1928-004 Chancery Causes: Ada J. Stephenson, gdn vs Maud Croso, Joseph Stephenson Folder 1
Isle of Wight County et al 493
Petition of Ada J. Stephenson

other SURNAMES: Stagg
[Bank of Smithfield], Wilson,
Porter, Cofer

TO HONORABLE BENJAMIN DAY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

I hereby offer to pay twenty five hundred dollars for the Wm. H. Stephenson tract of land, near the courthouse of Isle of Wight County, which is estimated to contain two hundred and fourteen acres, and which is bounded by the lands of R. F. Whitley, R. Lee Seward and Surry Lumber Company.

This offer is subject to withdrawal, by me, unless a deed for the land can be delivered to me within forty five days.

Respectfully,

J. L. Adams

TO HONORABLE BENJAMIN DEY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

The undersigned, parties in interest in the property of which the late Wm. M. Stephenson, of Isle of Wight County, Virginia, died siezed and possessed, and which is the subject matter of a chancery suit now pending in the Circuit Court of the County of Isle of Wight, Virginia, are informed that Captain J. Q. Adams has made an offer of twenty five hundred dollars for the property mentioned in the said suit. We believe that it will be to the interest of all concerned to accept the offer of Captain Adams. The property is unoccupied. We cannot make as good living upon it as we can elsewhere, and it is very difficult to get a responsible tenant who can farm the property and finance himself. We are in no position, even if it was desired, to finance any tenant who might be procured for the place.

Respectfully submitted,

Mrs Ada J Stephenson
Herman O. Stephenson
Claude Stephenson
Leslie M Stephenson
Grover C. Stephenson

SALE

of Valuable Farm
In Isle of Wight County

In obedience to the decree of the Circuit Court of the County of Isle of Wight, State of Virginia, entered on the 5th day of January, 1927, in the chancery suit therein depending and undetermined, in which Ada J. Stephenson and others are the defendants, the undersigned special commissioner will offer for sale at public auction,

JANUARY 17, 1927

10 o'clock A. M.

At Isle of Wight County Courthouse, Virginia

for cash, to the highest bidder, that certain tract, piece or parcel of land situate, lying and being in the County of Isle of Wight, State of Virginia. of which Wm. M. Stephenson died seized and possessed, containing, by estimation, two hundred and fourteen acres, by the same more or less, bounded by the lands of R. L. Seward, R. F. Whitley and Surry Lumber Company.

This is a splendid apportunity to obtain a farm, conveniently located to a high school and good road. It is about a mile and a half from the county seat, and the land is easy to handle and susceptible to a very high state of fertility.

A. S. JOHNSON, Special Commissioner.

W. H. CHAPMAN, Crier.

Virginia:Clerk's Office of the Circuit Court of the County of Isle of Wight, January 5th, 1927
The Bond required of the special commissioner in the foregoing mentioned suit, has been executed.

TESTE: R. A. Edwards, Clerk.

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

Stephenson, Guardian, etc.

v) Chancery. 493.

Stephenson, et als.

To Honorable Benjamin Dey White,

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

The undersigned, Special Commissioner in this cause, appointed by decree entered on the 5th. day of January, 1927, respectfully reports to the Court, that, as directed by said decree entered on the 5th. day of January, 1927, after giving the bond required thereby, he advertised the tract of land in the bill and proceedings of this suit mentioned, as directed, and offered the same for sale, to the highest bidder, for cash, at public auction, at the courthouse of the said County of Isle of Wight, on the 20th. day of January, 1927. That he received no bid for said land. That since that time he has made repeated efforts to find a purchaser therefor, but has not been successful, until very recently, when J. Q. Adams, Jr., has been interest in the purchase thereof, and who has offered the sum of twenty five hundred dollars in cash therefor, his offer being hereto attached.

Ada J. Stephenson, the widow of Wm. M. Stephenson, deceased, has found it impossible to live comfortably upon the place and moved away from it in the year 1926. She has been unable to get a tenant for the present year, and the land is now lying idle. It is quite difficult for get responsible and industrious tenants for any land hereabouts, except in rare cases, and then, in most cases, the land-land lord has to furnish the tenant and his family with provisions and other supplies during the year, and it is a case of hit or miss then, frequently resulting in serious loss to the landlord.

Before leaving the farm, some of her children found employment in Port Norfolk, and she moved there to be with and to keep house for them. She reports being far more comfortable than when she was on the farm, trying to make a living and keep things together, and that she has no idea of moving back. The said Ada J. Stephenson, and her two adult children, and one of the infants, Leslie M. Stephenson, who is now twenty years of age, are of the opinion that it would be to the interest of all the parties who own any right in the said land to sell the same, as will be noted by a statement, signed by them, and attached to this report.

The farm is not gaining in value. The only possible increase is the growth of timber coming on. The merchantable timber was cut off some three years ago, and during the summer of 1925 a disastrous fire swept over the entire wooded land, or the greater portion of it, and pretty well cleaned it, according to the evidence filed with the report of the Commissioner in Chancery herein. It will be a long time before the place will yield any marketable timber. Thereis a considerable debt hanging over the land, as will be observed from the pleading heretofore filed herein, and in view of this fact, and other conditions heretofore mentioned, your commissioner has no hesitancy in recommending a sale of the land to J. Q. Adams, and that the proceeds of such sale, after payment of the costs of this suit, and the indebtedness against the said land as reported in the report of Commissioner in Chancery, R. A. Edwards, filed herein, which should be paid as soon as possible to cut off further accrual of interest, be distributed as shall be hereafter directed.

Respectfully submitted,

R. J. Johnson

Special Commissioner.

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Virginia: Circuit Court of Isle of Wight County.

Stephenson's Gdn. etc.

v) Chancery. 493.

Stephenson et als.

Report of Special Com'r.

Filed Sept. 6th. 1927.

B. D.W.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

To: Ada J. Stephenson, guardian of Leslie McGhee Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie Russell Stephenson,.....Complainant:

and

C. P. Stagg, Executor of Wm. M. Stephenson, Ada J. Stephenson, widow of Wm. M. Stephenson, Maud Cross, Joseph Stephenson, Harrison Stephenson, Early Stephenson, Herman Stephenson, Claude S. Stephenson, adults, and Leslie McGhee Stephenson, Grover C. Stephenson and James Roper Stephenson, infants over the age of fourteen years, and Willie Russell Stephenson, an infant under the age of fourteen years,.....Defendants.

Take notice that on the 16th day of ~~November~~ December, 1926, at the office of Johnson & Stephens, attorneys at law, in the town of Smithfield, County of Isle of Wight and State of Virginia, at ten o'clock in the morning of that day, I will take evidence to be used in the execution of a decree entered in the Circuit Court of the County of Isle of Wight, in the State of Virginia, on the 23rd. day of November, 1926, in the chancery cause therein pending under the general style of Stephenson's guardian v. Stephenson et als, Docket No. 493, and otherwise proceed with the execution of the said decree, which required one of the Commissioners of the said Court to inquire into and report to the Court:

1. Of what property the infant, Willie Russell Stephenson is seized and possessed, both real and personal, what is his interest therein, how acquired, where situate, and the value thereof, annual and fee simple.

2. What interest any other party has in said property.

3. Whether it will be to the interest of the said Willie Russell Stephenson to sell his real estate and invest the proceeds thereof in other property, under the direction of the Court.

Whether such sale and investment will violate the interest of any other party having an interest therein.

5. What is the age of the said Willie Russell Stephenson and his means of support and his residence.

What are the ages of the other infants having an interest, if any, in said property alleged to be owned by him.

7. Who would be the heirs at law of the said Willie Russell Stephenson should he die in infancy and without issue, and whether all the proper parties are properly before the Court.

8. Any other matter deemed pertinent by the Commissioner, specially stated, or which may be required by any party in interest

November 24th.1926. R. A. Eason Jr. Com'r. in Chancery.

Deputy Sergt.

All Available Text Successfully Captured

Rodney Stephenson, Grover C. Stephenson and James Roper Stephenson, infants over the age of fourteen years, and Willie Russell Stephenson, an infant under the age of fourteen years,.....Defendants.

Take notice that on the 1st day of ~~November~~ December, 1926, at the office of Johnson & Stephens, attorneys at law, in the town of Smithfield, County of Isle of Wight and State of Virginia, at ten o'clock in the morning of that day, I will take evidence to be used in the execution of a decree entered in the Circuit Court of the County of Isle of Wight, in the State of Virginia, on the 23rd. day of November, 1926, in the chancery cause therein pending under the general style of Stephenson's guardian v. Stephenson et als, Docket No. 493, and otherwise proceed with the execution of the said decree, which required one of the Commissioners of the said Court to inquire into and report to the Court:

1. Of what property the infant, Willie Russell Stephenson is seized and possessed, both real and personal, what is his interest therein, how acquired, where situate, and the value thereof, annual and fee simple.

2. What interest any other party has in said property.

3. Whether it will be to the interest of the said Willie Russell Stephenson to sell his real estate and invest the proceeds thereof in other property, under the direction of the Court.

Whether such sale and investment will violate the interest of any other party having an interest therein.

5. What is the age of the said Willie Russell Stephenson and his means of support and his residence.

What are the ages of the other infants having an interest, if any, in said property alleged to be owned by him.

7. Who would be the heirs at law of the said Willie Russell Stephenson should he die in infancy and without issue, and whether all the proper parties are properly before the Court.

8. Any other matter deemed pertinent by the Commissioner, specially stated, or which may be required by any party in interest

November 24th.1926. R. A. Edwards Com'r. in Chancery.

