1925-005 Chancery Causes: Mollie Stewart vs Josephine Jenkins et al
Isle of Wight County
Petition of Mollie Weaver

Folder 1
442

other SURNAMES: Darden, Ricks, Warren, Sutton, Wagner, Butler

STATE of VIRGINIA, County of Norfolk, to-wit:

I, Parke L.Poindexter, a Notary Public for the County of Norfolk in the State of Virginia doth hereby certify that Annie Stewart, 16 years of age, whose name is signed to the writing on the reverse side of this paper, dated the 14" day of November, 1924 has this day acknowledged the same before Me

Given under my hand this 17" day of November, 1924

Parke L. Poindexter
Notary Public

Commission expires the 11th day of April, 1928

State of Virginia,

County of Isle of Wight, to-wit:

I, A S. Johnson, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, do hereby certify that Lillian Stewart, whose name is signed to the foregoing writing bearing date November 14th. 1924, has acknowledged the same before me in my said County.

Given under my hand this 23rd. day of December, 1924.

A S Johnson
Commissioner in Chancery.

We, Harvey Stewart, Lillian Stewart, and Annie Stewart, children of Charles Stewart, sometimes called Charles Ricks, do respectfully request the Judge of the Circuit Court of the County of Isle of Wight, State of Virginia, to pay to our mother, Mollie Weaver, any money that may be found to be our share in the proceeds of the sale of the tract of land sought to be partitioned in a suit brought for that purpose, now pending in the Circuit Court of the County of Isle of Wight, State of Virginia, under the general style of Mollie Stewart v. Josephine Jenkins, et als., Docket No. 442.

Given under our hands this 14th. day of November, 1924.

his
Harvey X Stewart
mark
Annie Stewart (16 years of age)
Lillian Stewart

State of Virginia,

County of Nansemond, to-wit:

I, M W Crumpler, a Notary Public for the County of Nansemond, in the State of Virginia, do hereby certify that Harvey Stewart, whose name is signed to the foregoing writing bearing date the 14th. day of November, 1924, has acknowledged the same before me in my said County.

Given under my hand this 14th day of November, 1924.

M W Crumpler
Notary Public

My commission expires

December 29th 1927

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

Mollie Weaver, formerly Mollie Stewart,

v) Chancery. No. 442.

Josephine Jenkins, et als.

To Honorable Benjamin Dey White,

Judge of the Circuit Court of the County of Isle of Wight, State of Virginia.

The undersigned, heretofore appointed special commissioner in the above entitled cause in chancery pending in this court, respectfully reports to the court as follows, to-wit:

1. That pursuant to the decree entered in this cause on the 24th. day of November, 1924, he has executed and delivered to Mollie Weaver, formerly Mollie Stewart, a deed conveying to her the real estate in the bill and proceedings of this suit mentioned, with special warranty, and has collected from her the sum of seven hundred and fifty dollars, that being the amount of her bid for said property.

2. That it appears to your commissioner, from the report of R. A. Edwards, Commissioner in Chancery, filed herein on the 3rd. day of October, 1924, that the parties entitled to the proceeds from the sale of said land, are, as follows, to-wit:

1. Mollie Weaver, formerly Mollie Stewart, as widow of Charles Stewart, deceased, who is entitled to dower in said land, and that she has elected to have the same paid to her in cash, and which amounts to $146.42, she being fifty four years of age.

2. Mollie Weaver, formerly Mollie Stewart, who is the alienee of the interests in said land of Alex Stewart, Maggie Darden, Mattie Darden, Charles Stewart, Jr and Claude Stewart, children of the said Charles Stewart, who died possessed of said land, she being entitled to five twelfths interest therein.

3. Josephine Jenkins, another child of said Charles Stewart, who is entitled to one twelfth.

4. Lillian Stewart, an infant, nineteen years of age, a child of said Charles Stewart, who is entitled to one twelfth.

5. Harvey Stewart, an infant, eighteen years of age, a child of said Charles Stewart, who is entitled to one twelfth.

6. Annie Stewart, an infant, fifteen years of age, a child of said Charles Stewart, who is entitled to one twelfth.

7. Mollie Lucille Stewart, an infant, twelve years of age, a child of said Charles Stewart, who is entitled to one twelfth.

8. Willie May Stewart, an infant, ten years of age, a child of said Charles Stewart, who is entitled to one twelfth.

9. Lonnie Sutton, an infant, fifteen years of age, a grand-child of said Charles Stewart, the son of Viola Stewart, deceased, a daughter of said Charles Stewart, who is entitled to one twelfth.

3. That it appears from the request of Lillian Stewart, Annie Stewart and Harvey Stewart, herewith filed, as a part of this report, that they desire their shares in the proceeds of said property to be paid to their mother, the said Mollie Weaver; that the infants, Mollie Lucille Stewart, Willie May Stewart and Lonnie Sutton reside with the said Mollie Weaver.

4. Your commissioner, therefore, recommends that the proceeds of said property be paid out as follows:

1. To said Mollie Weaver, formerly Mollie Stewart, her dower interest, amounting to $146.42.

2. The costs of this suit, up to and including final decree:

3. The balance to be distributed and paid out as follows, to-wit:

To Mollie Weaver, five twelfths.

To Josephine Jenkins, one twelfth.

To Mollie Weaver the shares of the said Lillian Stewart, Harvey Stewart and Annie Stewart, according to their direction and request; and the shares of said Mollie Lucille Stewart, Wil-

lie May Stewart, and Lonnie Sutton, to be used by her for their education, maintenance and support.

Respectfully submitted,

A T Johnson

Special Commissioner.

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

Mollie Stewart, etc.

v) Chancery. No. 442.

Jenkins et als.

Report of special commissioner on conveyance of land

Filed January 5th. 1925.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart,

v), Chancery. No. 442.

Josephine Jenkins et als.

To Hon. B. D. White,

Judge of the Circuit Court of the County of Isle of Wight, State of Virginia.

The undersigned, special commissioner, respectfully reports unto your honor that pursuant to a certain decree entered in the above entitled cause on the 16th., day of October, 1924, he offered for sale, after advertising the time, place and terms of the sale, in accordance with the directions in the said decretal order contained, at public auction, to the highest bidder, at 11 o'clock A. M. on Thursday, November, 1924, in front of the Clerk's Office of the Circuit Court of the said County of Isle of Wight, State of Virginia, the tract of land in the bill and proceedings mentioned, at which sale Mollie Stewart, now Mollie Weaver, as will be made to more fully appear from a certain petition filed in this cause by the said Mollie Weaver, became the last and highest bidder, having bid the full sum of seven hundred and fifty dollars, which said bid your commissioner recommends be accepted. And your commissioner furthe reports that the puchaser has indicated a desire to pay the full purchase price in cash which he recommends to your honor to accept.

