1933-210
Nansemond County (Suffolk)

Chancery Causes: Eli Stewart &c
vs
Joseph Stewart by
Couch, Ward, Stephenson, Taylor,
Lawrence, Everett, Worrell,
Wright

SE Everett-P.2

Eli Stewart et als

Joseph Stewart, et ux et al

No - 246

Entered Aug 15-1932

1-P

BUSHNELL'S
"PAPEROID"
(TRADE-MARK)
Expanding Wallets

WEAR LIKE LEATHER
MADE IN ALL SIZES

ALVAH BUSHNELL CO.
PHILADELPHIA, PA.

This is size 4 x 9½ Inches
1¾ Inch Expansion
Patented August 10, 1909

R. L. WOODWARD
W. G. ELAM

Suffolk, Va., March 18th, 193 2.

Mr. S. E. Everett,

Suffolk, Va.

To **WOODWARD & ELAM,** Dr.

Life, Fire, Accident,
Auto Liability, Steam Boiler,
Workman's Compensation
and Security Bonds.

Insurance

OFFICE---No. 113 NORTH MAIN STREET

1932

DATE	POLICY No.	COMPANY	PROPERTY INSURED	Term	AMOUNT	PREMIUM
Mch 19	Bond No. 48-16-416-31	U. S. F. & G.	Bond as Spec. Commsr. S. R. E. Eli Stewart et als vs James Stewart	1yr	$1500	$10.00

Sept 26- 1932. Paid Woodward & Elam

Eli Stewart et als vs. Joseph Stewart, an infant

$100 20

Received of S; E. Everett, Special Commissioner in the above styled case, the sum of $One Hundred + 20/100 Dollars.

For (Minnie) Alberta Snyder
Sarah Ross
Edmond Taylor
David Taylor

(Connie + Minnie is the same)

Eli Stewart, et als.....
Complainants.

vs. RECEIPTS

Joseph Stewart, an infant.....
Defendant.

S. E. EVERETT
ATTORNEY AT LAW
SUFFOLK, VA.

Board of Supervisors of Nansemond County

To

Estate of Alfred Stewart and Rebecca Stewart

1922 March 15,	A strip of land condemned as of this date for the County Highway Deed Book 98, page 386.	$66.00
	Interest from March 15, 1922, to March 15, 1931	35.64
	Total	$101.64

Ordered by the Judge of the Circuit Court of Nansemond

County to be paid to S. E. Everett, Special Commissioner

APPROVED

E. W. Burr

Received Warrant #6256 for the Court

Eliz. Fleetwood

S. Joseph Stewart

Eli Stewart et als vs. Joseph Stewart, an infant

$6.00

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of $6.00

For four Commissioners & Notary Public

S. E. Everett

D C Everett - p. q.

Copy of Costs Taxed in the Suit of:

Eli Stewart et als

vs.

Joseph Stewart, infant

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax		$ 1 50
Clerk		5 50
Sheriff		
Attorney		15 00
Commissioner		
Printer, for Order of Publication, etc.		
Deposit		
Date of Judgment or Final Decree	192	
Paid April 10th 1931		
John A Towers Clerk		$ 22 00

Eli Stewart et als vs. Joseph Stewart, infant

$100 20

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of One Hundred and 20/00 Dollars For Share in the above Case

Witness:
Roy V. Knight

Eli Stewart

a

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Eli Stewart et als.....Complainants

vs. REPORT

Joseph Stewart, infant.....Defendant

Your Commissioner, appointed in the above case the 19th day of March, 1931, and in accordance with said decree conveyed the property mentioned in these proceedings to B. R. Smith and collected the purchase price..... $1000.00

Collected from the Board of Supervisors the amount due the Stewart Estate for the right of way for a highway through same..... 101.64

Paid costs (Vouchers):

Clerk's costs	$ 22.00	
Four Commissioners	4.00	
Notary Public	2.00	
Woodward & Elam, Bond	10.00	
Deed to property	10.00	
Commissions of Commissioner	55.08	
Taxes, 1920-1921	45.81	
Taxes, 1930	25.91	
Willie Stewart, services	25.00	
Due heirs	901.84	
Balanced	$1101.64	$1101.64
Balance on hand		$ 901.84
Eli Stewart	$ 100.20	
Labram Stewart and James Coach (husband and sole heir at law of Laura Coach)	100.20	
Andrew Ward, Elijah Ward, Nazree Ward Stephenson (husband and sole heirs at law of Lucy Ward)	100.20	
David Taylor, Edmond Taylor, Connie Taylor, Minnis Taylor, Alfred Taylor (husband and sole heirs at law of Sarah Taylor)	100.20	
Jeanette Lawrence	100.20	
Julia L. Everett	100.20	
Nannie Stewart and Joseph Stewart (wife and sole heir at law of Lazree Stewart)	100.20	

Rebecca World (sole heir at law of Emma Copeland)	$ 100.20	
Lewis Stewart	25.06	
Dawson Stewart	25.06	
Willie Stewart	25.06	
Charles Stewart	25.06	
	$ 901.84	$901.84

Balanced

Lewis Stewart, Dawson Stewart, Willie Stewart, and Charles Stewart conveyed their interest in said property on the 27th day of May, 1924, to Rebecca Stewart, their mother, which was one-third interest in said property, therefore, Rebecca Stewart died owning one-third interest in said property, and therefore, said grantors in said deed take only their interest in the one-third which was conveyed to the said Rebecca Stewart. This accounts for why some of the heirs take more than others.

