1910-025
Nansemond Co(Suffolk) Chancery Causes: M.O. Burke vs Walter Davis et al

Kendrick, Jones, Hulton, Lockhart

Law Office of
Maurice A. Powers
Richmond, Va.

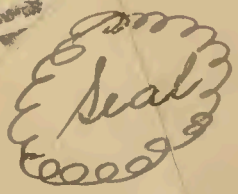
RICHMOND
MAR 7
730 PM
1910

DUE 2

R. R. Smith Esq
Clerk Nansemond Circuit Co
Suffolk, Va

Plaintiff's depositions
in suit of M. O. Burke
v. Walter Davis and others,
pending in the Circuit Court
of Nansemond County.
Maurice A Powers
Notary Public

Mamie
A
Powers



Sheriff of Russell County	✓	2,500
" " Dickenson "	✓	500
" " Tazewell "	✓	500
Sergt of Roanoke Co.	✓	1,000
		4.500

Asst Paramount C .50 Pd

Dec. 3, 1909.

Mrs. Lizzie K. Jones,

Honaker, Va.

Dear Madam:

The Deputy Clerk in this office who received your letter of the 1st instant, asking for copy of bill in the cause of M. O. Burke vs. Walter Davis and others, was taken suddenly ill soon after its receipt, and not knowing whether or not he attended to same I am writing to say that the bill has been filed and upon receipt of $1.75 I shall be pleased to send you a certified copy of same.

Yours very truly,

Clerk.

A. B. DICKINSON,
ATTORNEY AT LAW.
1115 E. MAIN ST.
RICHMOND, VA.

March 16th 1910.

R. R. Smith, Clk,
Suffolk, Va.

Dear Sir:

I have today mailed a report and final decree in M. O. Burke v Walter Davis et als. for entry by Judge McLemore, which I don't doubt will be done.

As soon as this final decree shall have been entered I would thank you to make up and send me a statement of the costs and I will send you Clk for the same.

Yours Very Truly,
A. B. Dickinson

A. B. DICKINSON,
ATTORNEY AT LAW,
[redacted] 1115 E. MAIN ST.
RICHMOND, VA.

March 23rd 1910.

R. R. Smith, Clk;
Suffolk, Va.

Dear Sir;

Kindly let me know if Judge McLemore entered the second decree in the cause of M. O. Burke vs. Walter Davis, et als. dismissing the cause from the docket. If so please send me a statement of the costs. Your early reply will oblige

Yours Very Truly
A. B. Dickinson

Mch 17/10

Honaker Va
~~Nov~~ Dec 1st 09

Circuit Court Clerk
Nansemond County

Dear Sir-

I am summoned to appear at your office on the first monday in Dec- 1909 to answer a Bill in chancery exhibited against Statler Davis Kyle Davis and others in your Court by M. C. Burke If said Bill has been filed there send me a copy of same so as I can prepare answer if necessary- or if same has not been

filed as yet, please send me a copy of same as soon as filed

Yours truly
Statler
Mrs. Lizzie V. Lanier

In the Clerk's Office of the Circuit Court of Nansemond County. November the 11th, 1909.

M. O. Burke, Plaintiff.

vs. } Chancery

Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick, Defendants.

The object of this suit is to obtain specific performance of two certain contracts for the sale of twenty two acres, more or less of land lying in and near the town of Honaker, Va., bounded on the North and West sides by D. O. Clarke, on the East side by Henry D. Lockhart and on the South side by J. M. Kendrick and H. D. Aston, one of said contracts being from Rebecca Davis to E. A. Kendrick and the other from E. A. Kendrick to J. M. Kendrick; to ascertain and determine the interests of the parties in said land and to quiet the title thereto. And it appearing by affidavit duly filed that George D. Kendrick, S. P. Kendrick, and H. D. Kendrick are non-residents of this State, it is therefore ordered that the said George D. Kendrick, S. P. Kendrick and H. D. Kendrick do appear here within fifteen days after due publication of this notice and do whatever may be necessary to protect their interests in this suit.

Teste:

R R Smith Clerk.
By L P Gomey D C

A Copy Teste: R R Smith Clerk
By L P Gomey D C

A B Dickinson p q

I, M. M. Watkins, Deputy Clerk of the Circuit Court of Nansemond County, do certify that this order of publication was posted at the Courthouse door and remained until Jan. 5th, 1910.

M. M. Watkins D.C.

In the Clerk's Office of the Circuit Court of Nansemond County. November the 11th, 1909.

M. O. Burke, . Plaintiff.

vs. } Chancery

Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick, Defendants.

The object of this suit is to obtain specific performance of two certain contracts for the sale of twenty two acres, more or less of land lying in and near the town of Honaker, Va., bounded on the North and West sides by D. C. Clarke, on the East side by Henry D. Lockhart and on the South side by J. M. Kendrick and H. D. Aston, one of said contracts being from Rebecca Davis to E. A. Kendrick and the other from E. A. Kendrick to J. M. Kendrick; to ascertain and determine the interests of the parties in said land and to quiet the title thereto. And it appearing by affidavit duly filed that George D. Kendrick, S. P. Kendrick, and H. D. Kendrick are non-residents of this State, it is therefore ordered that the said George D. Kendrick, S. P. Kendrick and H. D. Kendrick do appear here within fifteen days after due publication of this notice and do whatever may be necessary to protect their interests in this suit.

Teste:

R R Smith Clerk.
By A P Gomey D C

A copy Teste: R R Smith Clerk
By A P Gomey D C
A. B Dickinson Jr g.

State of Virginia,

City of Richmond, towit;

I, ~~George B. White~~ H. A. Taylor, a Notary Public in and for the City of Richmond in the State of Virginia, do hereby certify that M. O. Burke this day personally appeared before me in my said City and made oath, to the best of his knowledge, information and belief, that George D. Kendrick, S. P. Kendrick and H. D. Kendrick are non-residents of the State of Virginia.

Given under my hand this 5th day of October, 1909.

H. A. Taylor
Notary Public.

M. O. Bunker

vs. } affidavit for Order of Publication.

Walter Davis et als.

A. B. DICKINSON,
ATTORNEY AT LAW.
SHAFER BUILDING.
RICHMOND, VA.

R. R. Smith, Clerk &c,
Suffolk,
Va.

4 5/8
3.60

In the Clerk's Office of the Circuit Court of Nansemond County. November 11th, 1909.

M. O. Burke Plaintiff.

vs. Chancery.

Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick, and W. J. Kendrick

Defendants.

The object of this suit is to obtain specific performance of two certain contracts for the sa'e of twenty-two acres, more or less of land lying in and near the town of Honaker, Va., ounded on the North and West sides by D. O. Clarke, on the East side by Henry D. Lockhart nd on the South side hy J. M. Kendrick and H. D. Aston, one of said contracts bein from Rebecca Davis to E. A. Kendrick and the other from E. A. Kendrick to J. M Kendrick; to ascertain and determine the interests of the parties in said land and to quiet the title thereto. And it appearing by affidavit duly filed that George D. Kendrick, S. P. Kendrick, and H. D. Kendrick, are non-residents of this State, it is therefore ordered that the said George D. Kendrick, S. P. Kendrick and H. D. Kendrick do appear here within fifteen days after due publication of this notice and do whatever may be necessary to protect their interests in this suit.

Teste:

R. R. SMITH, Clerk.

By. A. P. GOMER, D. C.

A Copy Teste:

R. R. SMITH, CLERK,

By A. P. GOMER, D. C.

A. B. DICKENS, p. q.

Nov. 19-4ts.

In the Clerk's Office of the Circuit Court of Nansemond County. November 11th, 1909.

M. O. Burke Plaintiff.

vs. Chancery.

Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick, and W. J. Kendrick

Defendants.

The object of this suit is to obtain specific performance of two certain contracts for the sale of twenty-two acres, more or less of land lying in and near the town of Honaker, Va., ounded on the North and West sides by D. O. Clarke, on the East side by Henry D. Lockhart nd on the South side by J. M. Kendrick and H. D. Aston, one of said contracts bein from Rebecca Davis to E. A. Kendrick and the other from E. A. Kendrick to J. M Kendrick; to ascertain and determine the interests of the parties in said land and to quiet the title thereto. And it appearing by affidavit duly filed that George D. Kendrick, S. P. Kendrick, and H. D. Kendrick, are non-residents of this State, it is therefore ordered that the said George D. Kendrick, S. P. Kendrick and H. D. Kendrick do appear here within fifteen days after due publication of this notice and do whatever may be necessary to protect their interests in this suit.

Teste:

R. R. SMITH, Clerk.

By. A. P. GOMER, D. C.

A Copy Teste:

R. R. SMITH, CLERK,

By A. P. GOMER, D. C.

A. B. DICKENS, p. q.

Nov. 19-4ts.

Office of SUFFOLK HERALD.

SUFFOLK, VA., March 31 *19*10

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 November 19/09 *and ending* December 10/09

W. J. Kendrick

Editor Herald

A. B. DICKINSON,
ATTORNEY AT LAW.
SHAFER BUILDING,
RICHMOND, VA.

Dec. 13th 1909.

Mr. R. R. Smith,
Suffolk, Va.