W. T. Johnson
Special Commissioner.

10.

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

Mollie Stewart,

v). Chancery. No. 442.

Josephine Jenkins et als.

Report of Spceial Commissioner

Filed.
Nov. 24- 1924.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

Everett Waddey Co.,
Stationers and Printers.
Richmond, Va.

Form No. 310.—Clerk's Certificate that Commissioner has given bond.

In the Clerk's Office of the Circuit Court of the County of Isle of Wight

Mollie Stewart, Plaintiff,

AGAINST

Josephine Jenkins et als., Defendant. Chancery 442

I, R. A. Edwards, Clerk of the said Court, do certify that the bond required of the Special Commissioner by the decree rendered in said cause on the 14th day of October, 1893, has been duly given.

Given under my hand as Clerk of the said Court, this 28th day of October, 1893.

R. A. Edwards Clk.

8½a

Sketch
N 7 Cy - No 1462
Jenkins Ham

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

Mollie Stewart

v). Chancery. No. 442.

Josephine Jenkins, HarveybStewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart and Willie May Stewart, the last six of whom are infants under the age of twnety one years.

You will please take notice that I will on the 3rd., day of October, 1924, at the Clerk's Office of the Circuit Court of the County of Isle of Wight, State of Virginia, at eleven o'clock A. M. , proceed to execute a certain decree entered in the above entitled cause on the 2nd., day of September, 1924, which said decree requires one of the Commissioners in Chancery of the Circuit Court of the County and State aforesaid, to inquire and report to the court:

I. Whether the said land in the billaand proceedingsmentioned, or any distiont ot independent part thereof, can be conveniently partitioned, betweennand among the parties entitled to share therein, to advantage; an, if it cannot be conveniently and advantageously partitioned, as aforesaid, whether or not it will be to the interest of the parties entitled to share therein to make sale of the subject matter, or any distinct or independent portion thereof, as cannot be so partitioned.

II. What is the annual and fee simple values of the said tract of land.

III. Whether or not there are any liens upon said land, for delinquent taxes, or otherwise.

IV. Who are the parties entitled to share in the said land, what are their respective rights, and how derived, together with their names, ages and residences.

V. Who are the proper parties to this suit, and if they are before the court.

VI. Any other matter specially stated deemed pertinent by the commissioner, or required to be stated by any party in interest.

R. A. Edwards
Commissioner in Chancery.

Virginia: Circuit Court
Isle of Wight County.

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Mollie Stewart

v). Chancery. No. 442.

Jenkins et als.

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Notice of execution of decree.

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I hereby accept legal and and sufficient notice of the within notice.

E. T. Williams
Guardian ad litem.
By C. T. Whitley.

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

Mollie Stewart

v). Chancery. No. 442.

Josephine Jenkins, HarveybStewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart and Willie May Stewart, the last six of whom are infants under the age of twnety one years.

You will please take notice that I will on the 3rd., day of October, 1924, at the Clerk's Office of the Circuit Court of the County of Isle of Wight, State of Virginia, at eleven o'clock A. M. , proceed to execute a certain decree entered in the above entitled cause on the 2nd., day of September, 1924, which said decree requires one of the Commissioners in Chancery of the Circuit Court of the County and State aforesaid, to inquire and report to the court:

I. Whether the said land in the billaand proceedingsmentioned, or any disticnt ot independent part thereof, can be conveniently partitioned, betweenand among the parties entitled to share therein, to advantage; an, if it cannot be conveniently and advantageously partitioned, as aforesaid, whether or not it will be to the interest of the parties entitled to share therein to make sale of the subject matter, or any distinct or independent portion thereof, as cannot be so partitioned.

II. What is the annual and fee simple values of the said tract of land.

III. Whether or not there are any liens upon said land, for delinquent taxes, or otherwise.

IV. Who are the parties entitled to share in the said land, what are their respective rights, and how derived, together with their names, ages and residences.

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V. Who are the proper parties to this suit, and if they are before the Court.

VI. Any other matter specially stated deemed pertinent by the commissioner, or required to be states by any party in interest.

R. A. Edwards
Commissioner in Chancery.

Virginia: Circuit Court
Isle of Wight County.

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Mollie Stewart

v). Chancery. No. 442.

Jenkins et als.

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Notice of Execution of decree.

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Original.

Executed in the County of Elizabeth city this 29th day of Sept 1924 by delivering a true copy of the within notice to Josephine Jenkins in person.

Chas.C.Curtis Sheriff

By I. S. Curtis
Deputy Sheriff.

Fee Paid

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

Mollie Stewart

v). Chancery. No. 442.

Josephine Jenkins, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart, and Willie May Stewart, the latter six being infants under the age of twenty one years.

To Hon. B. D. White,

Judge of the Circuit Court of the County of Isle of Wight, State of Virginia.

The undersigned, one of the Commissioners in Chancery for the Circuit Court of the County of Isle of Wight, State of Virginia, to whom has been referred the papers in this cause for the execution of a certain decree entered therein on the 2nd., day of September, 1924, respectfully reports to the court that on the 3rd., day of October, 1924, after giving notice to all parties, he proceeded to execute the said decree and then and there took the evidence of S. T. Butler, W. K. Wagner and Mollie Stewart, now Mollie Weaver, the complainant, in the presence of Messrs. A. S. Johnson and A. E. S. Stephens, counsel for the complainant, and E. H. Williams, Esq., as counsel for the defendants, a copy of whose signed testimony is attached hereto and made a part of this report.

That from the evidence so taken and reported, and from the records filed in the Clerk's Office of this court, and from the pleadings filed in this cause, your commissioner is informed and reports as follows, to-wit:

I. Partition cannot be made either of the entire tract, or nay distinct or independent part thereof, and it is the belief of the commissioner that the interest of all parties interested will be promoted by a sale of the entire tract of

land and a division of the proceeds arising from such sale among the parties entitled to share therein, according to their respective shares and rights.

II. The annual value of this tract of land is said to be bewteen fifty and seventy five dollars, the latter amount having been said to be the fairest rent. The fee simple value is estimated to be between seven hundred and fifty dollars and one thousand dollars, but, in no event, more than the last figure. This tract of land, consisting of around twenty seven acres, is situated about a mile and half back in the woods off the public highway and is reached only by a road, or path, that is well nigh impassible; there is about ten acres of open land which is in only a fair state of cultivation, and the remainder is wooded land there being some, but not much, timber upon it. There is a frame house on the place which is said to be in fair condition but not completed.

III. From the records filed in the Clerk's Office of this court there appear to be no liens against this tract of land, either for delinquent taxes or otherwise.

IV. The following are the names etc., of the parties entitled to share in the said tract of land, or the proceeds arising from the sale thereof, to-wit:

1. Josephine Jenkins, who was Josephine Josephine Stewart, a daughter of whole blood, now living in Hampton, Virginia, fifty years of age, a one-twelfth interest.