All Available Text Successfully Captured

Executed this the 27th Day
of November 1926 in the
city of Newport News, Virginia.
by delivering a true copy of the
within ~~summons to~~ notice
Early Stephenson
& Person

C. C. Curtis
City Sergeant
City of Newport
News, Virginia.

Service hereof accepted:

Ada J. Stephenson,
Herman A. Stephenson,
Claude S. Stephenson,

By Johnson & Stephenson
Their counsel.

Ada J. Stephenson being duly sworn, deposes and says:

Q. Please state your name, age, and residence? Ans. My name is Ada J. Stephenson, I am fifty four years of age and reside in Port Norfolk, Virginia. I am, at present keeping house for my children,
Q. Who of your children are living with you? Ans. Herman, and his wife, Claude, Leslie, Grover, James and Willie Russell.
Q. Are any of them employed? Ans. Yes, Herman, Claude, Leslie and Grover.
Q. Why did you move from your farm, in this County, to Port Norfolk? Ans. I found that I was not making a decent living here trying to work the farm. I, nor the children had decent clothes. I moved down there where some of the children could get work to take care of us all. I keep house for them.
Q. What is being done with the farm now? Ans. I have it rented out for two hundred and fifty dollars a year. This is the first year it has been rented. I have not been paid the rent yet, and am not certain of getting it. There might be some doubt about getting it.
Q. The bill alleges that you have a life right in the farm-and it prays that the farm may be sold and the money invested in other property for your benefit, as provided in the will of your late husband, and for the benefit of your children who are interested? Why do you think this would be the best thing to do with it? Ans. My edperience has already told me that I can live better where I am than on the farm. My children have better chances where they are, and the farm is going down, fast, and I could not get enough off of it to keep it going even as it was given to me.
Q. What, in your opinion is the property worth? Ans. It is worth no more than I can get for it. I believe if I can get three thousand dollars for it, and I believe that would be a good price as land is selling for now, in that neighborhood, and if I can get that much and get the interest on it or have it invested in property that is expected to advance in price faster, all of us will be better off, and I

certainly will. I just could not stay there and make myself and my children comfortable. We worked hard, raised something and got little for it and had to live on what we could get which was poor living.
Q. Give me the ages of your children, please? Ans. Herman was born March 23rd. 1903: Claude was born Oct. 2nd. 1905: Leslie was born Aug. 2nd. 1907: Grover was born Aug. 24th. 1909: James was born March 31st. 1912: Willie Russell was born Feb. 13th. 1917.
Q. What is your exact age, please? Ans. I was born Feb. 25th. 1872.
Q. Is the estate of Wm. M. Stephenson indebted to you? Ans. Yes, when he died he owed right much money on the land to the Bank of Smithfield. Some of it has been paid off out of insurance money coming to his estate and out of the sale of the chattel estate, and some of it has been paid by me. The account of Mr. Stagg, his executor, on file in the Clerk's Office will show what was paid out of the estate, and Mr. Cofer, at the Bank of Smithfield, has account of the amounts I have paid as well as the amounts Mr. Stagg has paid.
Q. Out of whose money did you make payments? I paid it out of what little I had to spare, or rather I took it from what I made and paid it so that the Bank would not force me to sell the place. The bank has never made any complaint, but I knew that I would have to keep some paid on it all the time or lose it. Mr. Cofer will give you the amounts I have paid.
Q. Are you renting property or have you bought in Port Norfolk. Ans. We are renting. The children pays the rent and I keep house for them. I have nothing to buy anything out of.
Q. Of what personal property is Willie Russell Stephenson, your son, possessed? Ans. None at all.

And further this deponent saith not:

F. L. Wilson being duly sworn deposes and says:

Q. Please state your name, age, residence and occupation? Ans. F. L. Wilson, reside in Isle of Wight County, I am forty four years of age and am a farmer.

Q. Are you acquainted with the land of which the late Wm. M. Stephenson died siezed and possessed? Ans. Yes.

Q. What, in your opinion, is the annual and fee simple values of the tract of land? Ans. I think it should sell for from twenty five hundred to three thousand dollars, and it should rent for from two hundred to two hundred and fifty dollars.

Q. What is the character of the buildings on the land? Ans. Mighty poor. The dwelling house has been burnt and there is a sort of kitchen and dining room on the place, not much room in the house. The outbuildings are small and not at all modern.

Q. How many acres of the tract is cleared? Ans. About sixty.

Q. Is there any timber on the land? Ans. The saw mill timber has been cut within the last two or three years. This past summer a very disastrous fire swept it clean, and it will be a great many years before there is any timber on it worth anything.

Q. Do you know the widow and children of Wm. M. Stephenson? Ans. Yes.

Q. Wm. M. Stephenson left a will, and in it provided that his wife should have a life estate in the land unless she married, and at the termination of her right it should go to his youngest child, he to pay his five brothers five hundred dollars a piece: this being true will the right of any person be violated by a sale of this tract of land and an investment of the proceeds in other property under the direction of the Court? Ans. No, I do not think so. The farm is going down and good tenants are hard to get and sometimes impossible. There is hardly any chance for the property to improve or even to hold its own with Mrs. Stephenson and her boys living elsewhere.

And further this deponent saith not.

W. F. Porter being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? Ans. I am W. F. Porter, I am fifty nine years of age, reside in Isle of Wight

County and am a farmer.

Q. Do you know anything of the land of which Wm. M. Stephenson died siezed? Ans. Yes sir, I have known it all my life. Have resided within a mile of it ever since I have been born except when away to school and about six years when I lived away from home.

Q. Do your know the widow and children of Wm. M. Stephenson? Ans. Yes.

Q. Are you familiar with the provisions of the will of Wm. M. Stephenson? Ans. Yes sir.

Q. State whether or not, in your opinion, the right of any person will be violated by a sale of the real estate mentioned in the bill in this suit, and an investment of the proceeds of such sale in other property under the direction of the Court? Ans. I think it would be a good thing. Mrs. Stephenson and the boys have left the farm. The boys say they will not come back there and she cannot do anything with it. It has been coming down ever since the death of Mr. Stephenson. The land was kept up fairly well by the boys till last year, and they left in the early part of this year. They have good jobs in Port Norfolk and all of them have gone there. They seem to be doing better than they have ever done in their life. Their mother is keeping house for them and they are getting along well. I think to take the money for the farm and invest in property there for them would be greatly to their advantage, all of them, It would save them the rent and the property down there ought to increase in value.

Q. What is the annual and fee simple value of the farm you speak of? Ans. It ought to rent for two hundred and fifty dollars if you gould get tenants any account, but you cannot get them. If you rented for a share chances are you would get little or nothing. Thereis no one to look after a tenant which is against the property. I think it should sell for three thousand dollars, but that is doubtful. If it brings twenty five hundred dollars it would be better to let it go and invest that in a house down there for their use. She just cannot handle it at all.

John I. Cofer being duly sworn, deposes and says:

Q. Please state your name, age, residence and occupation? John I. Cofer, I reside in Smithfield, Virginia, am a banker and fifty six years of age.

Q. The records, at the Clerk's Office of Isle of Wight County discloses that Wm. H. Stephenson and wife, by their deed bearring date June 18th. 1915, conveyed a piece of land, in Isle of Wight County, to you, as trustee, to secure to Bank of Smithfield the payment of the sum of twenty five hundred dollars-Can you, from any information you have in your files, state what amount was owing on that debt when Mr. Stephenson died in 1919, and what amounts, if any, have been paid since that time, and by whom? Ans. It appears that at the time of the death of Mr. Stephenson there was a balance of fifteen hundred dollars due on the debt. On January 31st. 1920 the executor, C. P. Stagg, paid the interest then accrued, $107.00, and $600 on the principal. Since that time payments have been made by Mrs. Stephenson, his widow, which reduced it to $203.10 as of the 1st. day of January, 1923. That amount is still due, with interest on it from January 1st. 1923. This would, of coursem as it appears to me, entitle Mrs. Stephenson to an interest in the deed of trust of $696.90 with interest thereon from January 31st. 1920, as she has kept the interest up all the time, and has reduced the principle to $203.10 as mentioned.

And further this deponent saith not.

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

Ada J. Stephenson, Guardian, etc.

v) Chancery.

Ada J. Stephenson, et als.

TO HONORABLE BENJAMIN DEY WHITE,

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

The undersigned, one of the Commissioners in Chancery of the Circuit Court of the County of Isle of Wight, in the State of Virginia, to whom has been referred the papers in the above entitled cause in chancery in the said court now pending, for the execution of a decree entered therein on the 23rd. day of November, 1926, respectfully reports that after notice to all the parties, on the 1st. day of December, 1926, as set forth in said notice, which is hereto attached, in the presence of Mr. A. S. Johnson, of Johnson and Stephens, counsel for the complainant, and some of the defendants, he took the testimony of Ada J. Stephenson, F. L. Wilson, W. F. Porter and John I. Cofer, and at which hearing Mr. C. E. Whitley, the guardian ad litem for the infant defendants was also present. From the evidence so taken, and from the records filed in the Clerk's Office of this Court, he is informed and reports:

1. That the infant defendant, Willie Russell Stephenson owns no personal property, but owns an interest in a tract of land, in Isle of Wight County, Virginia, containing two hundred and fourteen acres, about sixty acres of which is cleared land, and the balance is woodland, subject to the life tenancy of Ada J. Stephenson, his mother and the widow of Wm. M. Stephenson, except that she marry, in which case her estate therein will terminate according to the terms of the will of Wm. M. Stephenson, which will is incorpo-

rated in the Bill filed in this suit, and also upon the condition that upon his attainment to the age of twenty one years he shall pay to the children of Wm. M. Stephenson, by Ada J. Stephenson, the sum of five hundred dollars each, which children are: Herman A. Stephenson, Claude S. Stephenson, Leslie McGhee Stephenson, Grover C. Stephenson and James Roper Stephenson.