Dear Sir;

Referring to the attached please issue alias summons for Marcus Davis directed to Sheriff of Dickenson County, & oblige,

Yours Very Truly,
A. B. Dickinson

Alias issued
Dec 14/09

DICKENSON COUNTY

T. J. FLEMING, SHERIFF
DEALER IN
STAVES AND LUMBER

CLINTWOOD, VA., Dec 11th 1909

R.R.Smith Clerk,

Suffolk,va.

Dear Clerk-:

I Am returning the summons for Marcus Davis, not executed on the account of being away I have just returned from the south with A Horse thief and did not have time to execute same.

So please prepare papers for your next Rules Day and I Will execute same.

I Remain Yours Very Truly

T J Fleming

Burke vs. Davis rals.

R.B.Dickenson Esq
Richmond Va

Note the above and advise me what to do - shall I issue alias summons -

Yrs truly
R. R. Smith, Clerk cc

Suffolk Va
Dec 10/09

A. B. DICKINSON,
ATTORNEY AT LAW.
SHAFER BUILDING,
RICHMOND, VA.

October 26th. 1909.

R. R. Smith, Clerk &c.

Suffolk, Va.

Dear Sir;

I am inclosing you in this memorandum for suit, bill and three exhibits, affidavit for order of publication, and order of publication.

Please direct and send the process as follows;

For W. J. Kendrick to sheriff of Nansemond County;

For Walter Davis, Kyle Davis, Lizzie K. Jones, Mrs. E. C. Kendrick, and T. J. Kendrick to sheriff of Russell County; $2.50

For Marcus Davis to sheriff of Dickenson County; .50

For J. T. Kendrick to sheriff of Tazewell County; and .50

For Maggie K. Hutton and Eliza C. Kendrick to Sergeant of Roanoke. 1.00

The other three defendants, viz; George D. Kendrick, S. P. Kendrick and H. D. Kendrick, are non-residents and I am sending you the affidavit and order of publication to be issued against them.

I am also inclosing you in this my check for $10:00 on account of costs, and I would thank you to inclose with the process sent to the officers for service their fees for serving the process.

Your's Very Truly,

A. B. Dickinson

State of Virginia,

Circuit Court of Nansemond County:

M. O. Burke,

vs: In Chancery.

Walter Davis, et als.

The object of this suit is to obtain specific performance of two certain contracts for the sale of twenty two acres, more or less, of land lying in and near the town of Honaker, Va., bounded on the North and West sides by D. O. Clarke, on the East side by Henry D. Lockhart and on the South side by J. M. Kendrick and H. D. Aston, one of said contracts being from Rebeca Davis to E. A. Kendrick and the other from E. A. Kendrick to J. M. Kendrick; to ascertain and determine the interests of the parties in said land and to quiet the title thereto. And it appearing by affidavit duly filed that George D. Kendrick, S. P. Kendrick and H. D. Kendrick are non-residents of this State, it is therefore ordered that the said George D. Kebdrick, S. P. Kendrick and H. D. Kendrick do appear here within fifteen days after due publication of this notice and do whatever may be necessary to protect their interests in this suit.

Teste: R R Smith Clerk.
By A P Gomer D.C

Nov 13th Copy of Order of Publication posted at the Courthouse door this day and One Sent to the Suffolk Herald for publication

M. O. Burke

vs } Order of Publication -

Walter Davis et als.

In the Clerk's Office 11

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

November the 11th 1909.

M. O. Burke, Plaintiff,

vs:

Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, W. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick, Defendants.

To

R. R. Smith, Clerk,

Please issue process in accordance with the above memorandum returnable to 1st. December Rules.

A. B. Dickinson p.q.

Octo.26th. 1909.

Tax $1.50
Received Novr 11th 1909 with Check for $10.00.

M. O. Burke

vs. } Memorandum,

Walter Davis et als.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Waller Davis Kyle Davis, Marcus Davis George D Kendrick S P Kendrick J T Kendrick, Lizzie K Jones Mrs E E Kendrick T J Kendrick Maggie K Hutton N D Kendrick Eliza C Kendrick and W J Kendrick

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 December 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M O Burke

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 11th day of November, 1909, in the 134th year of the Commonwealth.

A copy—Teste:

....., CLERK.

Teste: R R Smith CLERK.

By L P Gomey D.C

A B Dickinson ..... p. q.

M O Burke

vs. } In Chancery.

Walter Davis
and others

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~NANSEMOND~~ Tazewell COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH. Clerk of our said Court, at his office, this 11th day of November, 1909, in the 134th year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste: R. R. Smith, CLERK.

By A. P. Stoney D.C.

A B Dickinson p. q.

M O Burke

vs. } In Chancery.

Walter Davis
and others

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

504 Chest. Seal

Entered on p. 77
Nansemond by deleting
from o Jan o
copy of the petition
summons in Chan.
in Johnson county
when the same is
Nansemond county
Dec. Mar 16th 1909
8 & 7 Norman
Clerk of Johnson Co

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~NANSEMOND~~ Russell COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 11th day of November, 1909, in the 134th year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste: R R Smith, CLERK.

By A P Gomey D.C

Original

A B Dickinson p. q.

M O Burke

vs. } In Chancery.

Walter Davis
and others

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

257

In vacation in Chancery
in the circuit Court of
Nansemond County Va
Jones Ford & Co
vs
Walter Davis & Co
Decree

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~NANSEMOND~~ Dickenson COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 11th day of November, 1909, in the 134th year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste: R R Smith, CLERK.

By D Stoner D.C

A B Dickinson p. q.

vs. } In Chancery.

W M O Burke

Walter Davis

and others

19 09

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

50

Alias

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~NANSEMOND~~ Dickenson COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON We command you, as at another time we have commanded you, that you summon Marcus Davis, Walter Davis, Kyle Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH. Clerk of our said Court, at his office, this 14th day of December 1909, in the 134th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

R. R. Smith

By M. M. Watkins D.C.

CLERK.

Alias

A.B. Dickinson, p. q.

M. O. Burke

vs. } In Chancery.

Walter Davis & others

1909-

December Rules.

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

Suffolk, Va.

Rec'd 12/26/09.

Executed by delivering a true copy of this Subpoena to Walter Davis within Summons & Subpoena on December 20th 1909

Dickenson Deputy Sheriff of Nansemond County Virginia

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 11th day of November, 1909, in the 134 year of the Commonweath.

A copy—Teste:
R R Smith, CLERK.
By A P Gomey D.C

Teste:
R R Smith, CLERK.
By A P Gomey D.C

A B Dickerson p. q.

A Copy for

vs. } In Chancery.

S P Kendrick

Non-Resident

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Mareus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office. this 11th day of November, 1909, in the 134th year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A P Gomey D C

Teste:
R R Smith, CLERK.
By A P Gomey D C

A B Dickerson p. q.

A Copy for

vs. } In Chancery.

George D Kendrick

Non-resident

19 09

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 11th day of November, 1909, in the 134th year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A P Gomey D.C

Teste:
R R Smith, CLERK.
By A P Gomey D.C

C. F. B. Dickenson p. q.

A Copy for

vs. } In Chancery.

W. D. Kendrick

Non-Resident

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ~~NANSEMOND~~ Dickinson COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this 11th day of November, 1909, in the 134th year of the Commonwealth.

A copy—Teste:
R R Smith, CLERK.
By A P Gomey DC

Teste:
R R Smith, CLERK.
By A P Gomey DC

A B Dickinson p. q.

A Copy for

vs. } In Chancery.

Marcus Davis

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ the City of Roanoke GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 11th day of November, 1909, in the 134th year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste: R. R. Smith, CLERK.

By A. C. Gomer D.C.

Orig.

A B Dickerson p. q.

M O Burke

vs. } In Chancery.

Walter Davis

and others

1909

December Rules.

First Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No. 3

Page 77

Sc Ca & Return

100

Elizabeth C

K

Executed in the City of Roanoke Va by handing Copies hereof, on this the 15th day of November 1909, to Mrs. Maggie K. Sutton and Mrs. Elizabeth C. Kendrick, the person designated within as Eliza C. Kendrick, (in person) the only defendants named within, residing in my bailiwick.

J. R. Tillett.

Sgt. City of Roanoke Va

Fee $1.00

Ten Per Cent. will be Charged on all Collections Under $100 Unless Special Agreement is Made Otherwise

JAMES E. JORDAN,
JOHN R. COCKEY,
G. C. GRIFFIN. } DEPUTIES.

Suffolk, Va., 11/13 1909

Mr. A B Dickinson Dr.

TO A. H. BAKER

Sheriff of Nansemond County

M L Burke vs. Walter Davis

OFFICE—No. 616 MAIN STREET.

	Collected on Claim	Collected on Costs
Judgment,	Amt. Judgment, $	
Interest,		
Clerk's Fee,		
Attorney's Fee,		
Sheriff's Fee—Executing Process,	/ pd Nov 15th 1909.	50 /
Sheriff's Commissions,		
Juscice's Fee,		
Expense of Sale,		
Summoning Witnesses,		
Returning Execution.		
Levy Made,		
Taking Bond,		
To Cost		

Day of , 190 , Received payment,

Sheriff.

Deputy.