2. Lillian Stewart, a daughter of whole blood, now living in Baltimore, Md., nineteen years of age, a one-twelfth interest.

3. Harvey Stewart, a son of whole blood, eighteen years of age, living at Chuchatuck, Virginia, a one-twelfth interest.

4. Annie Stewart, a daughter of whole blood, fifteen years of age, now living in Berkley, Norfolk County, Virginia, a one-twelfth interest.

5. Mollie Lucille Stewart, a daughter of whole blood, twelve years of age, now living with her mother, Mollie Stewart, the complainant,

in Isle of Wight County, a one-twelfth interest.

6. Willie May Stewart, a daughter of whole blood, ten years of age, now residing with her mother, Mollie Stewart, in the County aforesaid, a one-twelfth interest.

7. Lonnie Sutton, a grandson, who is the child of Viola Stewart, a duaghter of whole blood, who died leaving the said Lonnie Stewart as her sole heir, he being fifteen years of age, now living with his grandmother, Mollie Stewart, in the County aforesaid, a one-twelfth share.

8. Mollie Stewart, who it appears is now Mollie Weaver, she having recently married, the complainant, and the widow of the said Charles Stewart, deceased, and who now owns a five-twelfths interest and her dower rights in the said tract of land.

The said Mollie Stewart, described above as having a five-twelfths interest in the said tract of land, acquired four-twelfths of her said interest by a certain deed from Maggie Darden and Isaac Darden, her husband, Mattie Darden and Monnie Darden, her husband, and Charles Stewart and Claud Stewart, both unmarried, all of whom are adult children, of whole blood of the said Charles Stewart, dated the 21st., day of December, 1923, and duly recorded in the Clerk's Office of this court. The remaining one twelfth interest, now owned by the said Mollie Stewart, she acquired by deed from Alec Stewart, an adult son of whole blood of the said Charles Stewart, deceased, by his deed, in which his wife, Emily Stewart, joined, dated the 5th., day of January, 1924, and duly recorded in the Clerk's Office of this court. And, further, the said Mollie Stewart has, also, in this tract of land, her dower right which, according to her testimony, she desires to have computed and paid to her in cash.

V. The proper parties to this cause are Josephine Jenkins, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Sutton, who heretofore has been named and described as Lonnie Stewart but whose real and proper name is Lonnie Sutton, and Willie May Stewart, the latter six of whom are infants under the age of twenty one years. All of these parties are, properly, before the court.

Your commissioner begs leave to report that there appears from the records filed in the Clerk's Office of this court to be no liens against any of the parties in interest in this cause.

Respectfully submitted,

R. A. Edmonds.
Commissioner in Chancery.

Commissioner's Fee $15.00

Mr. W. K. Wagner bing duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation?
Ans: W. K. Wagner, forty seven years of age, Nansemond County, am a merchant?
Q. Are you acquainted with the tract of land of which Charles Stewart died seized and possessed?
Ans: Yes sir, I am. I live only about three miles from it
Q. Can such real estate be conveniently divided among the parties entitled to share therein, either in its entirety or any independent portion thereof?
Ans: No sir, I should say not. Thismethod, I believe, would ruin the value of the place.
Q. Will the interests of the parties entitled to share therein in the said land be promoted by a sale of the whole, and a division of the proceeds?
Ans: I should say yes. As I have said before the place could not be conveniently divided among the parties entitled to share therein, and I don't think the parties would ever be satisfied if such was done..
Q. What, in your opinion, is a fair fee simple value of the entire tract of land?
Ans: I should say that its minimum value would be seventy hundred and fifty dollars and its maximum value not in excess of one thousand dollars. This tract of land is away back in the woods, about a mile and a half from the highway, and the roads leading to it are almost impassible and no more than paths. There is a fair frame house on it. There is a little timber on it, not much tho.
Q. What do you think would be a fair annual rent for this tract of land?
Ans: Between fifty and seventy five dollars.

And further this deponent saith not.

W. K. Wagner

Mr. S. T. Butler being duly sworn, depsoes and says:
(Examination conducted by Mr. Stephens).

Q. Please state your name, age, residence and occupation?
Ans: S. T. Butler, fifty nine years of age, live in Isle of Wight County, and am a farmer.
Q. Are you acquanited with the tract of land of which Charles Stewart died sized and possedded?
Ans: Yes sir, I am. I live less than a mile from it.
Q. Can such real estate be divided among the parties entitled to share therein, either in its entirety or independent portion thereof?
Ans: No it cannot. If an attempt were made to divide the land among the parties thereto it would lessen the value of the place, and make the parcels so small as to be of practially no value to any of the parties.
Q. Will the interests of the parties entitled to share in the said land be promoted by a sale of the whole and a division of the proceeds?
Ans: I think so. I don't see how it could be done in any other way and do justice to the parties having an interest therein.
Q. What in your opinion, is a fair fee simple value for the land, all of it, the entire tract?
Ans: I should say one thousand dollars. It has a failr good house on it, but it is not complete on the interior. It has had a coat of primer paint on it. The open land is poor.
Q. What do you think would be a fair annual rent for it?
Ans; I don't see how anybody could afford tomgive over seventy five dollars for it, and fifty dollars would probably be the fairest rent. There is very little open land, about ten acres.

And further this deponent saith not:

S T Butler

Mollie Stewart being duly sworn, deposes and says:

(Examination by Mr. Stephens).

Q. Please state your name, age, residence and o~~ccupation~~?

Ans: Mollie Weaver, I was formerly Mollie Stewart, I am fifty four years of age, reside in Isle of Wight County.

Q. Are you the same Mollie Stewart who is the complainant in the suit of Stewart v. Jenkins?

Ans: Yes sir, I am.

Q. Are you the widow of Charles Stewart, now deceased?

Ans: Yes sir, I am.

Q. Did Charles Stewart leave a will?

Ans: No sir, he did not?

Q. Please give the names of the children of Charles Stewart living at his death, with the names, ages and addresses?

Ans: Mattie Stewart, who married Manny Darden, she is thirty four years of age and lives in Berkley, Norfolk County, Virginia; Maggie Stewart, who married Isaac Darden, she is thirty two years of age and resided in Barkley, Norfolk County, Virginia: Charlie Stewart, he is twenty six years of age and lives in Isle of Wight County, Virginia: Claude Stewart, who is twenty years of age and resides in Isle of Wight County, Virginia: Lillian Stewart, who is ninteen years of age, she is living in Baltimore at 1321 Prestman St: Harvey Stewart, he is ~~six~~eighteen years of age, and lives at Chuckatuck, Nansemond, Virginia: Annie Stewart, who is fifteen years of age, and lives in Berkley, Norfolk County, Virginia, with Mattie Darden, her sister: Mollie Lucille Stewart, she is twelve years of age and lives with me in Isle of Wight County, Virginia; Willie May Stewart, who is ten years of age and lives with me; Lonnie Sutton, he is fourteen years of age and lives with me: The above named are my children by the said Charles Stewart, and the said Charles Stewart had the following children by a previous marriage, to-wit: Alec Stewart, who is around the age of fifty years, and lives in Nansemond County Virginia: Josephine Jenkins, who married Cornelius Jenkins, and

she now lives in Hampton, Virginia, she is between one and two years younger than Alec Stewart, her brother.

