1907-019
Nansemond Co (Suffolk) Chancery Causes: John Jones et al vs William T Kilby et al

Knight, Ballard, Bridger, Taylor, Vann, Turrentine, Tabb, Dennis,
Smith, Blackwell, Walter, Norment, Hill

To the Clerk of the Circuit Court of Nansemond County.

John Jones and Louisana Bridger, David
W. Jones, Ada Jones, his wife, Walter
Jones, Annie Jones, his wife, Emma
Jones and J. J. Jones, her husband,
Granville Vann.....:.....Plaintiffs
Vs. In Chancery,
William Tom Kilby and Annie E. Kilby,
his wife, Will Vann, John Vann, Walter
Vann, Dempsey Vann, Carlton Vann, Ada
Vann, Minnie Vann, the last seven being
infants under the age of 21 years.....Defendants

Issue summons to Second Rules (Third Monday) in September, 1907.

H. Everett P.Q.

Tax $1.50

John Jones et als
vs. Memorandum
W. J. Kirby et als

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON William Tom Kilby and Annie E. Kilby his wife Will Vann, John Vann, Waller Vann, Dempsey Vann, Carlton Vann, Ada Vann, Minnie Vann, the last seven being infants under the age of 21 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 September 1907 to answer a Bill in Chancery, exhibited against them in the said Court by John Jones and Louisana Bridger David W Jones, Ada Jones his wife Waller Jones, Annie Jones his wife Emma Jones and J J Jones her husband, Granville Vann.

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 7th day of September, 1907, in the 132nd year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R R Smith, CLERK.

By A C Gomes D.C

S E Everett, p. q.

John Jones and others

vs. } In Chancery.

Wm Tom Kirby and others

1907---

September Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 3

Page 39

The answer of the defendant Wm Tom Kirby to the bill of complaint of the plaintiff filed on the 4th day of October 1907 and sworn to before me this 8th day of October 1907

Thos A Rawles
Clerk

John Jones and others.....Plaintiffs

vs. In Chancery,

William Tom Kilby and others.....Defendants

On motion of the plaintiff, J. U. Burges, a discrete and competent Attorney-at-Law, is hereby appointed Guardian ad litem to defend the infant defendants, Will Vann, John Vann, Walter Vann, Dempsey Vann, Carlton Vann, Ada Vann, and Minnie Vann, in said suit.

J. D. Loney C. C.

J. N. Burges Esq.
ad litem

THIS DEED, Made this 22nd day of Feby., 1875, between Rich'd. Knight, of the first part, and Wiley Knight of the second part, all of the County of Nansemond and State of Virginia, Witnesseth: that the said Richd. Knight for and in consideration of the sum of Five Hundred Dollars lawful money of the United States, to him in hand paid by the said Wiley Knight at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath bargained and sold, and by these presents doth grant, by general warranty unto the said Wiley Knight, his heirs or assigns, forever a certain tract or parcel of land, it being in the County and State aforesaid, and bounded as follows: to wit: by the lands of Wm. Eley and James Binford on the West, and Darious Hill and Elisha L. Ballard on the North west and Walter Ballard on the North, and James J. Knight on the East and Spikes Run on the South, containing by estimation, one hundred and eighty five acres, more or less, it being the same land and plantation whereon I now live, to have and to hold the said land and premises and every part and parcel thereof unto the said Wiley Knight free from the claim or claims of him the said Richd. Knight and every other person or persons whomsoever, do warrant and forever defend by these presents as witness the following signature and seal.

Wiley Rawls.
William J. Knight.

Richard
Richard (his x mark) Knight (SEAL)

In the Clerk's Office of Nansemond County Court the 21st day of September, 1888:
This deed was presented and proved by the oath of William J. Knight a witness, as to its acknowledgment by the within named Richard Knight; and on the 9th day of November, 1888 was also proved by the oath of Jesse Knight a witness as to its acknowledgment by said Richard Knight, and thereupon admitted to record.

Teste:
Peter B. Prentis, Clerk.

A Copy, Teste: A P Gomer D C

Richard Knight

To Deed
Wiley Knight.