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. C. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this ..... day of ....., 19....., in the 13..... year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste:

....., CLERK.

.....p. q.

.....

.....

vs. } In Chancery.

.....

.....

19.....

.....Rules.

.....Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No.....

Page.....

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this ..... day of ....., 19....., in the 13..... year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste:

....., CLERK.

.....p. q.

.....

.....

vs. } In Chancery.

.....

.....

19.....

.....Rules.

.....Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No.....

Page.....

CHANCERY SUMMONS.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Davis, Kyle Davis, Marcus Davis, George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, H. D. Kendrick, Eliza C. Kendrick and W. J. Kendrick

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 December, 1909, to answer a Bill in Chancery, exhibited against them in the said Court by M. O. Burke

And have then and there this summons.

Witness. R. R. SMITH, Clerk of our said Court. at his office, this ..... day of ....., 19..., in the 13... year of the Commonweath.

A copy—Teste:

....., CLERK.

Teste:

....., CLERK.

..... p. q.

.....

.....

vs. } In Chancery.

.....

.....

.....

19.....

.....Rules.

.....Monday.

NANSEMOND CIRCUIT COURT.

Process Book, No.....

Page.....

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

M. O. Burke, Plaintiff,

vs:

Walter Davis, et als., Defendants.

The Undersigned Special Commissioner begs leave to respectfully report to the Court that in obedience to requiremqnts of the decree of the Honorable Court entered in the above entitled cause on the 14th. day of March, 1910, he has executed, acknowledged and delivered to M. O. Burke a deed with special Warranty conveying to him all the right, title and interest, both at law and in equity, of Rebeca Davis and of E. A. Kendrick in and to all that certain tract or parcel of land lying and being in the County of Russell in the State of Virginia and in and adjacent to the town of Honaker in said County, containing sixteen (16) acres, more or less, which is fully described, and the boundaries of which, are fully set out in said decree herein of March 14th. 1910.

Respectfully submitted,

March 16th 1910.

N. B. Dickinson
Special Commissioner.

M. O. Burke,

vs. } Report of A. B. Dickinson, Sp. Comr. dated March 16th 1910.

Walter Davis, et als.

1910 March 17th. filed.

Everett Waddey Co. Bookbinders and Printers Richmond, Va. } Form No. 404.

Farewell

To J. T. Kendrick

Take notice that I shall, on the 23rd day of February 1910, at the office of A. L. Halladay, No. 1014 E. Main St., Richmond, Va., between the hours of 9 A. M. and 7 P. M., on that, proceed to take the depositions of M. O. Burke and others, to be read in evidence in my behalf, in a certain suit in Equity depending in the Circuit court for the County of Nansemond wherein you are defendant and I am plaintiff and if from any cause, the taking of the said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed. Very respectfully,

M. O. Burke
by Counsel.

A. B. Dickinson, p. q.

Form No. 404

M. O. Burke

vs. } NOTICE TO TAKE DEPOSITIONS

Walter Davis et als

A. B. Dickinson p. q.

Executed on J. Y. Kendrick by delivering him a true copy of the within notice in Tazewell County Va whereon said J. Y. Kendrick resides this Feb 5th 1910
S. S. T. Harman
Sheriff of Tazewell County Virginia

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 404.

To Walter Davis, Kyle Davis, Lizzie K. Jones Mrs. E. L. Kendrick, and J. J. Kendrick,

Take notice that I shall, on the 23rd day of February 1910, at the office of A. L. Halladay, No. 1014 E. Main St. Richmond, Va.,

between the hours of 9 A. M. and 7 P. M., on that day, proceed to take the depositions of M. O. Burke and others, to be read in evidence in my behalf, in a certain suit in Equity depending in the Circuit court for the County of Nansemond wherein you are defendants and I am plaintiff

and if from any cause, the taking of the said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed. Very respectfully,

A. B. Rawlinson, p.q.

M. O. Burke
by Counsel

FORM NO. 404.

M. O. Burke

vs. } NOTICE TO TAKE DEPOSITIONS.

Walter Davis & als.

A. B. Dickinson p. q.

Lenora
Walter Davis
Lyle Davis
Lizzie R. Jones
Mrs S.C. Kendrick
J. J. Kendrick.

Ex contra a walter Davis et al
Lizzie Lenora et al. Kindrick
et Bond & Ad. mal p Loss of Abstract
Vendor's Lien Note, Deed of Trust, Bond
Abstract & Deed to Land. Kindrick Ho Bond
Land Plaintiffs Original Petition Ho Bond
Land Plaintiffs Original Petition Ho Bond

Everett Waddey Co.
Bookbinders and Printers
Richmond, Va. } Form No. 404.

To Marcus Davis

Take notice that I shall, on the 23rd day of February, 1910, at the office of A. L. Halladay, No. 1014 E. Main St. Richmond, Va., between the hours of 9 A. M. and 7 P. M., on that, proceed to take the depositions of M. O. Burke and others, to be read in evidence in my behalf, in a certain suit in Equity depending in the Circuit court for the County of Nansemond wherein you are defendant and I am plaintiff

and if from any cause, the taking of the said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed. Very respectfully,

M. O. Burke
Dep Counsel.

A. B. Dickinson, Esq.

Form No. 404

M. O. Bunker

vs. } NOTICE TO TAKE DEPOSITIONS

Walter Davis et als.

A. B. Dickinson p. q.

I, T. J. Fleming sheriff of Dickenson County, Virginia hereby certify that on the 7th day of February 1910 I posted a true copy of within notice at the front door of the usual place of abode of said Marcus Davis in my said County, neither he, nor his wife, nor any member of his family above the age of sixteen years being found at his said place of abode.

Given under my hand this 7th day of Feb. 1910

T. J. Fleming Sheriff

Everett Waddey Co.
Bookbinders and Printers
Richmond, Va. } Form No. 404.

To Maggie K. Hutton, and Eliza A. Kendrick

Take notice that I shall, on the 23rd day of February 1910.
at the office of A. L. Halladay, No. 1014 E. Main St,
Richmond, Va.
between the hours of 9 A. M. and 7 P. M., on that, proceed to take the depositions
of M. O. Bunker and others, to be read in evidence in my behalf,
in a certain suit in Equity depending in the Circuit court for the County
of Nansemond wherein you are defendants
and I am plaintiff
and if from any cause, the taking of the said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed. Very respectfully,

A. B. Dickinson, P.Q.

M. O. Bunker
Ley Counsel

Orig.

Form No. 404

M. O. Burke

vs. } NOTICE TO TAKE DEPOSITIONS

Walter Davis et als

A. B. Dickinson p. q.

Executed on the within named Mrs. Maggie K. Hutton & Eliza C. Kendrick on Feb. 1st 1910 by handing each of them a true copy hereof in Roanoke Virginia where they reside

S. B. Huff D. S.
for J. R. Tillett
S. C. R.

Fee 1.00

Everett Waddey Co.
Bookbinders and Printers
Richmond, Va. } Form No. 404.

To W. J. Kendrick

Take notice that I shall, on the 23rd day of February 1910.
at the office of A. L. Halladay, No 1014 E. Main St.
Richmond, Va.
between the hours of 9 A. M. and 7 P. M., on that, proceed to take the depositions
of M. O. Burke and others, to be read in evidence in my behalf,
in a certain suit in Equity depending in the Circuit court for the County
of Nansemond wherein you are defendant
and I am plaintiff
and if from any cause, the taking of the said depositions be not commenced on that day, or if commenced, be not concluded on that day, the taking of the same will be adjourned and continued from day to day, or from time to time, at the same place and between the same hours, until the same shall be completed. Very respectfully,

N. B. Dickinson, p.q.

M. O. Burke
by Counsel.

Form No. 404

M. O. Burke

vs. } NOTICE TO TAKE DEPOSITIONS

Walter Davis et als.

R. B. Dickinson p. q.

I acknowledge legal service of the within notice—

Feb 7/10

W. J. Kennerly

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

M. O. Burke, Plaintiff,

vs:

Walter Davis, et als., Defendants.

This cause came on this day to be further heard on the papers formerly read and on the report of A. B. Dickinson, Special Commissioner, dated on the 16th. day of March 1910 and this day filed by leave of Court and was argued by counsel.

On consideration whereof the Court doth approve and confirm said report, and doth ratify, approve and confirm the action of said Special Commissioner therein reported and the deed reported to have been made by him.

And the objects of this suit having been fully accomplished it is ordered that the same be stricken from the docket and placed among the ended causes of this Court.

M. O. Burke

vs } Final Decree.

Walter Davis, et als.

I ask for this decree -
A. B. Dickinson for
Complainant -

Entered March 17th.
1910.

