		1 50
			15 60
	By cash of Harper & West		14 00
			1 60
	To Int. from 26 Mar. 1893 till paid		

E. E. HOLLAND,
ATTORNEY AT LAW.
Commonwealth's Attorney for Nansemond County.

SUFFOLK, VA.,

Mr. A. P. Gomer,

Clerk of the Circuit Court.

Please make up your statement of costs in this case so that I may know what amount to reserve for you.

E. E. Holland

To A.P.Gomer, Clerk of the Circuit Court of Nansemond County, Va.,

Etta Lavinia Lilly-Plaintiff

vs-In Chancery

James Edward Lilly, Ida Florence Lilly and John Robert Lilly, the said James Edward Lilly, Ida Florence Lilly and John Robert Lilly being infants under the age of twenty one years-

Issue summons in chancery to March (2nd) Rules, 1893

E. E. Holland

P.Q.

Tax $1.50

Lilly vs Lilly

Costs

A. P. Gomes Clerk		$6.65
Attorney		15.00
Writ Jay	Ind	1.50
		$23.15

A. P. Gomes Clerk

Costs.

Old Cap D 440.63
Int to date 23.27
#463.90

Cash 225.77
Cap D (new) 238.13 463.90

214.11
11.66
#225.77

May 3rd,I895-Received of E.E.Holland,Special Commissioner in the Chancery suit of Lilly vs Lilly and others the sun of twenty five dollars,being the amount of my fee as Commissioner for report made in said suit.

Wilbur J. Kilby,
Comr. in Chy.

April 23rd,I895-Received of E.E.Holland,Special Commissioner in the chancery cause of Lilly vs Lilly and others the sum of Sixty five dollars and twenty seven cents,and being in full of principal and interest of account due and owing to me by estate of Etta Lilly,deceased,and reported by Commissioner W.J.Kilby in his report filed in said cause on the 29th day of Sept.I894

Witness:
R.A.Rawles.

Admr. his X Brinkley
mark

Elta Lavenia Lilly E E Holland atty

1895

To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

~~Tax~~ and Clerk Fees in suit Lily & others vs James Edwards & } 6.65

May 6/95 Paid A P Gomer, Clerk.

E. E. Holland pg

Ella Lavenia Lily

$6,65

May Ist,I895.Received of E.E.Holland,Special Commissioner,in the chancey cause of Lilly vs Lilly and others the sum of One hundred and ~~ninety~~ Eighty five dollars and ~~seventy one~~ Thirty cents in payment of the interest of James Edward Lilly in the proceeds of sale of lands sold in said suit,the said James Edward since the institution of this suit having arrived at the age of twenty one years and being now in his twenty second year.

~~$195.61~~
$189.30

James his X mark Edward Lilly

Witness
R. F. his X mark Smith

Witness Walter
Signatures!
J. Wallace Lanier

Late Guardian

E. E. HOLLAND,
ATTORNEY AT LAW.

Commonwealth's Attorney for Nansemond County.

SUFFOLK, VA.,

June 2Ist,I895-Received of E.E.Holland,Special Commissioner in the chancery cause of Lilly vs Lilly and others the sum of Twenty four dollars and eighty two cents in payment in full of my interest in the proceeds of land sold by said special Commissioner.

James E Lilly
his
X
mark

Witness :—
R.A. Rawles.

I895-May I6th- Received of Special Commissioner in the Chancery cause of Lilly vs Lilly and others the sum of $I2.4I cents,EACH,in payment of our respective parts of the proceeds of sale of the lands sold by E.E.Holland,as Special Commissioner in said,Suit.

his
Wm. X Lilly
mark

her
Elizabeth X Raber
mark

witness
Minnie Briggs

July 9th, I895-Received of E.E.Holland, Special Commissioner in the chance ry cause of Lilly vs Lilly and others the su m of four dollars and four-teen cents each on account of interest in the proceeds of sale of the lands sold in said suit.

Lula Riddick

T A Riddick

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James Edward Lilly, Ida Florence Lilly and John Robert Lilly, the said James Edward Lilly, Ida Florence Lilly and John Robert Lilly being infants under the age of twenty-one years—

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in March 1893, to answer a Bill in Chancery, exhibited against them in the said Court by Etta Lavinia Lilly

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 9th day of March 1893, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

Cannot be found
in this County

E E Holland pq
Etta Lavenia Lilly
Vs } In Chancery
James Edward Lilly & others

1893
March Rules
Third Monday

Nansemond
Circuit Court
Process Book No 2 Pg 78

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James Edward Lilly, Ida Florence Lilly and John Robert Lilly, the said James Edward Lilly, Ida Florence Lilly and John Robert Lilly being infants under the age of twenty one Years.

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in March 1893, to answer a Bill in Chancery, exhibited against them in the said Court by Etta Lavinia Lilly

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 9th day of March 1893, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

A copy for
John Robert Lilly

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James Edward Lilly, Ida Florence Lilly and John Robert Lilly the said James Edward Lilly, Ida Florence Lilly and John Robert Lilly being infants under the age of twenty-one years

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Thurd Monday in March 1893, to answer a Bill in Chancery, exhibited against them in the said Court by Etta Lavinia Lilly

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 9th day of March 1893, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

A copy for
James Edward Lilly

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON James Edward Lilly Ida Florence Lilly and John Robert Lilly, the said James Edward Lilly Ida Florence Lilly and John Robert Lilly being infants under the age of twenty one years

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in March 1893, to answer a Bill in Chancery, exhibited against them in the said Court by Etta Lavinia Lilly

and have then and there this summons.

WITNESS, A. P. GOMER, Clerk of our said Court, at his office, this 9th day of March 1893, in the 117th year of the Commonwealth.

Teste:

A. P. Gomer Clerk.

A copy for
Ida Florence Lilly.