The tract of land mentioned is situate in said County of Isle of Wight, adjoining the lands of Surry Lumber Company, R. F. Whitley and R. L. Seward.

The annual value thereof is, according to the evidence, from two hundred dollars to two hundred and fifty dollars a year, and the fee simple value is from twenty five hundred dollars to three thousand dollars.

It appears from the valuation here shown that the infant Willie Russell Stephenson owns but little more interest in the land than the rest of his brothers named, in any event, and should he have to pay them five hundred dollars each, on attainment of twenty one years, and his mother should live for any length of time thereafter, the interest on what he would have to pay would be eaten up and he would derive no benefit at all from his interest.

It might be pertinent to state right here that at the time of the making of the will of the said Wm. M. Stephenson, evidently he valued the land at a much higher figure than it would bring now, or that there is any prospect of its bringing at any time in the future, so far as can now be seen. This fact is so patent that it is assumed that the Court can take judicial notice thereof.

2. The interests of all the parties in said land is stated in the first section hereof.

3. Inasmuch as the land is not being tenanted by any person having an interest therein, and that it is not likely that any one in interest will occupy it, and that profitable ~~tenants~~

tenants are hard to find, it being next to impossible to do so, according to the evidence filed herewith, it appears that it will be to the interest of all the parties who are entitled to share therein, to sell it and invest the proceeds arising from such a sale, after paying off the lien indebtedness, in other property to be held for the parties who have an interest as the law provides in such cases.. It does not appear that the interest of any party will be violated by such action.

4. Willie Russell Stephenson was born Feb. 13th. 1917, and is now in his ninth year.

He has no other property or interest in any other property, of any character, save that herein mentioned. He resides with his mother in Port Norfolk, Virginia.

5. The ages of the other parties having an interest in the property are: Ada J. Stephenson, Herman A. Stephenson and Claude S. Stephenson are all adults, and Leslie McGhee Stephenson was born August 7th. 1907, Grover C. Stephenson was born Aug. 24th. 1909, and James Roger Stephenson was born March 31st. 1912.

Herman A., Claude S., Leslie McG., Grover C., and James R. are entitled, under the will of their father, the said Wm. M. Stephenson, when Willie Russell attains to the age of twenty one years, ~~are entitled~~ to receive five hundred dollars each, which is a charge upon the said real estate.

6. If Willie Russell Stephenson were to die in Infancy without lawful issue, then the brothers here mentioned, and his half sister, Maude Cross, and his half brothers, Joseph, Harrison and Early Stephenson, would be his sole heirs, so far as the property herein mentioned is concerned, subject, however, to the life tenancy of the said Ada J. Stephenson, or tenancy during her single life.

7. It appears that at the time of the death of the said William M. Stephenson there was a lien of record upon the said tract of land, created by a deed of trust given by the said Wm. M. Stephenson and wife, on the 18th. day of June, 1915, securing to

Bank of Smithfield the payment of the sum of twenty five hundred dollars. At the time of the death of William M. Stephenson the obligation had been reduced to fifteen hundred dollars. On January 31st. 1920, C. P. Stagg, the executor of the estate of Wm. M. Stephenson, paid the accrued interest $107.00, and on the principal the sum of $600, leaving a balance due as of that date of $900. Since that time Ada J. Stephenson has paid the obligation down to $203.10 as of the 1st. day of January, 1923. She appears, therefore, to be entitled to be reimbursed for the amount paid by her, $696.90, with interest thereon from January 31st. 1920. The Bank of Smithfield still holds a lien against the property for $203.10 with interest thereon from January 1st. 1923 till paid.

In the settlement of the estate by C. P. Stagg, executor, which is of record, there appears to be a balande due the executor of $46.04, and upon which he is entitled to receive interest from January 26th. 1921.

There are no other liens of record against the said property.

It will be noted from the answers filed of the adult defendants and the defendants over the age of fourteen years, that no objection is raised as to the sale of the said land and investment of the proceeds thereof in other property.

The answer of C. P. Stagg, executor, filed, contains a clause in which he asks to be relieved from further service in connection with the estate of the said Wm. M. Stephenson. It is, therefore, unnecessary for him to be further proceeded against as a defendant in this suit.

8. All of the necessary parties to this cause appear to be properly before the Court.

Respectfully submitted,

R. A. Edwards

Commissioner in Chancery.

Commissioner's fee $ 15.00

Sheriff's fees, $_____

I have read the foregoing report and see no objection to its confirmation, and a sale of the real estate as therein set forth.

C. Transfield Russell
Guardian ad litem for Leslie McGhee Stephenson, Grover C. Stephenson, James Roper Stephenson, and Willie Russell Stephenson.

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Ada J. Stephenson
Chancery

vs. Cy. # 493

Ada J. Stephenson
et als

Ann. to Chancery's
Report.

Filed.
Dec. 20-1932.
R. A. Edwards.
Clk

R. A. EDWARDS
COMMISSIONER IN CHANCERY
CIRCUIT COURT
ISLE OF WIGHT COUNTY
ISLE OF WIGHT, VIRGINIA

VIRGINIA STATIONERY CO.,--RICHMOND

Commonwealth of Virginia,

To the ~~Sheriff of Isle of Wight County~~ Sargeant Of The City Of Portsmouth. — *Greeting:*

WE COMMAND YOU, That you summon Maud Cross, Joseph Stephenson, Harrison Stephenson, Ada J. Stephenson, Herman ~~A~~ E. Stephenson, and Claude S. Stephenson,

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 October, 1926, to answer a bill in chancery, exhibited against them, in our said Court by Ada J. Stephenson, Guardian for Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson, and Willie Russell Stephenson,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 13th day of October, 1926, and in the 151st----- year of the Commonwealth.

R. A. Edwards Clerk.
By E. Kay Wills D. C.

~~Johnson & Stephens, p. q.~~

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Ada J. Stephenson

Gdn et als

vs {Cy 493

Ada J Stephenson et als

Orig Subpoena

Service of the within process is hereby accepted:

Ada J. Stephenson

Jeanne [illegible] Stephenson

Clarence [illegible]

Commonwealth of Virginia,

To the Sheriff of Isle of Wight County — Greeting:

WE COMMAND YOU, That you summon C..P. Stagg,Executor of Wm. M. Stephenson, deceased,

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 October, 1926, to answer a bill in chancery, exhibited against him et~~a~~als in our said Court by Ada J. Stephenson,Guardian,for Leslie McG. Stephenson, Grover C. Stephenson,James Roper Stephenson, and Willie Russell Stephenson,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 13th day of October, 1926, and in the 151st year of the Commonwealth.

R. A. Edwards Clerk.
By E. Ray Wills D.C.

Johnson & Stephens,p.q.

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Ada J. Stephenson, Gdn

vs. } CHANCERY NO. 493

Ada J. Stephenson et als

ORIGINAL SUBPOENA

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

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Second October *Rules*

1926

Johnson & Stephens *p. q.*

Service of the within process is hereby accepted.

Commonwealth of Virginia,

To the ~~Sheriff of Isle of Wight County~~ Sargeant Of The City Of Newport News. — *Greeting:*

WE COMMAND YOU, That you summon Early Stephenson,

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 October, 1926, to answer a bill in chancery, exhibited against him et als., in our said Court by Ada J. Stephenson, Guardian for Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson, and Willie Russell Stephenson,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 13th day of October, 1926, and in the 151st, year of the Commonwealth.

R. A. Edwards Clerk.
By E. Kay Wills D.C.

Johnson & Stephens, p.q.

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Ada J. Stephenson, Admx.

vs. } CHANCERY NO. 493

Ada J. Stephenson et al.

ORIGINAL SUBPOENA

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

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Second Octoter *Rules*

19.26

Johnson v Stephens *p. q.*

Sept-fee 50¢ paid

Not finding Early Stephenson at his usual place of abode nor any member of his family on whom I could serve the within Summons I executed the said Summons on the 14th. day of October 1926. in the City of Newport News Virginia. by leaving a true copy thereof pasted at the front door of the usual Place of abode of the said Early Stephenson.

C. C. Curtis City Sergeant. City of Newport News. Virginia.

Commonwealth of Virginia,

Sargeant Of The City Of Portsmouth.
To the Sheriff of Isle of Wright County — Greeting:

WE COMMAND YOU, That you summon Maud Cross, Joseph Stephenson, Harrison Stephenson, Ada J. Stephenson, Herman A. Stephenson, and Claude S. Stephenson,

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 October, 1926, to answer a bill in chancery, exhibited against them, in our said Court by Ada J. Stephenson, Guardian for Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson, and Willie Russell Stephenson,

And have then and there this writ.

Witness, R. A. EDWARDS, Clerk of our said Court, at the Courthouse, this 13th day of October, 1926, and in the 151st----- year of the Commonwealth.

R. A. Edwards Clerk.

By E Kay Wills D.C.

Johnson & Stephens, p.q.

Executed this 15th day of Oct. 1926 in the City of Portsmouth, Va., by delivering a copy of the within Summons to Ada J. Stephenson in person, the age of sixteen years explaining to the purport.

T. C. Ellard, City Serg't.

by J. S. Faulks, Deputy Serg't.

Not finding Joseph Stephenson at his usual place of abode I executed this 15th day of Oct. 1926 in the City of Portsmouth, Va., by delivering a copy of the within Summons to his wife whom I found there, a member of his family and over the age of sixteen years explaining to her the purport.

T. C. Ellard, City Serg't.

by J. S. Faulks, Deputy Serg't.

Portsmouth

Ada J. Stephenson, Gdn.

vs. } CHANCERY NO. 793

Ada J. Stephenson et al

ORIGINAL SUBPOENA

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

....., 19.....

Returned, entered and filed.

Teste:

.....*Clerk*

To Second October *Rules*

1926

Johnson & Stephenson *p. q.*

Sgt. Fee Pd.