James L. McLemore

Entered in Chancery
Order Book No. 4. Page 408

This deed made this eleventh day of October, 1889, between John M. Kendrick and Elizabeth Catherine Kendrick, his wife, of the County of Russell, State of Virginia, parties of the first part, and Dora Kendrick Burke, of said County and State, party of the second part WITNESSETH that the said parties of the first part, in consideration of the sum of ($1000:00) One Thousand Dollars in hand paid to said parties of the first part by said party of the second part, the receipt of which is hereby acknowledged, have this day bargained and sold and do hereby grant and convey unto Dora Kendrick Burke during her natural life and at her death unto Madison O. Burke, his heirs and assigns to have and hold forever, but should the said Dora Kendrick Burke survive the said Madison O. Burke, unto said Dora Kendrick Burke, her heirs and assigns, to have and hold forever, the following tract or parcel of land,lying in the town of Honaker, County of Russell, State of Vriginia: Beginning at John Lockhart's corner on D. O. Clark's line near an apple tree south of Railroad and running with said Lockhart's line N 80° E 5 chains 40 links to W. J. Kendricks corner, thence S 4° 30' E 3 chains 13 links to centre of branch W. J. Kendrick's corner and with his line down the branch N 88° E 5 chains 53 links to centre of road in branch near Wm. R. Davis's corner, thence S 34° 15' W 93 links to centre of road, thence S 56 W 2 chains 64 links to side of road, thence S 11° 30' W 2 chains 77 links to stake in road in front of the Red Flag store thence S 65° 15' E 2 chains 14 links to middle of the road, thence S 37 E 73 links to centre of road thence S 34° 30' W 4 chains up the hill to the top of a small knob, thence S 16° E 5 chains 63 links over high knob to Wm. R. Davis's line cornering on that line 2 chains and 55 links from a large oak snag above the cabin in the gap, thence with the lines of Wm. R. Davis to D. O. Clark's corner on a high knob, thence with D. O. Clarks line to the beginning, containing Sixteen acres, be the same more or less.

To have and to hold forever together with all the appurtenances therein contained except a store house known as the Red Flag store in which the said Madison O. Burke Anna E. Kendrick and Mary Lee Kendrick are to sell goods in partnership until such partnership is dissolved, and when such partnership is dissolved then said store house is to become the property of the grantees aforesaid upon the payment of two thirds of the original cost of said house to said Anna E. Kendrick and Mary Lee Kendrick by grantees.

The parties of the first part retain a right of way to run a water pipe from the spring near store to the dwelling house of W. J. Kendrick and College lot, said Pipe to damage or interfere in no way the spring and to be buried so as not to interfere with cultivation of land. In testimony whereof the said parties of the first part have set their hand and seal the day and year first above written.

(Signed) J. M. Kendrick (Seal)

(Signed) Elizabeth C. Kendrick (Seal)

State of Virginia,

County of Russell;

I, H. Honaker, a Justice of the Peace in and for the County aforesaid and State of Virginia certify that John M. Kendrick and Elizabeth Catherine Kendrick whose names are signed to the foregoing writing bearing date on the 11th. day of October 1899 have acknowledged the same before me in my County aforesaid. Given under my hand and seal this the 14 day of October 1899.

(Signed) H. Honaker. J. P. (Seal)

J. M. Kendrick & wife
To } Copy of
Deeds.
M. O. Burke.

M. O. Burke
vs } Exhibit "B" with
the Bill.
Walter Davis & als

An article of agreement made and entered into this the 25 day of August 1877 By and Between E. A. Kendrick and J. M. Kendrick. The Said E. A. Kendrick doth bargain and sell to the said J. M. Kendrick a certain tract of land lying in New Garden, Russell County Va.and bounded as follows On the West by D. O. Clark's line & on the East by H. D. Lockhart & John Davis lines and on the South by J. M. Kendrick & H. D. Aston lines including the dwelling house where Susan Lockhart now lives containing Twenty Two acres by survey be the same more or less for the sum of Six Hundred Dollars to be paid as follows Three Hundred Dollars to be paid to Dr. Campbell on notes exicuted by me, on which notes J. M. Kendrick is my endorser, and the balance, Three Hundred Dollars to be paid to my wife, E. C. Kendrick in twelve months from this date and when the purchast money is fully paid I bind myself heirs &c. to make said Kendrick a good & suficient deed to said land.

Given under my hand and seal the date above written.

Signed E. A. Kendrick (Seal)

Attest. Jaheal Jackson.

E. A. Kendrick

To. } Copy of Title Bonds

J. M. Kendrick

M. O. Burke

vs } Exhibit "B" with the Bill.

Walter Davis et al-

This contract made this the 10th. day of March 1876 with Rebeca Davis of the first part & E. A. Kendrick of the second part; the party of the first part sells to the party of the second part a parsell or piece of land containing Twenty two acres where Mrs. Lockhart now lives bounded as follows; on the North & West by the lands of D. O. Clarke & on the West J. M. Kendrick and W. D. Aston and on East by the lands of Rebeca Davis this is my interest in the widows dowery for the sum of Two Hundred and fifty dollars, One Hundred and Twenty five dollars paid, and the balance, one hundred & Twenty five dollars, paid in twelve months and I this day execute my note for the amount and when his amt is fully paid I bind myself here to make a good and suficient deed to said land given under my hand and seal the date and year above written.

(Signed) Rebeca Davis (Seal)

Thos. J. Lockhart.

Rebecca Davis

To } Copy of Title Bonds

E. A. Kendrick

M. O. Burke

vs. } Exhibit "A" with Bill.

Walter Davis et als.

The depositions of M. O. Burke and others, taken before me, Maurice A. Powers, a Notary Public in and for the City of Richmond, in the State of Virginia, on the 23rd day of February, 1910, at the office of Addison L. Holladay, No. 1014 East Main Street, Richmond, Virginia, between the hours of 9:00 A. M. and 7:00 P. M., to be read as evidence in behalf of the complainant in a certain suit in equity pending in the Circuit Court of Nansemond County, wherein M. O. Burke is complainant and Walter Davis and others are defendants, said depositions being taken pursuant to the notice hereto annexed.

Present:

A. B. Dickinson, for the complainant.

No counsel for the defendants, or either of them.

W. J. KENDRICK, a witness of lawful age, being first duly sworn, deposes and says as follows in answer to questions:

1st Q. by A. B. Dickinson.

Mr. Kendrick, please state your name, age, residence and occupation.

Ans. W. J. Kendrick, Suffolk, Virginia, age forty four, editor of a newspaper.

2nd Q. State whether you are related to the E. A. Kendrick and J. M. Kendrick mentioned in the bill and proceedings of this cause and, if so, what that relationship is.

Ans. I am a nephew of E. A. Kendrick and the son of J. M. Kendrick.

3rd Q. Please state where you resided prior to 1902.

Ans. Honaker, Virginia.

4th Q. Was that or not in the same neighborhood in which Mrs. Rebecca Davis resided?

Ans. It was.

5th Q. Do you know or did you ever hear of any claim being made by

Mrs. Rebecca Davis or her personal representative that any balance was due, or claimed to be due, her by Mr. E. A. Kendrick on account of the purchase price of the land involved in this suit?

Ans. I do not.

6th Q. You have known this land all your life, have you not?

Ans. Yes, sir.

7th Q. Who was in possession ofit and claimed to be the owner of it when you first knew it?

Ans. It was in the possession of my uncle, Mr. E. A. Kendrick, and his family, who claimed to be the owners of it.

8th Q. It appears that on the 25th day of August, 1877, E. A. Kendrick executed a title bond to the land involved in this cause to J. M. Kendrick for the sum of six hundred dollars, to be paid for as follows: three hundred dollars to be paid to Dr. Campbell on notes executed by Mr. E. A. Kendrick, and on which J. M. Kendrick was the endorser, and the balance of three hundred dollars to be paid to his wife, Mrs. E. C. Kendrick. Please say if you know whether or not Mr. J. M. Kendrick paid the six hundred dollars due Mr. E. A. Kendrick on account of the purchase price of this land.

Ans. Yes, sir, I do. I know that he paid it.

9th Q. Please state whether or not Mr. J. M. Kendrick took possession of the land involved in this suit and held possession of it, and if so, about how long.

Ans. I know that he did take possession of it and held possession of it about twenty or twenty five years.

10th Q. While Mr. J. M. Kendrick held it, did he or not claim to be the owner of it?

Ans. He did and cultivated the land.

11th Q. Do you know whether Mrs. Rebecca Davis is still living?

Ans. I know that she is dead.

12th Q. State who her heirs at law are.

Ans. Marcus Davis, Walter Davis and Carroll Davis.

13th Q. Say whether or not Mr. E. A. Kendrick is still living, and state who his heirs at law are.

Ans. E. A. Kendrick is dead and his heirs at law are J. T. Kendrick, T. J. Kendrick, Mrs. Lizzie Jones, S. P. Kendrick and G. D. Kendrick, and his widow, Mrs. E. C. Kendrick.

14th Q. Did Mr. E. A. Kendrick leave any will that you ever heard of?

Ans. No, sir.

15th Q. Please state whether your father, J. M. Kendrick, is still living and, if not, who are his heirs at law.

Ans. My father is dead and his heirs at law are his widow, Mrs. Eliza C. Kendrick, Mrs. Maggie K. Hutton, a daughter, W. J. Kendrick and H. D. Kendrick, sons.

16th Q. Did you father leave a will, so far as you know?

Ans. No, sir.

17th Q. Please state if you know where George D. Kendrick and S. P. Kendrick are now living.

And. In Kentucky.

18th Q. Please state if you know where Mr. H. D. Kendrick is now living.

Ans. Bluefield, West Virginia.