$2000 Edward E Holland

Know All Men by These Presents, That we, Edward E Holland and William A Jones Jr

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Two Thousand DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 5th day of November in the year of our Lord one thousand eight hundred and Ninety four, and in the 119th year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the Circuit Court of Nansemond County Virginia pronounced on the 10th day of October 1894 in the Chancery cause pending in said Court between Etta Luvenia Lily complainant and James Edward Lily and others defendants, it was decreed that the real estate mentioned in said decree be sold and the said Edward E Holland was appointed Special Commissioner to see the same and was required before proceeding to sell to execute a bond in the penalty of two thousand dollars conditioned for faithful discharge of duty under said decree and all other decrees he may be required to execute in said cause, Now if the said Edward E Holland shall faithfully discharge his duties as Special Commissioner aforesaid then the above obligation is to be void otherwise it is to remain in full force and effect

Edward E. Holland SEAL

Wm A Jones Jr SEAL

SEAL

SEAL

SEAL

In the office of the Clerk of the Circuit Court of Nansemond County, on the 5th day of November 1894

The above bond was executed and acknowledged by the obligors (the surety justifying on oath as to his sufficiency) and recorded.

Teste: C L Gurney CLERK.

Edward E Holland

To } Spec. Comr. Bond

The Commonwealth.

1894
Novr 5th

Recorded in Circuit
Court Bond Book
No 1. Page 83.

Lily
vs
Lily

At Rules held in the clerks office of the Circuit Court of Nansemond County, on the 20th day of March, 1893

Etta Lavinia Lilly -Complainant

vs

James Edward Lilly , Ida Florence Lilly and John Robert Lilly- Defendants

On motion of the complainant by Counsel , Lee Britt, an attorney at law, is assigned guardian ad litem to the defendants James Edward Lilly, Ida Florence Lilly and John Robert Lilly, who are infants under the age of twenty one years, to defend their interests in this suit-

Test: W. P. Gomer Clerk

Order appointing Guardian ad
litem-

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

LILLY,

v.

LILLY & Others.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond County.

By a decree entered in this cause April 13, 1897, the undersigned Commissioner was authorized, as each of the parties to said suit, to whom the funds in his hands, as shown by reports in these proceedings, belonged, should arrive at the age of twenty-one years, to withdraw from the papers in this cause the certificate of deposit filed with his report in this cause and pay to him or her the part of the amount thereof to which he or she might be entitled. The amount in hand, as shown by report filed on April 1, 1897 and confirmed by the decree above mentioned, was two hundred and thirty-eight dollars and thirteen cents ($238.13. On March 7, 1898, John Robert Lilly, one of the parties to this cause, having arrived at the age of 21 years, your Commissioner paid to him the sum of two hundred and twenty-six dollars and twenty-seven cents ($226.27) in payment of the amount due him, principal and interest, out of the proceeds of sale of the lands sold in said suit, and filed herewith his receipt therefor. At that time your Commissioner took a new certificate for $15.91, being the balance in his hands of the proceeds of sale of land sold in said suit, and being the amount to which Alice O. Smith was entitled on account thereof. The said Alice O. Smith having become of age on the first day of January, 1903, your Commissioner indorsed to her the certificate of deposit for $15.91 and took from her the receipt hereto attached. All the funds received from the sale of the land in said suit have now been distributed and there is nothing further to be done in this cause.

Respectfully submitted.

Feby 24, 1903

E E Hoggard
Spl Comm'r

Lucy
vs Report of Distribution
Lilly and others

1903
April 16. Filed

To the Hon:R.R.Prentis,Judge of the Circuit Court of Nansemond County:

Lilly vs Lilly and others.

The undersigned Special Commissioner respectfully reports to Court that pursuant to decrees entered herein he has collected the purchase money for the lands sold in said suit,has executed to the purchaser a deed for said lands ,and has distributed the purchase money as follows:

By amt due as per last reportfiled March 28th,'95		$$795.36
By amt paidW.J.Kilby,Commr	$25.00	
By amt pad Clerk for fees	6.65	
By amt paid Sheriff A.H.Baker	I.50	
By amt retained for drawing deed	5.00	
By amt paid J.Edward Lilly-heir-	2I4.12	
By amt paid Admiral Brinkley-Judgment- vs Etta Lilly dec'd	65.27	
By amt paid Elizabeth Rabey	I2.4I	
By amt paid Wm.Lilly	I2.4I	
By amt paid Lula Riddick	4.I4	
By amt paid F.A.Riddick	4.I4	
By balance on hand undistributed	444.72	
	$795.36	$795.36

Your Commissioner has not distributed the balance now on hand for the reason that the bond of the guardian of Ida Florence Lilly and John Robert Lilly was considered by your Commissioner as practically worthless,one of the sureties thereon being dead and his estate insolvent,and the other having removed out of the State,and, besides, being practically insolvent. Your Commissioner did not consider it safe and proper to turn said amount over to him until he had given additional security,and in this he has so far failed.Of the balance now on hand the sum of$428.22 is the amount to which they are entitled.Your Commissioner has not been able to pay tpAlice O.Smith,the sum of $I2.4I,to which she is entitled,she being an infant and having no guardian.The balance in hand has not been paid to Alexina Parker because she has so far failed to call for it although repeatedly notified so to do.Your Commissioner has retained in his hands the amount due the said Alexina Parker having been notified that she would

soon call and get it.The amounts due to the infants as above stated your Commissioner has deposited in Bank to the credit of this cause,and returns herewith a certificate of deposit therefor.

Respectfully submitted,

E. E. Hazzard

Special Comm'r

Liens
vs Reports of Comm^rs
Liens vs Rhs

Filed Oct 1st 1895
A. P. Gomez Clerk

VALUABLE FARMS

In Cypress ~~Magisterial~~ District, Nansemond County,

AT AUCTION!

By virtue of a decree of the Circuit Court of Nansemond county, Va., entered on the 10th day of October, 1894, in the chancery cause of Lilly vs. Lilly and others, pending in said court, I shall proceed to sell by public auction, before the Courthouse door in said county, at Suffolk, Va.,

On Monday, December 10, 1894,

(court day), at 12 o'clock M., THE FOLLOWING VALUABLE REAL ESTATE, to wit:

"All those certain tracts of land in Cypress Magisterial district, in Nansemond county, Virginia, containing two hundred and seven acres, more or less, and adjoining the lands of Jordan Howell, H. W. Savage, William Lilly and others, and being the lands of which John Lilly died siezed and possessed."