Q. Did Charles Stewart, by his marriage with you, or by any previous marriage have any children who are now dead?

Ans; Yes sir, he lost one children that was by his former wife.

Q. Did this child of Charles Stewart, whom you state is now dead, die leaving any heirs?

Ans: Yes, one child, Lonnie Sutton, who is now is now fourteen years of age and lives with me. I just said that this child was mine, but I meant that it was my grandchild by marriage. His mother was Viola, who was the daughter of my former husband, Charles Stewart, by a previous marriage.

Q. Did Charles Stewart have any childredn, other than those named by you?

Ans: He did not; I have named them all.

Q. Did Charles Stewart, at his death, have any real property other than the twenty seven acre tract in the bill and proceedings mentioned?

Ans; No sir, that s all he had.

Q. Please state whether you want you dower in this piece of property set apart and assigned to you in kind, or your interest computed in cash and paid to you?

Ans; I want my dower paid to me in cash.

Q. Have any of the childredn of Charles Stewart conveyed to you their interest in the tract of land of which Charles Stewart, their father, died seized and possessed of, and, if so, please sate their names?

Ans; Yes sir, five of them have. They are Claud Stewart, Maggie Darden, who was Stewart, Mattie Darden, who was Stewart, Charles Stewart and Alec Stewart.

Q. Was there any adminsitrator appointed to settle the estate of Charles Stewart?

Ans: No sir, there was not. He didn't leave anything but this

tract of land and some debts, all of which I have paid.

And further this deponent saith not.

Mollie Weavers

I have agreed to the interrogatories propounded herein, and have examined the answers thereto, and the report of the Commissioner, and I find no objection to its confirmation.

C. A. Wheeler

Guardian ad litem for Harvey Stewart, Lillian Stewart, Annie Stewat, Lucille Stewart, Lonnie Sutton and Willie May Stewart.

7.

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

Mollie Stewart,

v). Chancery. No. 442.

Josephine Jenkins et als.

Commissioner's Report.

Filed Oct. 3 - 1924.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

COMMONWEALTH OF VIRGINIA:

TO THE SHERIFF OF ~~ISLE OF WIGHT COUNTY~~ Elizabeth City, Greeting:

We command you that you summon Josephine Jenkins

to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said Court on the third Monday in August, , 1924, to answer a bill in chancery exhibited against her et als. in our said Court by Mollie Stewart,

And have then and there this writ.

Witness, R. A. Edwards, Clerk of our said Court, at the Courthouse, this 4th. day of August, 1924., 192, and in the 149th. year of the Commonwealth.

Teste, R. A. Edwards Clerk.

2 H

Mollie Stewart

Virginia Chancery No.

Josephine Jenkins, et als.

ORIGINAL SUBPOENA.

VIRGINIA, Clerk's office of the Circuit Court of the County of Isle of Wight:

Second August Rules
1924

Returned, entered and filed.

Teste: R. A. Edwards *Clerk*

To Second August 1924. *Rules.*

Johnson & Stephens, p.q.

Executed in the County of Elizabeth City, Va, this 7th. day of August 1924.
by serving a true copy of the within summons on Josephine Jenkins in person.

Chas. C. Curtis, Sheriff.
T. S. Curtis
Deputy Sheriff.

By

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

Mollie Stewart

v) Chancery. No. 442

Josephine Jenkins, et als.

The joint and separate answer of Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Willie May Stewart and Lonnie Stewart, infants under the age of twenty one years, by E. H. Williams, their guardian ad litem, appointed to defend their interests in this suit, and the answer of the said E. H. Williams, guardian ad litem for said infant defendants, to a bill in chancery filed against them by Mollie Stewart, in the Circuit Court of the County of Isle of Wight, State of Virginia.

These respondents, reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as they are advised that it is material for them to answer, by their guardian ad litem, answer and say:

That they are infants, under the age of twenty one years, and by reason of such infancy they are incapable of understanding or of taking care of their rights and interests herein; and, that they, therefore, commend themselves, and their rights and interests, to the protection of this court, and pray that no decree or order be entered that will tend to their prejudice.

And the said guardian ad litem of the said infant defendants, for answer to the said bill of complaint, answers and says: That he knows nothing of the truth or falsity of the statements in the said bill of complaint contained, and that he prays full protection of this court for the said infant defendants.

And now having fully answered, these defendants pray to be hence dismissed, etc.

E. H. Williams
Guardian ad litem for Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Willie May Stewart and Lonnie Stewart.

Harvey Stewart,
Lillian Stewart,
Annie Stewart,
Lucille Stewart,
Willie May Stewart,
Lonnie Stewart,

By E. H. Williams,
their guardian ad litem.

Subscribed and sworn to before me this 6th day of August, 1924,

[illegible]
Commissioner of Chancery
for the Circuit Court for the
County of Isle of Wight,

4

Virginia: Circuit Court
of Isle of Wight County.

Stewart

v. Chancery. No. 442

Jenkins, et als.

Answer of infant defendants and guardian ad litem.

Filed 2nd. August Rules, 1924.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart

v) Chancery. No. 442.

Josephine Jenkins, et als.

To Honorable Benjamin Dey White,

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

Your petitioner, Mollie Weaver, formerly Mollie Stewart, respectfully represents to the court that she is the complainant in the above entitled cause, now pending in the Circuit Court of the County of Isle of Wight, Virginia. That since the institution of the said suit she has, to-wit: on the 20th. day of January, 1924, married one Sherman Weaver, a resident of the said County of Isle of Wight. She, therefore, prays that the court will direct that the said suit be, henceforth, proceeded with in the name of Mollie Weaver as the complainant therein.

And your petitioner will ever pray, etc.

Mollie Weaver

9.

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

Mollie Stewart,

v). Chancery. No. 442.

Josephine Jenkins et als.

Petition of Mollie Weaver.

Filed Nov 22-1924

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart

v) Chancery. No. 442

Josephine Jenkins, an adult:
Harvey Stewart:)
Lillian Stewart:)
Annie Stewart:)
Lucille Stewart:) Infants.
Lonnie Stewart:)
Willie May Stewart:)

BILL OF COMPLAINT.

