

1933-040 Chaucery Causes - H.
Isle of Wight County H.

G. Dashiells vs Standard Oil Company of New Jersey
G. Dashiell vs Standard Oil Company of New Jersey

588

Plat

other surnames: McIlwoine
Bailey

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

H. G. Dashiells,

v)

"Bill of Complaint"

Standard Oil Company of
New Jersey, et als.

To the Honorable B. D. White,

Judge of the Circuit Court of the County of
Isle of Wight:

Your complainant, H. G. Dashiells, humbly complaining
showeth unto your honor the following cause, to-wit:

That he is a resident of the County of Isle of Wight,
State of Virginia, and in which County he owns considerable
real estate:

That leading from his real estate, which is located
in the County of Isle of Wight, State of Virginia, on Fagan
River, about one and a half miles Northeast of Smithfield, upon
which said real estate he conducts a farm and has his residence;
is the said road, or way, which has been open and used by himself
and his predecessors in title, and others whose lands abut on
said road, or are contingent thereto, for a period of more than
twenty years from the commencement of this suit. In fact the
said road has been opened, located, and used as it now is for
a period of time which goes back further than the memory of any
one with whom your complainant has had converse.

That the said Standard Oil Company of New Jersey is
proceeding with the construction of a fence across the said road-
way at a point a little to the East of Cypress Creek Bridge in
said County.

That in the event the said Standard Oil Company of
New Jersey is permitted to erect such fence, or other obstruction,
across said road or way, your complainant and other persons who

have had the use of said road or way will be ~~entirely shut in~~ ^{denied the use}
^{of the public road or way and a convenient}
~~and will have no~~ outlet from their several properties.

That the Standard Oil Company of New Jersey has its
fence material, upon its lot, which abuts the said road, and is
now engaged in the erection thereof, ^{and is engaged also in the}
^{construction of other obstructions}

In consideration whereof and forasmuch as your com-
plainant is without remedy save in a court of equity, where mat-
ters of this kind are alone and properly cognizable, he prays
that the said Standard Oil Company of New Jersey and _____
_____, its officers, or their agents,
servants, and employees be enjoined and restrained from cons-
tructing or erecting any fence, or other obstruction, across the
said road or way, which will, in any manner, impede, hinder or
inconvenience the said H. G. Dashiells, and others, from the
free, unmolested and unobstructed use of the said road or way;
that they be made parties respondent to this bill and required
to answer the same though not under oath, answer under oath
being hereby expressly waived, that proper process issue, and
all orders, and decrees may be entered herein as may be required
by law; and that your complainant have such other, further, and
general relief in the premises as in equity may seem meet.

And your complainant will ever pray, et cetera.

H. G. Dashiells

Johnson & Stephens, p.g.

State of Virginia,
County of Isle of Wight, to-wit:

This day personally appeared before me, Elizabeth Moody, a Notary
Public for the County of Isle of Wight, State of Virginia, in my
said County, H. G. Dashiells, the complainant in the above cause
who made oath that the matters and things alleged in the fore-
going bill of complaint are true to the best of his knowledge and
belief.

My commission expires May 3rd., 1934.

Given under my hand this the 14th. day of January, 1931.

Elizabeth Moady
Notary Public

Virginia: In the Circuit
Court of the County of
Falls of 1904

T. G. Smithells,

v. 588

Standard Oil Company of
New Jersey, et al.

Bill of complaint

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

H. G. Dashiell,

v) In Chancery. No. _____ "Amended and Supplemental Bill".

Standard Oil Company of
New Jersey, a foreign
corporation.

To the Honorable B. D. White,

Judge of the Circuit Court of the County of Isle of Wight,
Virginia:

The amended and supplemental bill of your complainant, H. G. Dashiell, respectfully sheweth to the Court that on the 15th. day of January, 1931, he filed in this Court his original bill of complaint against the Standard Oil Company of New Jersey, in which he alleges that the Standard Oil Company of New Jersey, the respondent, was constructing a fence, and other obstructions, across a certain public road, or way, in the County of Isle of Wight, State of Virginia, which said public road, or way, leads to the property of your complainant, and prayed that the respondents be restrained and enjoined from the construction of the said fence, or other obstructions, across said public road or way, which said injunction, in accordance with the prayer of the bill, was granted on the date aforesaid, all of which allegations and prayers will more fully appear by reference to the said original bill.

And now complainant brings this amended and supplemental bill into Your Honor's said Court, and shows to the Court as follows, to-wit:

That your complainant is a resident of the County of Isle of Wight, State of Virginia, and is the owner of a large and valuable farm situated in said County about one and one half miles Northeast of the Town of Smithfield;

That in going from the property of your complainant toward the Town of Smithfield your complainant enters, and travels over, together with the public generally, a certain public road at a point approximately opposite the main entrance to the property of Mary McIlwaine, which said public road continues down an incline in the direction of the said Town of Smithfield, for a distance of approximately two hundred yards where it intersects with the State Highway Route Ten, at a point estimated to be one hundred and seventy five yards from the East side of Cypress Creek, all of which said public road your complainant, and the general public, has used in going to and from his property for a good number of years as have his predecessors in title for a period of twenty five years, and longer; and, which said public road is used by others owning property adjoining, and in the vicinity of, your complainant's property as their most direct route from their respective properties to the Town of Smithfield;