This land will be sold in two or more parcels to suit purchasers.

TERMS.—One-third cash, and the balance in two equal installments, payable (with interest from the day of sale) in six and twelve months, taking from the purchasers bonds for the deferred payments, and the title to be retained until the further order of this Court.

☞ Parties desiring to purchase good farms in this locality are requested to examine the above premises.

E. E. HOLLAND, Special Commissioner.

I, A. P. Gomer, Clerk of the Circuit Court of Nansemond county, Va., do certify that the bond required of the Special Commissioner by decree in the cause of Lilly vs. Lilly and others has been executed with security deemed sufficient by me.

A. P. GOMER, CLERK.

All Available Text Successfully Captured

Lilly vs Lilly et als

Received of E. E. Strickland Sheriff
the sum of Ten dollars for selling
land under decree in above suit -

John J. S. Branch
Cir

TRANSIENT ADVERTISEMENTS and SUBSCRIPTIONS PAYABLE in *Advance*.
ANNUAL ADVERTISERS Required to Settle *Quarterly*.
JOB WORK, *Cash on Delivery*.

Suffolk, Va., Jan 5 1894

THE SUFFOLK HERALD

BOOK AND JOB PRINTING ESTABLISHMENT

J. E. BOOKER, Proprietor

Printed for E E Holland Comr

94

Nov 9	To Adv Sale John Lellys Land 4 in 5 Wks	$ 7.00
	50 Bills of Same	1.00
	Paid J E Booker	$ 8.00

In the Circuit Court of Nansemond County:

Lilly vs Lilly and others.

To the Hon.R.R.Prentis,Judge of said Court:

The undersigned Special Commissioner appointed by decree entered herein on the Ioth day of October, I894,respectfully reports to Court that after advertising the time,terms and place of sale as required by the decree in this cause,he proceeded on the Ioth day of December,I894,to sell the tracts of land in the bill and proceedings mentioned.

The land was sold in two parcels,and both parcels were purchased by M.Parker,he having made the highest bids therefor,and purchased same for the price of $907.

The said M.Parker desired to pay the purchase price thereof in cash,and your Commissioner accepted same,although the terms of the decree of sale only required one third in cash,and the balance in two equal instalments payable in six and twelve months from the day of sale.

After deducting therefrom:

Cash fee allowed by decree	$50.	
Commissions-	27.I4	
Writ tax and taxed Attys fee	I6.50	
Fee paid J.J.S.Branch,Crier	I0.00	
Amt paid J.E.Booker for advertising $795.36	8.00	$111.64

Your Commissioner deposited the balance of the purchase price in the Farmers Bank of Nansemond to his credit as Special Commissioner in this Cause,and returns herewith a certificate of deposit therefor.

Your Commissioner has given the bond required by said decree of sale,and returns herewith a copy of the advertisement of sale.

Respectfully submitted?

E. E. Holland.
Spl. Comm'r.

Lilly et al

vs Report of Sale

Lilly et als

Filed March 28th 1895.

A. P. Gomez Clerk

THE GLOBE LEGAL WRAPPER. Patented Feb. 11, 1890. SIZE No. 2.
DIRECTIONS.—Elevate the metal points—attach the manuscript—then bend the points down flat—dampen the gummed flap and stick it down—this fastens the papers and hides the metal.

Commissioner's Office
Suffolk, Va.,
4 Sept. 1894.

William Lilly & als. Complainants
Against
Jas. E. Lilly & als. Defendants.

To the Hon. Chandler W. Hill,
Judge of the Circuit Court for the
County of Nansemond, Virginia:

In pursuance of the decree of the Circuit Court of the County of Nansemond, Virginia, pronounced on the 10th. day of April 1894 in the cause in Chancery in said Court depending between William Lilly, Elizabeth Rabey and others, complainants, and James Edward Lilly, Ida Florence Lilly and others, Defendants, the undersigned, Wilbur J. Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 5th day of July 1894, after the papers in said cause had been referred to him, he gave notice to the

parties that he would proceed on the 27th. day of July 1894 at his office in Suffolk, Va. to make the several inquiries required by the said decree to be made by one of the Commissioners of said Court:

That sufficient and legal service of said notice was duly acknowledged and accepted by counsel for the complainants and by Lee Britt the guardian ad litem for the defendants, who are all infants, as will appear by the endorsations on the notice herewith returned;

That the proceedings before your Commissioner were regularly adjourned from day to day from the 27th. day of July 1894 until this 4th. day of September 1894, when the depositions of John Rountree, William Lilly and Burwell R. Smith have been taken by your Commissioner to enable him to reach a correct conclusion and make proper answers to said in-

quires:

That from the evidence furnished by said depositions, Your Commissioner is enabled to report;

1. That the real estate of which John Lilly died seised and possessed mentioned and described in the Bill in said cause, cannot be conveniently divided in kind between the several parties entitled to share therein.

2. That no one of the parties interested has expressed any desire, or willingness to take the said real estate and pay to the other parties for their interests therein such sums of money as they may be entitled to receive for their said interests; the adult parties being, in fact, unwilling and the infants unable to do so.

3. That the interests of those who are entitled to said real estate, or its proceeds, will be promoted by a sale of the entire property and the distribution of the proceeds of the sale according to the respective rights

of those entitled thereto.

4. Your Commissioner also reports that he has not been able to discover any liens upon said property.

5. That the only debt due by Etta Lavinia Lilly, deceased, or her estate is one in favor of Admiral Brinkley, as per itemized bill herewith returned for $59.75 with interest from the 5th. day of October 1893. This debt should be paid out of the said Etta Lavinia Lilly's interest in said real estate, as she died possessed no personal estate of any kind.

The depositions aforesaid are herewith returned.

Respectfully submitted this 4th. day of September 1894.

Wilbur J. Kilby,
Commissioner in Chancery.

Fee of Comr. $25.00

1

Suffolk Va Oct 6/93

Miss Ella Lilly, Est, Dr:

To,

Admiral Brinkley

To.

