

1912-007
Nansemond Co (Suffolk) Chancery Causes: A. L. Adamson et al vs S. V. McAllister et al

Roper, Hunter, Thompson, Milroy, Kilby

ORDER OF PUBLICATION.

VIRGINIA: In the Clerk's Office of the Circuit Court of Nansemond County, in vacation, the 17th day of July 1911.

A. L. Adamson and George W. Roper.
Complainants.

v. In Chancery.

S. V. McAllister and Josephine E. M. McAllister, his wife, if living, or if dead, their unknown heirs at law, C. O. Hunter, (unmarried), Nora Thompson, widow of Samuel Thompson, Carolyn T. Milroy and J. K. Milroy.

Defendants.

The object of the above styled suit is to remove a cloud from the title to certain real estate situated in Cypress Magisterial District in Nansemond County, Virginia, now owned by said plaintiffs. The said cloud exists by reason of the lack of a seal to the deed of S. V. McAllister and Josephine E. M. McAllister, his wife, former owners of said land, to their grantee; also to lack of seal to the deed of C. O. Hunter, former owner of said land, to his grantee, and to lack of seal to deed of Samuel Thompson, deceased husband of Nora Thompson, and former owner of said land, to his grantee.

And it appearing by affidavit filed according to law that the said S. V. McAllister and Josephine E. M. McAllister, his wife, if living, or if dead, their unknown heirs at law, C. O. Hunter, (unmarried), Nora Thompson widow of Samuel Thompson, Carolyn T. Milroy and J. K. Milroy, her husband, the above named defendants, are not residents of this state, it is therefore ordered that the said defendants do appear within fifteen days after due publication of this order, in the Clerk's Office of our said Circuit Court, and do what is necessary to protect their interests. And it is further ordered that this order be published once a week for four successive weeks in The Suffolk Herald, a newspaper printed in the County of Nansemond, Virginia.

R. R. SMITH, Clerk.

By M. M. WATKINS, D. C.
BRADFORD KILBY, p. q.

July 21-4t.

Office of SUFFOLK HERALD.

SUFFOLK, VA., NOV 2 1912 ---190---

*I hereby certify that the order of which the annexed is a
copy has been published in THE SUFFOLK HERALD in the
manner prescribed by law---once a week for four successive weeks.
beginning July 21 - 1911 -----and ending
Aug 12 - 1911 -----*

WJ Kendrick

Editor Herald

VIRGINIA:

In the Clerk's Office of the Circuit Court of the County of Nansemond.

R. L. Adams and George W. Roper Pltffs.)

vs.

In *Chancery* -

S. V. McAllister et als Df'ts.)

I hereby certify that on the *17th* day of *July*, 191*1*

I posted a copy of the order of publication entered herein, at the front door of the Courthouse of the County of Nansemond; that being on or before the next succeeding rule day after said order was entered.

Given under my hand this *17th* day of *July*, 191*1*

R. R. Smith

, Clerk,

By *M. M. Warran*

, Deputy Clerk.

q/w

Order of Publication

Virginia:

In the Clerk's Office of the Circuit Court of Nansemond County, in vacation, the *17* th. day of *July* 1911.

A. L. Adamson and George W. Roper

Complainants.

v.

In Chancery.

S. V. McAllister and Josephine E. M. McAllister, his wife, if living, or if dead, their unknown heirs at law, C. O. Hunter, (unmarried), Nora Thompson, widow of Samuel Thompson, Carolyn T. Milroy and J. K. Milroy, her husband.

Defendants.

The object of the above styled suit is to remove a cloud from the title to certain real estate situated in Cypress Magisterial District in Nansemond County, Virginia, now owned by said plaintiffs. The said cloud exists by reason of the lack of a seal to the deed of S.V. McAllister and Josephine E. M. McAllister, his wife, former owners of said land, to their grantee; also to lack of seal to the deed of C.O. Hunter, former owner of said land, to his grantee, and to lack of seal ~~of~~ to deed of Samuel Thompson, deceased husband of Nora Thompson, and former owner of said land, to his grantee.