TO HONORABLE BENJAMIN D. WHITE,

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

Your complainant, Mollie Stewart, sheweth to the court the following case, to-wit:

1. That on the ____ day of _____, 19___, her husband, Charles Stewart, departed this life, intestate, leaving him surviving, besides your complainant, the following heirs at law, to-wit:

Josephine Jenkins, who was stewart, a daughter:
Alex Stewart, a son:
Mattie Darden, who was Stewart, a daughter:
Maggie Darden, who was Stewart, a daughter:
Charles Stewart, a son:
Claude Stewart, a son:
Harvey Stewart, a son:
Lillian Stewart, a daughter:
Annie Stewart, a daughter:
Lucille Stewart, a daughter:
Willie May Stewart, a daughter:
Lonnie Stewart, a grand-son, and who is the child
Viola Stewart, a daughter of Charles Stewart, decd:

2. That the said Charles Stewart was some time called Charles Ricks:

3. That the said Charles Stewart died siezed and possessed of a certain tract, piece or parcel of land, situate, lying and being in the County of Isle of Wight, State of Virginia, containing, by estimation, twenty seven acres, be the same more or less, and which was conveyed to him, under the name of Charles Ricks, by J. E. Warren, trustee, by deed bearing date the 15th. day of December, 1896, and which said deed is entered of record in the Clerk's Office of said County in Deed Book No. 61, page 423.

4. That by their deed bearing date the 21st. day of December, 1923, and entered of record in the said Clerk's Office in Deed Book No. 95, page 252, the said Mattie Darden, and her husband; the said Maggie Darden and her husband; the said Charles Stewart and Claude Stewart, conveyed to your complainant their interests in said tract of land: and, that by their deed bearing date the 5th. day of January, 1924, and of record in the said Clerk's Office in Deed Book No. 95, page 354, the said A lex Stewart and his wife, conveyed to your complainant their interest in said tract of land:

5. Your complainant believes that the said tract of land is susceptible of partition among the parties entitled thereto; but should it not be susceptible of partition, conveniently, either in its entirety, or of any distinct or independent portion thereof, that a sale me be ordered of the entire tract, or of such distinct or independent portion thereof as cannot be partitioned, and the proceeds arising from such sale be distributed among the parties entitled thereto, according to their respective rights:

IN TENDER CONSIDERATION WHEREOF, and forasmuch as your complainant is without remedy in the premises, save in

a court of equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said Josephine Jenkins, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Willie May Stewart, and Lonnie Stewart, may be made parties defendant to this bill, and required to answer the same, though not under oath, answer under oath being hereby expressly waived; that a discreet and competent attorney at law, practicing in this court, be appointed guardian ad litem for the infant defendants, the said Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Willie May Stewart, and Lonnie Stewart, to represent them and protect their interests in this cause; that the said tract of land may be partitioned among the parties entitled thereto, according to their respective rights; that proper process issue; and that all proper orders and decrees may be made, inquiries directed; and that such other, further and general relief may be afforded to your complainant as the nature of her case may require, or to equity shall seem meet.

And your complainant will ever pray, etc.

Notice is hereby given that the court will be asked to allow reasonable attorney's fees to Johnson & Stephens, counsel for the complainant, fo services rendered, and to be rendered, in the conduct of this suit, out of any funds that may come under the control of the court.

Mollie Stewart, complainant,
By counsel.

Johnson & Stephens f.c.

5

Virginia: Circuit Court
of Isle of Wight County,

Stewart

v) Chancery. No. 442

Jenkins, et als.

Bill of complaint.

Filed 2nd. August Rules,
1924.

(SEE RULES ON BACK)

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

LES. 1924. EXE
SS RETURNED EXECUTED AS TO JOSEPHINE JENKINS.
O HER: E.H.WILLIAMS APPOINTED AS GUARDIAN
INFANT DEFENDANTS,HARVEY STEWART,LILLIAN
EWART,LUVILLE STEWART,WILLIE MAY STEWART,
RT,AND FILED HIS ANSWER AND THE ANSWER OF
DEFENDANTS.
ES. X 1924.
OSEPHINE JENKINS STILL FAILING TO APPEAR
R ANSWER,BILL TAKEN FOR CONFESSED AS TO HER
WN FOR HEARING.

SECOND AUGUST RULES.
BILL FILED,PROCESS R
DECREE NISI AS TO HE
AD LITEM FOR THE INF
STEWART,ANNIE STEWAR
AND LONNIE STEWART,A
THE SAID INFANT DEFE
THIRD AUGUST RULES.
DEFENDANT JOSEP
TO PLEAD,DEMUR OR AN
AND CAUSE SET DOWN F
//

No.

Know all Men by These Presents: That we A. S. Johnson,

principal ,

and

Fidelity and Deposit Company Of Laryland, surety ,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One Thousand Dollars to the payment whereof well and truly to be made we bind ourselves and each of us, our and each of our heirs, executors, administrators and successors, jointly and severally, firmly by these presents.

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

IN TESTIMONY WHEREOF, the said A. S. Johnson, principal , has hereto set his hand and affixed his seal;

and the said Fidelity and Deposit Company Of Laryland, surety , by R. A. Edwards , its duly authorized agent and attorney in fact, has caused its corporate name and seal to be hereunto affixed, the said seal to be attested by the signature of the said R. A. Edwards, , its said agent and attorney in fact, this, the 28th, day of October A. D. 19 24

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound A. S. Johnson, who was by a decree entered in the Circuit Court of the County of Isle Of Wight Virginia, on the 16th day of October 1924, in the Chancery cause of Mollie Stewart et als..vs..Josephine Jenkins et als,, docket Number 442., appointed a Special Commissioner for the sale of the real estate therein mentioned.,

shall faithfully discharge the duties of his office or trust as such Special Commissioner , then the above obligation to be void, or else to remain in full force and virtue.

A. S. Johnson [SEAL]

Fidelity and Deposit Company of Maryland,

By R. A. Edwards
Attorney-in-Fact

By .....

Its duly authorized agent and attorney in fact.

Attest: R. A. Edwards

Agent and attorney in fact.

Virginia: In the Clerk's Office of the Circuit Court of the County of Isle of Wight the 28th day of October 1924 this bond was duly executed and acknowledged by the obligors to the same and ordered to be recorded.

R. A. Edwards Clerk.

A copy.
Teste, R. A. Edwards, Clk
By E. Kay Wilson D.C.

Mollie Stewart
vs # 442
Josephine Jenkins
et als

Filed
Oct 16 - 1924
R. A. Edmiston
Clk.

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

Mollie Stewart

v) Chancery. No. 442

Josephine Jenkins, et als.

Second August Rules, 1924:

Upon motion of counsel for the complaint, E. H. Williams, a discreet and competent attorney at law, practicing in this court, is, hereby, assigned as guardian ad litem for the infent defendants, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Willie May Stewart, and Lonnie Stewart, to defend their interests in this suit.