Sept 9/93,	Paid Dr R. E. Parker for Medicine & attendance =	$14,00
" 16 "	" R. W. Baker & Co for Coffin =	35,00
" 23 "	" Suffolk Herald for printing funeral notices =	2,00
" 29 "	" W. J. Almand, for digging grave & clearing lot =	2,75
Oct 5 "	" Rev W. Nurney, for hack hire at funeral =	5,00
" " "	" Jurvius Parker " " " " =	$1,00
		59,75

I 8 98, March 7th-Received of E.E.Holland, Special Commissioner of the Circuit Court in the chancery cause of Lilly vs Lilly and others the sum of Two hundred and twenty six dollars and twenty seven cents in payment of amount due me out of the proceeds of sale of the lands sold in said suit. And I hereby make affidavit that I am now twenty one years of age.

Witness
J. J. Holland
A. E. Miller

John Robert his X mark Lilly

Mr. E. E. Holland, (Libby & Libby) Dr.

1897. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 432

No. of Acres

	State Tax 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 20c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 10c. on $100.	TOTAL TAX.
To Real Estate, value $								
" Personal Property, value $ 238	71	24	48	19	12	12	24	2 10
" Income, &c, value $								
" Poll Taxes		~~1 00~~					~~5 0~~	
Total								
5 per cent. additional								
Total								

Received payment 30 day of Nov 189 7

S. T. Ellis Treasurer,

Per Ruff

Acd certif. 238.13
6.18
Int - 244.28
2.10 each
Sentences 242.18

Ida Florance Lilley
the Daughter of John Lilley and
Millie his wife was borned
December the 30 — 1874

Witness
Robert H Smith

I897,Feb.IIth-Received of E.E.Holland,Special Commissioner of the Circuit Court of Nansemond County in the chancery cause of Lilly vs Lilly and oth ers. the sum of Two hundred and twenty five dollars and seventy seven cts in payment of the amount due Ida Florence Lilly,now Ida Florence Green, the wife of Solomon Green,with interest thereon as shown by Report filed on the Ist day of ~~April~~ October — I895.

And I further certify that I was twenty one years of age on the 30th day of December,I896

Witness:-
R H Rawls

Ida Florence her X Green mark
formerly Ida Florence Lilly

E. E. HOLLAND,
ATTORNEY AT LAW.
COMMONWEALTH'S ATTORNEY FOR NANSEMOND COUNTY.
OFFICES IN BOOTHE BUILDING.
SUFFOLK, VA.

Feb.23rd,I903

Received of E.E.Holland,Special Commissioner,in the chancery suit of Lilly vs Lilly certificate of depozit,dated March 7th,I898,for fifteen dollars and ninety one cents ($I5?9I,being the amount of the proceeds of sale to which I am entitled.I was twenty one years of age on the Ist day of January,I903.

Alice O. Smith

To the Hon.Robert R.Prentis,Judge of the Circuit Court of Nansemond County:-

The Undersigned Special Commissioner in the chancery cause of Lilly vs Lilly and others begs to report, that by report filed on the Ist day of October,I895,it was shown that he had in hand the sum of $444.72,and that of this amount $2I4.II belonged to Ida Florence Lilly, then an infant under the age of twenty one years.

By a decree entered on the I5th day of October,I895,your said commissioner was directed,until the qualification of a proper guardian,with a proper bond, to allow the said funds to remain deposited in the Farmers Bank of Nansemond until the further order of the court.No guardian ever qualified,but on the IIth day of February,I897,the said Ida Florence Lilly ,who had then married Solomon Green,having become twenty one years of age applied to your commissioner for her part of the proceeds of sale of the lands sold in these proceedings as shown by said report filed on the Ist day of October,I895,and your commissioner being satisfied that she had reached the age of twenty one years,was of opinion that he might pay her the money and take her receipt therefor,she seeming to be in.need of the money.Your Commissioner paid to her the sum of $225.77,having collected the certificate of deposit filed in the papers,being her proportionate part of the funds in hand,with interest,and returns herewith her receipt for said amount.Your Commissioner also returns herewith a new certificate of deposit for $238.13,being the balance now in his hands undistributed. Your commissioner asks that his action in the premises may be confirmed.

Respectfully submitted,

E. E. Keeling,

Spl Comm'r

Lilly
to Robert
Lillyvale

Transcript 1897

In the Circuit Court of Nansemond County:-

Lilly vs Lilly and others

This cause came on this day to be again heard upon the papers formerly read,and upon the report of E.E.Holland,Special Commissioner,filed herein on the Ist day of April,1897,in which he reported that he had paid to Ida Florence Green,formerly Ida Florence ~~Gilden~~ Lilly,the sum of $225.77,being the amount due her of the funds in his hands with interest,she having become twenty one years of age since his last report herein,to which report no exceptions were filed,and was argued by counsel:On consideration whereof the court doth approve and confirm said report,and especially the payment to said Ida Florence Green formerly Ida Florence Lilly,of the funds in his hands belonging to her, as shown by the proceedings in this cause,and doth further order,adjudge and decree that as each of the said parties to whom the funds now in his hands belong,as shown by reports in these proceedings,shall arrive at the age of twenty one years ,that he shall withdraw from the papers the certificate of deposit filed with his report in this cause,and pay to him or her the part of said amount to which he or she may be entitled.But the said Commissioner is directed, until the said parties arrive at age as aforesaid,to let the said sum remain deposited in the Farmers Bank of Nansemond,subject to the further order of this court/And this cause is continued.

Liber
W J Deeds
Liber 208

April 13, 1897
To be Entered
Robert D Sparks.

Entered in
Chancery Ord
No 3 Page 71

In the Circuit Court of Nansemond County:

Lilly vs Lilly and others-

This cause came on this day to be again heard upon the papers formerly read,and upon the report of Special Commissioner E.E.Holland,filed herein on the Ist day of October,I895,to which report there are no exceptions,and was argued by Counsel:On consideration whereof the Court doth approve and confirm said report,and doth further order,adjudge and decree that upon the qualification of a gurdian of the infant defendants Ida Florence Lilly,John Robert Lilly and Alice O.Smith,with sureties deemed sufficient , the said Special Commissioner is authorized to withdraw from these papers the certificate of deposit filed with his report for the amounts due said infant defendants,collect the same,pay it over to said guardian and take his receipt therefor.But until the qualification of such guardian the said amount shall remain deposited as aforesaid until the further order of this Court.And this cause is continued.