Respectfully submitted:

H. H. Brewer
Commissioner.

Supplement to Report:

Special Commissioner paid the following, cannot effect the above figures but a loss to the commissioner:

Woodward & Elam, Bond Second year	$10.00
Raye V. Knight, Guardian ad litem	10.00
Woodward & Elam, Bond Third year	10.00

Vouchers filed herewith.

H. H. Brewer
Commissioner

Eli Stewart et als.....
Complainants

vs. REPORT

Joseph Stewart, infant.....
Defendant

Filed the 18th day of Aug 1931

F. B. Ja.

See Chancery
Order Book 7:
Page 90

Eli Stewart et als vs. Joseph Stewart, infant

$25.04

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Twenty-Five and 04/100 Dollars.

For Share in the above case

Witness:
Roger V. Knight

W. M. Stewart

Eli Stewart et als vs. Joseph Stewart, infant

$65.08

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Sixty-five and 08/100 —Dollars

For Writing Deed and Commissions

H. Everett

Eli Stewart et als vs. Joseph Stewart, infant

$25.00

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Twenty Five Dollars

For Services allowed by Commissioner

Witness:
Roy V. Knight

W. Wilkins

8

Eli Stewart et als vs. Joseph Stewart, infant

$ 52.00

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Fifty-Two----------Dollars.

For My share in above estate.

Witness:
Roscoe V. Knight

Sabrona Stewart
her
mark

Eli Stewart et als vs. Joseph Stewart, an infant

$48.20

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Forty-Eight and 20/100 Dollars.

For Full share in the above estate.

James Aywell

B

Eli Stewart et als vs. Joseph Stewart, an infant

$55 30

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of $Fifty-Five and 30/00 Dollars

For My share in above estate.

Witness:
Raye V. Knight

his
Andrew X Ward
mark

Eli Stewart et als vs. Joseph Stewart, an infant

$22.45 Each.

Received of S. E. Everett, Special Commissioner in the above styled suit, the sum of $ Twenty-Two and 45/100 Dollars Each For Full share in the above estate.

Rozzeon Stephenson

Elwyck Beard

Eli Stewart et als. vs. Joseph Stewart, an infant

$ 100 20
(x x

Received of S. E. Everett, Special Commissioner in the above styled suit, the sum of $ 100.20

For my share in above estate

66 Jeanett Lawrence

NO PROTEST.

AMERICAN BANK AND TRUST CO.

68-125
5

$25.06 SUFFOLK, VA., November 3, 1921

In five days

PAY TO THE ORDER OF Charles Stewart

TWENTY FIVE and 06/100---------- DOLLARS

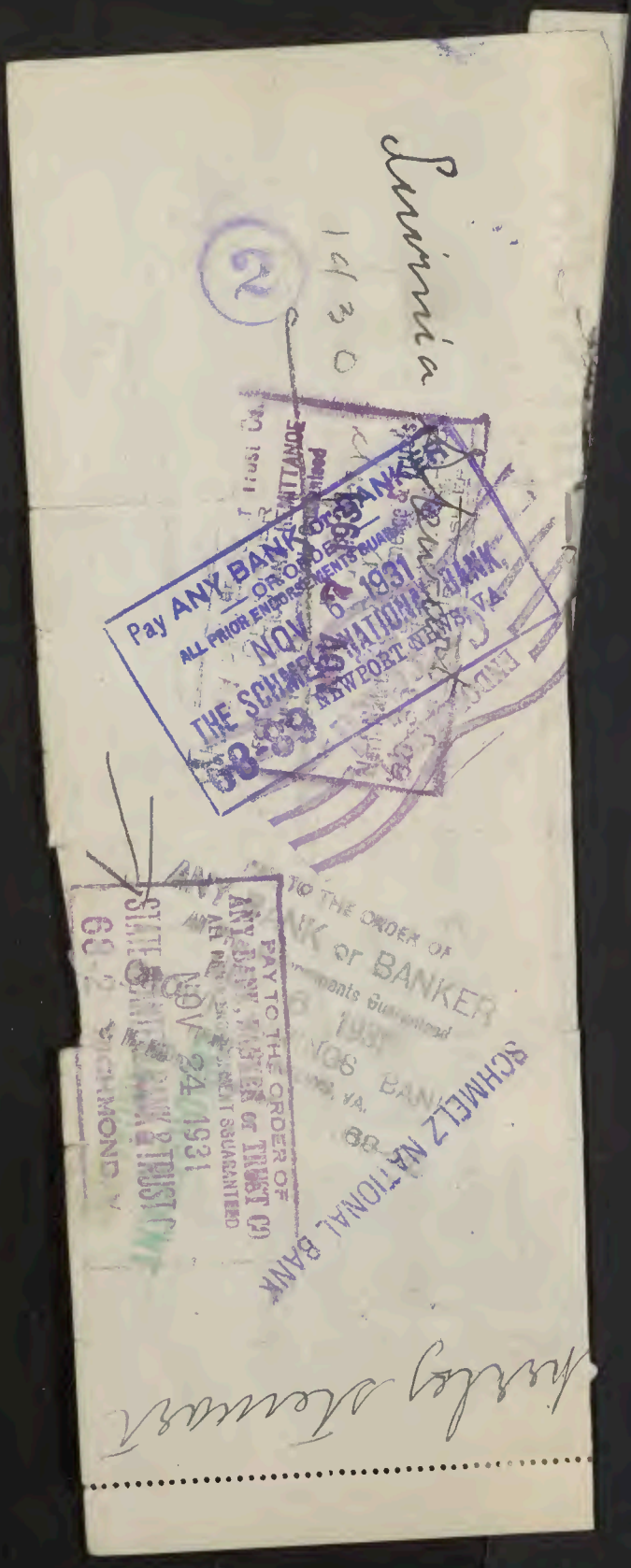
VALUE RECEIVED, AND CHARGE SAME TO ACCOUNT OF YOURS TRULY.
WE, THE DRAWER, ENDORSERS AND ACCEPTORS, HEREBY WAIVE THE HOMESTEAD EXEMPTION AS TO THIS DEBT.