And it appearing by affidavit filed according to law that the said S. V. McAllister and Josephine E. M. McAllister, his wife, if living, or if dead, their unknown heirs at law, C. O. Hunter, (unmarried), Nora Thompson, widow of Samuel Thompson, Carolyn T. Milroy and J. K. Milroy, her husband, the above named defendants, are not residents of this state, it is therefore ordered that the said defendants do appear within fifteen days after due publication of this order, in the Clerk's office of our said Circuit Court, and do what is necessary to protect their interests. And it is further ordered that this order be published once a week for four successive weeks in The Suffolk Herald, a newspaper printed in the County of Nansemond, Virginia.

~~A copy tests:~~

R. R. Smith, Clerk
By M. M. Watkins, D.C.

Bonaford Kilby p. 97

A. L. Adamson & George W.
Roper } In chancery
" }
S. V. McAllister et als

Order of Publication
" "

A. L. Adamson and George W. Roper

Complainants.

v.

In Chancery.

S. V. McAllister and Josephine E.
M. McAllister, his wife, if living,
or if dead, their unknown heirs at
law, C. O. Hunter (unmarried), Nora
Thompson, widow of Samuel Thompson
Carolyn T. Milroy and J. K. Mil-
roy, her husband.

Defendants.

State of Virginia,

County of Nansemond, to-wit:

This day, Bradford Kilby, attorney for the above named complain-
ants, personally appeared before me, a ^{Deputy Clerk} ~~Notary Public~~ in and for
the county aforesaid, in my county aforesaid, and made oath that
S. V. McAllister and Josephine E. M. McAllister, his wife, if liv-
ing, or if dead, their unknown heirs at law, C. O. Hunter, (unmar-
ried), Nora Thompson, widow of Samuel Thompson, Carolyn T. Milroy
and J. K. Milroy, her husband, the above named defendants, are not
residents of this state.

Given under my hand this 17th day of July 1911.

A. L. Tritty, Deputy Clerk
~~Notary Public.~~

A. L. Adamson & George W.
Roper } In chancery
v.
S. V. McAllister et als

Affidavit for Order
of Publication

To R. R. Smith, Clerk:of Nansemond County Circuit Court:

Please issue process as follows:

A. L. Adamsen and George W. Roper

Complainants.

v.

S. V. McAllister and Josephine E. M.
McAllister, his wife, if living, or if
dead, their unknown heirs at law, C. O.
Hunter (unmarried), Nora Thompson, wid-
ow of Samuel Thompson, Carolyn T. Mil-
roy and J. K. Milroy, her husband.

Defendants.

To answer a bill in chancery at rules on first Monday in August 1911.

Bradford Kilby, p.q.

Deposit of
\$ 7.⁵⁰ ps
July 17/11 -

Memo.



THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON S. V. McAllister and
Josephine E. M. McAllister, his wife, if living, or if dead, their unknown
heirs at law, C. O. Hunter (unmarried), Nora Thompson, widow of Samuel
Thompson, Carolyn T. Milroy and J. K. Milroy, her husband.

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 First Monday in August, 1911, to answer
a Bill in Chancery, exhibited against them
 in the said Court by A. L. Adamson and George W. Roper

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 17th day of
July, 1911, xxx 1911, in the 13 6th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

R. R. Smith, Clerk
By M. M. Wexler's Deputy, CLERK.

Bradford Kilby p. q.

A. I. Adamson

George W. Roper

vs. } IN CHANCERY.

S. V. McAllister et al.

1911

August Rules.

7th Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 99

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON S. V. McAllister and
Josephine E. M. McAllister, his wife, if living, or if dead, their unknown
heirs at law, C. O. Hunter (unmarried), Nora Thompson, widow of Samuel
Thompson, Carolyn T. Milroy and J. K. Milroy, her husband.

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 First Monday in August, 1911, to answer
a Bill in Chancery, exhibited against them
 in the said Court by A. L. Adamson and George W. Roper

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 17th day of
July, 1911, XXX, in the 13 6th year of the Commonwealth.

~~A copy~~ Teste:

CLERK.

Teste:

CLERK.

Bradford Hilby p. q.

A. L. Adamson &
George W. Roper

vs.

IN CHANCERY.