Lilly

vs Decree

Lilly

Oct. 15, 1895

To be Entered—

Robert C. Harris

Entered in Chancery
Order Book No. 2.
Page 656

In the Circuit Court of Nansemond County:

Lilly et als vs Lilly et als.

This cause came on again this day to be again heard on the papers formerly read,and upon the report of sale of Special Commissioner E.E.Holland,filed on the 28th day of March,I895,to which no exceptions have been filed,and was argued by Counsel:

On consideration whereof the Court doth ratify,approve and confirm said report and said sales to M.Parker as reported by said Commissioner,and it appearing from said report that said M.Parker has paid the entire purchase price in cash, the Court doth order, adjudge and decree that the said Commissioner E.E.Holland shall convey by good and sufficient deed,with special warranty,unto the said M.Parker ,the tracts of land purchased by him as reported.

And it appearing to the Court from the report of said Special Commissioner, that the sum of $796.00 is now in hand for distribution, as also by certificate of deposit returned with said report,it is ordered,adjudged and decreed that the said Special Commissioner shall withdraw from these papers the certificate of deposit returned with his report, collect the same, and after paying the unpaid costs of this suit,shall proceed to distribute the balance among the parties entitled thereto.But out of the portion belonging to the estate of Etta Lilly,deceased,the said Commissioner,before making distribution, among the parties entitled thereto, shall pay to Admiral Brinkley the amount ascertained by report of Commissioner Wilbur J.Kilby,filed herein on the 29th day of September,I894,and afterwards confirmed by decree of this court,to be due to said Admiral Brinkley by the estate of said Etta Lilly,deceased.And the said Commissioner shall report his proceedings hereunder to the Court.And this cause is continued.

Lilly vals.

vs Decree
Lilly vals

April 9, 1895-
To be Entered.
Robert R. Prentis.

Entered in Chancery
Order Book No. 2.
Page 606.

In the Circuit Court of Nansemond County:-

Lilly and others vs Lilly and others

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Commissioner Wilbur J.Milby, filed since the last hearing of this cause, to which report no exceptions have been filed and was argued by Counsel:On consideration whereof, the Court doth approve and confirm said report, and doth order, adjudge and decree that E.E.Holland, who is hereby appointed a Special Commissioner fot the purpose, do proceed after advertising the time, terms and place of sale in the Suffolk Herald, a newspaper publihsed in the County of Nansemond for two or more successive weeks and otherwise as said Commissioner may deem best, to sell the real estate in the bill and proceedings mentioned, in one or more parcels, at public auction, in front of the Court-house of Nansemond County, on some court-day, upon the following terms towit:one third cash, and the balance in two equal instalmentspayable with interest from day of sale in six and twelve months, taking from the purchasers bonds for the deferred payments, and the title to be retained until the further order of the Court.And the said Commissioner is directed to deposit the cash instalment in the Farmers Bank of Nansemond to his credit as Special Commissioner in this cause, after deducting therefrom the costs of suit, expenses of sale, including commissions and a fee of $50.00 to the counsel who instituted this suit and to report his proceedings hereunder to Court.

But the said Commissioner shall receive no money under this decree until he shall enter into bond with sufficient security in the Clerks Office of this Court, payable to the Commonwealth of Virginia, in the penalty of $2000.00 and conditioned for the faithful discharge of his duties under this or any other decree entered in this cause, and shall

have obtained from the Clerk of this Court a certificate that the bond required hereby has been given, which certificate or a copy there of shall be appended to the advertisement of sale of said lands herein mentioned. And this cause is continued-

Lilley &c
vs Deree
Lilley &c

Oct 10 1894
To be entered
CMH

Entered in Chancery
Order Book No. 2
Page 575.-

In the Circuit Court of Nansemond County, Virginia-

Lilly vs Lilly and others-

This cause came on again this day to be heard upon the papers formerly read, and it being suggested to the Court, that Etta Lavinia Lilly, the plaintiff in this cause, has departed this life, on the motion of William Lilly, Elizabeth Rabey and Thomas Rabey, her husband, Alexina Parker and J.C. Parker, her husband, Lula Riddick, Frank Riddick and Alice O. Smith, an infant under the age of twenty one years, and on the motion of said Alice O, Smith, by said William Lilly, her next friend, who, together with the infant defendants who are already parties defendant to this cause, are the sole heirs and distributees of said Etta Lavinia Lilly, deceased, it is ordered that this suit be revived and proceeded in, in the name of said William Lilly, Elizabeth Rabey and Thomas Rabey, her husband, Alexina Parker and J.C. Parker, her husband, Lula Riddick, Frank Riddick and Alice O. Smith, by William Lilly, her next friend, sole heirs and distributees as aforesaid, as plaintiffs and was argued by Counsel:-

On consideration whereof it is ordered adjudged and decreed that the decree entered herein on the 10th day of October, 1893, be rescinded and annulled, and that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to enquire into and report to Court-

Ist. Whether the real property in the bill and proceedings mentioned can be conveniently divided in kind between the several parties entitled thereto-

2nd. 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 therein may entitle them to.

3rd. And if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their share, or its proceeds whether the interests of those who are entitled to the said property, and especially the interests of the infants, both parties plaintiff and defendant hereto, will be promoted by a sale of said property or by a sale of part and the allotment of the residue.

4th. Whether there any liens upon said property, and if so, in whose favor and the amount of same.

5th. An account of the debts, if any, due and owing and remaining unpaid, of Etta Lavinia Lilly, deceased, at the time of her death, and which, if any, ought to be paid out of her proportion of the proceeds of sale, before a distribution of same among the parties entitled thereto.

Which several inquiries the said Commissioner shall make and report to Court together with any matter specially stated deemed pertinent by himself or required by any of the parties to be so stated.

Lilley & others
vs
Lilley & wife

Decree
April 10 1894
To be Entered
C.M.H.

Entered in Chancery
Order Book
No. 2. Page 538.