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

Ada J. Stephenson, guardian of
Leslie McG. Stephenson, Grover C.
Stephenson, James R. Stephenson,
and Willie Russell Stephenson.

v) Chancery. 493. Answer of C. P. Stagg, Executor.

Ada J. Stephenson et als.

The answer of C. P. Stagg, Executor of the last will and testament of Wm. M. Stephenson, deceased, to a bill filed against him, and others, in the Circuit Court of the County of Isle of Wight, State of Virginia.

This respondent, saving and reserving to himself all just exceptions to the said bill of complaint, for answer thereto, or to so much thereof as he is advised it is material for him to answer, answers and says:

That he has made a complete settlement of the personal estate of the said Wm. M.Stephenson, as will appear by his account as such executor, stated, reported and filed in the Clerk's Office of this Court, and which shows a balance due to him as executor.

That he has no interest in this suit, of any character, and, as he considers his duties of executor ended, certainly for the present, he would prefer not to proceed further as such, but hereby tenders to the Court his resignation as such.

And now having fully answered the complainant's bill, he prays to be hence dismissed with his reasonable costs by him in this behalf expended.

C P Stagg, Respondent.
Executor of Wm. M. Stephenson, deceased.

State of Virginia,

County of Isle of Wight, to-wit:

I, A S Johnson a Comr in Chancery of the Circuit Court ~~a Notary Public~~ for the County of Isle of Wight, State of Virginia, do hereby certify that C. P. Stagg, whose name as executor of Wm. M. Stephenson is signed to the foregoing answer, has personally appeared before me, in my said County, and acknowledged the same, and has made oath that the etatements therein made are true so far as known of his own knowledge, and and those which are made upon information of others he believes to be true.

Given under my hand this 25th day of October, 1926.

A S Johnson Comr in Ch, ~~Notary Public~~.

8

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

Stephenson's guardian

v) Chancery. 493.

Stephenson et als.

Answer of C. P. Stagg, Executor

Filed Oct 20 1926.

R. A. Edwards, Clerk.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Ada J. Stephenson, guardian for Leslie McG. Stephenson, Grover C. Stephenson, James R. Stephenson and Willie Russell Stephenson,

v) Chancery. 493 Answer of Ada J. Stephenson et als.

Ada J. Stephenson et als.

The joint and separate answers of Ada J. Stephenson, Herman A. Stephenson, and Claude S. Stephenson, to a bill in chancery filed against them, and others, by Ada J. Stephenson, guardian for Leslie McG. Stephenson, Grover C. Stephenson, James R. Stephenson and Willie Russell Stephenson, in the Circuit Court of the County of Isle of Wight, State of Virginia.

These respondents saving and reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto, answer and say:

That they believe the statements in said bill of complaint to be true; that they do not object to the sale of the real estate therein mentioned, as prayed for in said bill of complaint; and that they concur in the prayer of the said bill of complaint.

And now having fully answered the complainant's bill, these respondents pray hence to be dismissed with their reasonable costs by them in this behalf expended.

ajs Ada J. Stephenson
Has Herman A. Stephenson
CSS Claude S. Stephenson

State of Virginia,
City of Portsmouth, to-wit:

This day came personally before me, L. W Collier, a Notary Public for the City aforesaid, in the State of Virginia, Ada J. Stephenson, Herman A. Stephenson, and Claude S. Stephenson, whose names are signed to the foregoing answer, and acknowledged the same; and made oath that the statements made in said answer are true, to the best of their knowledge and belief.

Given under my hand this 16th day of October, 1926.

L W Collier, Notary Public.

My commission expires
6th Jan- 1928

4 7

Virginia: Circuit Court
of Isle of Wight County.

Ada J. Stephenson, Gdn. etc.

v) Chancery. 403

Ada J. Stephenson et als.

Answer of Ada J. Stephenson, Herman ~~K.~~ D. Stephenson and Claude S. Stephenson.

Filed in the Clerk's Office of Isle of Wight County Circuit Court

Oct- 20 1926.

Teste, R. G. Edwards, Clerk.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Ada J. Stephenson, guardian for Leslie McG. Stephenson, Grover C. Stephenson, James R. Stephenson and Willie Russell Stephenson.

v) Chancery. 493.

Ada J. Stephenson et als.

Answer of infant defendants by guardian ad litem and of guardian ad litem.

The answer of Leslie McG. Stephenson, Grover C. Stephenson, James R. Stephenson and Willie Russell Stephenson, infants under the age of twenty one years, by C. Fairfield Whitley, a discreet and competent attorney at law, practicing in this court, their guardian ad litem, assigned to them to defend their interests in this suit, and the answer of the said C. Fairfield Whitley, guardian ad litem for the said infant defendants, to a bill of complaint exhibited against them, and others, by Ada J. Stephenson, guardian for Leslie McG. Stephenson, Grover C. Stephenson, James R. Stephenson and Willie Russell Stephenson, in the Circuit Court of the County of Isle of Wight, in the State of Virginia.

For answer to the said bill of complaint, the said infant defendants, by their said guardian ad litem, answer and say: that being of tender years they do not know what their true interests are in relation to the subject matter of the said bill of complaint, nor do their know whether the statements therein contained are true or untrue. They confide the protection of their interests therein to the care of this Court.

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 as to the truth or falsity of the statements in the bill of complaint contained. He prays full protection for the infant defendants.

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

Leslie Mc. G. Stephenson,
Grover C. Stephenson,
James R. Stephenson,
Willie Russell Stephenson

By C. Fairfield Whitley
Their guardian ad litem.

C. Fairfield Whitley Guardian ad litem for the said infant defendants.

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

Sworn to before me, in my County aforesaid, by C. Fairfield Whitley, guardian ad litem as aforesaid, this the 20 day of October, 1926.

C. Johnson
Commissioner in Chancery.

6 6

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

Ada J. Stephenson, gdn. etc.

v) Chancery. 493.

Ada J. Stephenson et als.

Answer of infant defendants by gdn. ad litem, etc?

Filed 10/20 —, 1926.

Teste, R. H. Edwards, Clerk.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Ada J. Stephenson, guardian of
Leslie McG. Stephenson,
Grover C. Stephenson,
James Roper Stephenson, and
Willie Russell Stephenson,

v) Chancery. 493

Ada J. Stephenson et als.

Answer of Leslie McG. Stephenson, Grover C. Stephenson and James Roper Stephenson, infants over the age of fourteen years.

The joint and separate answers of Leslie McG. Stephenson, Grover C. Stephenson, and James Roper Stephenson, infants over the age of fourteen years and under the age of twenty one years, to a bill of complaint filed against them, and others, in the Circuit Court of the County of Isle of Wight, State of Virginia, by Ada J. Stephenson, guardian for Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie Russell Stephenson.

These respondents saving and reserving to themselves the benefit of all just exceptions to the said bill of complaint, for answer thereto answer and say: That they are, respectively, of the ages of nineteen years, sixteen years and fourteen years; that by reason of their tender years they know nothong of the allegations of the said bill of complaint; but so far as they do know they believe the same to be true; that they see no reason why the prayer of the said bill of complaint should not be granted; that they accordingly concur in the prayer of the said bill of complaint; but they commend themselves and their rights and interests to the protection of the court, and pray that no decree may be entered which will tend to their prejudice.

And now having fully answered the complainant's bill, these respondents pray hence to be dismissed with their reasonable costs by them in this behalf expended.

L McG S Leslie McG. Stephenson
G C S Grover C. Stephenson
J R S James R. Stephenson
} Respondents.

State of Virginia,
Portsmouth City, to-wit:

I, L. W Callier, a Notary Public for the City aforesaid in the State of Virginia, do hereby certify that Leslie McG. Stephenson, Grover C. Stephenson, and James R. Stephenson, whose names, as respondents, are signed to the fore-

going answer, have acknowledged the same before me in my said County of Portsmouth, and made oath that the etstaments therein contained are true to the best of their knowledge and belief.

Given under my hand this 16 day of October, 1926.

L. W. Collier
Notary Public.

My commission expires
6th Jan 1928

5 5

Virginia: Circuit Court
of Isle of Wight County.

Ada J. Stephenson, Gdn. etc.

v) Chancery. 493

Ada J. Stephenson et als.

Answers of infants over the age of fourteen years.

Filed, Oct-20, 1926.

Teste, L G Edwards Clerk.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Stephenson's guardian,
v) Chancery. 493.
Stephenson, et als.

To Honorable Benjamin Dey White,

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

Your petitioner, Ada J. Stephenson, represents to the court that she is one of the parties, defendant, to this suit; that she is entitled, under the will of her husband, Wm. M. Stephenson, deceased, to the income from the balance in the hands of the court, to the credit of this cause, during her single life; that the will of her said husband provided that the real estate, upon her death or marriage, of which he died possessed, should go to his son, Willie Russell Stephenson, but charging the said Willie Russell Stephenson with the payment of the sum of five hundred dollars to his five brothers, named in the will, to-wit: Herman O. Stephenson, Claude S. Stephenson, Leslie McG. Stephenson, Grover C. Stephenson and James R. Stephenson; that, as the pleadings in this cause will show, the said real estate was, at the time of the death of the said Wm. M. Stephenson, heavily encumbered, and apparently, it is manifest, not of the value that the said Wm. M. Stephenson thought it was, (or would be) when he made his will; that she is advised that the law prohibits an infant being burdened with a debt simply that he may hold property which some one desired him to have, and that, at the present time, to all intents and purposes, the fund now to the credit of the court in this cause belongs to the infant defendant, Willie Russell Stephenson, and his five brothers named, in equal shares, as it was the clear intent and purpose of the testator to make what he termed an equal division of the real estate out of which the sum in hand has been derived, she believes, from what he valued the land about the time he made his will, and which was during the prevailing high prices while the great war

was in progress; that she believes that her said husband had not the faintest idea that the property would be encumbered when his will was to take effect, becau-se had he known that it would have been, to the extent it was, then no man, with sound judgment, could have made such a disposition of his property.