That your complainant is informed, and so states it to be, that for a great number of years the aforesaid public road was open and maintained as a public County road, but that several years ago it was included in the State Highway System as a part of Route Ten;

That a few years after having taken this aforesaid road in the State Highway System, as a part of Route Ten, the Department of Highways, of the said State of Virginia, altered and changed the location of Route Ten so as to depart from the old right of way at a point about one hundred and seventy five yards East of Cypress Creek, thereby apparently eliminating from its system of highways the aforesaid public road which is the subject matter of this cause;

That whether or not the Highway Commission of the State of Virginia has availed itself of the statute in such cases made and provided, in that it turned back to the County of Isle of

Wight that part of State Highway Route Ten, apparently eliminated from its system by the alteration of said Route Ten as aforesaid, which said part of Route Ten, apparently eliminated, is a part of the public road, located in Isle of Wight County, over which your complainant passes in going to and from his property, and which is used by the public generally, your complainant is not informed; but your complainant is informed, and so states it to be, that that part of the said public road, apparently eliminated, by the Department of Highways of the State of Virginia, hereinbefore set out and described, has not been abandoned as a public road, as evidenced by its continuous and constant use as a public road and its maintenance as a public road by the proper authorities of the County of Isle of Wight, State of Virginia;

That for a long period of time the bridge over Cypress Creek, and the approaches thereto, were constructed and maintained by the County of Isle of Wight, and for the convenience and advantage of the aforesaid County it owned a small tract or lot of land of approximately two acres, located on the East side of Cypress Creek and lying on both sides of the public road herein mentioned and described as having been a part of the State Highway System and leading to the property of your complainant;

That upon the inclusion in its road system by the Department of Highways of the State of Virginia, as a part of Route Ten, the aforesaid bridge over Cypress Creek, and the approaches thereto, the lot or parcel of land owned by the County of Isle of Wight, situated on the East side of Cypress Creek, was rendered of no further use or benefit to the County of Isle of Wight, and it was decided by the Board of Supervisors of the said County to sell and dispose of the said lot or parcel of land;

That acting pursuant to its decision to sell and dispose of the said lot or parcel of land the Board of Supervisors of the County of Isle of Wight instituted proceedings to dispose

of the said lot or parcel of land, all of which will more fully appear from the records in the Clerk's Office of the Circuit Court of the County of Isle of Wight, State of Virginia; that the Board of Supervisors of the County aforesaid by its deed bearing date the 10th day of May, 1929, and recorded in the Clerk's Office aforesaid in Deed Book 101, at page 307, conveyed the aforesaid lot or parcel of land, said to contain _____ acres, to L. Bailey, but the description of the property conveyed being erroneous the Board of Supervisors of the County of Isle of Wight, by its Deed of Correction dated the 4th day of September, 1930, and recorded in the Clerk's Office aforesaid in Deed Book 103, at page 128, re-conveyed the aforesaid lot or parcel of land to L. Bailey, as will more fully appear by an attested copy of the said deed of correction to L. Bailey, attached hereto, marked "Exhibit A," and is to be taken and read as a part of this bill;

That in both the original deed and the deed of correction, hereinbefore set out and described, from the Board of Supervisors to L. Bailey, it was expressly provided that the right of way across the said property thereby conveyed was expressly reserved, which said right of way so reserved is, in reality, the public road used by your complainant, and the public at large, all of which reservations will appear by reference to the deeds aforesaid;

That by their deed bearing date the 10th day of September, 1930, and entered of record in the Clerk's Office aforesaid, in Deed Book 103 at page 130, the said L. Bailey and Leafy D. Bailey, his wife, conveyed the said lot or parcel of land acquired by the said L. Bailey from Isle of Wight County, by the deeds hereinbefore mentioned, to the Standard Oil Company of New Jersey, the respondent herein, as will more fully appear by a certified copy of said deed, attached hereto, marked

"Exhibit B", and is to be taken and read as a part of this bill;

That by their deed bearing date the 29th day of September, 19 30, and entered of record in the Clerk's Office aforesaid in Deed Book 103, at page 167, Mary McIlwaine and Richard McIlwaine, her husband, conveyed to the Standard Oil Company of New Jersey, the said respondent, a certain strip or parcel of land containing _____ of an acre, more or less, situated in the County of Isle of Wight, lying on the North and East side of the lot of land conveyed to the said respondents by deed from L. Bailey, et ux, heretofore referred to, and, also, lying on both sides of the public road hereinbefore set out and described, in which said deed no mention was made of the road running through said land, all of which will more fully appear from a certified copy of said deed, hereto attached, marked "Exhibit C", and is to be taken and read as a part of this bill;

That the said Standard Oil Company of New Jersey, the respondents herein, has taken possession of the land acquired by it by virtue of the deeds aforesaid, and has drawn its plans and commenced the construction of a gasoline storage plant, gasoline service station and a fence in such a position as not only to hinder the passage of your complainant, and the public generally, but which will actually obstruct the passage of your complainant, and the public generally, over said public road;

That in event the said Standard Oil Company of New Jersey is permitted to construct its plant, gasoline station and fence, any one or all of them, or any other obstruction, across, or in, said public road your complainant, and all other persons, will be denied the use of the said public road, resulting in great delay, inconvenience and irreparable loss, injury and damages to your complainant, and the public at large;