In the Circuit Court of Nansemond County-

Etta L.Lilly

Against

Lilly and others-

This cause came on this day to be heard upon the bill, the answer of the infant defendants by their guardia n ad litem, Lee Britt, an attorney at law, and of the said guardian ad litem, with replications thereto, and was argued by Counsel: On consideration whereof the Court doth adjudge, order and decree that F.W.Rawles, Joshua B.Harrell, Jas.E.Riddick, B.P Baker and W.H.Brothers, who are hereby appointed commissioners for the purpose, any three or more of whom may act, having first been duly sworn, do proceed to lay off ~~and assign~~ and divide the real estate of which John Lilly died seized and possessed in the bill mentioned, ~~and assign~~ into four equal parts, having regard to quality and quantity, and assign one of said four parts to each of the parties mentioned in said bill, namely, to Etta L.Lilly, one fourth part, to James Edward Lilly, one fourth part, to Ida Florence Lilly, one fourth part, and to John Robert Lilly, one fourth part. But if the said commissioners should find it impracticable to divide said land among the aforesaid parties, or should be of opinion that the interest of said parties would be more promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fee-simple value of the whole of the real estate of which the said John Lilly died seized

and possessed; and in either case they are reuired to report their proceedings under this order to the Court.

And this cause is continued.

Lilly
vs Decree for Comm'r
Lilly et Ahern

Apr 10 1893
To be Entered.
C M C

Entered in Chancery
Order Book
No. 2. Page 479.

I John Lilly of the County of Nanse-
mond and State of Virginia
Being of
sound mind and memory. But con-
sideing the uncertianty of my earthly
existance do make and publish this
my last will and Testament in man-
ner, and form following that is to say.
First that my executor, hereinafter,
named shal provide for my Body a
decent burriel suitible to the wishes
of my Relation and Friends and pay
all Furniel expences together, with
my just Depts, howsoever, and to
whomesoever, owing, out of the mon-
eys that may first come into his
hands as a part or parcel of my es-
tate.
Item I I give and devise to my Be-
loved wife Riddy Lilly all my land
cattle hogs horse cart and wheels
Farming Emplements of all kinds
household and kitching furniture
also my notes and Bonds except
such notes as I shall mension hear-
inafter, to have and to hold so long
as she lives or remains my widdow,
then at her, deth or at her, marriage
all the land and propity which I

have mensions in Item first to be
Equelaly divided among my fours
youngest Children Elles Lewenia
James Edward Ides Florree and
John Robert
Item 2 I give and devise to my el-
dest Daughter, Nancy Jane now the
widdes of Thomas Riddick Decest five
dollars
Item 3 I give and devise to my son
William Lilly, the remainding part of
three notes which I hold against
the said William Lilly wich notes
amounts to one hundred and twen-
ty nine dollars one half of the
amount of notes to go to pay Wil-
liam Lilly for his son John E Lilly
working withe me six months in
1874 the balance of amounts due
I give to him.
Item 4 I give and devise to my
dautes, Elesebeth the wife of Thomas
Raby one note I hole against Thomas
Raby hes husband calling for twenty
three dollars.
Item 5 I give all the remainding
part of my Estate to my Beloved
wife Riddy Lilly whatsoever and
whomsoever it may be

In witniss whareof I the said John Lilly do hearunto set my hand and seal this thirty first day September one thousand Eight hundred and seventy Eight.

Signed sealed, published and declared by the said John Lilly to be his last will and testament in the presence of us whon at his request and in his presence do subscribe our names as witniss thareto

John his X mark Lilly seal

Teste

Abram Rountrey
William D. Russell
William his X mark Morton

At a Monthly Court held for Nansemond County, the 14th: day of July, 1879.

This Last Will and Testament of John Lilly, late of this County, deceased, was this day fully proved by the oathes of Abram Rountrey and William D. Russell, two of the subscribing witnesses hereto, and was thereupon ordered to be recorded. Teste, Peter B. Prentis Clerk.

A Copy
Testé:
A P Gomez D.C

At a Monthly Court held for Nansemond County, the 8th: day of September, 1879.

On the motion of Kiddy Lilly, who made oath, as the law directs and entered into a bond, in the penalty of One thousand dollars, conditioned according to law, with John Rountrey and James Voight, her sureties therein, (who justified on oath, as to their sufficiency, and which said bond being acknowledged by the obligors therein, is ordered to be recorded): Certificate is granted the said Kiddy Lilly for obtaining letters of administration on the Estate of the said John Lilly, deceased, with his said Will annexed, in due form.

Teste:

Peter B. Prentis.

Clerk.

A Copy

Teste:

A. P. Symes D.C

John Lilly's
Will
a Copy
"Exhibit A"

$1.00 Fee

To William Lilly, Elizabeth Rabey and Thomas Rabey her husband, Alexina Parker, and J. C. Parker, her husband, Lula Riddick, Frank Riddick and Alice O. Smith, an infant, by said William Lilly her next friend. Complainants.

and James Edward Lilly, Ida Florence Lilly and John Robert Lilly, infants under the age of twenty-one years, and Lee Britt guardian ad litem of said infants, James Edward Lilly, Ida Florence Lilly and John Robert Lilly. Defendants

You are hereby notified that on the 27th day of July 1894 I will proceed to at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall ~~take, state and settle the following accounts which are to be taken, stated and settled~~ make the following inquiries which are to be made and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 10th. day of April 1894 in the suit in chancery pending in said Court to which you are parties plaintiffs and defendants, to wit:

1. Whether the real property in the bill and proceedings in said suit mentioned can be conveniently divided in kind between the several parties entitled thereto.

2. 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 interests therein may entitle them to.

3. And, if the same cannot be conveniently divided in kind and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property, or its proceeds, and especially the interests of the infants, both parties plaintiff and defendant to said suit, will be promoted by a sale of said property, or by a sale of part and the allotment of the residue.

4. Whether there are any liens upon said property and, if so, in whose favor and the amount of the same.

5. An account of the debts, if any, due and owing and remaining unpaid of Etta Lilly, Law Orig. deceased at the time of her death and which, if any, ought to be paid out of her proportion of the proceeds of sale before a distribution of same among the parties entitled thereto.