S. V. McAllister et als.

1911

August Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

PROCESS BOOK, No. 3

PAGE 99

The Within named defendant
Met Journal in my County
at 11 o'clock at 11 o'clock
July 17 1911

Virginia,

In the Circuit Court of Nansemond County:

A. L. Adamson and George W. Roper,)

vs.)

S. V. McAllister and others,)

In Chancery.

To Honorable James L. McLemore, Judge of the Circuit Court
for the County of Nansemond:

The undersigned, special commissioner begs leave to report
that as authorized by a decree entered in this cause on the 9th.
day of October 1911, he has executed a good and valid deed, accord-
ing to the requirements of the law in the State of Virginia con-
veying to said A. L. Adamson, one of the complainants in this
cause, all the right, title and interest of S. V. McAllister and
Josephine E. M. McAllister, his wife, if living, or if dead, their
unknown heirs at law, C. O. Hunter (unmarried), Nora Thompson, wid-
ow of Samuel M. Thompson, Carolyn T. Milroy and J. K. Milroy, her
husband, in and to the real estate now owned by said A. L. Adam-
son and described in the bill in this cause. Also that he has
executed a good and valid deed, according to the requirements of
the law in the State of Virginia, conveying to said George W. Ro-
per, one of the complainants in this cause, all the right, title
and interest of S. V. McAllister and Josephine E. M. McAllister,
his wife, if living or if dead, their unknown heirs at law, C. O.
Hunter (unmarried), Nora Thompson, widow of Samuel M. Thompson,
Carolyn T. Milroy, and J. K. Milroy, her husband, in and to the
real estate now owned by said George W. Roper and described in
the bill in this cause. Copies of said deeds are filed herewith
as a part of this report.

Respectfully submitted.

Bradford Kilby
Special Commissioner.

January 12, 1912
~~October 1911~~

A. L. Adamson et al.

vs.

S. V. McAllister et als.

Report of Bradford Kilby,
Special Commissioner.

January 12, 1912
~~Will Cate~~ filed.
A.L.M.

Virginia,

In the Circuit Court of Nansemond County, October 9th. 1911.

A. L. Adamson and George W. Roper

Complainants.

v.

In Chancery.

S. V. McAllister and Josephine E.
M. McAllister, his wife, if living,
or if dead, their unknown heirs at
law, C. O. Hunter (unmarried), Nora
Thompson, widow of Samuel Thompson,
Carolyn T. Milroy and J. K. Milroy.

Defendants.

The defendants, S. V. McAllister and Josephine E. M. McAllister his wife, if living, or if dead, their unknown heirs at law, C. O. Hunter (unmarried), Nora Thompson, widow of Samuel Thompson, Carolyn T. Milroy, and J. K. Milroy, in this cause, who are out of this State and against whom the complainants, A. L. Adamson and George W. Roper, appear to have proceeded in the manner prescribed by law against absent defendants, still failing to appear, plead, demur or answer, on motion of the complainants by counsel, this cause is set for hearing as to said absent defendants. And this cause coming on to be heard this day upon the bill, and the exhibits filed, was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that Bradford Kilby be appointed a special commissioner to execute a good and valid deed, according to the requirements of the law in the State of Virginia, conveying to ^{said} A. L. Adamson all the right, title and interest of the said defendants in and to the real estate now belonging to said A. L. Adamson and fully described in the bill and exhibits filed in this cause; also to execute a good and valid deed, according to the requirements of the law in the State of Virginia, conveying to said George W. Roper, all the right, title and interest of the said defendants in and to the real estate now belonging to said George W. Roper and fully described in the bill and exhibits filed in this cause.

And the said special commissioner is directed to report his proceedings in pursuance of this decree to the court, in order for a final decree.

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

A. L. Adamson and
George W. Roper
v } in Chancery
S. V. McAllister et als

Decree

Enter Oct 9. 1911.
James L. L. Moore

Entered in Chancery
Order Book No. 4. Page 486.

Virginia,

In the Circuit Court of Nansemond County; ~~October~~ ^{January 12, 1912}, 1911.

A. L. Adamson and George W. Roper }

vs.

In Chancery.