In consideration whereof, and forasmuch as your com-

plainant is without remedy in the premises save in a court of equity where matters of this kind are alone and properly cognizable, he prays that the Standard Oil Company of New Jersey, a foreign corporation, be made a party respondent to this amended and supplemental bill and required to answer the same, though not under oath, answer under oath being hereby expressly waived; that proper process issue; that the respondent, Standard Oil Company of New Jersey, its officers, agents, servants and employees be enjoined and restrained from the construction of a gasoline storage plant, gasoline filling station and a fence, any and all of them, or other obstruction, across the said public road which intersects State Highway Route Ten, at a point approximately one hundred and seventy five yards distant from the East side of Cypress Creek, which will in any manner impede, hinder or inconvenience the said H. G. Dashiell, and the public generally, from the free, unmolested and unobstructed use of the said public road; that all such orders and decrees may be entered herein as may be necessary and proper; and, grant unto your complainant such other, further and general relief as the nature of his case may require, or to equity may seem meet.

And in duty bound he will ever pray, etc.

H. G. Dashiell

State of Virginia,

County of Isle of Wight, to-wit:

This day personally appeared before me, Elizabeth Moody, a Notary Public for the County of Isle of Wight, State of Virginia, in my said County, H. G. Dashiell, the complainant in the above styled cause, who made oath that the matters and things alleged in the foregoing amended and supplemental bill are true to the best of his knowledge and belief.

Given under my hand this the 16th. day of January, 1931.

Elizabeth Moody
Notary Public

My commission expires
on the 3rd. day of May, 1934.

Virginia: In the Circuit
Court of the County of Isle
of Wight.

M. G. Washnell

vs. In Chancery. No. 588

Standard Bill Company of New
Jersey, a foreign corporation

Amended and Supplemental
Bill

See 6079

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

Commonwealth of Virginia,

Sergeant the City of Richmond:

To the ~~Sheriff~~ of ~~Isle of Wight County~~—Greeting:

WE COMMAND YOU, That you summon Standard Oil Company of New Jersey,
a foreign corporation,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the First Monday in February, 1931,
an amended and supplemental
to answer/~~a~~ bill in chancery, exhibited against it
in our said Court by H. G. Dashiell

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 20
~~15th~~
day of January, 1931, and in the 155th year of the
Commonwealth.

R. A. Edwards Clerk.

H. G. Dashiell

vs.

CHANCERY NO.

Standard Oil Co. of N. J.

ORIGINAL SUBPOENA

Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.

Returned, entered and filed.

Teste:

Clerk

To First February Rules

1921

Johnson and Stephens p. q.

Its attorney

By:

Standard Oil Company of New
Jersey, a foreign corporation

Legal and sufficient service
of the within summons is
hereby accepted, this the
22nd day of January, 1921.

Commonwealth of Virginia,

Sergeant the City of Richmond:
To the ~~Sheriff of Isle of Wight County~~ — Greeting:

WE COMMAND YOU, That you summon Standard Oil Company of New Jersey,
a foreign corporation,

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules
to be holden for the said Court on the First Monday in February, 1931,
to answer a bill in chancery, exhibited against it
in our said Court by H. G. Dashiell,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 15th
day of January, 1931, and in the 155th year of the
Commonwealth.

R. A. Edwards Clerk.

Legal and sufficient service
of the within summons is here-
by accepted, this the 22nd.
day of January, 1931.

Standard Oil Company of New
Jersey, a foreign corporation

By: W. P. Whitten
Its attorney

H. G. Dashiers

vs. }

CHANCERY NO.

Standard Oil Co. of N.J.

ORIGINAL SUBPOENA

.....
*Virginia, Clerk's office of the Circuit
Court of the County of Isle of Wight.*

....., 19.....
Returned, entered and filed.

Teste:

.....Clerk

To First Lh. Rules

1931
Johnson & Stephens p. q.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

H. G. Dashiells,

v) 588

Standard Oil Company of New Jersey, et als

This day came H. G. Dashiells, by counsel, and presented his bill of complaint, duly verified by oath and moved the court to restrain the respondents, Standard Oil Company of New Jersey, a corporation, ^{or} ~~and~~ _____, its, ~~or their~~ officers, agents, servants, employees and all other persons from constructing, erecting, or causing to be constructed and erected, any fence of any material, or any other obstruction across a certain road, or way, which leads from the residence of the said H. G. Dashiells, and the lands of others, to the State Highway Number Ten, entering the said State Highway at a point some 175 yards, more or less, to the Eastward of Cypress Creek, ~~which said road, or way, has been located, as at present, and has been enjoyed by complainant, in common with others, for a period of more than twenty years preceding the institution of this suit.~~

^{On} In consideration whereof it is ordered that the said Standard Oil Company of New Jersey, ~~and~~ _____ its officers, ~~and their~~ agents, servants, and employees and all other persons, be enjoined and restrained from constructing or erecting any fence, or other obstruction, across the said road or way, which will, in any manner, impede, hinder, or inconvenience the said H. G. Dashiells, and others, from the free, unmolested and unobstructed use of the said road or way. This injunction shall not, however, take effect until the said H. G. Dashiells, or someone for him, shall enter into a bond before the Clerk of this Court with surety by said Clerk deemed sufficient in a penalty of not less than \$500 ^{Remitted} dollars, the condition of which shall be to pay all such costs as may be awarded against him

and all such damages as may be incurred in case this injunction shall be dissolved, which injunction shall continue for a period of sixty days, unless sooner enlarged, modified or dissolved.

