

Q. Q. Q.

State of South Carolina :  
County of Greenville. : Court Of Common Please.

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W. M. Alexander, " "  
In his own right, " "  
and as Administrator De Bonis " "  
Non, of the Estate of B. F. McKenzie, " "  
Deceased, " "  
Plaintiff; " "

V e r s u s

Mrs Anna Alexander, " "  
John Harper McKinzie, Henry " "  
G. McKinzie Jerry C. McKinzie, " "  
Sallie B. McKinzie, Benjamine F. McKinzie, " "  
Annie F. McKinzie, W. C. McKinzie, Mrs, " "  
Dr. J. H. Donald, Mrs. W. G. Perry, " "  
Jerry F. McKenzie, and J. H. Charles, " "  
Defendants. " "

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It appears that the adult defendants, Anna Alexander, J. H. McKenzie and J. H. Charles, accept service and consented in writing to the decree enforcing the prayer of the complaint, and also consented that said decree be signed either within or without Greenville County, and either at chambers or in open court, by any Circuit Judge of this State holding court in the Tenth Judicial Circuit. It also appears that the infant defendants and their mother Anna Alexander, with whom they reside were duly served, and that due application was made for the appointment of J. A. McDaniel as guardian ad litem to represent said infants in this action, all being in pursurance of the notice served upon said infants and thier mother. It also appears that the said guardian ad litem has consented to the signing of this decree. It appears that the adult defendants W. C. McKinzie, Mrs. Dr. J. H. Donald, Mrs. W. G. Perry, and Jerry F. McKinzie duly acknowledged service of the summons and complaint in this case, but that they failed to file any answer, demurrer, or notice of appearance within twenty days thereafter, and as to them said decree will be taken by default.

It appears from the complaint that the late F. E. McKinzie was in copartnership with B. F. McKinzie, W. C. McKinzie and J. H. Charles, under the firm name of F. E. McKinzie, Sons & Company, and said firm executed a deed to the tract of land described in the complaint, to B. F. McKenzie, his heirs and assigns. It appears that this deed was not recorded and cannot now be found. Thereafter the said F. E. McKinzie died, leaving his last will and testament, which was duly proven, whereby all his interest in the assets of the form of F. E. McKinzie, Sons & Company, were devised to his two sons, W. C. McKinzie, who is a defendant in this action, and B. F. McKinzie, who is now dead, and whose widow and children were duly made parties defendants to this action. It also appears that B. F. McKinzie on December 4, 1897, executed a