TO S. E. Everett
American Bank & Trust Co.
Suffolk, Va.

Charley Stewart

COURIER-JOURNAL LITH. LOUISVILLE

All Available Text Successfully Captured



All Available Text Successfully Captured

Eli Stewart et als vs. Joseph Stewart, infant

$25.06

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Twenty-five & 06/100 Dollars

For His share in full

Charles Stewart

All Available Text Successfully Captured

Pay ANY BANK or BANKER
— OR ORDER —
ALL PRIOR ENDORSEMENTS GUARANTEED
DEC 1 1931
THE SCHMELZ NATIONAL BANK,
NEWPORT NEWS, VA.

Pay ANY BANK or BANKER
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 23 1931
THE SCHMELZ NATIONAL BANK,
68-83 NEWPORT NEWS, VA.

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
PRIOR ENDORSEMENTS GUARANTEED
DEC 2 1931
FIRST NATIONAL BANK AND TRUST CO.
NEWPORT NEWS, VIRGINIA
J. M. [illegible], Cashier

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
Prior Endorsements Guaranteed
NOV 21 1931
SCHMELZ NATIONAL BANK
NEWPORT NEWS, VIRGINIA
J. M. [illegible], Cashier

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
Prior Endorsements Guaranteed
DEC 1 1931
BANK OF NEWPORT NEWS, VA.
68-83

PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST CO.
Prior Endorsements Guaranteed
DEC 1 1931
BANK OF NEWPORT NEWS, VA.
68-83

Eli Stewart et als vs. Joseph Stewart, an infant

$25.06

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of $Twenty-Five and 06/100 Dollars For full share in above suit.

Jeanette Lawrence

Lawrence

Lassie Stewart

Rebecca Stewart

To Mr. John H.Powell Clerk of the Circuit Court of Nansemond County, Suffolk, Va.

Delinquent tax for the years 1920 and 1921

	1920	
State	1.65+ .89 =	2.54
Co.	9.36+ 5.05 =	14.41
		$16.95

1921

State	2.47 + 1.18=	3.65
Co.	16.29 + 7.82 =	24.11
		$27.76

Total amt. of del. tax for years 1920 and 1921 plus $1.10 Clerks fees---- $45.81.

Paid Sept. 10th 1931 John H. Powell Clerk.
By. Mrs. K. Godwin Deputy Clerk

6

6

Eli Stewart et als vs. Joseph Stewart, an infant

$100.20

Received of S. E. Everett, Special Commissioner in the above styled suit, the sum of $100.20

For full share in above Suit

Rebecca Worrell

H

Eli Stewart et als vs. Joseph Stewart, infant

$100.20

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of One Hundred and 20/100 Dollars For Share in full in the above case -

her
Annie X Stewart
mark

Witness:
Guy Harrell

Eli Stewart et als. vs. Joseph Stewart, an infant

$100 20

Received of S. E. Everett, Special Commissioner in the above styled suit, the sum of $ One Hundred & 20/100 Dollars

For My share in above case.

Julia A. Everett

7

Everett Waddey Co. Stationers and Printers Richmond, Va. } Form No. 309—Special Commissioner's Bond. Va. Code 1919—Sec. 6266

Know all Men by these Presents, That we A. E. Everett and United States Fidelity & Guaranty Company

are held and firmly bound unto the Commonwealth of Virginia in the sum of Fifteen Hundred ——— Dollars

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation.

Sealed with our seals, and dated this 19th day of March,

one thousand nine hundred and 31

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound A. E. Everett

shall faithfully discharge duties as Special Commissioner, under decree of the Court of the Circuit Court of Nansemond County, pronounced on the 19th day of March 1931; in the suit therein depending under the name and style of

Eli Everett & al

vs

Joseph Everett an infant

and shall account for and pay over, as the Court may direct, all money that may come into hands as such Commissioner,

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

A. E. Everett [SEAL]

United States Fidelity & Guaranty Co. [SEAL]

By W. G. Elam atty in fact [SEAL]

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

This day United States Fidelity & Guaranty Company by W. G. Elam atty in fact surety on the above bond, made oath before me M. K. Gardner Deputy, Clerk of the Circuit Court of the County of Nansemond that its estate, after the payment of all its just debts and those for which it is bound as security for others and expects to have to pay worth the sum of fifteen Hundred dollars.

Given under my hand, this 19th day of March 1931

M. K. Gardner Deputy Clerk.

Form No. 309.

H. E. Powell

to } SPECIAL COMMISSIONER'S BOND

Commonwealth

Official Bond Book
No 4 Page 42

Filed 3/19/31
John H. Powell. clerk

NO PROTEST.

AMERICAN BANK AND TRUST CO.

68-125
5

$25.06 SUFFOLK, VA., November 3, 1931

In five days

PAY TO THE ORDER OF Lewis Stewart

TWENTY FIVE and 06/100---------- DOLLARS

Pay 2/3/31 Farmers Bank

VALUE RECEIVED, AND CHARGE SAME TO ACCOUNT OF YOURS TRULY.
WE, THE DRAWER, ENDORSERS AND ACCEPTORS, HEREBY WAIVE THE HOMESTEAD EXEMPTION AS TO THIS DEBT.

TO S. E. Everett
American Bank & Trust Co.
Suffolk, Va.

Lewis Stewart

DEPOSITED TO THE CREDIT OF

Louis Stewart

CROWN SAVINGS BANK, Inc.