In order that the estate may be promptly settled, and to the end that what she conceives to be complete justice may be done to the said Children, in the distribution of the balance in the hands of the court, arising from the proceeds of the sale of the said real estate, and for the infant children to have some benefit from the said fund, at a time when they need it most, she is willing to, and does, hereby, relinquish any right she may have in said fund, and prays that the court may decree an equal division of said fund between and among the children of the said Wm. M. Stephenson, whom he desired to have the said real estate, or interest therein.

Your petitioners, Herman O. Stephenson and Claude S. Stephenson, join with Ada J. Stephenson, in her petition, and say that they believe that the disposition prayed for of the fund now in the hands of the court in this cause, is equitable and proper, and they pray that it may be so disposed of.

And your petitioners will ever pray, etc.

Ada J. Stephenson
Herman O. Stephenson
Claude S. Stephenson

State of Virginia,
City of Portsmouth, to-wit:

I, Wm. H. Williams, a Notary Public in and for the City of Portsmouth, in the State of Virginia, do hereby certify that Ada J. Stephenson, Herman O. Stephenson and Claude S. Stephenson, whose names are signed to the foregoing petition, have, on this day, in my said City, personally appeared before me and made oath that the matters therein stated they believe to be true, so far as made upon information

obtained from others, and so far as made from their own knowledge, are true.

Given under my hand this 28 day of April, 1928.

J. M. Williams
Notary Public

My commission expires June 8, 1928

15

Virginia: Circuit court of Isle of Wight County.

Stephenson's guardian

v) Chancery. 493.

Stephenson et als.

Petition of Ada J. Stephenson et als.

Filed 5/12, 1928.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Ada J. Stephenson, guardian of
Leslie McG. Stephenson,
Grover C. Stephenson,
James Roper Stephenson, and
Willie Russell Stephenson:

v) Chancery. 493 BILL OF COMPLAINT.

C. P. Stagg, Executor of Wm. M. Stephenson, deceased,
Ada J. Stephenson, widow of Wm. M. Stephenson, deceased,
Maud Cross, who was Stephenson, an adult,
Joseph Stephenson, an adult,
Harrison Stephenson, an adult,
Early Stephenson, an adult,
Herman A. Stephenson, an adult,
Claude S. Stephenson, an adult,
Leslie McG. Stephenson, an infant ~~under~~ over fourteen years of age,
Grover C. Stephenson, an infant over fourteen years of age,
James Roper Stephenson, an infant over fourteen years of age, and
Willie Russell Stephenson, an infant under fourteen years of age.

TO HONORABLE BENJAMIN DEY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, IN THE STATE OF VIRGINIA.

1. Your complainant, Ada J. Stephenson, respectfully represents:

2. That she is the duly qualified guardian of Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie-Russell Stephenson, having qualified in the Circuit Court of the County of Isle of Wight, in the State of Virginia, on the 23rd. day of October, 1924, as will appear by certificate of the Clerk of the said Court hereto attached, to be read as a part of this bill of complaint:

3. That the said infants are of the following ages, to-wit: Leslie McG. Stephenson was born on the 2nd. day of August, 1907: James Roper Stephenson, born Mar. 31st. 1912: Grover C. Stephenson was born on the 24th. day of August, 1909: and, Willie Russell Stephenson was born on the 13th. day of February, 1917:

4.That on the 30th. day of May, 1919, Wm. M. Stephenson, a resident of the County of Isle of Wight, State of Virginia, departed this life, testate, leaving him surviving, a widow, Ada J. Stephenson, and the following named children, to-wit: Maud Cross, a daughter; Joseph Stephenson, a son; Harrison Stephenson, a son; Early Stephenson, a son; all of the foregoing being children by a former wife; and Herman A. Stephenson, a son; Claude S. Stephenson, a son; Leslie McG. Stephenson, a son; Grover C. Stephenson, a son; James Roper Stephenson, a son; and Willie Russell Stephenson, the last nam ed children being by his last wife, the said Ada J. Stephenson:

5. That on the 10th. day of February, 1919, the said Wm. M. Stephenson executed his last will and testament, proved as such in the Clerk's Office of the Circuit Court of the said County of Isle of Wight, Virginia, on the 10th. day of June, 1919, and admitted to record, and which is in words and figures following, to-wit:

"IN THE NAME OF GOD, AMEN: I, William M. Stephenson, of the County of Isle of Wight, and State of Virginia, being sound and disposing of mind, do make, publish and declare this to be my last will and testament, hereby revoking any and all wills which I may at any time heretofore have made.

1st. I direct that my body shall be burried in a manner in keeping with my estate in life, and that my just debts shall be paid as soon after my decease as is practicable. All of which shall be chargeable to my estate.

2nd. I give and bequeath to my wife, Ada J. Stephenson, during her natural life, or so long as she shall remain my widow, all of my estate, both real and personal, to use the revenue from the same for her maintenance and support, and with a fee simple interest in the personal estate, to sell any or all of the same, for her maintenance and support, if

she so elect.

3rd. In the event of my wife Ada J. Stephenson's marriage, I request that C. P. Stagg shall qualify as executor of my estate and sell enough of the same to pay my widow (Ada J. Stephenson's) her dower, and to hold the remainder of my estate for my youngest child, Willie Russell Stephenson, until he arrives at the age of twenty one years, the revenue of the same to be used for his, Willie Russell Stephenson's support until he is of age.

4th. I give and bequeath to my youngest son Willie Russell Stephenson, in the event of the death of my wife Ada J. Stephenson, or her marriage, my entire estate, both real and personal.

5th. The bequest of my entire estate to my youngest son, Willie Russell Stephenson, is in consideration of the fact that I have provided for my children by my first wife, Mollie A. Stephenson, by the bequest of or making the beneficiary in my policies of Life Insurance on my life, and in consideration of;-

6th. I charge my youngest son, Willie Russell Stephenson to pay to my surviving children, by my wife Ada J. Stephenson, when he reaches the age of twenty one years, five hundred dollars each, which amount shall be in full of my bequest to them

In witness whereof I hereunto subscribe my name and affix my seal to t is my last will and testament at Smithfield, Va., this the 10th. day of February, 1919.

(signed) William M. Stephenson (SEAL)

6. That C. P. Stagg, named as executor in the said last will and testament, to qualify upon certain conditions, presented the said last will and testament for probate on the 10th. day of June, 1919, and duly qualified as executor thereof, and didposed of all of the personal estate, as will appear by his account made, reported, confirmed and filed in the said Clerk's Office, and which

shows that all of the personal estate was consumed in paying the debts and funeral expenses of said Wm. M. Stephenson, and costs of execution of the said will, leaving a balance due to the executor as will appear therefrom, and also leaving other debts of said estate unpaid.

7. That the real estate mentioned in said last will and testament is all of the real estate owned by the said Wm. M. Stephenson, at the time of his death, and consists of of two hundred and fourteen acres, most of which is wood land, near the Courthouse of the said County, adjoining the lands of R. Lee Seward, R. F. Whitley and Surry Lumber Company.

8. That the said infant, Willie Russell Stephenson owns no other estate than the interest in the said real estate, mentioned herein, and no personal estate of any character, the said real estate being subjec t to the tenancy of Ada J. Stephenson as provided in said will.

9. That because of the scarcity and high cost of labor the said Ada J. Stephenson guardian and life tenant, is unable to live upon the said tract of land and keep it up and make a living for her self and her infant children too young to help take care of themselves; that the said real estate is not increasing in value; on the other hand it is believed and is here alleged, that it is going down and becoming less valuable every day.

10. That the interests of the said Willie Russell Stephenson, and the other infants who have an interest in said tract of land by reason of the legacies which are made a charge thereupon, will be promoted by a sale of the land aforesaid an investment of the proceeds thereof in other property not so likely to decrease in value; and that the rights of no person would be violated by such a sale and investment.

11. That the heirs and distributees of the said infant, Willie Rusell Stephenson, in the event he should die in infancy and without a legalally begottem child, would be the defendants

Maud Cross, Joseph Stephenson, Harrison Stephenson, Early Stephenson, Herman A. Stephenson, Claude S. Stephenson, Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson, mentioned in the bill, hereinbefore, and who are all the persons who are or can be interested in this suit.

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 Maud Cross, Joe Stephenson, Harrison Stephenson, Early Stephenson, Herman A. Stephenson and Claude S. Stephenson, who are adults, and the said Ada J. Stephenson, widow, and C. P. Stagg, Executor of the said last will and testament, and the said Leslie McG. Stephenson and James Roper Stephenson, be made parties defendant to this bill of complaint; that a guardian ad litem be appointed to defend the rights of the said infant defendants; that the adult defendants be required to answer this bill of complaint, but not on oath, answer upon oath being hereby waived; that the said guardian ad litem be required to answer the said bill of complaint, for himself and for the said infant defendants; that the infant defendants who are over the age of fourteen years be required to answer the said bill of complaint in their own proper person, on oath; that the aforesaid real property may be decreed to be sold, and the proceeds from such sale be invested as the court may direct; that all proper allowances and counsel fees may be made in this suit; that all proper accounts be taken, inquiries directed, and orders entered; and that your complainant may have all such other and further general relief in the premises as the nature of her case may require, or to equity shall seem meet.

And your complainant will ever pray etc.

AJS Ada J. Stephenson
Guardian for Willie Russel Stephenson. Leslie McG. Stephenson, James Roper Stephenson and Grover C. Stephenson.

Johnson & Stephens, p.q.