19th Q. Please state whether or not your mother and father conveyed to you one acre of this land.

Ans. Yes sir.

20th Q. Do you know whether or not they conveyed one acre to your sister, Maggie K. Hutton?

Ans. Yes, sir.

And further this deponent saith not.

W. J. Kendrick

DR. M. O. BURKE, a witness of lawful age, being introduced in his own behalf, deposes and says as follows in answer to questions:

1st Q. Doctor, you are the complainant in this cause, are you not?

Ans. I am.

2nd Q. State what connection, if any, you were of Mr. J. M. Kendrick and whether or not you qualified as his administrator.

Ans. I was son-in-law of Mr. J. M. Kendrick and qualified as his executor.

3rd Q. I have before me a title bond executed by Mrs. Rebecca Davis, another executed by E. A. Kendrick, another executed by Mrs. E. C. Kendrick and a memorandum of agreement executed by Everett S. Kendrick upon the back of which is written an assignment by Mrs. Eliza C. Kendrick. State whether or not you delivered these papers to me and how they came into your possession, so far as you know.

Ans. I did deliver them to you and they came into my possession as administrator of Mr. J. M. Kendrick's estate.

4th Q. The land involved in this controversy consists of twenty-two acres, more or less, lying in or near the town of Honaker, Virginia, and bounded on the north and west sides by the lands of D. O. Clark, on the east side by the lands of Henry D. Lockhart and on the south side by the lands of J. M. Kendrick and H. D. Aston. Please state to whom this land belonged when you first knew of it.

Ans. It belonged to Mr. J. M. Kendrick.

5th Q. Do you know whether or not it was a part of the land of which John Lockhart died seized and possessed?

Ans. I know it was said to have been and that was my understanding that it was.

6th Q. Do you know to whom it was allotted in the division of his

estate?

Ans. To the best of my information and belief it was allotted to Mrs. Rebecca Davis.

7th Q. I now hand you a title bond executed by Mrs. Rebecca Davis to E. A. Kendrick and ask you to file it as Exhibit M. O. B. No. 1 with your deposition, and say whether or not the land described in that title bond is the land involved in this suit.

Ans. It is, and I herewith file it as Exhibit M. O. B. No. 1 with this deposition.

8th Q. Said title bond recites that it was in consideration of two hundred and fifty dollars then paid and a balance of one hundred and twenty five dollars to be thereafter paid. Please state whether to the best of your knowledge, information and belief that one hundred and twenty five dollars was subsequently paid.

Ans. To the best of my knowledge and belief it has been paid and it has been so stated to me by Mr. T. J. Kendrick, son of Mr. E. A. Kendrick, that this sum of one hundred and twenty five dollars was paid.

9th Q. State whether or not you knew the parties, when you first knew them and whether since that time any claim has ever been made to you, as administrator, or any other person that said one hundred and twenty five dollars was unpaid.

Ans. I have known some of the parties since 1891. No claim has ever been made, so far as I know, that the purchase money has not been paid.

10th Q. Mrs. Rebecca Davis had died before you moved into that section of the country?

Ans. Yes.

11th Q. It has been testified to that Mrs. Davis left as her heirs at law her three sons. State whether you knew them and if you have ever had any business dealings with them, and whether they or anyone else has ever intimated that this one hundred and twenty-

five dollars was unpaid.
Ans. I have had business with all of her sons and it has never been intimated to me that the money has not been paid. I am renting some of the adjoining property to one of her sons now.
12th Q. Please state whether to the best of your knowledge, information and belief Mr. E. A. Kendrick took possession of the land involved in this suit under the title bond executed by Mrs. Davis.
Ans. So far as I know or have been informed, he did.
13th Q. I now hand you a title bond executed by Mr. E. A. Kendrick to J. M. Kendrick, dated the 25th day of August, 1877, and ask you to file it as Exhibit M.O.B. No. 2 with your deposition, and state whether or not the land described therein is the land involved in this suit.
Ans. I file it as Exhibit M.O.B. No. 2 with this deposition and the land described therein is the land involved in this suit.
14th Q. Please state whether or not the purchase price therein mentioned has to the best of your information, knowledge and belief been paid by Mr. J. M. Kendrick to Mr. E. A. Kendrick or his representatives or assigns.
Ans. The amount going to Dr. Campbell I know was paid to him and his associate, who was Dr. Johnston, and the balance was paid to Mrs. E. C. Kendrick.
15th Q. Please state whether to the best of your knowledge and belief Mr. J. M. Kendrick took possession of the land involved in this suit under said title bond.
Ans. I know that he did and that he had it in his possession and under cultivation in 1891 and since then until he conveyed it to his wife, and it has been in her possession since that date with the exception of the amount conveyed to other parties by her.
16th Q. I now hand you a certified copy of a deed from J. M. Kendrick to Elizabeth Catharine Kendrick, which I ask you to file as exhibit M.O.B. No. 3 with your deposition and say whether or not

the land described therein is the land involved in this suit.
Ans. It does describe the land involved in this suit and some other land adjoining it, and I herewith file it as Exhibit M.O.B. No. 3 with my deposition.
17th Q. As I understand you then, this deed conveys not only the land in controversy but also some other land adjoining which is not involved in this suit?
Ans. Yes, sir.
18th Q. I now hand you a deed bearing date on the 11th day of October, 1899 from John M. Kendrick and Elizabeth Catharine Kendrick, his wife, to Dora Kendrick Burke and Madison O. Burke, which I ask you to file as Exhibit M.O.B. No. 4 with this deposition and state whether or not the land therein described is the tract of land involved in this suit, and also whether or not you are the Madison O. Burke mentioned in that deed.
Ans. I herewith file the deed as Exhibit M.O.B. No. 4 with this deposition. The land described in this deed is a part of the land involved in this suit and I am the same Madison O. Burke mentioned in this deed.
19th Q. You stated that the deed from Elizabeth Catharine Kendrick and her husband to Dora Kendrick Burke and yourself conveyed only a portion of the land involved and described in the bill and proceedings in this cause. The deed itself calls for sixteen acres. Please state, if you know, what became of the rest of the twenty-two acres.
Ans. One acre of this land was sold to W. J. Kendrick, one acre was sold to Maggie K. Hutton and the remainder still belongs to Mrs. Elizabeth Catharine Kendrick.
20th Q. Please state if you know who were the heirs at law of Mrs. Rebecca Davis.
Ans. Her three sons, Marcus Davis, Walter Davis and Kyle Davis, and her husband, John Davis, who has since died.

21st Q. So far as you know, did E. A. Kendrick leave a will?

Ans. He did not, so far as I know.

22nd Q. Who were his heirs at law?

Ans. His widow, Mrs. E. C. Kendrick, his four sons, T. J. Kendrick, J. T. Kendrick, S. P. Kendrick, George D. Kendrick and Mrs. Lizzie Jones.

23rd Q. Please state whether or not J. M. Kendrick left a will and state who are his heirs at law.

Ans. He did not leave a will. His heirs at law are his wife, Mrs. Elizabeth Catharine Kendrick, Mrs. Maggie K. Hutton, W. J. Kendrick and H. D. Kendrick.

24th Q. You have known this property, as I understand then, for about twenty years, and that since that time J. M. Kendrick and those claiming under him have been in full, complete and continuous adverse possession of this property up to the present time and still are.

Ans. Yes, sir.

And further this deponent saith not.

M O Burke

State of Virginia)
) to-wit:
City of Richmond)

I, Maurice A. Powers, a Notary Public in and for the City of Richmond in the State of Virginia do hereby certify that the foregoing depositions of M. O. Burke and W. J. Kendrick were duly taken, sworn to and, after being transcribed by the stenographer, subscribed before me at the time and place and for the purposes mentioned in the caption hereto.

My commission expires on March 28, 1911.

Given under my hand this 7th day of March, 1910.

Fee $4.00 Paid Offtt

Maurice A Powers
Notary Public.

M & B No 1 c

This Contract made this the 10 day of March 08 between Rebecca Davis of the first part & A Lockhart of the second part the party of the first part sells the party of the second part a certain piece or parcel of land containing Twenty five acres more or less bounded as follows on the North West by the lands of D Clark on the west J M Murdock & H E Aston and on East by the lands of Rebecca Davis this is my entire [illegible] for & in consideration of Two Hundred & fifty Dollars Two Hundred & Twenty four Dollars paid, and the balance one hundred & twenty five Dollars paid in twelve months and I this day execute my note for the amount and when the same is fully paid I bind myself heirs to make a good and perfect deed to said land given under my hand & Seal the date & year above written

Rebecca Davis (Seal)

Thos J. Lockhart

M O Burke
v
Walter Davis
Ex. M O B. No 1
with Plaintiffs depos.