750-1716 Stewart

SCHMELZ NATIONAL BANK

PAY TO THE ORDER OF ANY BANKER OR TRUST COMPANY

NOV 6 1931

68-2 RICHMOND, VA.

Nat'l Bk. of Commerce

NOV 6 1931

68-39 NORFOLK, VA.

Pay any Bank, Banker or Order

FOR COLLECTION AND CREDIT TO THE ACCOUNT OF THE WITHIN NAMED

All Prior Endorsements Guaranteed

68-89

Pay ANY BANK or BANKER

— OR ORDER —

ALL PRIOR ENDORSEMENTS GUARANTEED

NOV 5 1931

THE SCHMELZ NATIONAL BANK,

NEWPORT NEWS, VA.

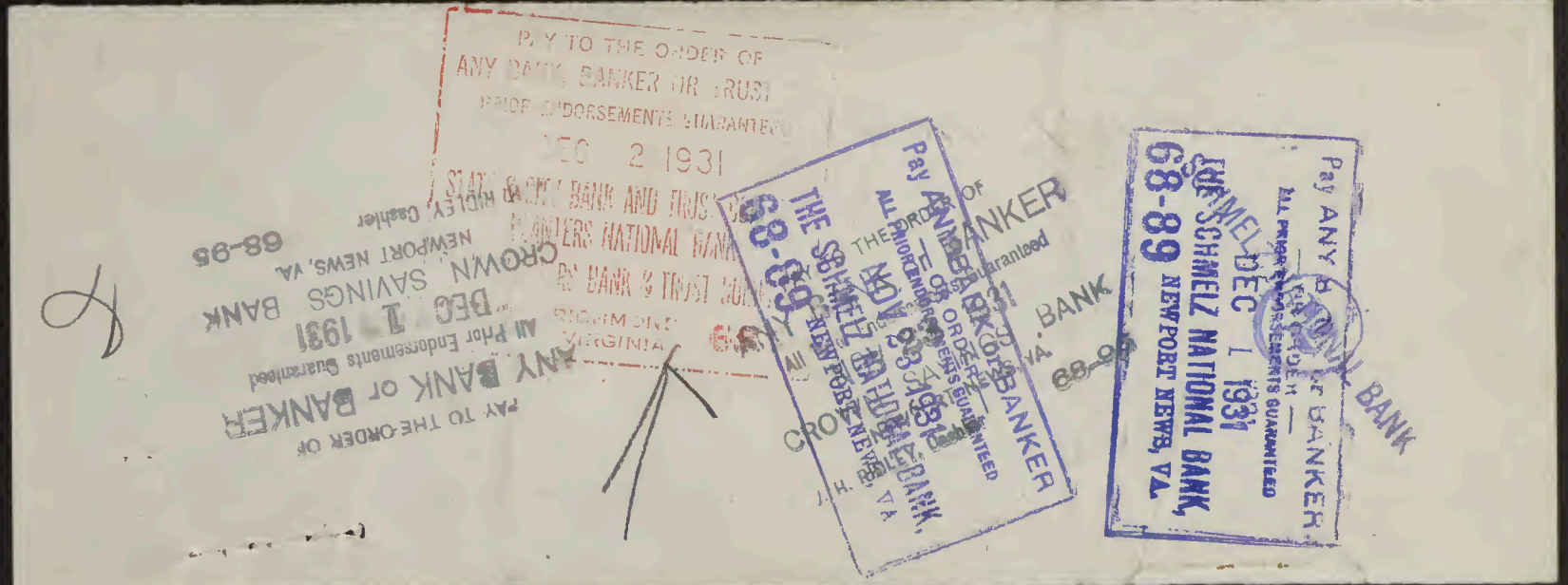
68-89

Eli Stewart et als vs. Joseph Stewart, infant

$25.06

Received of S. E. Everett, Special Commissioner in the above styled case, the sum of Twenty-five & 06/100 Dollars. For His share in full

Lewis Stewart


PAY TO THE ORDER OF
ANY BANK, BANKER OR TRUST
PRIOR ENDORSEMENTS GUARANTEED
DEC 2 1931
STATE BANK AND TRUST
PLANTERS NATIONAL BANK
BANK & TRUST
VIRGINIA
PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
DEC 1 1931
CROWN SAVINGS BANK
NEWPORT NEWS, VA.
68-89
Cashier
Pay ANY BANK OR BANKER
THE ORDER OF
All Prior Endorsements Guaranteed
THE SCHMELZ NATIONAL BANK
68-89
NEWPORT NEWS, VA.
J. H. [illegible]
Pay ANY BANK OR BANKER
All Prior Endorsements Guaranteed
DEC 1 1931
THE SCHMELZ NATIONAL BANK,
68-89
NEWPORT NEWS, VA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Eli Stewart et als.....Complainants

vs. DECREE

Joseph Stewart, an infant of the age of twelve years.....Defendant

This cause came on again this day to be heard on the papers formerly read and on the report of G. C. Bradshaw, M. R. Gregory, C. E. Kelley, and H. P. Harrell, four of the Commissioners appointed by decree entered in this cause on the 28th day of February, 1931, filed on the 19. day of March, 1931, to which report there is no exception, and was argued by Counsel.