And it is further ordered that copies of this order be served upon the said respondents in this case.

Virginia: In the Circuit
Court of the County of
Edge of West

H. G. Barnhills,

vs. 588

Standard Oil Company of
New Jersey, et al.

Order

Enter this:

January 15th., 1921

8-88-

Chancery #8-8 579

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

H. G. Dashiella,

v)

Standard Oil Company of New Jersey, et als

This day came H. G. Dashiella, by counsel, and presented his bill of complaint, duly verified by oath and moved the court to restrain the respondents, Standard Oil Company of New Jersey, a corporation, ~~and~~ ^{or} _____ its, ~~or their~~ officers, agents, servants, employees and all other persons from constructing, erecting, or causing to be constructed and erected, any fence of any material, or any other obstruction across a certain road, or way, which leads from the residence of the said H. G. Dashiella, and the lands of others, to the State Highway Number Ten, entering the said State Highway at a point some 175 yards, more or less, to the Eastward of Cypress Creek, ~~which said road, or way, has been located, as at present, and has been enjoyed by complainant, in common with others, for a period of more than twenty years preceding the institution of this suit.~~

^{On}
~~In~~ consideration whereof it is ordered that the said Standard Oil Company of New Jersey, ~~and~~ _____ its officers, ~~and their~~ agents, servants, and employees and all other persons, be enjoined and restrained from constructing or erecting any fence, or other obstruction, across the said road or way, which will, in any manner, impede, hinder, or inconvenience the said H. G. Dashiella, and others, from the free, unmolested and unobstructed use of the said road or way. This injunction shall not, however, take effect until the said H. G. Dashiella, or someone for him, shall enter into a bond before the Clerk of this Court with surety by said Clerk deemed sufficient in a penalty of not less than Five Hundred dollars, the condition of which shall be to pay all such costs as may be awarded against him

and all such damages as may be incurred in case this injunction shall be dissolved, which injunction shall continue for a period of sixty days, unless sooner enlarged, modified or dissolved.

And it is further ordered that copies of this order be served upon the said respondents in this case.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

January 15th...1931.

H. G. Dashiells,

v)

Standard Oil Company of New Jersey, et als

This day came H. G. Dashiells, by counsel, and presented his bill of complaint, duly verified by oath and moved the court to restrain the respondents, Standard Oil Company of New Jersey, a corporation, ~~and~~ _____, its, ~~or their~~ officers, agents, servants, employees and all other persons from constructing, erecting, or causing to be constructed and erected, any fence of any material, or any other obstruction across a certain road, or way, which leads from the residence of the said H. G. Dashiells, and the lands of others, to the State Highway Number Ten, entering the said State Highway at a point some 175 yards, more or less, to the Eastward of Cypress Creek, ~~which said road, or way, has been located, as at present, and has been enjoyed by complainant, in common with others, for a period of more than twenty years preceeding the institution of this suit.~~

On consideration whereof it is ordered that the said Standard Oil Company of New Jersey, ~~and~~ _____ its officers, ~~and their~~ agents, servants, and employees and all other persons, be enjoined and restrained from constructing or erecting any fence, or other obstruction, across the said road or way, which will, in any manner, impede, hinder, or inconvenience the said H. G. Dashiells, and others, from the free, unmolested and unobstructed use of the said road or way. This injunction shall not, however, take effect until the said H. G. Dashiells, or someone for him, shall enter into a bond before the Clerk of this Court with surety by said Clerk deemed sufficient in a penalty of not less than Five Hundred dollars, the condition of which shall be to pay all such costs as may be awarded against him

and all such damages as may be incurred in case this injunction shall be dissolved, which injunction shall continue for a period of sixty days, unless sooner enlarged, modified or dissolved.

And it is further ordered that copies of this order be served upon the said respondents in this case.

John R. Edwards
celv

H. G. Dashiell
76 Injunction.
Standard Oil Co

588

Executed the within injunction
order this the 15th day of
January, 1931, in the County
of Isle of Wight, Virginia,
by serving a true copy of same
on D. Fisher, agent of the
Standard Oil Company of New
Jersey, in person, he the said
D. Fisher, being found in the
County of Isle of Wight.

W. C. Whitehead, Sheriff

By _____ D.S.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT.

Jan. 15th 1931.

H. G. Dashiells,

v)

Standard Oil Company of New Jersey, et als

This day came H. G. Dashiells, by counsel, and presented his bill of complaint, duly verified by oath and moved the court to restrain the respondents, Standard Oil Company of New Jersey, a corporation, ~~and~~ _____, its, or ~~their officers,~~ agents, servants, employees and all other persons from constructing, erecting, or causing to be constructed and erected, any fence of any material, or any other obstruction across a certain road, or way, which leads from the residence of the said H. G. Dashiells, and the lands of others, to the State Highway Number Ten, entering the said State Highway at a point some 175 yards, more or less, to the Eastward of Cypress Creek, ~~which said road, or way, has been located, as at present, and has been enjoyed by complainant, in common with others, for a period of more than twenty years preceding the institution of this suit.~~