State of Virginia,

City of Portsmouth, to-wit:

I, L W Collier, a Notary Public for the City

aforesaid, in the State of Virginia, do hereby certify that Ada J. Stephenson, whose name, as guardian, is signed to the foregoing bill of complaint, has personally appeared before me in my said City, and acknowledged the same, and has made oath that the facts and allegations therein contained are true, except so far as they are stated to be on information, and that so far as they are stated therein to be upon information she believes them to be true.

Given under my hand this 16 day of October, 1926.

L. W Collier
Notary Public.

My commission expires
6th Jan. 1928

4 4

Virginia: Circuit Court of Isle of Wight County.

Ada J. Stephenson, Gdn. etc.

v) Chancery. 493

Ada J. Stephenson et als.

BILL OF COMPLAINT.

3rd Oct Rules - 1926
Process returned executed on all adult defendants
Answer of Prof and defendants by guardian ad litem and of Guardian ad litem filed
Answers of C P Stagg. Exr Herman G Stephenson and Claude B Stephenson filed.
Decree nisi

3rd Oct. Rules 1926
Maud Cren. Harrison Stephenson, Joseph Stephenson and Early Stephenson, not appearing
Cause set down for hearing

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

12

Stephenson Lumber Co

B # x93

Stephenson et al

Copy. Bond.

Filed
Jan 5- 1927

Geo N. A. Edwards
Clk

No.

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

and

The Fidelity And Deposit Company Of Maryland surety,

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Thirty Five Hundred 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, and the said Fidelity and Deposit Company Of Maryland, 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 5th day of January A. D. 19 27

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 on the 5th day of January 1927, under the style of Stephenson Guardian, Vs. Stephenson et als., docket number 493, appointed a Special Commissioner in said suit.,

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 5th ~~January~~ day of January 19 27, 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
ch

Everett Waddey Co.
Stationers and Printers
Richmond, Va.

Form No. 310—Clerk's Certificate that Commisioner has given Bond. Code 1919, Sec. 6269.

Virginia: In the Clerk's Office of the Circuit **Court of the** County of Isle Of Wight;

Ada J. Stephenson, Guardian # 493 Plaintiff,

AGAINST

Ada J. Stephenson et als, Defendant,

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 5th day of January, 192?, has been duly given.

Given under my hand as Clerk of the said Court, this 7 day of January, 192?.

R. A. Edwards Clerk.

a Copy. Test R. A. Edwards Clk

13

Stephenson, Emma.

vs. #493

Stephenson. et al.

Certificate of Bond

filed.

N. G. Edmonds.
clk.

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

Ada J. Stephenson, guardian for
Leslie McG. Stephenson, Grover C.
Stephenson, James Roper Stephenson,
and Willie Russell Stephenson:

v) Chancery. _____ ORDER APPOINTING GUARDIAN AD LITEM:

C. P. Stagg, executor of Wm. M. Stephenson, deceased,
Ada J. Stephenson, widow of Wm. M. Stephenson, deceased,
Maud Cross, who was Stephenson, an adult,
Joseph Stephenson, an adult,
Harrison Stephenson, an adult,
Early Stephenson, an adult,
Herman A. Stephenson, an adult,
Claude S. Stephenson, an adult,
Leslie McG. Stephenson, an infant over the age of fourteen years,
Grover C. Stephenson, an infant over the age of fourteen years,
James Roper Stephenson, an infant over the age of fourteen years,
Willie Russell Stephenson, an infant under the age of fourteen years,

Upon the motion of counsel for the complainant, in this suit, C. Fairfield Whitley, a discreet and competent attorney at law, practicing in this Court, is hereby assigned as guardian ad litem for the infant defendants, Leslie McG. Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie Russell Stephenson, to defend their interests herein.

Teste, R. A. Edwards, Clerk.

7 2

Virginia: Circuit Court
of Isle of Wight County.

Ada J. Stephenson, guardian,

v) Chancery. 493

Ada J. Stephenson et als.

Order appointing guardian
ad litem.

Entered Oct. 13th 1926.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Ada J. Stephenson, guardian for
Leslie McG. Stephenson, Grover C.
Stephenson, James Roper Stephen-
son, and Willie Russell Stephen-
son,

v) Chancery. ATTORNEY'S MEMORANDUM.

C. P. Stagg, executor of Wm. M. Stephenson, deceased,
Ada J. Stephenson, widow of Wm. M. Stephenson, deceased,
Maud Cross, who was Stephenson, an adult,
Joseph Stephenson, an adult,
Harrison Stephen-son, an adult
Early Stephenson, an adult,
Herman A. Stephenson, an adult,
Claude S. Stephenson, an adult,
Leslie McG. Stephenson, an infant over the age of fourteen years,
Grover C. Stephenson, an infant over the age of fourteen years,
James Roper Stephenson, an infant under the age of fourteen years,
Willie Russell Stephenson, an infant under the age of fourteen years.

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

Issue process for Maud Cross, Joseph Stephenson and Harrison Stephenson, directed to the Sgt. of the City of Portsmouth. Send to us.

Issue process for Early Stephenson, directed to Sgt. City of Newport News, and send to us.

Issue process for Ada J. Stephenson, Herman A. Stephenson, and Claude S. Stephenson to Sgt. City of Portsmouth and send to us.

Issue process for C. P. Stagg, Executor of Wm. M. Stephenson, directed to the Sheriff of Isle of Wight County, and send to us.

Appoint C. Fairfield Whitley as guardian ad litem for all of the infant defendants.

Johnson & Stephens, p.q.

Process should be returnable to Second October Rules, 1926.

Virginia: Circuit Court
of Isle of Wight County.

Ada J. Stephenson, guardian

v) Chancery. 493

Ada J. Stephenson et als.

Attorney's memorandum.

Filed Oct 13 1926.

10/13/26
Dep. 456

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Stephenson's guardian,

v) nChancery. 493.

Stephenson 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 the said report that the said special commissioner has disbursed the sum of $857.62, in his hands as shown by his last report, filed herein on the 12th. day of May, 1928, and confirmed by decree entered on that date, as follows:

To Ada J. Stephenson, he has paid the shares of the infant defendants, Leslie McGhee Stephenson, James Roper Stephenson, Grover C. Stephenson and Willie Russell Stephenson, aggregating	$561.25
To Herman C. Stephenson he pas paid	140.31
To Claude S. Stephenson, he has paid	140.31
To R. A. Edwards, clerk, and bonding agent he has paid court costs and bond premium amounting to	14.00
That he has reserved to pay the taxes for 1928,	1.75

Upon consideration whereof it is adjudged, ordered and decreed that the said report be, and is, hereby, confirmed, and that this cause be dismissed from the docket.

Virginia: Circuit Court of Isle of Wight County.

Stephenson's guardian

vs. Chancery. 493.

Stephenson etals.

Note for decree

Enter this June 12th. 1928.

8-451

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Stephenson's Guardian

v) Chancery. 493.

Stephenson et als.

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

And it appearing from the report of the said special commissioner that, in obedience to the decree entered herein on the 6th. day of September, 1927, he has executed and delivered to J. Q. Adams, Jr., a deed, conveying the land in the bill and proceedings of this suit mentioned, and has collected from the said J. Q. Adams, Jr., the sum of twenty five hundred dollars, and which he has disposed of as follows:

Paid Clerk of court, writ tax and clerk fees	$ 16.20
Paid Commissioner in Chancery for report,	15.00
Paid premium on special commissioner bond,	10.50
Paid for advertising sale,	3.00
Paid crier at sale	5.00
Paid sergeants fees,	3.50
Paid counsel fee allowed by court,	100.00
Paid special commissioner fee	125.00
Paid taxed attorney fee,	15.00
Paid for draft of deed to purchaser,	10.00
Paid C. P. Stagg, executor, balance due,	64.30
Paid Bank of Smithfield, note,	261.33
Paid Ada J. Stephenson, account debt secured by deed of trust on land,	1013.55

for which vouchers are attached to said report: On consideration whereof, the said report of said special commissioner, so far as it relates to his receipts and disbursements, is, hereby, confirmed, and it is so adjudged, ordered and decreed.

And it further appearing from said report, ~~and the petition of~~

that the balance now in the hands of said special commissioner, amounting to $857.62, is derived from the sale of the real estate of the said Wm. M. Stephenson, devised to his wife for her single life, with remainder to his youngest child, Willie Russell Stephenson, who should, upon taking possession thereof, pay to the other children of Wm. M. and Ada J. Stephenson the sum of five hundred dollars each, which children, as appears from the papers in this cause, are, Herman, O. Stephenson, Claude S. Stephenson, and Leslie McGhee Stephenson, James Roper Stephenson, Grover C. Stephenson; and it further appearing from the statement in the report of the special commissioner, this day filed, and from the statement made in the petition of said Ada J. Stephenson, this day, also, by leave of court, filed, that the said Ada J. Stephenson relinquishes her right to participate in the said balance; and it also appearing that it was the manifest intention of the said Wm. M. Stephenson, as expressed in his last will and testament, that Willie Russell Stephenson should, after the termination of the estate of the said Ada J. Stephenson, have the real estate mentioned in the bill filed in this suit, and which said real estate has been sold by direction of the court, in this proceeding, by paying to the other children of the said Ada J. Stephenson by Wm. M. Stephenson, the sum of five hundred dollars each; that to require the said Willie Russell Stephenson to pay any such sum would be imposing upon him an obligation which would not be reasonable and would not be sustained by law; Upon further consideration whereof, it is adjudged, ordered and decreed that the said A. S. Johnson, special commissioner as aforesaid, after paying the costs in this suit, to dismissal, divide the balance then remaining in his hands in six equal parts, one of which shall be paid to Herman Stephenson, one to Claude S. Stephenson, both of whom are adults, and the balance, due to Leslie McGhee Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie Russell Stephenson, (in part of each being less than five hundred dollars), all of whom are infants, he shall pay to Ada J. Stephenson, their mother, to be used by her

for their maintenance, support and education.