On consideration whereof, the court doth approve and confirm said report, and it appearing from said report that the said real estate mentioned in the bill and hereinafter described cannot be conveniently partitioned in kind among the parties entitled thereto, by reason of the fact that it is a small tract of land and no heir desires his or her share allotted and that the interest of all would be promoted by the sale of the entire real estate, and it further appearing that since the said Commissioners executed said report that B. R. Smith has offered for said property as hereinafter described, One Thousand ($1000.00) Dollars, which is Three Hundred ($300.00) Dollars more than the appraisement of said Commissioners, the court doth adjudge, order and decree that E. E. Everett, who is appointed Special Commissioner for the purpose, convey with Special Warranty to the said B. R. Smith the said real estate described in the proceedings as follows:

All that certain real estate situated in "Prospect" Sleepy Hole District, Nansemond County, Virginia, consisting of fifty (50) acres, more or less, and bounded and described as follows: Bounded on the North and East by what is known as Brewer's Creek, separating said land from the Philhower tract of land and a small cove separating said land from the land of Ed Willie, bounded on the South by a small strip of land separating this land from the railroad bounds of the Southern Railway Company, and on the West by the lands of C. E. Kelley. It being the same land which was conveyed to Alfred

Stewart by deed executed by C. W. Wright and wife, dated the 16th day of May, 1877, and recorded in the Clerk's Office of the Circuit Court of Nansemond County in Deed Book 6, page 126.

It appearing from the report of the said commissioners that the Board of Supervisors of Nansemond County on the 15th day of March, 1922, condemned a thirty foot strip of land through said property for the State Highway leading from Suffolk to Wilroy along the North side of the Southern Railroad Company and said commissioners in said proceedings allowed Sixty-six ($66.00) Dollars for damages to said property, it is adjudged, ordered and decreed that the said Board of Supervisors of Nansemond County pay the said Sixty-six ($66.00) Dollars with interest from the 15th day of March, 1922, to the Special Commissioner, S. E. Everett, in this cause.

And it further appearing from said report that the Virginia Electric & Power Company has constructed a line of poles, wires, etc. through said property and that said company only secured the right to construct said line from Lazarus Stewart, one of the heirs of Alfred Stewart and Rebecca Stewart, and who is now dead, and that in the opinion of the Commissioners the said electric line adds to the value of said property instead of damaging the same, it is adjudged, ordered and decreed that the said Special Commissioner, S. E. Everett, convey said property to the said B. R. Smith subject to the easement of the Virginia Electric & Power Company as conveyed to said company by Lazarus Stewart the 11th day of April, 1930.

It is adjudged, ordered and decreed that said Special Commissioner after paying the costs, disburse the remainder of said purchase money as well as the amount collected in the condemnation proceedings, to the adult parties entitled thereto, and the infant, Joseph Stewart, being of tender years, to-wit: twelve years old, and his share being small, less than One Hundred ($100.00) Dollars, said Special Commissioner, after paying Raye V. Knight, Guardian ad litem of said infant, Joseph Stewart, the sum of $10- for his

services in this cause, is directed to pay the remainder of the share of the said infant to Nannie Stewart, the mother of said infant, Joseph Stewart, to be used for his maintenance, education and support, and the said Special Commissioner, S. F. Everett, is directed to make a report to the court of his transactions in this cause.

It is further adjudged, ordered and decreed that S. F. Everett, Special Commissioner, shall have no power to execute this decree until he shall enter into bond with sufficient security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the penalty of $ 1500 , conditioned upon the faithful discharge of his duties under this decree, or any further decree that may be entered herein.

Eli Stewart et als.....
Complainants

vs. Decree

Joseph Stewart, infant.....
Defendant

Enter the 19 day of March, 1931.

J. L. McClure

Entered in Chancery Order Book
No. 6 page 399.

For Complt:
J. E. Evans Atty for
all Complainants.

Joseph Stewart
By Page V. Knight, his
Guardian ad litem.
J. H. Sanders Atty for B. R. Smith

Eli Stewart et als.....Complainants

vs. NOTICE

Joseph Stewart, an infant of the age of twelve years.....Defendant

PLEASE TAKE NOTICE That the Commissioners, G. C. Bradshaw, W. A. Jakeman, M. R. Gregory, C. E. Kelley and H. P. Harrell, appointed by the court in the above-styled suit, on the 28th day of February, 1931, will meet on the land of which Alfred Stewart and Rebecca Stewart died, seized and possessed, mentioned in this suit, at four o'clock P.M., Wednesday, March 4th, 1931, to execute a decree entered in the said suit on the 28th day of February, 1931, directing the said Commissioners to lay off and divide the real estate of which the said Alfred Stewart and Rebecca Stewart died, seized and possessed among the parties entitled thereto, or report to the court whether the same can be conveniently partitioned, or report anything else that in the opinion of the Commissioners should be necessary.

Eli Stewart, Willie Stewart, Lewis Stewart, Charles Stewart, Dawson Stewart, Labram Stewart, James Coach, Andrew Ward, Elijah Ward, Nazree Ward Stephenson, David Taylor, Edmond Taylor, Connie Taylor, Alfred Taylor, Jeanette Lawrence, Julia L. Everett, Nannie Stewart, Rebecca Norrell, and Mimmis Taylor,
Complainants.

By J. E. Boushee
Counsel.

Sufficient and legal service of the above notice is hereby accepted.

Joseph Stewart

By Ray V. Knight, Jr.
Guardian ad litem.

Eli Stewart, et als.....
Complainants.

vs. NOTICE

Joseph Stewart, an infant.....
Defendant.