Recorded in D. B. 20-
Page 628-

THIS DEED, Made this 4th day of February in the yeat one thousand eight hundred and ~~eighty~~ ninety one between Wiley Knight of Nansemond County, Virginia, of the first part, and Jesse Knight of said County and State of the second part-

WITNESSETH: That in consideration of the sum of Fourteen Hundred Dollars, the said Wiley Knight doth grant unto the said Jesse Knight with General Warranty, all that certain tract of land in Nansemond County, Virginia, containing by estimation one hundred and eighty five acres, more or less, bounded on the west by the lands of T.J. Whitfield, formerly W. M. Eley and the lands of James M. Binford, on the northwest by the lands of Darius Hill and E. L. Ballard, on the North by the lands of Junius W. Faulk, formerly Walter Ballard, on the East by the lands of William J. Knight andon the South by Spikes Run and being same land conveyed to the said Wiley Knight by Richard Knight by deed duly recorded in the Clerk's Office of Nansemond County in Deed Book No. 20,page 528.

The said grantor covenants that hehas the right to convey the said land to the grantee; that he has 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 he, the said party of the first part will execute such further assurances of the said land as may be requisite

Witness the following signature and seal.

Wiley Knight (SEAL)

State of Virginia,

County of Nansemond, to wit:

I, E. E. Holland, a Notary Public for the county aforesaid, in the State of Virginia, do certify that Wiley Knight

whose name is signed to the writing hereto annexed, bearing date the 4th day of February, 1891, has acknowledged the same before me in my county aforesaid.

Given under my hand this 4th day of February, 1891.

E. E. Holland, N. P.

County of Nansemond, to wit:

In the office of the Clerk of the County Court for the County of Nansemond the 18th day of February, 1891, this deed was presented, and, with the certificate annexed, admitted to record.

Teste:

R. R. Smith, Clerk.

A Copy,

Teste:

A. P. Gomey D.C

Wiley Knight-

To Deed

Jesse Knight.

Recorded in D. B. 24-Page 448-

THIS DEED, Made this 5th day of December, in the yeaR one thousand eight hundred and ninety one, between Jessie Knight and Laura Knight, his wife, Wiley Knight (unmarried) Garrett W. Knight (unmarried) William J. Knight and Eoline E. Knight, his wife, John C. Knight and Sarah F. Knight his wife, Martha Sarah Jones and Wiley W. Jones, her husband Adlena V. Ballard and James E. Ballard, her husband, parties of the first part, and Darius J. Hill of Baltimore, Md., of the second part, WITNESSETH: that in consideration of the sum of Fourteen Hundred ($1400.00) Dollars, the said parties of the first part, do grant unto the said Darius J. Hill with General Warranty, all all that certain tract or parcel of land situate lying and being in Holy Neck District, Nansemond County, Virginia, bounded on the wesT by the lands of T. J. Whitfield and J. M. Binford's estate; on the northwest by by the county road leading from the South Quay Road to the Black water road and the land of E. L. Ballard; on the North by the land of Junius W. Faulk; on the East by the land of William J. Knight and on the south by Spikes Run. Being the land of Jessie Knight one of the grantors in this deed to which he derived title by deed from Wiley Knight dated February 4th, 1891, and duly recorded in the Clerk's Office of Nansemond County Court, February 18th, 1891, See Deed Book No. 24, page 448

The said grantors 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.

Jessie Knight (SEAL)	John C. Knight (SEAL)
Laura J. Knight(SEAL)	Sarah F. Knight (SEAL)
Wiley Knight (SEAL)	Martha T. Jones (SEAL)
Garrett W. Knight (SEAL)	Wiley W. Jones (SEAL)
Eoline E. Knight (SEAL)	Adlena V. Ballard (SEAL)
W. J. Knight (SEAL)	James E. Ballard (SEAL)

State of Virginia,

County of Nansemond, to wit:

I, Robett R. Prentis, a Commissioner in Chancery of the Circuit Court for the County aforesaid, in the State of Virginia, do certify that Jessie Knight, Laura J. Knight, his wife, Wiley Knight, Garrett W. Knight, W. J. Knight and Eoline E. Knight, his wife, John C. Knight and Sarah F. Knight, his wife, Martha S. Jones and Wiley W. Jones, her husband and Adlena V. Ballard and James E. Ballard, her husband, whose names are signed to the writing hereto annexed, bearing date the 5th day of December, 1891, have acknowledged the same before me in my county aforesaid.

Given under my hand this 16th day of December, 1891.

Robert R. Prentis,

Commissioner in Chancery.

County of Nansemond, to wit:

In the Office of the Clerk of the County Court for the County ofNansemond the 19th day of December, 1891;
This deed was presented, and, with the certificate annexed, admitted to record.