17

Virginia: Circuit Court
of Isle of Wight County.

Stephenson's guardian

v) Chancery. 493

Stephenson et als.

Note for decree.

Enter this 12

1930.

Book 8
Page 446

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Stephenson's Guardian, etc.

v) Chancery. 493.

Stephenson et als.

This cause came on this day to be 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, in obedience to the decree entered herein on the 5th. day of January, 1927, after having executed the bond required of him, advertised the land in the bill and proceedings of this suit mentioned, for sale, by public auction, to the highest bidder, for cash, and exposed the same to such sale at the Courthouse of this County on the 20th. day of January, 1927, at which time there was not a bidder: and it further appearing from said report that the said special commissioner has endeavored to find a purchaser for said land, and has, recently been successful, having received an offer from J. Q. Adams, Jr., of twenty five hundred dollars therefor; that Ada J. Stephenson, the guardian and widow of said Wm. M. Stephenson, who died siezed and possessed of said land, and her two adult children and one minor child, who is now twenty years of age, recommends that a sale be made to the said J. Q. Adams, ~~because the family has moved away from the place and have no intention of going back; that it is extremely difficult to get a responsible tenant to cultivate the said land; that the same is no increasing in value, except such increase as is caused by the growth of young timber thereon, the said timber having been cut within less than five years, and a disastrous fire having swept over the wood land in the summer of 1925:~~ Upon consideration whereof, it is adjudged, ordered and decreed that the said report and said sale to said J. Q. Adams be, and is, hereby, confirmed: And it is further adjudged, ordered and decreed that upon the payment to him of the sum of twenty five hundred dollars that the said special

commissioner shall execute and deliver to the said J. Q. Adams, Jr., a deed conveying to him the said tract of land, with covenant of special warranty.

The said special commissioner shall then pay the costs of this suit, up to and including the entry of this decree, any taxes that may be due upon the said land, and then pay to Johnson and Stephenson, the attorneys conducting this suit a fee of $ 100.00, and then pay off the indebtedness due, as shown by the report of Commissioner in Chancery, R. A. Edwards, filed herein on the ____ day of _____, 1926, and the balance he shall deposit on interest in Bank of Smithfield, to the credit of this cause, the distribution of which will hereafter be directed, filing a certificate of deposit for the same.

And this cause is continued.

15

Virginia: Circuit Court of Isle of Wight County.

Stephenson's Gdn. etc.

v) Chancery. 493.

Stephenson, et als.

Note for decree.

Enter September 6th.1927.

1820.

Chancery Order Book 8
Page 397.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Stephenson, Guardian, etc.

v) Chancery. 493.

Stephenson et als.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of Commissioner in Chancery, R. A. Edwards, filed herein on the 10th. day of December, 1926, responsive to the decree entered herein on the 23rd. day of November, 1926, and to which there is no exception, and was argued by counsel:

And it appearing from said report that the infant defendant, Willie Russell Stephenson owns no personal estate; that he owns an interest in a tract of land of two hundred and fourteen acres, subject to the life estate of his mother, Ada J. Stephenson, who is the widow of Wm. M. Stephenson, deceased, father of said infant if the said Ada J. Stephenson does not marry, it being provided in the will of the said Wm. M. Stephenson that in the event that the said Ada J. Stephenson does marry her estate in the said land shall then terminate, the said Willie Russell Stephenson being charged with the payment of the sum of five hundred dollars to each of his brothers, Herman A. Stephenson, Claude Swanson Stephenson, Leslie McGhee Stephenson, Grover C. Stephenson and James Roper Stephenson, the children of the said Wm. M. Stephenson by said Ada J. Stephenson, which is a charge upon the said tract of land; that the said tract of land lies in the County of Isle of Wight, State of Virginia, and adjoins the land of R. L. Seward, R. F. Whitley and Surry Lumber Company; that about sixty acres thereof is cleared and the rest is wooded area; that the said land is not being improved; that the buildings thereon are not of great value; that the wooded area was, in the summer of 1926, subjected to a disastrous fire; that the merchantable timber has been lately cut; that the annual value of said land is from two hundred to two hund-

red to two hundred and fifty dollars; that the fee simple value thereof is from twenty five hundred to three thousand dollars; that it will be to the interest of the infant defendant, Willie Russell Stephenson, and to the interest of the other infant defendants, and also the adult defendants to sell the said land and invest the proceeds thereof in other property after the payment of the debts due thereupon, and against the estate of the said Wm. M. Stephenson; that the ages of the infant defendants are as follows, to-wit: Willie Russell Stephenson was born on the 13th. day of February, 1917; ~~that~~ Leslie McGhee Stephenson was born on the 7th. day of August, 1907;Grover C. Stephenson was born on the 24th. day of August, 1909, and James Roper Stephenson was born on the 31st. day of March, 1912; that all of the parties to this suit are residents of Port Norfolk, in the State of Virginia; that if the infant Willie Russell Stephenson should die in infancy, unmarried and without lawful issue that the following named would be his heirs at law, to-wit: Maude Cross, Harrison Stephenson, Joseph Stephenson, Early Stephenson, Herman A. Stephenson, Claude Swanson Stephenson, Leslie McGhee Stephenson, Grover C. Stephenson and James Roper Stephenson; that the others here named would be the heirs at law of Leslie McGhee Stephenson, Grover C. Stephenson and James Roper Stephenson in the event of their death in infancy unmarried and without lawful issue; that there is a deed of trust lien upon the said tract of land securing to Bank of Smithfield the payment of the sum of $203.10 with interest thereon from January 1st. 1923, and to Ada J. Stephenson $996.90 with interest thereon from January 31st. 1920, she having, out of her own funds, paid the Bank of Smithfield that sum of money on said deed of trust lien; that all the necessary parties to this suit are properly before the Court: Upon consideration whereof it is adjudged, ordered and decreed that the said report be, and it is, hereby, confirmed.

And it is further adjudged, ordered and decreed that A. S. Johnson, who is, hereby, appointed a special commissioner for that purpose, do sell the said tract of land for cash, at public auction

to the highest bidder, after advertising the time, place and terms of sale for at least ten days by printed posted posted in five or more public places in the said County of Isle of Wight, some of which shall be posted in the neighborhood of the property.

Before the said Special Commissioner shall do any act under this decree he shall enter into a bond before the Clerk of this court, in the penalty of $3500, with security by the said Clerk deemed sufficient, payable and conditioned as the law directs in such cases.

And it appearing from the answer of C. P. Stagg, the executor named in the last will and testament of the said Wm. M. Stephenson, deceased, that he does not wish to be imposed with any further duty under said will, it is further adjudged, ordered and decreed that the said C. P. Stagg be, and is, hereby, relieved from any further duty under said will, and that this suit be henceforth proceeded with without said C. P. Stagg, executor as aforesaid, as a party.

And the said special commissioner shall make report to the Court of his doings hereunder.

11

Virginia: Circuit Court
of Isle of Wight County.

Stephenson, Gdn.,

v) Chancery.

Stephenson et als.

Note for decree.

Enter this June 5 1927.

Filed.

Book 8
Page 357

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

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

Ada J. Stephenson, guardian of
Leslie McGhee Stephenson, Grover
C. Stephenson, James Roper Stephenson,
and Willie Russell Stephenson

v) Chancery.

C. P. Stagg, Executor of Wm. M. Stephenson, deceased,
Ada J. Stephenson, widow of Wm. M. Stephenson, deceased,
Maud Cross, who was Stephenson, an adult,
Joseph Stephenson, an adult,
Harrison Stephenson, an adult,
Early Stephenson, an adult,
Herman A. Stephenson, an adult,
Claude S. Stephenson, an adult,
Leslie McGhee Stephenson, an infant over the age of fourteen years,
Grover C. Stephenson, an infant over the age of fourteen years,
James Roper Stephenson, an infant over the age of fourteen years, and,
Willie Russell Stephenson, an infant under the age of fourteen years.

This cause in which Ada J. Stephenson, guardian of Leslie McGhee Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie Russell Stephenson, is the complainant, and C. P. Stagg, Executor of Wm. M. Stephenson, Ada J. Stephenson, widow of Wm. M. Stephenson, Maud Cross, who was Stephenson, Joseph Stephenson, Harrison Stephenson, Early Stephenson, Herman A. Stephenson, Claude S. Stephenson, adults, Leslie McGhee Stephenson, Grover C. Stephenson, James Roper Stephenson, infants under the age of twenty one years and over the age of fourteen years, and Willie Russell Stephenson, an infant under the age of fourteen years, are the defendants, having duly matured at rules, the said C. P. Stagg, Executor, Ada J. Stephenson, Maud Cross, Joseph Stephenson, Harrison Stephenson, Early Stephenson, Herman A. Stephenson and Claude S. Stephenson, having been duly served with process, in person, came on this day to be heard upon the Bill of Complaint and upon the answers of C. P. Stagg, Executor of Wm. M. Stephenson, Ada J. Stephenson, Herman A. Stephenson and Claude S. Stephenson, and upon the answers of Leslie McGhee Stephenson, Grover C. Stephenson and James Roper Stephenson, infants over the age of fourteen years, in

their own proper person, and upon the answers of Leslie McGhee Stephenson, Grover C. Stephenson, James Roper Stephenson and Willie Russell Stephenson, infants under the age of twenty one years, by C. Fairfield Whitley, a discreet and cpmpetent attornet at Law, practicing in this court, appointed as their gusrdian ad litem by the Clerk of said Court, and upon the answer of the said guardian ad litem, all of said answers being duly swo rn to, and which were filed herein at the Second October Rules, 1926, the said Maud Cross, Joseph Stephenson, Harrison Stephenson and Early Stephenson having failed to appear to plead, demur or answer, the said bill of complaint being taken confessed as to them: Upon consideration whereof, the Court doth adjudge, order and decree that this cause be referred to one of the Commissioners of this Court who will inquire into and report:

1. Of what property the infant, Willie Russell Stephenson is seized and possessed, both real and personal, what is his interest therein, how acquired, where situate, and the values thereof, annual and fee simple ~~if any real estate~~.