R. A. Edwards, Clerk.

3

Virginia: Circuit Court
of Isle of Wight County.

Stewart

v) Chancery. No. 442

Jenkins et als.

Clerk's Order appointing guardian ad litem.

Filed 2nd. August Rules, 1924.

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Weaver, formerly Stewart,

v) Chancery. 442.

Josephine Jenkins et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner, this day, by leave of court, filed, and to which there is no exception, and was argued by counsel: And it appearing from said report that the said special commissioner has disbursed the purchase price for the land in the bill and proceedings of this suit mentioned, in accordance with the decree entered herein on the 5th. day of January, 1925, being as follows, to-wit:

Paid Mollie Weaver, formerly Mollie Stewart, widow of Charles Stewart, her dower interest,	$ 146.41
Paid R. A. Edwards, Clerk, writ tax,	1.50
Paid R. A. Edwards, Clerk, clerk fees,	12.55
Paid R. A. Edwards, Commissioner in Chancery, for making report on decree of inquiries,	15.00
Paid R. A. Edwards, Agt., premium on special commissioner's bond,	5.00
Paid F. L. Wilson, auctioneer, crying property,	5.00
Paid A. S. Johnson, special commissioner, commissions on sale,	24.00
Paid Johnson and Stephens, counsel fee allowed by court,	50.00
Paid Johnson and Stephens, taxed attorney fee,	15.00
Paid Johnson and Stephens, drafting deed to purchaser	10.00
Paid Johnson and Stephens for sale notices and tax stamp for deed,	4.00
Paid Josephine Jenkins, heir, her one twelfth,	38.46

Paid Mollie Weaver, formerly Stewart, as purchaser from Alex Stewart, Mattie Darden, Maggie Darden, Charles Stewart and Claude Stewart, heirs, their five twelfths interest, 192.30

Paid Mollie Weaver, formerly Mollie Stewart, shares of Lillian Stewart, Harvey Stewary, Annie Stewart, Mollie Lucille Stewart, Willie May Stewart and Lonnie Sutton, infant heirs, their six twelfths, 230.78

Aggregating the purchase price of $750.00

And the said report being accompanied by vouchers covering such disbursements, all of which appear to be proper: upon consideration whereof the court doth adjudge, order and decree that the said report be, and is, hereby, confirmed.

And nothing further appearing needful to be done in this cause it is ordered that it be dismissed and stricken from the docket.

15

Virginia: Circuit Court
of Isle of Wight County.

Mollie Weaver, formerly
Stewart

v) Chancery. 442.

Josephine Jenkins et als

Note for decree.

Enter this

_____

1925.

Book 8
page 273

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Weaver, formerly Mollie Stewart,

v) Chancery. No. 442.

Josephine Jenkins et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of A. S. Johnson, Special Commissioner, this day, by leave of court, filed, and to which there is no exception, and was argued by counsel:

And it appearing from said report that the said A. S. Johnson has executed and delivered to said Mollie Weaver a deed conveying to her the property in the bill and proceedings of this suit mentioned and has collected from her the sum of seven hundred and fifty dollars, it being the purchase price of said property;

The Court doth adjudge, order and decree that the said conveyance be, and is, hereby, confirmed.

And it further appearing from said report, and from the report of Commissioner in Chancery, R. A. Edwards, filed in this cause on the 3rd. day of October, 1924, that the said Mollie Stewart is entitled to dower interest, which she desires to be paid to her in cash; that the said Mollie Stewart is, as alienee of Alex Stewart, Maggie Darden, Mattie Darden, Charles Stewart, Jr., and Claud Stewart, entitled to five twelfths of said proceeds; that the balance should be paid to Josephine Jenkins, one twelfth; to Lillian Stewart, one twelfth; to Harvey Stewart, one twelfth; to Annie Stewart, one twelfth; to Mollie Lucille Stewart, one twelfth; to Willie May Stewart, one twelfth; and to Lonnie Sutton, one twelfth:

The Court doth further adjudge, order and decree that the said A. S. Johnson, Special Commissioner, shall out of the

fund of seven hundred and fifty dollars now in his hands, pay to the said Mollie Weaver her dower interest therein, which is $146.42; and he shall then pay the costs of this suit, up to and including final decree, including a counsel fee to Johnson and Stephens, attorneys conducting this cause, of $50.00; and the balance he shall pay out as follows, to-wit:

To Mollie Weaver, , five twelfths; to Josephine Jenkins one twelfth; to Mollie Weaver, the shares of Lillian Stewart, Harvey Stewart, Annie Stewart, Mollie Lucille Stewart, Willie May Stewart and Lonnie Sutton, to be used by her in their education, maintenance and support.

And this cause is continued.

Virginia: Circuit Court
of Isle of Wight County.

Mollie Stewart, etc.

v) Chancery. No. 442.

Jenkins et als.

Note for decree, to be entered January 5th. 1925.

1925
Jan. 5.
Enter this.
B.D.W.
Book 8
page 258

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart,

v}. Chancery. No. 442.

Josephine Jenkins et als.

This cause came again on this day to be heard upon the papers formerly read, and upon the report of A. S. Johnson, special commissioner, and on the petition of Mollie Weaver, both of which, the said report and petition, are, this day, by leave of the court, filed, and to which there are no exceptions, and were argued by counsel:

And it appearing to the Court, from the said report, that after advertsing the time, place and terms of the sale in accordance with the directions contained in a certain decree entered in this cause on the 16th., day of October, 1924, said Special Commissioner offered for sale, at public auction, to the highest bidder, at 11 o'clock A. M. on November 14th., 1924, in front of the Clerk's Office of the Circuit Court of the said County of Isle of Wight, the tract of land in the bill and proceedings mentioned, and at which sale Mollie Weaver, who was Mollie Stewart, the complainant in this cause, became the last and highest bidder having bid the sum of seven hundred and fifty dollars which said sum she, the purcahser, desires to pay in cash: and it further appearing to the court, from the petition of Mollie Weaver, that since the institution of this suit she has married Sherman Weaver, and that she desires to have this cause continued to its completion in the name of Mollie Weaver, as complainant, instead of Mollie Stewart, in whose name this suit was instituted:

Upon consideration whereof it is adjudged, ordered and decree that the said report of the special commissioner and said sale be, and the same is, hereby, confirmed: and it is further adjudged, ordered and decreed that the said special commissioner collect

from the said Mollie Weaver the sum of seven hundred and fifty dollars, in cash, and execute to her a deed, with covenants of Special Warranty, conveying the property in ~~this~~ the bill and proceedings of this suit mentioned. ~~and out of this sum the said special commissioner shall pay, first, to Mollie Weaver the cash value of her dower interest in the said tract of land; the cost of this suit up to, and including, the entry of a final decree; to Johnson and Stephens, counsel for the complainant, the sum of $ as counsel fees for conducting this cause, and the balance he shall pay to the parties entitled to share therein, according to their respective interests.~~ And the court doth further adjudge, order and decree that this cause be continued in the name of Mollie Weaver, as complainant, instead of Mollie Stewart in whose name the suit was originally brought.