M O B 202

This Article of Agreement made and entered into
this the 25 day of August 1877 by and
between E. A. Kendrick & J. M. Kendrick
the said E. A. Kendrick party of the first part
and the said J. M. Kendrick a certain
tract of land lying in New Garden
Guilford County NC and bounded as
follows, On the west by D. A. Clarks line
& on the east by A. D. Peckhart & John Doris
Lines and on the South by J. M. Kendricks
& A. D. Clarks line including the dwelling
house where Hannah Lee now lives
and on the North by the Old Plank Road
to the corner of Lot to be laid off
to the said J. M. Kendrick and the said
party of the first part for the sum
of Six Hundred Dollars to be paid
as follows Three Hundred Dollars
to be paid to D. A. Clarke on Notes
executed by me on which notes J. M.
Kendrick is my endorser and the
Balance Three Hundred Dollars to be
paid to E. A. Kendrick in
twelve Months from this date and
when the said Notes are paid
I bind myself to make said Kendrick
a good & sufficient deed to said land
Witness my hand & seal the date
above written

E. A. Kendrick (Seal)

Witness Peter Clarkson

Virginia In the Clerks office of
Russell County Court the 4th day
of August 1899.

The foregoing Contract
from E. A. Kendrick to J. W. Kendrick
bearing date on the 25th day of
August 1877 Was this day presented
in the Clerks office aforesaid and
With the Name of the Subscribing
Witness thereto annexed Admitted
to record

Teste:

A. B. Eaglemon
D.C

1899 Aug - 4th
Admitted to record -
Teste: A. B. Eaglemon Clk
$1.75 Taxes.

Circuit Court of
Kendrick
vs
Walter Davis
Exhibit No 2
with Plaintiffs Depo

M03 no 3

J. M. Kendrick -to- E. C. Kendrick,

Deed.

This deed made this the 12th day of September 1893 by and between J. M. Kendrick of the County of Russell and State of Virginia, party of the first part and Elizabeth Katherine Kendrick, of the County and State aforesaid, party of the second part.

Witnesseth: That for and in consideration of the sum of ($1500.00) Fifteen hundred dollars, in hand paid by the party of the second part, to the party of the first part, it being a note of A. B. Carr last payment on a house and lot in Bristol, Tenn, owned by the said Elizabeth Katherine Kendrick, the said J. M. Kindrick has this day bargained and sold, and by these presents bargain, sell, and convey with general warranty, covenants, unto the said Elizabeth Katherine Kendrick, her heirs and assigns forever, a certain tract of land lying in the New Garden district at "Old Honaker", Russell Co., Va., containing 25 acres more or less, and bounded as follows; Beginning at a gate corner H. Honaker, thence with his lines to a stake corner to E. D. Miller, thence with his line to New Garden road, thence with the road eastward with T. W. Davis' line to gate; thence with said Davis line to top of knob corner to D. O. Clark; thence with his lines to road near George Honaker's shop called the mountain road; thence with said road, and Davises and M. C. Clarks lines to stoker gap; thence eastward with M. C. Clarks to a stake above a hollow; thence down a hollow to Lewis Creek, thence with Creek to C. C. Maynards corner; thence westward with his line to Mountain road, thence with said road to the beginning; to have and to hold together with all the appurtenances thereto belonging unto the said Elizabeth Katherine Kendrick, her heirs and assigns forever. In testimony whereof the said party of the first part has set his hand and seal the day and year first above written.

J. M. Kendrick (Seal)

State of Virginia County of Russell to wit:

I Alson Hutton, a Notary Public in and for the County and State aforesaid, do hereby certify that the said J. M. Kendrick whose name is signed to the annexed enstrument of writing bearing date Sept 12th 1893 personally appeared before me in my said County, and acknowledged the same to be his act and deed.

Given under my hand this 12th day of September 1893.

Alson Hutton N. P.

Virginia, In the Clerks Office of the Russell County Court the 9th day of November 1893.

The foregoing deed from J. M. Kendrick to Elizabeth K. Kendrick bearing date the 12th day of September 1893 was this day produced in the Clerks Office aforesaid, and with the certificate of acknowledgment annexed thereunto admitted to record.

Teste:

L. L. Bays C. C.

A Copy, Teste:

_____ Deputy

Deed Book No. 28 pp 474. for R. G. Fletcher Clerk.

J. M. Kendrick
To } ded
Elizabeth Katherine
Kendrick

Cir Ct of Hammond
M A Burke
v
Walter Dorris et al
Ex. M. O B No 3
with plaintiff's
depositions

Bk B 13 No 4

This Deed made this eleventh day of October, 1899, between John M Kendrick and Elizabeth Catherine Kendrick, his wife, of the County of Russell, State of Virginia, parties of the first part, and Dora Kendrick Burke of said County and State, party of the second part

Witnesseth, That the said parties of the first part in consideration of the sum of ($1000.00) One Thousand Dollars in hand paid to said parties of the first part by said party of the second part the receipt of which is hereby acknowledged, have this day bargained and sold and do hereby grant and convey unto Dora Kendrick Burke during her natural life and at her death unto Madison A. Burke, his heirs and assigns to have and to hold forever but should the said Dora Kendrick Burke survive the said Madison A. Burke, unto said Dora Kendrick Burke, her heirs and assigns, to have & to hold forever, the following tract or parcel of land,

lying in the town of Honaker, County of Russell, State of Virginia:
Beginning at John A. Lockhart's corner on D. C. Clark's line near an apple tree South of Railroad and running with said Lockhart's line N 80° E 5 chains 40 links to W. J. Hendrick's corner, thence S 4° 30' E 3 chains 13 links to centre of branch W. J. Hendrick's corner and with his line down the branch N 88° E 5 chains 53 links to centre of road in branch near Wm R. Davis's corner, thence S 34° 15' W 93 links to centre of road, thence S 56 W 2 chains 64 links to side of road, thence S 11° 30' W 2 chains 77 links to stone in road in front of the Red Flag Store thence S 65° 15' E 2 chains 14 links to middle of the road, thence S 37 E 73 links to centre of road thence S 34° 30' W 4 chains up the hill to the top of a small knob, thence S 16° E 5 chains 63 links over high knob to Wm K. Davis's line cornering on that line 2 chains and 55 links from a large Oak Snag above the cabin in the gap, thence with the lines of W. K. Davis to D. C. Clark's corner

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 316—Special.

Virginia: In the Clerk's Office of Russell County Court, the 3rd of April 1900

The foregoing deed, from John M. Kendrick and Wife to Dora Kendrick Burke bearing date the 11th day of October, 1899, was this day presented in the clerk's office aforesaid, and, with the certificate of acknowledgment annexed thereto, admitted to record, the requisite revenue stamps having been attached. Teste:

A. B. Fogleman D.C.
Clerk.

Recorded in Deed Book No. 33 pp. 568

On a high knob, thence with D.O Clarks line to the beginning. Containing Sixteen Acres be the same more or less.

To have and to hold, forever together with all the appurtenances thereto contained, except a store house known as the Red Flag Store in which the said Madison O. Burke Anna E. Kendrick and Mary Lee Kendrick are to sell goods in partnership until such partnership is dissolved, and when such partnership is dissolved then said Store house is to become the property of the grantees aforesaid upon the payment of two thirds of the original cost of said house to said Anna E. Kendrick and Mary Lee Kendrick by grantees.

The parties of the first part retain a right of way to run a water pipe from the spring near Store to the dwelling house of W.J. Kendrick and College lot. Said pipe to interfere or damage in no way the spring ~~or land~~ and to be buried so as not to interfere with cultivation of land. In testimony whereof the said parties of the first part have set their hand and seal the day and year first above written

J. M. Kendrick (Seal)

Elizabeth C. Kendrick (Seal)

State of Virginia

County of Russell

I, A. Hamaker a Justice of the Peace in and for said County aforesaid and State of Virginia certify that John M. Kendrick and Elizabeth Catherine Kendrick whose names are signed to the foregoing writing bearing date on the 11th day of October 1899 have acknowledged the same before me in my County aforesaid

Given under my hand and seal this the 14 day of October 1899.

H. Hamaker. J. P. [Seal]

J. M. Kendrick
to
Deed
D. M. O'Brien

1905. Apr. 3 -
admitted to record
Teste L. L. Bishop Clerk
By [illegible] D.C.

Cir Ct of Tazewell
M. O'Brien
v
Walter Davis et al
Ex MOB No 4
Writ Plaintiff dispr.

Received in the Clerk's Office
of the Circuit Court of Nansemond
County March 8th, 1910, under
seal. R. R. Smith, Clerk
By W. M. Watkins D.C.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

M. O. Burke, Plaintiff,

vs:

Walter Davis, Kyle Davis, Marcus Davis (heirs at law of Rebeca Davis, deceased) George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Mrs. Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick (heirs at law of E. A. Kendrick, deceased) Maggie K. Hutton, H. D. Kendrick, Mrs. Eliza C. Kendrick and W. J. Kendrick, Defendants.

in which the non resident defendants have been proceeded against in the mode prescribed by law, and as to all the other defendants

This cause which has been regularly matured at the rules and set for hearing and docketed came on this day to be heard on the bill of complaint, taken for confessed as to the defendants, Walter Davis, Kyle Davis, Marcus Davis, J. T. Kendrick, Mrs. Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, Maggie K. Hutton, Eliza C. Kendrick and W. J. Kendrick; upon the exhibits filed with said bill of complaint and upon the depositions of W. J. Kendrick and M. O. Burke duly taken and filed in this cause, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree as follows;

1. That on the 10th. day of March 1876 Rebeca Davis executed a valid title bond agreeing to convey to E. A. Kendrick, for the consideration and upon the terms and conditions therein contained, the tract of land involved in this cause, and more particularly described in the bill and proceedings of this cause and herein-after fully described, and that said E. A. Kendrick has fully paid and performed all the covenants and provisions therein contained on his part and is entitled in equity to a full, absolute and complete conveyance of said tract of land to him and those claiming under him.