Filed the 19 day of March
, 1931. J. L. M.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Eli Stewart, Willie Stewart, Lewis Stewart, Charles Stewart, Dawson Stewart, Labram Stewart, James Coach, Andrew Ward, Elijah Ward, Nazree Ward Stephenson, David Taylor, Edmond Taylor, Connie Taylor, Alfred Taylor, Jeaneete Lawrence, Julia I. Everett, Nannie Stewart, Rebecca Worrell and Wimmis Taylor.....Complainants

vs. DECREE

Joseph Stewart, an infant of the age of twelve years.....Defendant

This day came the complainants and filed their bill of complaint, and Raye V. Knight, a discreet and competent attorney at law is assigned as Guardian ad litem of the infant defendant, Joseph Stewart, to defend his interest in this suit, and the answer of the infant respondent, Joseph Stewart, by Raye V. Knight, his Guardian ad litem, to said bill to which answer the complainants replied generally and this cause is docketed by consent, and coming on to be heard by like consent on the bill, answer and replication, and was argued by counsel;

On consideration whereof, the court doth adjudge, order and decree that G. C. Bradshaw, W. A. Jakeman, M. R. Gregory, C. E. Kelley and H. P. Harrell, who are hereby appointed Commissioners for the purpose, after having first been duly sworn, do proceed to lay off and divide the real estate, as set out in the bill and of which Alfred Stewart and Rebecca Stewart died seized and possessed, among the parties entitled thereto, having regard to quality, quantity, and value.

But if the said commissioners should find that partition cannot be conveniently made of the said real estate among the aforesaid parties, then they are required to report the facts upon which their opinion is based to the court, and also whether the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the entire real estate, or allotment

of part and sale of the residue, and what in their opinion is the fee simple value of the whole of the real estate of which the said Alfred Stewart and Rebecca Stewart died seized and possessed: and in either case they are required to report their proceedings under this order to the court.

The court doth adjudge, order and decree further that if any of the parties interested should make an offer for the said property or any stranger, who is not a party to the suit, should make an offer for the said property, the said commissioners are required to report same to the court and their recommendation, and the reason for their recommendation.

Eli Stewart et als.....
Complainants

vs. DECREE

Joseph Stewart, infant.....
Defendant

Enter the 28 day of February
1931

Jas. L. McLemore

Enteredin Chancery Order Book
No. 6, page 394.

Ux Consent:
N. Sewell, Atty. for
Complainants

Joseph Stewart
By Raye V. Knight, his guardian
ad litem -

TO THE HONORABLE JAMES L. MCIEMORE, JUDGE OF THE
CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Eli Stewart et als.....Complainants

vs. REPORT OF COMMISSIONERS

Joseph Stewart, infant.....Defendant

Your Commissioners, G. C. Bradshaw, ~~W. A. Jackson~~, M. R. Gregory, C. E. Kelley, and H. P. Harrell, four of the Commissioners appointed in the above entitled suit, by a decree entered in the said Court on the 28th day of February, 1931, after being duly sworn, proceeded to execute the duties enjoined upon them by the said decree, and respectfully make to your Honor the following report:

First: Your Commissioners went upon the land of which Alfred Stewart and Rebecca Stewart died, seized and possessed, and described in the bill as follows:

> All that certain real estate situated in "Prospect", Sleepy Hole District, Nansemond County, Virginia, consisting of fifty (50) acres, more or less, and bounded and described as follows: Bounded on the North and East by what is known as Brewer's Creek, separating said land from the Philhower tract of land and a small cove separating said land from the land of Ed Willie, bounded on the South by a small strip of land separating this land from the railroad bounds of the Southern Railway Company, and on the West by the lands of C. E. Kelley. It being the same land which was conveyed to Alfred Stewart by deed executed by C. W. Wright and wife, dated the 16th day of May, 1877, and recorded in the Clerk's Office of the Circuit Court of Nansemond County in Deed Book 6, page 126.

Second: There were twelve children of the said Alfred Stewart and Rebecca Stewart, but Laura Coach, Lucy Ward, Sarah Taylor and Emma Copeland have died since the deaths of the said Alfred Stewart and Rebecca Stewart and left heirs.

Third: This being true if your said Commissioners attempted to equally divide said property it would have to be cut up into twelve (12) equal shares. This would not be practical and if done would destroy the value of the property.

Fourth: The guardian ad litem, Raye V. Knight, and several of the heirs met your Commissioners on said property but none of them seemed to be interested in asking for a division or make an offer for the whole or any part of the same. In the opinion of your Commissioners it would be to the interest of all concerned to sell the property privately or at auction and divide the proceeds.

Fifth: The property is in a bad condition, houses are dilapidated and the land has been neglected. It is well located but would be expensive to build up to the point where you could call it improved land.

Sixth: Considering the business depression in our opinion that a fair fee simple value of said property would be $700.00. (Seven hundred) The rental value is practically nothing, in other words the first year it would take more to attempt to get it in a position to rent than the rents would amount to.

Seventh: If any one of the heirs or a number of them should offer to take the property at the value mentioned by your said Commissioners we recommend to your Honor that the same be accepted.

Eighth: S. F. Everett, Attorney for Complainants and Raye V. Knight, Guardian ad litem for infant defendant, report the following delinquent taxes: For the year 1930, Twenty-three and 63/100 ($23.63) Dollars. For the year 1920, Delinquent Tax Book 1, page 122, Eleven and 01/100 ($11.01) Dollars.

Ninth: On the 15th day of March, 1922, the Board of Supervisors of Nansemond County condemned a thirty (30) foot strip of land through this said property for the State Highway leading from Suffolk to Wilroy along the North of the Southern Railway Company and the Commissioners allowed Sixty-six ($66.00) Dollars for the damages, See Order Deed Book 98, page 387. The Stewart Estate is entitled to interest on the Sixty-six ($66.00) Dollars from the 15th day of March, 1922. Your Commissioners recommend that this amount

be paid to the Special Commissioner in this case and distributed along with the other funds for the sale of the land.

Tenth: Willie Stewart sets up a claim against the estate for looking after the same. It appears that he is the one that has been looking after this for years and we have allowed him the small amount of $25.00.