Teste:

R. R. Smith, Clerk.

A Copy,

Teste:

A. C. Gomes D.C

Jesse W. Knight and others.

To Deed

Darius J. Hill.

Recorded in D. B. 25,

Page 292-

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

The replications of John Jones and Louisana Bridger, David W. Jones, Ada Jones, his wife, Walter Jones, Annie Jones, his wife, Emma Jones and J. J. Jones, her husband, and Granville Vann, complainants to the answer of William Tom Kilby and Annie E. Kilby, defendants.

These repliants respond and say, that the facts are true as stated in the answer of William Tom Kilby and Annie E. Kilby with one exception, and that is this: your repliants say that Jesse Knight together with his brothers and sisters and their husbands and wives, sold and conveyed the said land to D. J. Hill, by deed with general warranty on the 5th day of December, 1891, which said deed was recorded on the 10th day of December, 1891 in said Clerk's Office for the consideration of $1400.00. The mother of the complainants and a sister of Jesse Knight did not sign said deed.

Your repliants say however, that they are satisfied that although Louisana Jones did not sign said deed, yet at the same time she had no interest in said land, and your repliants further say that this suit was instituted because they had been mis-led by a member of the family and also one that signed the above said deed; he would often tell them that the ought to have had a share in the property, and that the title of William Tom Kilby was based on the deed above mentioned, and your repliants also mis-led their attorney by telling him the same thing, and their attorney at the time this suit was instituted did not look the title up any further than the deed above referred to, finding it as it had been stated to him and not having further time to fully investigate before he brought the suit at that time for the coming court.

Your repliants now see and understand the nature of the

whole case, while they did not get any share of their father's property, at the same time it was not intended for them, but had been told that it was, and they are further satisfied that they have no right or color of title in said property.

Your repliants further understand since they have fully investigated the matter that the brothers and sisters were required to sign the deed referred to above on account of the Clerk's Office being burned and there appearing to be no deed for the said property to the said Richard Knight. Your repliants further say that they do not wish to do anybody an injustice and while they have been mis-led and mis-treated by some not a party to this suit, they are fully satisfied that the said William Tom Kilby has a clear title to said property, and that the deeds mentioned in the answer of the said defendant are as they appear on record, giving the said William Tom Kilby a clear title to said property, and that your repliants here disclaim any interest in any way to said property, and will no further in any way molest or disturb the said William Tom Kilby in the exercise of his rights over said property, etc.

H. E. Rowan
Counsel for Complainants

Replication 2
Complainants

I, Darius J. Hill, of Nansemond County in the State of Virginia, do hereby make this my last Will and Testament, hereby revoking all former wills by me at any time heretofore made.

1st. I direct that my just debts be paid.

2nd. I give and bequeath to Mrs. Louisa A. Turrentine, my cousin and daughter of my Uncle Thomas J. Kilby and Ann Kilby, his wife, the sum of One thousand dollars.

3rd. I give and bequeath to the children of Augustus M. Tabb, by Sarah his wife, I mean the issue of their marriage, the sum of one thousand dollars, to be equally divided between them.

4th. I give and bequeath to the children of my cousin Virginius S. Kilby the sum of one thousand dollars, to be equally divided between them.

5th. I give and bequeath to the two daughters of my cousin the late A. Upshur Kilby, Erma, wife of Claude Dennis and Eudora being single, the sum of Five Hundred dollars each.

6th..I give and bequeath to the children of my uncle George R. Smith, deceased, namely: William R; Blackwell; Otis; Walter; John; and Lizzie, wife of C. F. Norment of Washington, D. C. the sum of Twelve Hundred dollars to be equally divided between them.

7th. I give and bequeath to Henly Parker and his sister Mrs. Otis Smith, the sum of Two hundred and fifty dollars each.

8th. I give and bequeath to my cousin Walter Ballard the sum of three Hundred dollars.

9th I give and bequeath to my cousin Virginius S. Kilby the sum of Five Hundred dollars.

10th I give and bequeath to Mrs. Eudora Kilby widow of my Cousin Upshur Kilby the sum of Five Hundred dollars.

11th. I give and bequeath to my friend William Frank Eley the sum of three hundred dollars, in appreciation of his kindness and attention to me.