And this cause is continued.

11.

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

Mollie Stewart,

v). Chancery. No. 442.

Josephine Jenkins et als.

Note for decree:

Enter this: 1924 Nov. 24 B.D.W.

Book 8 page 242

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart

v). Chancery. No. 442,

Josephine Jenkins, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart and Willie May Stewart, the last being infants under the age of twenty one years.

This cause came on this day to be heard upon the papers formerly read, and upon the report of R. A. Edwards, Commissioner In Chancery, filed on the 22 day of October, 1924, to which report there is no exception, and was argued by counsel:

And it appearing to the court, from the said report, that neither the whole of the said tract of land, nor any distinct nor independent part thereof, is susceptible of being partitioned among the parties entitled thereto, and that the interests of the parties entitled to share therein will be promoted by a sale of the entire tract and a division of the proceeds of the sale among them; that the fee simple value of the tract of land is estimated to be between the sum of seven hundred and fifty dollars and one thousand dollars, with an annual rental value of from fifty to seventy five dollars; that there are of record no liens against the said tract of land, or against the interest of any of the parties in interest, either for delinquent taxes or otherwise; that the following parties are entitled to share in the said tract of land, to-wit: Josephine Jenkins, who was Josephine Stewart, a daughter of whole blood, fifty years of age, now residing in Hampton, Virginia, an undivided one-twelfth share; Lillian Stewart, a daughter of whole blood

now living in Baltimore, Maryland, nineteen years of age, an undivided one-twelfth share; Harvey Stewart, a son of whole blood, eighteen years of age, now living at Chuckatuck, Virginia, an undivided one-twelfth share; Annie Stewart, a daughter of whole blood, fifteen years of age, now residing at Berkley, Virginia, an undivided one-twelfth share; Mollie Lucille Stewart, a daughter of whole blood, twelve years of age, now living with her mother, Mollie Weaver, the complainant, in Isle of Wight County, Virginia, an undivided one-twelfth share; Willie May Stewart, a daughter of whole blood, ten years of age, now living with her mother, Mollie Weaver, in the County aforesaid, an undivided one-twelfth share; Lonnie Sutton, a grandson, who is the child of Viola Stewart, deceased, who married Sutton, a daughter of whole blood, who is the sole heir of Viola Stewart, he now being fifteen years of age and lives with his grandmother, Mollie Weaver, in the County aforesaid, an undivided one-twelfth share; Mollie Stewart, who it appears is now Mollie Weaver, she having recently married Weaver, the complainant, who is fifty four years of age and resides in this County, and undivided ~~five~~ twelfths share and her dower right in the tract of land, she having acquired her fee simple interest in the said tract of land by two certain deeds from Maggie Darden and Isaac Darden, her husband, Mattie Darden and Annie Darden, her husband, Charles Stewart and Claud Stewart, unmarried, and Alec Stewart and Emily Stewart, his wife, all of whom are adult children of the said Charles Stewart, deceased; that the said Mollie Weaver, formerly Mollie Stewart, the complainant, desires that her dower in the said tract of land be computed and paid to her in cash; and, that all the proper parties are before the court:

On consideration whereof it is adjudged, ordered and decreed that the said report be, and is, hereby, confirmed; and it is further adjudged, ordered and decreed that A. S. Johnson, who is hereby appointed Special Commissioner for that

purpose, shall offer for sale, at public auction, to the highest bidder, the land in the bill and proceedings mentioned, after advertising the time and place of the sale, by written or printed posters, posted in ten or more public places in the said County of Isle of Wight, for, at least, ten days prior to the day of the sale, and upon the following terms, to-wit: one-third cash and the residue in two equal installments, payable respectively in twelve and twenty four months from the date thereof, the credit installments to be evidenced by the bonds of the purchaser, bearing interest at the rate of six per centum per annum from date, payable annually, and the title to the property to be retained until the whole of the purchase price shall have been paid, and a conveyance directed by the court; and, the purchaser, or purchasers, shall deposit ten per cent of the purchase price with the said Special Commissioner at the time of the sale, which deposit, shall be forfeited to this cause in event that the purchaser shall not, within ten days from the date of the sale, fully comply with the terms thereof; and unless the purchaser, or purchasers, shall make the said deposit at the time of the sale, then the said Special Commissioner shall, forthwith, at the same time and place, proceed to sell the said property upon the said terms. The purchaser, or purchasers, at the said sale, if he, or they, so elect, shall be allowed to pay the full purchase price at the time of the sale.* But the said Special Commissioner shall do no act under this decree until he shall have entered into a bond, conditioned as the law directs, in the penalty of the sum of $1000 conditioned upon the faithful discharge of his duties hereunder, and under any future decree entered in this cause.

And the said Special Commissioner shall receive private bids for the land in the bill and proceedings mentioned, but such bid, or bids, shall, first, be referred to this court for its acceptance or rejection.

And this cause is continued.

8.

Virginia: in the Circuit Court of the County or Isle or Wight.

Mollie Stewart,

v). Chancery. No. 442.

Josephine Jenkins et als.

Note for decree:

Enter this:

#8
Page 232

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart

v) Chancery. No. 442.

Josephine Jenkins, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart and Willie May Stewart, the last six being infants under the age of twenty one years.

This cause, in which Mollie Stewart is the complainant, and Josephine Jenkins, an adult, and Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart, and Willie May Stewart, infants under the age of twenty one years, are defendants, came on this day to be heard upon the bill of complaint, and upon the answers of the infant defendants, by E. H. Williams, their guardian ad litem, duly appointed at rules, and upon the answer of the said E. H. Williams, guardian ad litem, the defendant, Josephine Jenkins, who is an adult, having been served with process, which has been duly returned, showing service thereon, and who has failed to appear to plead, demur or answer, the said bill of complaint being taken for confessed as to her, and upon general replication to said answers, and was argued by counsel: On consideration whereof, the court doth adjudge, order and decree that this cause be referred to one of the commissioners of this court who shall inquire into and report to court:

Whether the land in the bill and proceedings mentioned, or any distinct or independent portion thereof, can be conveniently partitioned, between and among the parties entitled to share therein, to advantage; and if it cannot be conveniently and advantageously partitioned, as aforesaid, whether or not it

it will be to the interest of the parties entitled to the same to make sale of the entire subject, or of any distinct or independent portion thereof, as cannot be so partitioned.

What is the annual and fee simple values of said tract of land.

Whether or not there are any liens upon said land, for delinquent taxes, or otherwise.