~~On~~ consideration whereof it is ordered that the said Standard Oil Company of New Jersey, ~~and~~ _____ its officers, ~~and their~~ agents, servants, and employees and all other persons, be enjoined and restrained from constructing or erecting any fence, or other obstruction, across the said road or way, which will, in any manner, impede, hinder, or inconvenience the said H. G. Dashiells, and others, from the free, unmolested and unobstructed use of the said road or way. This injunction shall not, however, take effect until the said H. G. Dashiells, or someone for him, shall enter into a bond before the Clerk of this Court with surety by said Clerk deemed sufficient in a penalty of not less than Five Hundred dollars, the condition of which shall be to pay all such costs as may be awarded against him

10-7
and all such damages as may be incurred in case this injunction shall be dissolved, which injunction shall continue for a period of sixty days, unless sooner enlarged, modified or dissolved.

and it is further ordered that copies of this order be served upon the said respondents in this case.

Teste R. A. Edwards Clerk

I, R. A. Edwards, Clerk of the Circuit Court of the County of Isle of Wight, do hereby certify that the bond required in the foregoing and attached injunction order has been duly given.

R. A. Edwards Clerk.

Legal and Sufficient service of the within injunction order, accepted, this the 22nd. day of January, 1931.

Standard Oil Co. of New Jersey, a foreign corporation

By: Bert D. White
Its attorney

Standard Oil Co. of New Jersey
a foreign corporation.

— v) In Chancery. No. —

H. G. Dashiell

Virginia: In the Circuit Court
of the County of Isle of Right

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
MARCH 6th 1933.

Dashiell

vs: # 588

Standard Oil Co

IT APPEARING that this cause has been on the docket of this Court for more than two years, and that no order has within said period been entered herein, it is therefore ordered, pursuant to the provisions of Section 6172 of the Code of Virginia, as amended, the Clerk of this Court be directed to notify the parties to this cause, if known, or their counsel of record, at his or their last known address, in writing, at least fifteen days before the 25th day of April, 1933, so that on said day all parties named have an opportunity to be heard, and that, except for good cause to then be shown, this cause will be removed from the docket for failure to prosecute the same to a final decree.

Washell

W H 588

Standard Oil Co.

Coro 9

Page 87.

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT
APRIL 26TH 1933.

Washell
vs: #588
Standard Oil Co

It appearing, pursuant to a decree entered herein
on the 6th day of March, 1933, that the parties, or their Counsel,
have been notified by the Clerk of this Court of the terms of
said decree, and no good cause having been shown, it is ordered
that this cause be removed from the docket, with leave to rein-
state the same as provided in Section 6172 of the Code as
Amended.

Dashell

52 } # 588 /

Standard Oil Co

March TERM 19.33. Filed

CLK

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT:

H. G. Dashiell

v) In Chancery. No. _____

"Memorandum"

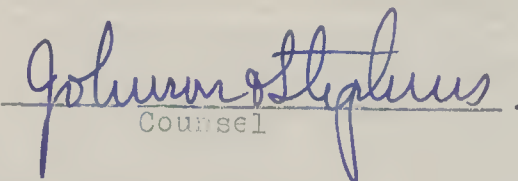
Standard Oil Company of
New Jersey, a foreign
corporation.

To R. A. Edwards,

Clerk of the Circuit Court of the County of Isle of Wight:

Please issue process for the respondent, a foreign corporation, to answer a bill in chancery to be filed against it in the rules to be holden in your Court on the 1st. Monday in February, 1931.

This process should be directed to the Sergeant of the City of Richmond.


Counsel

Johnson & Stephens, p.q.

\$7.50 deposit made.

Virginia: In the Circuit
court of the County of
Isle of Wight.

H. F. Deahlell

v) In Chancery. No. 588

Standard Oil Company of
New Jersey, a foreign cor-
poration.

Memorandum

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

Exhibit A.

The Board of Supervisors of
Isle of Wight County

To: Bargain and Sale

L. Bailey

THIS DEED, made this 4th day of September, 1930, between The Board of Supervisors of Isle of Wight County, party of the first part, and L. Bailey, of the County of Isle of Wight, State of Virginia, party of the second part:

WITNESSETH: That whereas The Board of Supervisors of Isle of Wight County did by a certain deed, dated on the 10th day of May, 1929, and recorded in the Clerk's Office of the County of Isle of Wight in Deed Book No. 101, page 307, convey to L. Bailey a certain lot, piece or parcel of land described therein; and,

WHEREAS, the said deed erroneously described the said land; and,

WHEREAS, the said The Board of Supervisors of Isle of Wight County, by its Chairman, did on the 18th day of August, 1930, present its petition to the Circuit Court for the said County praying that an order be entered confirming the sale of the said land as made by the said Board on the 19th day of April, 1929, according to its true and correct description; and,

WHEREAS, the said Circuit Court, did, on the 18th day of August, 1930, enter an order confirming said sale of said land as made on the 19th day of April, 1929, according to its true and correct description; and,

WHEREAS, the said The Board of Supervisors of the County of Isle of Wight did, at its regular meeting on Thursday, the 4th day of September, 1930, pass a resolution directing L. W. Hearn, Chairman of said Board, to execute a deed of correction and conveyance, conveying to the said L. Bailey, the said land according to its true and correct description, as shown by the said Court order: ~~and~~