Eleventh: Your Commissioners' attention has been called to the fact that the Virginia Electric & Power Company has never secured an easement for their right of way through said property. The said company has taken possession and their line now runs through said property parallel with the road. Your Commissioners do not think that the establishment of the said line decreases the value of said property or detracts from the appearance, but adds to its value and its appearance. As your Commissioners understand it, it is a local line and electricity can be used on any of the farms that it runs through. It is available for this farm if the occupants should see fit to use it. These facts being true we do not feel that there is any damage and the property should be conveyed to the purchaser subject to the easement of the right of way of said company.

Respectfully submitted:

G L Bradshaw

M. R. Gregory

O R Reese

H P Harrell

Commissioners.

Eli Stewart et als.....
Complainants

vs. REPORT OF COMMISSIONERS

Joseph Stewart, infant,.....
Defendant

Filed the ___ day of March, 1931.

TO THE HONORABLE JOHN H. POWELL, CLERK OF THE CIRCUIT COURT

OF NANSEMOND COUNTY, VIRGINIA.

Eli Stewart, Willie Stewart, Lewis Stewart, Charles Stewart, Dawson Stewart, Labram Stewart, James Coach, Andrew Ward, Elijah Ward, Nazree Ward Stephenson, David Taylor, Edmond Taylor, Commie Taylor, Alfred Taylor, Jeanette Lawrence, Julia I. Everett, Nannie Stewart, and Rebecca Worrell and Mimmis Taylor...Complainants

vs. IN CHANCERY

Joseph Stewart, an infant of the age of twelve years.....Defendant.

Issue summons to First Monday (1st Rules) in March 1931.

W. S. Bowden

P.Q.

TO THE HONORABLE JAMES L. MCIEMORE, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

Eli Stewart et als.....Complainants

vs.

Joseph Stewart, infant,.....Defendant

Since this appraisement and since my conversation with you this morning B. R. Smith has offered One Thousand ($1000.00) Dollars, for the property.

I am asking that this be attached to the report of the Commissioners and made a part of the report. All parties are willing to accept this offer, therefore I ask that the Commissioners' report as well as this report be confirmed and that the Special Commissioner in the case be directed to transfer the property to the said B. R. Smith for the sum of One Thousand ($1000.00) Dollars.

Respectfully:

J. J. Stewart

Eli Stewart et als.....Complainants

vs. AFFIDAVIT

Joseph Stewart, infant.....Defendant

STATE OF VIRGINIA

City of Suffolk, to-wit:

This is to certify that G. C. Bradshaw, ~~W. A. Coleman~~, M. R. Gregory, C. E. Kelley, and H. P. Harrell, four of the Commissioners, appointed in the above entitled suit by a decree entered the 28th day of February, 1931, after going upon the land of which Alfred Stewart and Rebecca Stewart died, seized and possessed, and after reading said decree made oath in the City of Suffolk before me the undersigned Notary Public that they would perform their duties faithfully in accordance with the decree entered in this cause on the 28th day of February, 1931.

Given under my hand this ~~26~~ 4th day of March, 1931.

My commission exnires the 24th day of July, 1933.

Notary Public.

Eli Stewart et als.....
Complainants

vs. AFFIDAVIT

Joseph Stewart, infant.....
Defendant

Filed the__day of March, 1931.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Eli Stewart et als.....Complainants

vs. DECREE

Joseph Stewart, infant.....Defendant

This cause came on this day to be heard upon the papers formerly read and on the report of S. E. Everett, Special Commissioner, this day filed, to which report there is no exception and was argued by counsel;

On consideration whereof it appearing from said report that the said Special Commissioner has made proper distributions, filing vouchers for the same, in accordance with a decree entered the 17th day of November, 1932, it is adjudged, ordered and decreed that said report be confirmed and there remaining nothing further to be done in this cause it is ordered that the same be stricken from the docket. and the Clerk of this Court, shall as a part of this decree record so much of the report of said Special Commissioner as contains the statements of the receipts and disbursements of said Special Commissioner.

Eli Stewart et als.....
Complainants

vs. DECREE

Joseph Stewart, infant.....
Defendant

Enter the 18th day of August, 193

B.L.C.J.

Entered in Chancery Order Book
No. 7 page 90 .

Eli Stewart, Willie Stewart, Lewis Stewart, Charles Stewart, Dawson Stewart, Labram Stewart, James Coach, Andrew Ward, Elijah Ward, Nazree Ward Stephenson, David Taylor, Edmond Taylor, Connie Taylor, Alfred Taylor, Jeanette Lawrence, Julia L. Everett, Nannie Stewart, Rebecca Worrell and Mimmis Taylor.....Complainants

vs. ANSWER

Joseph Stewart, an infant of the age of twelve years.....Defendant

The answer of the infant defendant, Joseph Stewart, by his guardian ad litem, to a bill in equity exhibited against said infant in the Circuit Court of Nansemond County, Virginia, by Eli Stewart and others.

This defendant by his said guardian ad litem does answer and say that he is an infant of tender years and not able to understand and to protect his rights as to the matters alleged in the bill of the complainants, and whether or not said complainants have a right to demand a partition of the property described in said bill, he is not advised, neither is he advised as to the proper price said property should bring in case the Court should decree a sale thereof. He does now submit his rights and interests to the protection of the Court.

Joseph Stewart

By Raye V. Knight
His Guardian ad litem

State of Virginia
City of Suffolk, to-wit:

Raye V. Knight, guardian ad litem for Joseph Stewart, the respondent named in the foregoing answer, being duly sworn, says that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information he believes them to be true.

Raye V. Knight
Guardian ad litem for Joseph Stewart,
Respondent.