2. That on the 25th. day of August 1877 the said E. A. Kendrick executed and delivered to J. M. Kendrick a valid title bond agreeing to convey to said J. M. Kendrick, for the consideration and upon

the terms and conditions in saif title bond contained, the above mentioned tract of land, and that said J. M. Kendrick has fully paid and performed all the covenants and provisions therein contained on his part and is in equity entitled to a full, absolute and complete conveyance of said tract of land to him and those claiming under him.

3. That said J. M. Kendrick, on the 12th day of September, 1893, executed a deed conveying said tract of land to Elizabeth Catherine Kendrick.

4. That said Elizabeth Catherine Kendrick and J. M. Kendrick, her husband, by deed dated on the 11th. day of October 1899, conveyed 16 acres of the above emntioned tract of land to Dora Kendrick Burke and M. O. Burke and, said Dora Kendrick Burke having departed this life, said M. O. Burke is now the owner of said 16 acres of land.

And the Court doth further adjudge, order and decree that A. B. Dickinson, who is hereby appointed a Special Commissioner for the purpose, be and he is hereby authorized and directed to execute, acknowledge and deliver to said M. O. Burke a deed with Special Warranty conveying to him all the right, title and interest, both at law and in equity, of said Rebeca Davis and of said E. A. Kendrick in and to all that certain tract or parcel of land lying and being in the County of Russell, in the State of Virginia, and in and adjacent to the town of Honaker containing 16 acres, more or less, and described as follows; Beginning at John Lockhart's corner on D. O. Blarke's line near an apple tree South of Railroad and running with said Lockhart's line N 80°E. 5 ch. 40 links to W. J. Kendrick's corner, thence S4°30' E 3 ch. 13 links to centre of branch, W. J. Kendrick's corner, and with his line down the branch N. 88°E 5 ch. 53 links to centre of Road in branch near Wm R. Davis' corner, thence S. 34°15' W 93 links to centre of Road, thence S. 56 W 2 ch. 64 links to side of Road, thence S. 11°30' W. 2 ch. 77 links to Stake in Road in front of the Red Flag Store, thence S. 65°15' E. 2 ch. 14 links to middle of the road, thence S. 37°E. 73 links to centre of Road, thence S 34°30' W 4 ch. up the hill to the top of a small knob, thence S. 16°E 5 ch. 63 links over high knob to Wm R. Davis' line covering on that line 2 ch.

55 links from a large oak swag above the cabin in the gap, thence with the lines of Wm R. Davis to D. O. Clarke's corner on a high knob, thence with D. O. Clarke's line to the beginning -

And the objects of this suit having been fully accomplished it is ordered that the same be stricken from the docket and placed among the ended causes of this Court.

And said special Commissioner will report to Court.

M. O. Burke,

vs } Final Decree.

Walter Davis & als.

Enter: March 14. 1910,

James L. McKinney

Entered in Chancery
Order Book No. 4. Page 406

A. B. DICKINSON,
ATTORNEY AT LAW,
SHAFER BUILDING,
RICHMOND, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

M. O. Burke,

vs.

W. J. Kendrick, et als.

Humbly complaining showeth unto your honor your complainant, M. O. Burke, of the City of Richmond, Va., the following case;

1. That prior to the year 1875 John Lockart was the owner in fee simple of a large tract of land in Russell County, Virginia, lying in and near the town of Honaker, which included and embraced the tract or parcel of land hereinafter mentioned and described;

2. That said John Lockart departed this life about the year 1875 intestate and after his death his estate was divided and partitioned among his heirs at law by Commissioners appointed by the Court for that purpose, and the 22 acres of land hereinafter mentioned and described was allotted by said Commissioners to his daughter, Rebeca Davis, and said partition was carried out and comsummated by mutual conveyances from and to the said heirs at law of said John Lockart, all of which will fully appear from the report of said Commissioners and said mutual conveyances, all of which are of record in the Clerk's Office of Russell County and copies of which will hereafter be filed as exhibits with this bill if so required by the Court.

3. That on the 10th day of March, 1876, said Rebeca Davis executed her certain title bond in writing selling to E. A. Kendrick that certain piece or parcel of land containing twenty two (22) acres, more or less, lyingin and near the town of Honaker, Va., and bounded on the North and West sides by the lands of D.O.

Clarke, on the East side by the lands of Henry D. Lockhart, and on the South side by the lands of J. M. Kendrick and H. D. Aston and binding herself upon the payment of the deferred instalment of the purchase price of $125.00 due twelve months after date of the title bond, to execute and deliver to said E. A. Kendrick a good and sufficient deed conveying to him the twenty two (22) acres of land herein above described, as will fully appear from a copy of said title bond herewith filed as Exhibit "A" and prayed to be read and considered as a part of this bill.

4. That said deferred instalment of the purchase money was duly and fully paid to said Rebecca Davis, but no deed of conveyance was made to said E. A. Kendrick conveying said twenty two (22) acres of land to him, but the possession of said land was delivered to him under said title bond and he and his grantees have been in full and complete adverse possession thereof from that time to the present.

5. That said E. A. Kendrick on the 25th day of August, 1877, executed his certain title bond selling said twenty two (22) acres of land to J. M. Kendrick for the sum of six hundred dollars ($600.00) to be paid as set out in said title bond, and binding himself, upon the payment of said purchase money, to make a good and sufficient deed conveying said tract or parcel of land to said J. M. Kendrick, as will fully appear from a copy of said title bond herewith filed as Exhibit "B" and prayed to be read and considered as a part ofthis bill.

6. That said J. M. Kendrick duly and fully paid, as and when required by said title bond, the purchase price of said tract of land but no deed of conveyance was ever executed by said E. A. Kendrick to said J. M. Kendrick conveying said tract of land, as

required by said title bond, but said J. M. Kendrick took possession of said tract of land upon the execution of said title bond and he and his grantees have continued in full and complete adverse possession thereof up to the present time.

7. That the said J. M. Kendrick, on the 11th day of October, 1899, executed and delivered to your complainant a deed conveying, in consideration of $1000.00 sixteen (16) acres, more or less of said tract or parcel of land of twenty two acres to Dora Kendrick Burke, wife of your complainant, for her life and at her death to your complainant, and said Dora Kendrick Burke has departed this life leaving said M. O. Burke, your complainant, as the owner in fee simple of the said sixteen (16) acres of land, a part of said twenty two acre tract, and which said sixteen (16) acres is fully and accurately described in said deed, a copy of which is herewith filed as Exhibit "c" and prayed to be taken and considered as a part of this bill.

8. Of the remainder of said twenty two acres of land one acre was conveyed to Maggie K. Hutton (nee Kendrick) one acre was conveyed to W. J. Kendrick, and the balance to Mrs. Eliza C. Kendrick, widow of said J. M. Kendrick.

9. That said Rebecca Davis has departed this life intestate leaving her three children, viz: Walter Davis, Kyle Davis, and Marcus Davis, as her sole heirs at law.

10. That said E. A. Kendrick has departed thislife intestate leaving his widow, Mrs. E. C. Kendrick, and his children, viz; George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Mrs. Lizzie K. Jones (nee Kendrick) and T. J. Kendrick as his sole heirs at law.

11. That said J. M. Kendrick has departed this life intestate leaving his widow, Mrs. Eliza C. Kendrick, and his children,viz:

Maggie K. Hutton, W. J. Kendrick, and H. D. Kendrick as his sole heirs at law;

12. Your complainant is advised and believes that he, by virtue of the title bonds hereinabove set up and referred to and the full and complete adverse possession of said land held by him and those under whom he claims, is the absolute and complete owner, both in law and equity, of said tract or parcel of land of sixteen acres, but that the heirs at law of said Rebecca Davis, or some one or more or them, the heirs at law of said E. A. Kendrick, or some one or more of them and the heirs at law of said J. M. Kendrick, or some one or more of them, claim some right or interest in said tractof land, and your complainant is advised that he has the right to come into this honorable court and to have a specific performance of the contracts contained in the title bonds herein before mentioned and the title to said tract of land conveyed to your complainant, and to have the rights and interests of all the parties, if any, ascertained and determined and to have his title to and ownership of said tract of land against the claims of all the above named parties quieted and settled.

In tender consideration whereof and for as much as your complainant is without adequate remedy in the premises save in a court of equity where such matters are alone and properly cognizable, he prays that Walter Davis, Kyle Davis, Marcus Davis, (the sole heirs at law of Rebecca Davis, deceased) George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Mrs. Lizzie K. Jones, Mrs. E. C. Kendrick, T. J. Kendrick, (the heirs at law of E. A. Kendrick, deceased) Maggie K. Hutton, H. D. Kendrick, Mrs. Eliza C. Kendrick, and W. J. Kendrick (heirs at law of J. M. Kendrick, deceased) may

be made parties defendantto this bill and required to answer the same, but answer under oath is hereby expressly waived; that specific performance of the above mentioned contracts and title bonds from Rebeca Davis to E. A. Kendrick and from E. A. Kendrick to J. M. Kendrick may be decreed and that a commissioner may be appointed to make a conveyance in accordance therewith; that the rights and interests of the parties in said tract of land may be ascertained and determined; that your complainant may be decreed to be the complete owner in fee simple of the parcel of land conveyed to him and his title thereto quieted, and that all proper accounts may be taken and inquiries made. Your complainant prays for all such other further, general and complete relief as the nature of his case may require and to equity may seem meet.