NOW, THEREFORE, THIS DEED WITNESSETH: that for

and in consideration of the premises and the sum of one (\$1.00) dollar, the said The Board of Supervisors of Isle of Wight County doth grant and convey, with Special Warranty, unto the said L. Bailey, the following property: "All that certain tract, piece or parcel of land situate, lying and being in Newport Magisterial District, County of Isle of Wight, State of Virginia, and containing (1.36) acres, more or less, bounded and described as follows: Beginning at an iron stake on the right of way of State Highway No. 10 leading from Smithfield to Suffolk, and the lands of Mary McIlwaine; running thence along State Highway No. 10 S. 87 degrees 30 min. W. 157 feet, to the center of the old State Highway; running thence S. 87 degrees 30 min. W. 485 feet, to the center of the old bridge abutment on Cypress Creek; running thence in a Northwesterly direction along said Creek for a distance of 11 feet; running thence in the same direction along said Creek for a distance of 60 feet, to a cedar post in Pagan River; running thence N. 83 degrees E. 528 feet, to an iron pipe, a corner on the lands of Mary McIlwaine; running thence S. 55 degrees 30 min. E. for a distance of 198 feet, to an iron pipe on the South side of the Old State Highway, and the lands of Mary McIlwaine; running thence S. 8 degrees W. 22 feet 8 inches, to an iron stob on said State Highway No. 10, and the lands of Mary McIlwaine, to the point of beginning."

It being all of the land owned by the County of Isle of Wight lying on the northwest side of the said State Highway No. 10 at what is known as "Red Point Bridge."

The above land is conveyed subject to the present right-of-way across same.

It being the intention of this deed to correct the erroneous description of the land as made by the above mentioned deed dated on the 10th day of May, 1929, and to convey the same according to its true and correct description.

IN WITNESS WHEREOF, The Board of Supervisors of Isle of Wight County has caused its name to be signed hereto by its Chairman and its corporate seal to be hereto affixed and attested by its Secretary and this deed to be delivered in its behalf.

THE BOARD OF SUPERVISORS OF ISLE OF WIGHT COUNTY

BY; L. W. Hearn
Chairman

(SEAL)

Atteste:

R. A. Edwards
Secretary.

State of Virginia,

County of Isle of Wight, to-wit:

I, Geo. F. Whitley, a Commissioner in Chancery of the Circuit Court for the County aforesaid, in the State of Virginia, do hereby certify that L. W. Hearn, Chairman, and R. A. Edwards, Secretary; whose names are signed to the foregoing deed, bearing date the 4th day of September, 1930, have acknowledged the same before me in my said County.

Given under my hand this 4th day of September, 1930.

Geo. F. Whitley
Commissioner in Chancery.

VIRGINIA: Clerk's Office of the Circuit Court of the County of Isle of Wight, Sept. 20th, 1930, at one o'clock P. M. this deed was received and with the certificate annexed, admitted to record.

Teste: R. A. Edwards, Clerk.

A Copy:

Teste R. A. Edwards Clerk.

" " "
Exhibit B.

L. Bailey et ux

To: Bargain and Sale

Standard Oil Co. of N. J.

THIS DEED, made this 19th day of Sept., 1930, between L. Bailey and Leafy D. Bailey, his wife, of the County of Isle of Wight, State of Virginia, parties of the first part; and the Standard Oil Company of New Jersey, a corporation chartered and existing under the laws of the State of Delaware, party of the second part:

WITNESSETH: That for and in consideration of the sum of SEVEN HUNDRED (\$700.00) DOLLARS, the receipt whereof is hereby acknowledged, the said parties of the first part do grant unto the said party of the second part, with GENERAL WARRANTY, the following property, to-wit:

That certain lot, piece or parcel of land situate, lying and being in Newport Magisterial District, of the County of Isle of Wight, State of Virginia, bounded and described as follows: "Beginning at an iron pin on the North side of State Highway No. 10, thence along the North side of State Highway on the arc of a curve having a radius of 1,723.00 feet in a westward direction 192.50 feet to an iron pipe, thence still along the North side of said Highway, N. 89° 35' W. 464 feet, more or less, to mean low water line of Cypress Creek, thence along the mean low water line in a Northeastward direction 75 feet, more or less, to the South line of Mrs. McIlwaine property, thence along the South line of Mrs. McIlwaine property, N. 84° 00' E. 475 feet, more or less, to an old iron ^{pin} ~~pipe~~; thence S/ 55° 24' E. 198.00 feet to an iron pin, thence S. 8° 00' W. 23.2 feet to an iron pin, the point of beginning;" all being substantially as shown on a plat of said piece or parcel of land hereto annexed and made a part of this deed, prepared by John M. Baldwin, Civil Engineer, dated on June 16th, 1930.

The above property having been conveyed to the said

L. Bailey by The Board of Supervisors of Isle of Wight County by deed dated on the 10th day of May, 1929, and recorded in the Clerk's Office for the County of Isle of Wight in Deed Book No. 101, page 307, and also by deed of correction dated on the 4th day of September, 1930, and recorded in the Clerk's Office for the County of Isle of Wight in Deed Book No. 103, page 128.

The above property is conveyed subject to the present right-of-way across the same.

The said parties of the first part covenant that they have the right to convey the said lot, piece or parcel of land hereby conveyed; that the same is free and clear of all encumbrances; that the said grantee shall have quiet and peaceful possession of the said land; and that they, the said parties of the first part will execute such further and other assurances of the said lot, piece or parcel of land herein conveyed as may be requisite.