Who are the parties entitled to share in said land, what are their respective rights, and how derived, together with their names, ages and residences.

Who are the proper parties to this suit and if they are before the court.

Which several inquiries the said commissioner shall make, and to the court report, together with any matter specially stated, deemed pertinent by himself, or which may be required to be made and stated by any party in interest.

And any evidence taken by the said commissioner shall be reduced to writing and returned with said report.

And this cause is continued.

6

Virginia: Circuit Court
of Isle of Wight County.

Stewart

v) Chancery. No. 442.

Jenkins et als.

Note for decree

Enter this Sept. 2nd.1924.

B.W.C.

Order Book 8
Page 221

JOHNSON AND STEPHENS
ATTORNEYS AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

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

Mollie Stewart

v) Chancery. No. 447

Josephine Jenkins, Harvey Stewart, Lillian Stewart, Annie Stewart, Lucille Stewart, Lonnie Stewart and Willie May Stewart, the last six being infants under the age of twenty one years.

Issue summons for Josephine Jenkins, directed to the Sheriff of the County of Elizabeth City, Virginia, returnable to Second August Rules, 1924.

Appoint E. H. Williams as guardian ad litem for the infant defendants,

Johnson Stephens p.q.

To the Clerk of the Circuit Court of the County of Isle of Wight, Virginia.

Deposit of $7.50 made upon filing memo.

1

Virginia: Circuit Court of
Isle of Wight County .

Mollie Stewart

v) Chancery. No. 442

Josephine Jenkins et als.

Attorney's memorandum.

Filed July 31st. 1924.

Filed - & process issued -
8-4-24.

Dep. 7 Co 7-21-24.

A. S. JOHNSON
ATTORNEY AT LAW
ISLE OF WIGHT C. H., VA.

The Linden Printing Company, Hartford, Connecticut, U.S.A.

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of one hundred and forty six dollars and fofrty one cents ($146.41), in full paymanet of my dower interest in the real property involved in this cause, and it being the same land of which my former husband, Charles Stewart, died seized and possessed.

Mollie Weaver

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, the sum of fourteen dollars and five cents ($14.05), for writ tax and Clerk fees in said suit.

R. A. Edwards, Clerk.

February 17th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of fifteen dollars ($15.00), for Commissioner in Chancery's fee for making report in this cause.

R. A. Edwards.
Commissioner in Chancery.

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wigh , State of Virginia, the sum of five ($5.00), for premium on Special Commissioner's bond.

R. A. Edwards.

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of five ($5.00) dollars in full payment of my fee for crying the property involved in this cause.

F. L. Wilson

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Hollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of twenty four ($24.00), for special commissioner's fees on sale price of land in cause.

A S Johnson
Special Commissioner.

Received of A. S. Johnson, Special Commissioner in the chancery suit of Stewart v. Jenkins, et als, pending in the Circuit Court of the County of Isle of Wight, Virginia, for services rendered:

Attorney fee allowed by the court,	$ 50.00
Taxed attorney fee,	15.00
Draft of deed to purchaser of land,	10.00

Johnson V. Stephens

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., the sum of four ($4.00) dollars, three ($3) for amount paid for advertising property and one ($1) dollar for revenue stamps placed on deed to purchaser.

Johnson v Stephens.

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of thirty eight dollars and forty six cents ($38.46), in full payment of my share (1/12) in the sale price of the land involved in this cause, and of which my father, Charles Stewart, died seized and possessed.

J. Lorenzo Rainey Atty.

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of one hundred and ninety two dollars and thirty cents ($192.30), in full payment of five shares of the purchase price of the land involved in this cause, the said five shares being conveyed to me by deeds from Alex Stewart, Mattie Darden, Maggie Darden, Charles Stewart and Claud Stewart, five of the children of Charles Stewart, deceased, my former husband.

Mollie Weaver

February 27th., 1925.

Received of A. S. Johnson, Special Commissioner in the Chancery cause of Mollie Weaver v. Josephine Jenkins et als., pending in the Circuit Court of the County of Isle of Wight, State of Virginia, the sum of two hundred and thirty dollars and seventy eight cents ($230.78), in full paymanet of six shares in the purchase price of the land involved in this cause, the shares being those of Lillian Stewart, Harvey Stewart, Annie Stewart, Mollie Lucille Stewart, Willie May Stewart and Lonnie Sutton, infant children of Charles Stewart Stewart, whose shares were ordered paid to me by the court for their support and maintainence.

Mollie Weaver

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

Mollie Weaver, formerly Stewart,

v) Chancery. 442.

Josephine Jenkins et als.

To Honorable Benjamin Dey White,

2 Judge of the Circuit court of the County of Isle of Wight, Virginia.

The undersigned, appointed special commissioner in this cause, respectfully reports to the court that as directed by decree entered herein on the 5th. day of January, 1925, he has disbursed the purchase price of the property in the bill and proceedings of this suit mentioned as follows, to-wit:

Paid to Mollie Weaver, formerly Mollie Stewart, widow of Charles Stewart, her dower interest	146.41
Paid R. A. Edwards, Clerk, writ tax,	1.50
Paid R. A. Edwards, Clerk, Clerk fees,	12.55
Paid R. A. Edwards, Commissioner in Chancery, report,	15.00
Paid R. A. Edwards, Agt. premium on S.C. bond,	5.00
Paid F. L. Wilson, auctioneer, crying property,	5.00
Paid A S. Johnson, special commissioner, com. on sale,	24.00
Paid Johnson & Stephens, counsel fee allowed by court,	50.00
Paid Johnson & Stephens, taxed attorney fee,	15.00
Paid Johnson & Stephens, draft of deed to purchaser,	10.00
Paid Johnson & Stephens, sale notices and war tax stamp placed on deed to purchaser,	4.00
Paid Josephine Jenkins, heir, one twelfth,	38.46
Paid Mollie Weaver, formerly Stewart, as purchaser from Alex Stewart, Mattie Darden, Maggie Darden, Charles Stewart and Claude Stewart, heirs, five twelfths	192.30
Paid Mollie Weaver, formerly Stewart, shares of Lillian Stewart, Harvey Stewart, Annie Stewart, Mollie Lucille Stewart, Willie May Stewart and Lonnie Sutton, infant heirs, six twelfths,	230.78
Aggegating the purchase price of	$ 750.00

Vouchers for the disbursements enumerated above are herewith filed as a part of this report.

There appears nothing further to be done in this cause, and it may be dismissed and stricken from the docket.

Respectfully submitted.

A. T. Gibson

Special Commissioner.

14

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

Mollie Weaver, formerly Stewart

v) Chancery. 442.

Josephine Jenkins et als.

Report of special commissioner

Filed_____,

1925.

JOHNSON AND STEPHENS
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ISLE OF WIGHT C. H., VA.

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