6. An inquiry as to any matter specially stated deemed pertinent by myself, or required by any of the parties to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, this 5th, day of July 1894

WILBUR J. KILBY,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby acknowledged and accepted by us this 7th. day of July 1894.

E. E. Howard

Atty for Complainants

L. C. Britt

Guardian ad Litem

for infant defendants

The depositions of John Rountree and others taken before me, Wilbur J. Killy, a Commissioner in Chancery of the Circuit Court for the County of Chasemond, Virginia, on the 4th. day of September 1894 to be read in evidence in behalf of the complainants in a certain suit in Chancery, depending in said Court between William Lilly, Elizabeth Robey and others, Complainants and James Edward Lilly Ida Florence Lilly and others, defendants:

John Rountree, being duly sworn, deposes and says as follows:

1. Q. What is your age, and occupation and do you know the parties to this suit?

Ans. I am 41 years of age and am a farmer. I know all the parties to this suit and have known them all their lives. I reside in Chasemond County where I was reared

2. Q. State whether you are familiar with the land of which John Lilly died seised and possessed and which is described in the bill in said suit as a farm of 207 acres

more or less, in Rockingham County, and if you are, please state:

1. Whether it can be conveniently divided in kind between the parties entitled to share therein; and

2. If it cannot be so divided, whether any of the parties will take it as a whole and pay the other parties for their interests therein, such sums of money as such interests may be worth; and

3 If it cannot be so divided and no party will take it as aforesaid whether the interests of those interested will be promoted by a sale of part and the allotment of the remainder thereof, or a sale of the entire property and distribution of the proceeds of such sale among the parties entitled thereto;

Ans. I have known the land mentioned all my life and have been familiar with it more than 25 years. It is located about 2 1/2 miles from my home.

I am decidedly of opinion that the land can not be divided in kind conveniently between

the parties interested. There are nine or ten parties entitled to share therein and the land contains only 207 acres, or thereabouts. A division of it would give the heirs very small parcels of no value for farming purposes for which alone it could be used. Some of it is poor and that of itself would make it inconvenient to divide it in kind among so many parties. Its value would be practically destroyed if it were so divided. None of the parties is willing, so far as I am informed to take the place and pay the other parties for their shares. It would be by far the best for all parties to sell the place and divide the proceeds among them.

And further this deponent says not.

John C. Rawlins

William Lilly, being duly sworn, deposes and says as follows:

1. Q. What is your age and occupation and do you know the parties to this suit?

Ans. I am 65 years of age and ~~[illegible]~~ a farmer. I know all the parties to this suit and have known them all their lives. I am one of the plaintiffs and have resided in Chesterfield County all my life.

2. Q. State whether you are familiar with the land which belonged to John Lilly containing 207 acres, more or less in Chesterfield County, and if you are, please state:

1. Whether it can be conveniently divided in kind between the parties entitled to share therein: and

2. If it cannot be so divided, whether any of the parties will take it as a whole and pay the other parties for their interests therein, such sums of money as such interests may be worth; and 3. If it cannot be so divided and no party will take it as aforesaid, whether the interests of those interested will be promoted by a sale of part and allotment of the remainder thereof, or a sale of the entire property and distribution of the proceeds of such sale among the parties entitled thereto;

Ans. I have known the land all my lifetime and am therefore perfectly familiar with it. I have lived on the adjoining land all my lifetime.

I do not see how the land could be divided conveniently between the parties. There are so many interested, the parcel each would get would be too small to be of much value; and besides that, ~~there is only~~ about one-fourth of it is woodland; and to divide the land so as to give each one a part of this woodland and a part of the cleared land would be almost impossible except to great disadvantage; and yet with each parcel of cleared land some woodland should go, or else the cleared land would be of little use to the holder thereof, and no one would want either all cleared land or woodland. To my mind no convenient division could be made among so many parties.

No one of the parties is willing to take the entire land and pay the other parties for their interests therein

and besides no one is able to do so.

The interests of all parties will certainly be promoted by selling the entire tract and dividing the proceeds among them. The land has been rented out for more than five years for a nominal rent, ~~the heirs getting none of it~~, and, therefore, it has afforded ~~them~~ the heirs no income or profit. Its condition is bad and it is yearly growing worse. The heirs either have homes, or live elsewhere, and could make good use of their shares of the proceeds of the sale, where they live while they are not able to make any use of the land.

And further this deponent says not.

William his X Lilly mark

Burwell R. Smith being duly sworn deposes and says as follows;

1. Q. What is your age and occupation and do you know the parties to this suit?

Ans. I am 76 years of age and have been a farmer all my life until recently. I know some of the parties to this suit personally and the others by their family connection. I have lived in Rowan County all my life.

2. Q. State whether you are familiar with the land which belonged to John Lilly containing 207 acres, more or less, in Rowan County and, if you are, please state:

1. Whether it can be conveniently divided in kind between the parties entitled to share therein; and

2. If it cannot be so divided whether any of the parties will take it as a whole and pay the other parties for their interests therein, such sums of money as such interests may be worth; and

3. If it cannot be so divided and no party will take it as aforesaid, whether the interests of those interested will be promoted by a sale of part and allotment of the remainder thereof, or a sale of the entire property and distribution of the proceeds of such sale among the parties entitled thereto.

Ans. I have been on the land many

times, have hunted on and around it often, and know it quite well

While the land might be divided in kind, yet it could not be so divided to any advantage, nor conveniently, owing to the number of ~~shares~~ parties interested, and the fact that the land consists of arable land, woodland, and some pocosin. Each party's parcel, or share, would be too small for farming purposes and it would be impossible to give each one a share of farming or arable land, some would have to take all or nearly all woodland, or pocosin, or cleared land, or small parcels of each kind, and would thus get shares of little value or use to them. It would destroy the value of the place to cut it up into such small parcels.