12th. I desire that my Executor shall have a suitable monument erected to mark the grave of my brother Calvin S. Hill and one erected to mark my grave, and for my executor to see they are properly placed in grave yard or lot on Lake Kilby.

13th. I wish my executor to keep in hand two hundred dollars to be used at times in keeping the grave, grave yard and monuments in good order.

14th. I give, devise and bequeath all the rest, residue and balance of my estate, real, personal and mixed, bonds, stocks, farms, stock, household and kitchen furniture, farming implements &c., after paying my debts and legacies and expenses to my Cousin William Thomas Kilby who has been a faithful friend and a son to me.

Lastly I nominate and appoint my cousin William Thomas Kilby, Executor of this my last will and testament and I desire and request that no security shall be required of him.

In Witness Whereof I have hereunto set my hand and seal this 15th day of January, 1900.

Darius J. Hill (SEAL)

Signed, sealed, published and declared by Darius J. Hill, to be his last will and testament in the presence of us, who at his request, and in his presence, and in the presence of each other have subscribed our names as witnesses hereto.

Witnesses: R. W. Baker.

R. H. Rawles.

Virginia:

At a County Court held for the County of Nansemond at the Courthouse in the Town of Suffolk, on Monday the 9th day of April, 1900.

The last will and testament of Darius J. Hill late of this county, deceased, was this day produced in court and proved according to law by the oaths of R. W. Baker and R. H. Rawles, the two subscribing witnesses thereto and is ordered to be recorded.

And on the motion of William Thomas Kilby, the executor named in said last will and testament who made oath according to law and entered into and acknowledged a bond in the penalty of Twenty-five thousand dollars conditioned according to law, (but without security, the said last will and testament directing that no security be required of him), certificate is granted him, the said William Thomas Kilby for obtaining a probate of said last will and testament in due form.

And it is ordered that said bond be recorded.

Teste: R. R. Smith, Clerk.

A Copy,

Teste:

A. B. Gomey D.C

Darius J. Hill's Will-

Recorded in Will Book No. 5-

Page 657-

In the Circuit Court of Nansemond County.

John Jones, et als	plaintiffs #	
vs.	#	In Chancery.
William Tom Kilby, et als,	defendants #	
	#	

This cause came on this day to be heard on the bill of the complainants, the answer of the defendants, William Tom Kilby and Annie E. Kilby, the exhibits filed with said answers, the answer of the infant defendants, by J. U. Burge ss, their guardian ad litem, duly appointed at rules, and the replication of the adult plaintiffs, and was argued by counsel.

On consideration whereof, it appearing from the exhibits filed in the case, that the real estate mentioned in the bill, of which Richard Knight was once seized and possessed, was sold and conveyed by the said Richard Knight to Wiley Knight by deed dated the 22nd day of February, I875; that the said Wiley Knight sold and conveyed the said real estate to Jesse Knight by deed dated the 4th day of February, I89I, and that Jesse Knight and wife sold and conveyed the said real estate to Darius J. Hill by deed dated the 5th day of September, I89I; all of which said deeds are duly recorded in the clerk's office of Nansemond County Court: And that the said D. J. Hill devised the said real estate by his last will and testament to the said William Tom Kilby. And it further appearing from the admissions of the plaintiffs in their replication, filed in this casw, that neither they, nor any of them, have any interest, right or title, whatever, in the said real estate, or any part thereof, but that the whole of the said real estate is vested in fee simple in the said William Tom Kilby, the court doth order, adjudge and decree that the said bill, in this case, be dismissed, and that the defendants, William Tom Kilby and Annie E. Kilby, recover of the plaintiffs their cost by them in this behalf expended.

Final Decree.

John Jones et als
vs
Dr Chauncey
Wm Tomkins et als

W/Rs consent to this
decree.
J E Eggleston for plaintiffs
C H Reeder for defendants
D. H. Burns Jr. for cross defendants
for infant respondents

Enter 14th Oct. 1907
James L. McDermott

Entered in Chancery
Order Book 2 1/2 P.

Entered in Chy. Order
Book No. 4. Page 180.

In the Circuit Court of Nansemond County to-wit:

The joint and separate answer of Willie Tom Kilby and Annie E. Kilby, to a bill in chancery filed against them, and others, in said court, by John Jones and Louisanna Bridger, and others.