Taken, sworn to and subscribed before me, S. E. Everett, a notary public of and for the City and State aforesaid, in my City aforesaid, this 28th day of February, 1931.

S. E. Everett
Notary Public

My commission expires July 24, 1933.

Eli Stewart et als.....Complainants

vs. ANSWER

Joseph Stewart,infant....Defendant

Filed the 28 day of February, 1931

J.L.M.

Eli Stewart, Willie Stewart, Lewis Stewart, Charles Stewart, Dawson Stewart, Labram Stewart, James Coach, Andrew Ward, Elijah Ward, Nazree Ward Stephenson, David Taylor, Edmond Taylor, Connie Taylor, Alfred Taylor, Jeanette Lawrence, Julia L. Everett, Nannie Stewart, Rebecca Worrell and Mimnis Taylor.....Complainants

vs. BILL

Joseph Stewart, an infant of the age of twelve years.....Defendant

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

Humbly complaining show unto your Honor your orators the following case:

1. That Alfred Stewart was in his life time seized and possessed of certain real estate situated in "Prospect", Sleepy Hole District, Nansemond County, Virginia, consisting of fifty (50) acres, more or less, and bounded and described as follows: Bounded on the North and East by what is known as Brewer's Creek, separating said land from the Philhower tract of land and a small cove separating said land from the land of Ed Willie, bounded on the South by a small strip of land separating this land from the railroad bounds of the Southern Railway Company, and on the West by the lands of C. E. Kelley. It being the same land which was conveyed to Alfred Stewart by deed executed by C. W. Wright and wife, dated the 16th day of May, 1877, and recorded in the Clerk's Office of the Circuit Court of Nansemond County in Deed Book 6, page 126.

2. That the said Alfred Stewart died many years ago leaving a widow, Rebecca Stewart, who has also been dead over fifteen (15) years.

3. That the said Alfred Stewart and Rebecca Stewart died leaving the following children and heirs at law: Eli Stewart, Willie Stewart, Lewis Stewart, Charles Stewart, Dawson Stewart,

Labram Stewart, James Coach, Andrew Ward, Elijah Ward, Nazree Ward Stephenson, David Taylor, Edmond Taylor, Connie Taylor, Alfred Taylor, Jeanette Lawrence, Julia L. Everett, Nannie Stewart, Rebecca Worrell, Mimmis Taylor, and Joseph Stewart, an infant of the age of twelve years.

4. The following children and heirs have died since the death of the said Alfred Stewart and Rebecca Stewart. Laura Coach died leaving her husband, James Coach, and Labram Stewart, her son before her marriage and the only child and heir. Lucy Ward died leaving her husband Andrew Ward, and three children, Elijah Ward, Nazree Stephenson, and Evelyn Ward, Evelyn Ward died unmarried and without issue. Sarah Taylor died leaving her husband, David Taylor, and the following children, Edmond Taylor, James Taylor, Connie Taylor, Mimmis Taylor, and Alfred Taylor. James Taylor died unmarried and without issue. Albert Kelley Stewart conveyed his interest in said property to Julia L. Everett by deed dated the 25th day of November, 1919, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, Virginia, in Deed Book 92, page 318. Lazarus Stewart died in 1930 leaving a wife, Nannie Stewart and one child, Joseph Stewart of the age of twelve years. Emma Copeland died, her husband Elisha Copeland also being dead, and left one child and only heir at law, Rebecca Worrell.

5. That by deed dated the 27th day of May, 1904, which is recorded in the said Clerk's Office in Deed Book 56, page 445, Lewis Stewart, Dawson Stewart, Willie Stewart, and Charles Stewart conveyed their interest in said property to their mother Rebecca Stewart. The said Rebecca Stewart died seized and possessed of said interest.

6. On March 15, 1922, the Board of Supervisors of Nansemond County, Virginia, condemned a right-of-way through said property

and the Commissioners allowed the Stewart Heirs Sixty-six ($66.00) Dollars for full damages and the said County would owe the heirs today Sixty-six ($66.00) Dollars with interest from March 15, 1922, for Order, See Deed Book 98, page 387.

That the said real estate is, as they believe, susceptible of partition among the parties entitled thereto; but should the property not be divisible in kind, complainants believe, and here state, that the interests of those who are entitled to the said real estate, or its proceeds, will be promoted by a sale of the whole of the same, or by an allotment of part and the sale of the residue;

In consideration whereof, and forasmuch as your complainants are remediless in the premises save by the aid of a court of equity, they pray that the said Joseph Stewart be made a party defendant to this bill, that a proper guardian ad litem be appointed in this cause for said infant who shall answer said bill; that proper process issue; that the said estate be divided between the parties entitled thereto, or else, if it cannot be so divided, that it may be sold and the proceeds divided among the adult and infant parties according to their respective rights, the share of the infant to be held as directed by statute for such cases made and provided; that all proper orders and decrees may be made, accounts taken and inquiries directed; and that your complainant may have all such further and other and general relief in the premises as the nature of their case may require, or to equity shall seem meet.

Eli Stewart

Willie Stewart

Lewis Stewart

Charles Stewart

Dawson Stewart

Labraun Stewart

James Coach
Andrew Ward
Elijah Ward
Nazee Ward Stephenson
David Saylor
Edmund Saylor
Connie Saylor
Alfred Saylor
Jeanette Laurence
Julia L. Everett
Jennie Stewart
Rebecca Worrell
Minnie Saylor

By _____
Their Counsel

_____
Counsel.

_____
Counsel.

Eli Stewart et als.....
Complainants

vs. BILL

Joseph Stewart, an infant.....
Defendant

Filed the 28. day of Febry
1931.
J.L.M.