S. V. McAllister and others, }

This cause came on this day to be again heard on the papers formerly read and also upon the report of Bradford Kilby, Special Commissioner, filed ~~October~~ ^{January 12, 1912}, 1911, reporting that he had executed deeds in accordance with directions of a previous decree entered on October 9th. 1911, in this cause, to which there are no exceptions, and was argued by counsel.

On consideration whereof, the Court doth ratify, approve and confirm said report.

And the object of this suit having been accomplished, it is ordered to be stricken from the docket.

A. L. Adamson et al.

vs.

S. V. McAllister et als.

Final Decree

To be entered

May 19th.
1912.
Miss L. M. Moore

Entered in Chancery
Order Book No. 4.
Page 500.

In the Circuit Court for the County of Nansemond, Virginia.

A. L. Adamson and George W. Roper

Complainants.

v.

In Chancery.

S. V. McAllister and Josephine E.
M. McAllister, his wife, if living,
or if dead, their unknown heirs at
law, C. O. Hunter (unmarried), Nora
Thompson, widow of Samuel Thompson,
Carolyn T. Milroy and J. K. Milroy,

Defendants.

To the Honorable James L. McLemore, Judge of the Circuit
Court for the County of Nansemond, Virginia:

Humbly complaining sheweth unto your Honor, your complainant
A. L. Adamson, of the City of Richmond, Virginia, that he is now the
owner of the following real estate, to-wit: All that certain tract
or parcel of land, situated in Cypress Magisterial District in the
County of Nansemond and State of Virginia, containing 484 and 1/4
acres, more or less, lying on the North side of the Norfolk and
Western Railway, and bounded on the North by the lands belonging
to the estate of Jacob Philhower; the land of Frederick A. Emory,
H. T. Salter and others; on the East by the land of M. M. Keeter
and The Dismal Swamp Land Company; on the South by the Norfolk
and Western Railway and on the West by ~~the~~ land of Jonas Parden
and the estate of Jacob Philhower, together with all and singular
the appurtenances belong to the same, it being a portion of the
land which by deed dated December 9th. 1909 and recorded in D. E.
No. 68, page 288, in Nansemond County Clerk's office, Virginia, was
sold and conveyed by Nora Thompson to W. A. Tschumy; also that
certain tract or parcel of land, adjoining the land first above
described, containing 15 acres, more or less, and bounded on the
North by the land of Frederick A. Emory; East by the land of M.
M. Keeter; South by the land first above described and West by the
land of Isaac Holmes; also that certain tract or parcel of land
containing 115 acres, more or less, also adjoining the land first
above described, and bounded on the North by the land of M. M. Kee-
ter; on the East by the land of The Dismal Swamp Land Company; on

on the South by the land of the said Dismal Swamp Land Company, and the land first above described, and on the West by the said land first above described, all of which parcels of land were conveyed to your complainant by Bradford Kilby by deed dated March 9th. 1910, and recorded in Deed-book No. 68, page 443 in Nansemond County Clerk's office, Virginia;

And your complainant, George W. Roper, that he is the owner of the following real estate, to-wit: "All that portion lying South of the Norfolk and Western Railway of that certain tract or parcel of land, situated in Cypress Magisterial District in the County of Nansemond and State of Virginia, familiarly known as the "residue of the Bernard farm", that is the Bernard Farm except the 150 acres thereof, sold and conveyed to Benjamin G. Brooks by deed dated the 27th. day of October 1880, and duly recorded November 6th. 1880, in D. B. No. 8 pages 570 and 571. The said residue is supposed to contain 838 acres, but is now sold in gross and not by the acre, and being the same land which was conveyed to F. W. Skiles and John T. Riddick by C. H. Causey, Trustee, by deed dated October 3, 1883 and recorded Oct. 24, 1883 in D. B. No. 12 pages 283 and 284".

Second: All that certain tract of land bounded on the East by that part of the Bernard Farm above described; on the South by the land of the Dismal Swamp Land Company; on the West by the land of Jacob R. Philhower, and on the North by the land of the Norfolk and Western Railway Company, supposed to contain 380 acres, more or less but the same is now sold in gross and not by the acre. Being the same land which was conveyed to F. W. Skiles and John T. Riddick by W. J. Kilby, Trustee, by deed dated Jan. 24, 1884 and recorded Feb. 18, 1884 in D. B. 13, page 3".