And your complainant will ever pray, &c.

A. B. Dickinson, p. q.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY.

M. O. Burke,

vs:

W. J. Kendrick, et als.

Humbly complaining showeth unto your honor your complainant, M. O. Burke, of the City of Richmond, Va., the following case;

1. That prior to the year 1875 John Lockhart was the owner in fee simple of a large tract of land in Russell County, Virginia, lying in and near the town of Honaker, which included and embraced the tract or parcel of land hereinafter mentioned and described:

2. That said John Lockhart departed this life about the year 1875 intestate and after his death his estate was divided and partitioned among his heirs at law by Commissioners appointed by the Court for that purpose, and the 22 acres of land hereinafter mentioned and described was allotted by said Commissioners to his daughter, Rebeca Davis, and said partition was carried out and consummated by mutual conveyances from and to the said heirs at law of said John Lockhart, all of which will fully appear from the report of said Commissioners and said mutual conveyances, all of which are of record in the Clerk's Office of Russell County and copies of which will hereafter be filed as exhibits with this bill if so required by the Court.

3. That on the 10th. day of March, 1876, said Rebeca Davis executed her certain title bond in writing selling to E. A. Kendrick that certain piece or parcel of land containing twenty two (22) acres, more or less, lying in and near the town of Honaker, Va., and bounded on the North and West sides by the lands of D. O. Clarke, on the East side by the lands of Henry D. Lockhart, and on the South side by the lands of J. M. Kendrick and W. D. Aston and binding herself

upon the payment of the deferred instalment of the purchase price of $125.00 due twelve months after date of the title bond, to execute and deliver to said E. A. Kendrick a good and sufficient deed conveying to him the twenty two (22) acres of land herein above described, as will fully appear from a copy of said title bond herewith filed as Exhibit "A" and prayed to be read and considered as a part of this bill.

4. That said deferred instalment of the purchase money was duly and fully paid to said Rebeca Davis, but no deed of conveyance was made to said E. A. Kendrick conveying said twenty two (22) acres of land to him, but the possession of said land was delivered to him under said title bond and he and his grantees have been in full and complete adverse possession thereof from that time to the present.

5. That said E. A. Kendrick, on the 25th. day of August, 1877, executed his certain title bond selling said twenty two (22) acres of land to J. M. Kendrick for the sum of six hundred dollars ($600.00) to be paid as set out in said title bond, and binding himself, upon the payment od said purchase money, to make a good and sufficient deed conveying said tract or parcel of land to said J. M. Kendrick, as will fully appear from a copy of said title bond herewith filed as Exhibit "B" and prayed to be read and considered as a part of this bill.

6. That said J. M. Kendrick duly and fully paid, as and when required by said title bond, the purchase price of said tract of land but no deed of conveyance was ever executed by said E. A. Kendrick to said J. M. Kendrick conveying said tract of land, as required by said title bond, but said J. M. Kendrick took possession of said tract of land upon the execution of said title bond, and he and his grantees have continued in full and complete adverse possession thereof up to the present time.

7. That the said J. M. Kendrick , on the 11th. day of October, 1899, executed and delivered to your complainant a deed conveying, in consideration of $1000:00, sixteen (16) acres, more or less of said tract or parcel of land of twenty two acres to Dora Kendrick Burke, wife of your complainant, for her life and at her death to your complainant, and said Dora Kendrick Burke has departed this life leaving said M. O. Burke, your complainant, as the owner in fee simple of the said sixteen (16) acres of land, a part of said twenty two acre tract, and which said sixteen (16) acres is fully and accurately described in said deed, a copy of which is herewith filed as Exhibit "c" and prayed to be taken and considered as a part of this bill.

8. Of the remainder of said twenty two acres of land one acre was conveyed to Maggie K. Hutton (nee Kendrick), one acre was conveyed to W. J. Kendrick, and the balance was conveyed to Mrs. Eliza C. Kendrick, widow of said J. M. Kendrick.

9. That said Rebeca Davis has departed this life intestate leaving her three children, viz; Walter Davis, Kyle Davis, and Marcus Davis, as her sole heirs at law.

10. That said E. A. Kendrick has departed this life intestate leaving his widow, Mrs. E. C. Kendrick, and his children, viz; George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Mrs. Lizzie K. Jones (nee Kendrick) and T. J. Kendrick as his sole heirs at law;

11. That said J. M. Kendrick has departed this life intestate leaving his widow, Mrs. Eliza C. Kendrick, and his children, viz; Maggie K. Hutton, W. J. Kendrick, and B. D. Kendrick as his sole heirs at law;

12. Your complainant is advised and believes that he, by virtue of the title bonds herein above set up and referred to and the full and

complete adverse possession of said land held by him and those under whom he claims, is the absolute and complete owner, both in law and equity, of said tract or parcel of land of sixteen acres, but that the heirs at law of said Rebeca Davis, or some one or more of them, the heirs at law of said E. A. Kendrick, or some one or more of them and the heirs at law of said J. M. Kendrick, or some one or more of them, claim some right or interest in said tract of land, and your complainant is advised that he has the right to come into this honorable court and to have a specific performance of the contracts contained in the title bonds herein before mentioned and the title to said tract of land conveyed to your complainant, and to have the rights and interests of all the parties, if any, ascertained and determined and to have his title to and ownership of said tract of land against the claims of all the above named parties quieted and settled.

In tender consideration whereof and for as much as your complainant is without adequate remedy in the premises save in a court of equity where such matters are alone and properly cognizable, he prays that Walter Davis, Kyle Davis, Marcus Davis, (the sole heirs at law of Rebeca Davis, deceased) George D. Kendrick, S. P. Kendrick, J. T. Kendrick, Mrs. Lizzie K. Jones, Mrs E. C. Kendrick, T. J. Kendrick, (the heirs at law of E. A. Kendrick, deceased) Maggie K. Hutton, W. D. Kendrick, Mrs. Eliza C. Kendrick, and W. J. Kendrick (heirs at law of J. M. Kendrick, deceased) may be made parties defendant to this bill and required to answer the same, but answer under oath is hereby expressly waived; that specific performance of the above mentioned oontracts and title bonds from Rebeca Davis to E. A. Kendrick and from E. A. Kendrick to J. M. Kendrick may be decreed and that a commissioner may be appointed to make a conveyance in accordance therewith; that the rights and in-

terests of the parties in said tract of land may be ascertained and determined; that your complainant may be decreed to be the complete owner in fee simple of the parcel of land conveyed to him and his title thereto quieted, and that all proper accounts may be taken and inquiries made. Your complainant prays for all such other further, general and complete relief as the nature of his case may require and to equity may seem meet.

And your complainant will ever pray, &c.

A. B. Dickinson, p.q.

M. O. Burke

vs. } Bill,

Walter Davis, +als.

A. B. DICKINSON,
ATTORNEY AT LAW.
SHAFER BUILDING,
RICHMOND, VA.

M A Burke

vs

Walter Davis + others

1909- Nov 11- Process issued returnable to
1st Dec'r Rules - Executed on
Walter Davis, Kyle Davis Lizzie K Jones
Mrs E C Kendrick, T J Kendrick, J T Kendrick
W J Kendrick, Maggie K Hutton, Elizabeth
C Kendrick. Affidavit of non-residents files.
Order of Publication vs. George D Kendrick
S P Kendrick + H D Kendrick

1909- Dec 8- Bill filed. Decree Nisi as to Walter Davis
Kyle Davis Lizzie K Jones, Mrs E C Kendrick
T J Kendrick J. T. Kendrick. W J Kendrick
Maggie K Hutton, Elizabeth C. Kendrick

1909- Dec 14- Alias Process as to Marcus Davis
returnable to 2nd Dec'r Rules - Executed

1909 Dec 22- Decree Nisi as to Marcus Davis.
Decree Nisi Confirmed as to Walter Davis
Kyle Davis, Lizzie K Jones, Mrs E C Kendrick
T J. Kendrick, J. T. Kendrick, W J. Kendrick
Maggie K. Hutton, Elizabeth C. Kendrick
Set for hearing on order of Publication
as to George D. Kendrick, S. P. Kendrick +
H. D. Kendrick

1910 Jan 5- Decree Nisi Confirmed as to Marcus Davis
and cause set for hearing as to all
defendants-

Notes

A B Dickinson Pro.

M. O. Burke

vs } Chancery

Walter Davis

and others.

1910. Mch. 17. Final Decree

Costs

Jay	1.50
Clerk	9.04
Sheriff Russell Co	2.50
" Dickinson Co	.50
" Tazewell Co	.50
" Nansemond Co	.50
Sgt Roanoke City	1.00
Atty	15.00
	$30.54

Printer

Notary