I ~~do~~ not ~~know~~ Know of any party willing to take the land and pay the other parties for their interests in it. In fact, I think that no one of them ~~would~~ is able to do so. Certainly the minors are not, and as the other

parties either own other places, or live elsewhere. I suppose they would prefer to have a sale of the entire property and take their shares in money. The interests of all parties would, in my judgment and from my knowledge of their circumstances and surroundings, be promoted by a sale of the entire land and distribution of the proceeds among them. It would not be to their interest to allot part of the land and sell the remainder.

And further this deponent says not

B. A. Smith

State of Virginia
County of Chesterfield } to wit:

I, Wilbur J. Kilby, a Commissioner in Chancery of the Circuit Court for the County aforesaid in the State of Virginia, do certify that the foregoing depositions of John Rowntree, William Lilly and Burwell R. Smith were duly taken, sworn to, and subscribed before

me at the time and place and for the purposes therein mentioned.

Given under my hand this 4th day of September 1894.

Wilbur J. Kilby.
Commissioner in Chancery.

Lilly Fals.

vs. } In Chy.

Lilly Fals.

Report under decree of 10 Apl. 1894

1894 Sept 29th
Filed
A D Gomey Clerk

IN THE CIRCUIT COURT OF NANSEMOND COUNTY:

LILLY,

v.

LILLY & Others.

This cause came on this day to be again heard on the papers formerly read, and on the report of E. E. Holland, Special Commissioner, showing that he has made final distribution of all the funds received by him from lands sold by him as Commissioner in said suit, which report was filed ~~on the~~ this day ~~of March, 1903~~, and to which there is no exception, and was argued by counsel.

On consideration whereof the court doth ratify, approve and confirm said report, and, it appearing from said report, that there is nothing further to be done in this suit, it is ordered that the same be stricken from the docket.

Lilly
vs
Final Decree
Lilly

April 16, 1903
Entered
Robert R. Ellis

Entered in Chancery
Order Book No 3
Page 502.

In the Circuit Court of Nansemond County-

Etta L.Lilly

Against

Lilly and others-

The answer of Lee Britt, an attorney at law, guardian ad litem to the infant defendants James Edward Lilly, Ida Florence Lilly and John Robert Lilly, and the answer of the said infant defendants James Edward Lilly, Ida Florence Lilly and John Robert Lilly by the said Lee Britt, their guardian ad litem, to a bill in equity exhibited against them in the Circuit Court of Nansemond County by Etta L.Lilly-

For answer to the said bill the said guardian ad litem answers and says that he does not know whether the interests of said infant defendants would be promoted by a sale or division of the lands as mentioned in the bill; and the said infant defendants, by their guardian ad litem, answer and say that being infants they know nothing of the matters mentioned in the bill and commit the protection of their interests to the Court. And now having fully answered they pray, &c-

Lee Britt

Guardian ad litem to James Edward Lilly, Ida Florence Lilly and John Robert Lilly, and the said James Edward Lilly, Ida Florence Lilly and John Robert Lilly, infant defendants, by the said Lee Britt, guardian ad litem-

Answer of Guardian ad liten

and infant defendants

TO the HON.C.W.HILL, Judge of the Circuit Court for the County of Nansemond, Virginia-

Complaining showeth unto the Court, your complainant Etta Lavinia Lilly, that your complainants father John Lilly was in his life time seized and possessed of certain real estate lying in Cypress Chapel Magisterial District in Nansemond County, Virginia, containing two hundred and seven acres, more or less and adjoining the lands of Jordan Howell, Humphrey W. Savage, William Lilly, W.H. Harrell and others, and being so seized and possessed of the said real estate, some time in the year 187- departed this life, leaving your complainant Etta Lavinia Lilly, James Edward Lilly, Ida Florence Lilly and John Robert Lilly, as his devisees and heirs at law. The said James Edward Lilly, Ida Florence Lilly and John Robert Lilly are infants under the age of twenty one years. By his last will and testament duly admitted to probate, a copy of which marked "Exhibit A" is herewith filed and prayed to be read as a part of this bill, the said John Lilly devised his real estate to your complainant, Etta Lavinia Lilly, James Edward Lilly, Ida Florence Lilly and John Robert Lilly, his four youngest children subject to the life interest of Riddy Lilly, his widow therein. The said Riddy Lilly has since departed this life. Your orator states that she believes that the said real estate is susceptible of partition among the parties thereto; but if it be not, then your complainant desires the same to be sold, and the proceeds divided among the adult and infant parties according to their respective rights; the shares of infant defendants to be held as directed by the statute in

that case made and provided. Should the property not be divis ible in kind, your complainant believes and here states that the interests 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, or by an allotment of part and sale of the residue. The infant defendants have no means and especial ly need their part of the proceeds of sale to pay, as far as possible, the expenses of education and other necessare expenses. In tender consideration whereof and for as much as yeur complainant is remediless save in a court of equity where matters of this kind are alone and properly cognizable your complainant prays that the said James Edward Lilly, Ida Florence Lilly and John Robert Lilly may be made parties defendant to this bill and required to answer the same (answers under oath being waived): that a proper guardian ad litem be assigned the infant defendants to defend their interests in this suit, who shall also answer this bill; that proper process issue; that the said real estate bedivided between the several parties entitled thereto, and your complainants portion thereof allotted to her, and in case the said real es tate cannot be partitioned and divided in kind that the same be exposed to sale and the proceeds of such sale divided among the parties entitled thereto; that all proper orders and decrees may be made, and proper inquiries be directed, and that all such other, farther and general relief may be granted and afforded your complainant as the nature of her case may require, or to equity shall seeem meet. And your complainant will ever pray, &c-

Ella Lannie Lilly
By Counsel

E. E. Hoccard
P.Q.

Chancery Notes
Etta L. Lilly
vs } In Chancery
Lilly & others
1893
March 9th. Process issued returnable to March Rules third monday
" 20th " Process returned unexecuted. Bill filed Lee Britt appointed Guardian ad litem for infant defendants.

Sicily

W. J. Chauncey Notes

Sicily

Everett Waddey Co., Stationers and Printers, Richmond Va. } Form No. 17.

Etta L. Lilly

against (Injunction)

Lillyroads

To March (2nd) *Rules.* 1903

1903

April 16th

Final Decree

Costs
Clerk 6.65
Atty 15.00
Jay 1.50
$23.15