WITNESS the following signatures and seals:

L. Bailey (SEAL)

Leafy D. Bailey (SEAL)

State of Virginia,

County of Isle of Wight, to-wit:

I, S. T. Holland, a Notary Public for the County aforesaid, in the State of Virginia, do hereby certify that L. Bailey, and Leafy D. Bailey, whose names are signed to the foregoing deed, bearing date the 19th day of Sept., 1930, have acknowledged the same before me in my said County.

My Com. expires the 5th day of Nov., 1931.

Given under my hand this 19th day of Sept., 1930.

S. T. Holland
Notary Public.

VIRGINIA: Clerk's Office of the Circuit Court of the County of
Isle of Wight, September 20th, 1930, at one o'clock P. M. this
deed was received and with the certificate annexed, admitted to
record.

Teste: R. A. Edwards, Clerk

A Copy:

Teste R. A. Edwards Clerk.

Deed Book 103

At Page 130

"Exhibit C"

Mary W. McIlwaine et vir

To: Bargain and Sale

Standard Oil Co. of N. J.

THIS DEED, Made this 29th day of September, 1930, between Mary W. McIlwaine and Richard McIlwaine, her husband, of the City of Norfolk, State of Virginia, parties of the first part; and the Standard Oil Company of New Jersey, a corporation chartered and existing under the laws of the State of Delaware, party of the second part:

WITNESSETH: That for and in consideration of the sum of THREE HUNDRED (\$300.00) DOLLARS, the receipt whereof is hereby acknowledged, the said parties of the first part do grant, bargain, sell and convey, with GENERAL WARRANTY, unto the said party of the second part, all that certain tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight, State of Virginia, bounded and described as follows: "Beginning at an iron pin, said pin being located N. 8° 00' E. 23.2' from an iron pin on the North side of State Highway No. 10, thence N. 8° 00' E. 32.3' to an iron pin, thence N. 53° 33' W. 145.1' to an iron pin, thence N. 89° 35' W. 377' to mean low water of Cypress Creek, thence in a Southwesterly direction along mean low water of said Creek to a point 75' from the North line of State Highway No. 10, thence N. 84° 00' E. 475' to an old iron pin, thence S. 55° 24' E. 198' to point of beginning;" all being substantially as shown on the plat of said piece or parcel of land heretofore annexed and made a part of this deed, prepared by John M. Baldwin, Civil Engineer, on the 16th day of June, 1930. And being a part of the land conveyed to the said Mary W. Maury (now McIlwaine) by deed of partition between the said Mary W. Maury and H. L. Jordan; said partition deed being dated January 1, 1901, and recorded in the Clerk's Office for the County of Isle of Wight in Deed Book 66, page 302.

The said parties of the first part covenant that they have the right to convey the said land; that the same is free and clear of all encumbrances; that the said grantee shall have quiet and peaceful possession of same; and that they, the said parties of the first part, will execute such other and further assurances of the land herein conveyed, as may be requisite.

WITNESS the following signatures and seals:

Mary W. McIlwaine (SEAL)

Richard McIlwaine , (SEAL)

State of Virginia,

City of Norfolk, to-wit:

I, E. W. McCann, Jr., a Notary Public for the City aforesaid, in the State of Virginia, do hereby certify that Mary W. McIlwaine and Richard McIlwaine, whose names are signed to the foregoing deed, bearing date on the 29th day of September, 1930, have acknowledged the same before me in my said City.

My Com. expires the 24 day of Jany., 1932.

Given under my hand this 29 day of September, 1930.

E. W. McCann, Jr.,
Notary Public.

VIRGINIA: Clerk's Office of the Circuit Court of the County of Isle of Wight, October 2nd, 1930, at 11 o'clock A. M. this deed was received and with the certificate annexed, admitted to record.

Teste: R. A. Edwards, Clerk.

A Copy:

Teste R. A. Edwards Clerk.

Deed Book 103, Page 167

Virginia: In the Circuit
Court of the County of
Isle of Wight.