In answer to the said bill, or to so much thereof as it is necessary that they should answer, these respondents answering ~~said~~ say that the complainants John Jones, L. B. Jones, David W. Jones, Ada Jones, Walter Jones, Annie Jones, Emma Jones, J. J. Jones, Granville Vann and the defendants Will Vann, John Vann, Walter Vann, Dempsey Vann, Carlton Vann, Ada Vann, and Minnie Vann are not seized or possessed of the tract of land mentioned in the bill, nor any part of the same, nor have they, nor any of them, any interest, whatever, in said land; it is wholly and entirely the property of the defendant Willie Tom Kilby in fee simple.

Your respondents further say that it is true that the land in question was formerly the property of one Richard Knight, who owned the same many years previous to the Civil War, and who occupied the same until he sold it; they further say that on the 22d of February I875 the said Richard Knight sold and conveyed said land, by deed with general warranty unto ~~and~~ one Wiley Knight, for ~~the~~ a valuable consideration, which deed was duly recorded in the clerks office, of this county, on the 2Ist of February I888, a copy of which is herewith filed, marked exibit A. and prayed to be read as a part of this bill.

They further say that the said Wiley Knight sold and conveyed the said land, by deed in fee simple, for a valuable consideration, to one Jesse Knight on the 4th of February I89I, which said deed was recorded on the I8th day of February I89I, in said clerks office.

They further say that the said Jesse Knight, together with his brothers and sisters, and their husbands and wives, sold and conveyed the said land to D. J. Hill, by deed with general warranty,

on the 5th day of December I89I, which said deed was recorded on the I9th day of December I89I, in said clerks office, for the consideration of fourteen hundred dollars,$I400.00, a copy of both of the last mentioned deeds being herewith filed, marked exibits B. and C. and prayed to be read as parts of this bill.

They further say that in the year the said D. J. Hill departed this life, having previously executed his will, by which said will he devised said real estate, to said Willie T. Kilby , a copy of which will is herewith filed marked exibit D. and prayed to be read as a part of this bill. Your respondent further says that the said W. T. Kilby has been in quiet and undisturbed possession of said land since that time and his title to the same is perfect. They further say that the land, on the 5th day of December I89I, was the sole property of the said Jesse Knight and is so acknowledged in the body of the deed, which he that day made to the said D. J. Hill; why it was signed by Wiley Knight, Garret Knight, Eoline E. Knight, W. J. Knight, John C. Knight, Sarah F. Knight, Martha T. Jones, Wiley W. Jones, Adelina V. Ballard and James E. Ballard, the same being the brothers and sisters, of said Jesse Knight and their husbands and wives, your respondents are at a loss to know, nor can they gain any information, from any of the said parties, all of them being equally at a loss to understand why they should have signed it when they had no interest, whatever, in the land therein conveyed. But your respondent believes that the reason they signed it was this; the clerks office, of Nansemond county, was destroyed by fire, in I866, and the deed, by which Richard Knight the elder held it, was, no doubt, then destroyed, both the original and the record of same and, therefore, there being no-thing on record to show that it was the property of the said Richard Knight when D. J. Hill purchased it he required as many of the heirs of the said Richard Knight to sign it, as he could find, and he says that the said complainants, and his co-defendants ~~are~~ are neither joint tenants ~~defendants~~, tenants ~~defendants~~ in common, nor co-parceners with him,

the said W. T. Kilby, he being the sole owner of said land; and the said complainants further say that even if it were true, (which he totally denies) that any of the said parties ever had any interest in said land they have now no right, however, to bring an action, for the recovery of it or any part of it, as their right to bring such action is barred by the statute of limitations, in ~~in some~~ such cases made and provided, as appears from section 2915, section 2916, section 2917 and section 2918 of the Code of Virginia, and he pleads this special bar of the statute as a sufficient plea, against their recovery of the said land, or any part thereof; and now having fully answered the complainants bill these defendants pray to be hence dismissed, with their reasonable cost, in this behalf expended and (he) will ever pray etc.

Willie Tom Kilby
Annie E. Kilby

Virginia, County of Nansemond : to-wit:

I, R. H. Rawles, a notary public, for the county aforesaid, in the state of Virginia, do certify that W. T. Kilby, whose name is signed to the above answer, has this day personally appeared before me, in said county, and made oath that the statements contained in the said answer are true to the best of his knowledge and belief.

My term of office expires on the 30th day of January 1911.

Given under my hand this 21st day of September 1907.

R. H. Rawles N.P.

Kilby et al
ads
Jones &c.

