

of the said John Dye, deceased, being his nephews and nieces of the whole blood.

VIII-That, as such heirs at law, the plaintiffs are seized in fee simple as tenants in common, of the tract of land hereinbefore described, and they have estates of inheritance therein as follows: Thomas E. Dye, Jemima Crowder and John E. Beam, each fifteen one hundred and twenty undivided hundredth parts thereof in fee; Martha Mobley, thirty one hundred and twenty undivided hundredth parts thereof in fee; Elijah Beam, Sarah J. Weir and Mary E. Peay, each five one hundred and twenty undivided hundredth parts thereof in fee; and William Hood-augh, Elizabeth Weir, Julia Ann Dye, Elizabeth S. Bradford and H. Adilla Darby each six one hundred and twenty undivided hundredth parts thereof in fee.

IX-That the plaintiffs own no other lands in this State, as tenants in common; and they are desirous of a partition of the aforesaid tract or parcel of land, in order that they may enjoy their respective interests therein in severalty.

X-That the defendants are unlawfully in possession of said tract of land, claiming title thereto, and unjustly withhold possession of the same from the plaintiffs, to the damage of the plaintiffs in the sum of one hundred dollars.

XI-That both the plaintiffs and the defendants claim title to said tract or parcel of land under and through the said John Dye, deceased, as a common source of title.

WHEREFORE, the plaintiffs demand judgment:

1. For the recovery of the possession of said tract of land from the defendants, together with the sum of one hundred dollars, their damages for the unlawful withholding said land.

2. For a partition and division of said land, if practicable; or in case the same cannot be partitioned without injury to the rights of some of the parties, then for a sale of said tract of land and a division of the proceeds, after the payment of the costs and expenses of this action, according to their respective rights and interests as they may be determined by this Court.

3. For such other and further relief as may be just and proper in the premises.

4. For the costs of this action.

J. E. McDonald
Plaintiffs' Attorney.

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Plaintiffs' Attorney

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