H. F. Dashiell

v) 588

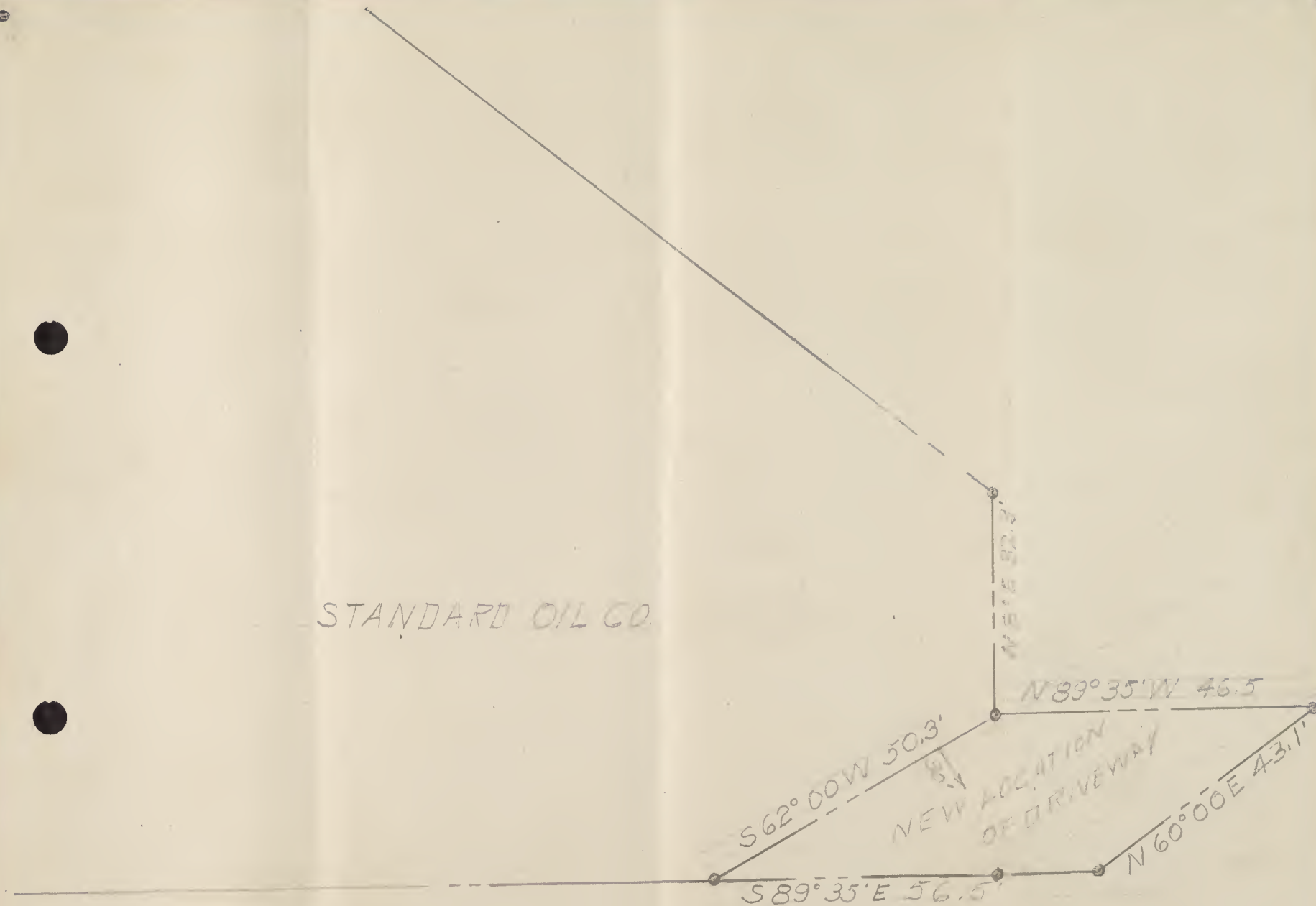
Standard Oil Company of
New Jersey, a foreign cor-
poration

Exhibits A, B. & C., filed
with amended and Supplemen-
tal bill

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

STANDARD OIL CO.



STATE HIGHWAY

Know all Men by These Presents: That we H. G. Dashiell

suret y ,

_____ Clerk.

No.

Know all Men by These Presents: That we

H. G. Dashiell

principal ,

and

surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

And as to this bond we hereby severally waive the benefit of our Homestead Exemption, and also any right, claim or privilege to discharge any liability arising hereunder to the said Commonwealth, or by virtue of the said office or trust for which this bond is given, with coupons detached from the bonds of this State.

IN TESTIMONY WHEREOF, The said

principal ,

and the said

surety ,

by

, its duly authorized

agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested

by the signature of the said

, its said agent and attorney

in fact, this the 15th

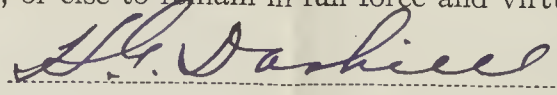
day of

January

A. D. 19 31.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound H. G. Dashiell, who

was on the 15th day of January, 1931, awarded an injunction upon his bill in Chancery, filed in the Circuit Court of the County of Isle of Wight, Virginia, which said injunction order enjoined and restrains the defendants, Standard Oil Company of New Jersey, their agents and servants, and all other persons from constructing, erecting or causing to be constructed and erected, any fence of any material, or any other obstruction across a certain road or way, which leads from the residence of the said H. G. Dashiell and the lands of others to the State Highway No. Ten (10), entering said State Highway at a point some one hundred and seventy-five (175) yards, more or less, to the eastward of Cypress Creek, shall pay all costs and damages which may be awarded against him, ~~shall faithfully discharge the duties of his office or trust as such~~ in case this injunction shall be dissolved, , then the above obligation to be void, or else to remain in full force and virtue.

 [SEAL]

By.....

Its duly authorized agent and attorney in fact.

Attest:.....

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 15th

day of January 19 31 this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

.....Clerk,

A. S. JOHNSON

A. E. S. STEPHENS

JOHNSON & STEPHENS
ATTORNEYS AND COUNSELLORS AT LAW
SMITHFIELD, VA.

January 22, 1931

Mr. R. A. Edwards, Clerk
Isle of Wight, Virginia

Dear Sir:

We enclose, herein, process and injunction order, in the matter of Dashiell v. Standard Oil Company of N. J., upon which Mr. George F. Whitley, has accepted service.

Very truly yours,

Johnson & Stephens
m.

s/m
enc
3