Answer.

1907 Oct 3rd Filed
A.P.G. D.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

John Jones and others..... Plaintiffs.

vs. In Chancery.

William Tom Kilby and others..... Defendants.

The separate answers of Will Vann, John Vann, Walter Vann, Dempsey Vann, Carlton Vann, Ada Vann, and Minnie Vann, infants under the age of twenty-one years, by J. U. Burges, their guardian ad litem, appointed to defend them in this suit, to a bill of complaint filed against them in the Circuit Court of Nansemond County, by John Jones and others, complainants.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof, as they are advised that it is material that they should answer, by their said guardian ad litem, answers and says:

That they are infants of tender years, and by reason of their infancy are incapable of understanding or of taking care of their rights and interests herein; and that they therefore commend themselves and their rights and interests to the protection of the Court and pray that no decrees may be entered that will tend to their prejudice.

And now having fully answered the complainants' bill, these respondents pray to be hence dismissed with their reasonable cost by them expended in this behalf.

J. U. Burges

Guardian of the said infants and the said infants by their guardian ad litem.

Cursus
Grundmodelle

In the Circuit Court of Nansemond County, Second Rules, (Third Monday) September, 1907.

John Jones and others.....Plaintiffs

vs. Bill.

William Tom Kilby and others.....Defendants.

Your complainants respectfully represent:

(1) That Richard Knight, was in his life time seized and possessed of certain real estate lying in the County of Nansemond, State of Virginia, situated on the south side of the road opposite the farm of Darius J. Hill, and while so seized and possessed the said Richard Knight died intestate about the year 1890, leaving Jesse Knight, Wiley Knight, Garrett W. Knight, W. J. Knight, John C. Knight, Martha T. Jones, Adelena V. Ballard, and Louisana Jones, his only children and heirs at law.

(2) That on the 5th day of December in the year 1891 all of the said heirs, except Louisana Jones, conveyed by deed their entire interest in said property to Darius J. Hill, said deed recorded in Deed Book No. 25, page 292, and a copy is herewith filed and marked exhibit "A".

(3) The said Louisana Jones did not sign said deed as referred to above, nor has any of her children and heirs at law signed any deed conveying their right to the said Darius J. Hill, or any one else. The said Louisana Jones, deceased, died a few years after the said deed was executed by Jesse Knight and others, and left the following children and heirs at law, Louisana Bridger, who married John Jones, David W. Jones, who married Ada Jones, Walter Jones, who married Annie Jones, Emma Jones, who married a Mr. Taylor and afterwards married J. J. Jones, and another daughter being dead who married Granville Vann, and left the said Granville Vann, her

husband, who is now living and her children, William Vann, John Vann, Walter Vann, Dempsey Vann, Carlton Vann, Ada Vann, and Minnie Vann, all seven of whom are infants under the age of twenty-one years.

(4) The complainants and the infant defendants are the heirs of Louisana Jones, deceased, and claim one-eighth interest in said land as above mentioned and described, and prays that the said property above described be sold or divided among the heirs entitled thereto.

(5) That the said Darius J. Hill, died some time during the year of _____, leaving a will, in which he devised his interest in said property to the said William Tom Kilby, and who is now the owner of said interest devised to him in said will, and is in possession of said property.

(6) That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainants believe, and here state, 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 the same, or by an allotment of part and the sale of the residue:

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said William Tom Kilby and Annie E. Kilby, may be made parties defendant 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 between the parties entitled thereto, or else, if it cannot be so devised, that it may be sold and

the proceeds divided among the adults and infant parties according to their respective rights, the shares of the infants to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken; and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

S. E. Emmert

Counsel.

Complainants
by S. E. Emmert Their
Attorney

S. E. Everett.P.Q.

John Jones et als,

vs. Bill.

William Tom Kilby et als.

John Jones & others
Vs In Chancery
Wm Tom Kilby & others

1907 Sept 7th. Process issued returnable to Sept Rules Third Monday

" " 16. Process returned executed on defts Bill filed and decree nisi against them.

" Oct 7 Decree nisi confirmed and cause set for hearing.

Chancery Notes

Costs

Clerk	8.66
Jay	1.50
Shff.	1.00
Atty	15.00
	$26.16

S. E. Everett Pro.

John Jones Volhees

Vs.

Chancery

Wm. Tom. Kilby Volhees

1907

October 14th

Final Decree.