That the two said tracts belonging to your complainants, formerly composed one large tract of land, all of which was owned, at different times by the following parties: namely, Samuel Thompson of Bellefontaine, Ohio; C. O. Hunter of Columbus, Ohio; and S. V. McAllister of Franklin County, Ohio.

That said S. V. McAllister and Josephine E. M. McAllister, his wife, executed a deed dated March 30, 1892, which is recorded in D. B. No. 26, page 108, in Nansemond County Clerk's office, Va. (a copy of which is herewith filed and marked "Exhibit A"), in which deed, said S. V. McAllister and Josephine E. M. McAllister, his wife, intended to convey all their right, title and interest in all of said land above described above, to their grantee, Michael O. Thompson, but that to said deed no seal was affixed, as required by law in the State of Virginia in order to pass good title to real estate located in said state.

That said C. O. Hunter (unmarried) executed a deed dated June 24th. 1893 and recorded in D. B. No. 36, page 571 in Nansemond County Clerk's office, Va. (a copy of which is herewith filed marked "Exhibit B"), in which said C. O. Hunter intended to convey all his right, title and interest in all of said land above described to his grantee, Samuel Thompson, deceased husband of Nora Thompson, but that to said deed no seal was affixed, as required by law in the State of Virginia in order to pass good title to real estate located in said State.

That said Samuel Thompson executed a deed dated Feb. 4th. 1904, and recorded in D. B. No. 56, page 357 in Nansemond County Clerk's office, Va. (a copy of which is filed herewith marked "exhibit C" in which deed the said Samuel Thompson intended to convey all his right, title and interest in all of said land above described to his grantee, Nora Thompson, his wife, but that to said deed no seal was affixed, as required by law in the State of Virginia in order to pass good title to real estate located in said State.

That your complainants are informed that said S. V. McAllister and Josephine E. M. McAllister, his wife, are dead, leaving unknown heirs at law.

That said Samuel Thompson is dead, leaving as his heirs at law his widow, said Nora Thompson, and his only child, Carolyn T. Milroy, wife of J. K. Milroy.

That by reason of the fact that no seals were affixed to said deeds, there exists a cloud upon the title to the two tracts of land above described and which your complainants now own.

In consideration of which and forasmuch as your complainants are remediless in the premises, save by the aid of a court of equity, they pray that the said S. V. McAllister and Josephine E. M. McAllister, his wife, if living, or if dead, their unknown heirs at law, C. O. Hunter (unmarried), Nora Thompson, widow of Samuel Thompson, Carolyn T. Milroy and J. K. Milroy, her husband, be made parties defendant to this bill, and required, but not on their oath, to answer the same, the oaths being hereby waived;

that said cloud upon the said real estate owned by your complainants may be removed by the execution of good and sufficient deeds according to the laws of the State of Virginia; that this Honorable Court may appoint a special commissioner to execute such good and valid deed conveying to to your complainant George W. Roper all the right, title and interest of said defendants in and to the said real estate now owned by him, also to execute such good and valid deed conveying to your complainant A. L. Adamson all the right, title and interest of said defendants in and to the said real estate now owned by him; that your complainants may have such other and further relief in the premises as to this Honorable Court may seem meet and as the nature and circumstances of the case may require. And may a summons issue against the several defendants hereinbefore named.

And your complainants will ever pray etc,

*A. L. Adamson and
George W. Roper by
Counsel.*

Bradford Stiles p. q.

A. L. Adamson & Geo. W. Roper

v. { In chancery

L. V. McAllister et als.

Bill

1911 Aug. 25. - Filed
M. M. Watkins, D.C.

Bradford Kilby, Jr.

ATTORNEY AT LAW.
SUFFOLK, VIRGINIA.

A. L. Adamson & others
vs - & In Chancery -
S. V. McAllister & others.

1911

July	17	- Process issued returnable to 1 st Aug. Rules - 1911. - Return "not found" by Sheriff -
July	17	- Affidavit filed and order of publication entered as to all defendants -
Aug.	21	- Bill filed -
Sept	2	- Set for hearing on order of publication -

Notes -