2.What interest any other party has in said property.

3.Whether it will be to the interest of the said Willie Russell Stephenson to sell his real estate and invest the proceeds thereof in other property, under the direction of the Court.

4. Whether such sale and investment will violate the interest of any other party having an interest therein.

5. What is the age of the said Willie Russell Stephenson and his means of support and his residence.

6. What are the ages of the other infants having an interest, if any, in said property alleged to be owned by him.

7. Who would be the heirs at law of the said Willie Russell Stephenson should he die in infancy and without issue. and which are the proper parties and probably before the court.

8. Any other matter specially stated, deemed pertinent by the Commissioner, or which may be required by any party in interest.

Any evidence taken by the said Commissioner shall be reduced to writing and returned with his report hereunder.

#10

Virginia: Circuit Court
of Isle of Wight County.

Stephenson's gdn.

v) Chancery. 493.

Stephenson et als.

Note for decree.

Enter this 23 Jan, 1926.

Porter.

Book 7
page 352

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

No. [redacted]

Smithfield, Va. May 15 1928

Pay to the order of R. A. Edwards $14.00

Fourteen 00/100 Dollars

BANK OF SMITHFIELD PAID MAY 21 1928 SMITHFIELD, VA.

For bond premium and balance on Courthouse

To the Bank of Smithfield, Smithfield, Va.

5
68-233

William Mann Company

J. T. Brown. Special Commissioner
S. Stephenson & S. Stephenson

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.
R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

No. _____

B of S

Smithfield, Va., May 17 1928

Pay to the order of Hewen O Stephenson $140.31

One hundred and forty ~~one~~ Dollars

For 31 shares from sale of land

NOT OVER ONE HUNDRED SIXTY $160

To the Bank of Smithfield, Smithfield, Va.

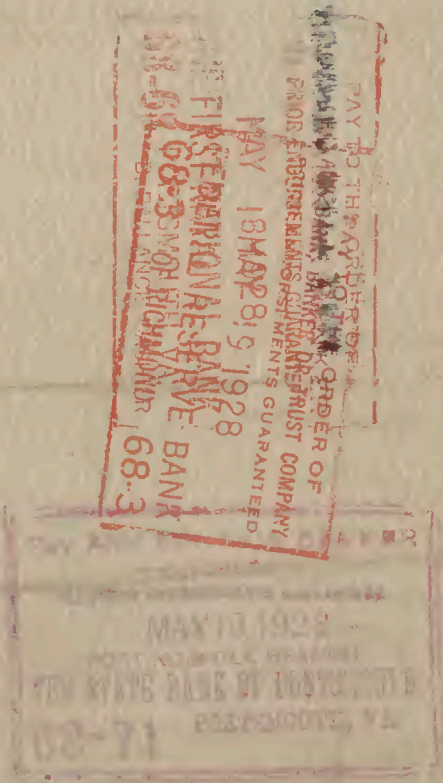
5
68-233

Special Commissioner
Stephenson M. Stephenson

BANK OF SMITHFIELD
PAID
MAY 22 1928
SMITHFIELD, VA.

...son Mann Company

Herman A. Stephenson



No. [redacted]

Smithfield, Va. May 14 1928

Pay to the order of Claud S. Stephenson $140.31

One Hundred Forty 31/100 Dollars

For his share in sale of land

To the Bank of Smithfield, Smithfield, Va.

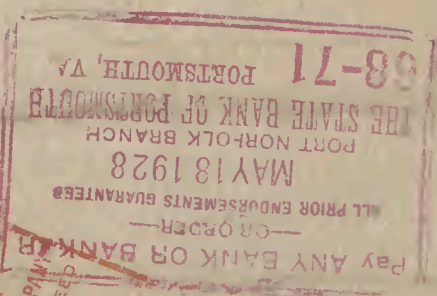
5
68-233

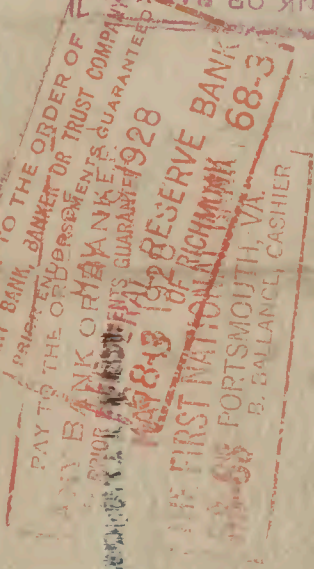
William Mann Company

PAID
MAY 22 1928
BANK OF SMITHFIELD
SMITHFIELD, VA.

E. Bruce Spence
Stephenson & Stephenson

Claude L. Stephenson





No. ●

Smithfield Va. May 14 1928

Pay to the order of Ada J. Stephenson $561.25

Five hundred and Sixty one & 25/100 Dollars

For Share of Leslie, Grover, James Willis Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

NOT OVER ONE HUNDRED DOLLARS

Johnson Special Commissioner
Stephenson & Stephenson

BANK OF SMITHFIELD, SMITHFIELD, VA. PAID MAY 1928

William Mann Company

Mrs. Stoffman.

MRS. CHARLES W. STOFFMAN, CHICAGO

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

Stephenson's guardian

v) Chancery. 493.

Stephenson, et als.

TO HONORABLE BENJAMIN DEY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

The undersigned, special commissioner, in the above entitled cause, respectfully reports to the court that, as directed by the decree entered in said suit on the 12th. day of May, 1928, he has distributed the funds in his hands, as follows:

To Ada J. Stephenson, he has paid the shares of the infant defendants, Leslie McGhee Stephenson, James Roper Stephenson, Grover C. Stephenson, and Willie Russell Stephenson, aggregating	$561.25
To Herman O. Stephenson, he has paid,	140.31
To Claude S. Stephenson, he has paid,	140.31
To R. A. Edwards, Clerk and bonding agent, he has paid for bond premium and court costs,	14.00
He has retained the sum of one dollar and seventy five cents to pay the 1928 taxes,	1.75
Total	$857.62

which is the amount in his hands, shown by his last report, and the decree entered on the 12th. of May, 1928, all of which, together with the vouchers for the payments herein referred to, are herewith submitted, save and except the amount he has retained to pay the 1928 tax. There appears nothing further to be done in this cause and it may be dismissed.

Special Commissioner.

18

Virginia: Circuit Court of Isle of Wight County.

Stephenson, guardian

v) Chancery. 493.

Stephenson et als.

Commissioner's report.

Filed June 12th. 1928.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut

No. ———

Smithfield, Va. Sept 28th 1927

Pay to the order of Johnson & Stephenson $15.00

Fifteen ——— 00/100 Dollars

For Fund Atty fee Stephenson v Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

D. Johnson, Comr
Stephenson v Stephenson

BANK OF SMITHFIELD PAID SEP 30 1927 SMITHFIELD, VA.

Johnson & Stephens

No. _____

Smithfield, Va., Sept 28 1927

Pay to the order of A. S. Johnson, Special [illegible] $125.00

One hundred & [illegible] Dollars

For comm. on sale of land. Stephenson v. Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

Special Comm.
Stephenson v. Stephenson

BANK OF SMITHFIELD PAID SEP 30 1927 SMITHFIELD, VA.

Johnson S C
Johnson Stephen

No. —

Smithfield, Va. Sept 28" 1927

Pay to the order of Johnson and Stephens $100.00

One hundred no/100 Dollars

BANK OF SMITHFIELD PAID SEP 30 1927

For Money to be allowed by court Stephenson & Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

Johnson, Stephenson & Stephenson

Johnson F Stephens

No. ____

B of S

Smithfield, Va. Sept 28 1927

Pay to the order of Johnson & Stephens $10.00

Ten 00/100 Dollars

For ~~dft~~ of Special Comm'r deed Stephens to Johnson

To the Bank of Smithfield, Smithfield, Va.

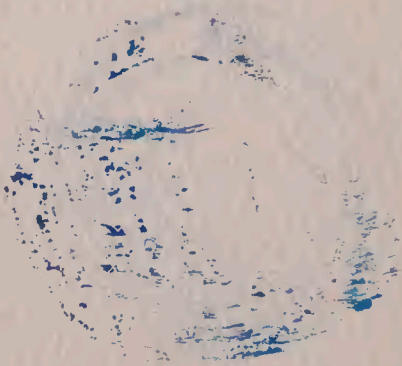
5
68-233

Johnson & Stephens Comm'rs

Stephens & Johnson

BANK OF SMITHFIELD INCORPORATED PAID SEP 30 1927

Johnson Stephens



No. ____

Smithfield, Va. Sept 28 1927

B of S

Pay to the order of Johnson and Stephens $ 3.50

Three 50/100 Dollars

BANK OF SMITHFIELD SMITHFIELD, VA. PAID SEP 30 1927

For refund of Sgts fee paid serving process notice

To the Bank of Smithfield, Smithfield, Va.

5
68-233

O. Johnson
Stephenson & Stephenson

Johnson Stephen

No. ●

B of S

Smithfield Va. Sept 28 1927

Pay to the order of H. H Chapman $ 5.00

Five 00/100 Dollars

BANK OF SMITHFIELD PAID SEP 30 1927 SMITHFIELD, VA.

For Crying Sale of Wm M. Stephenson land

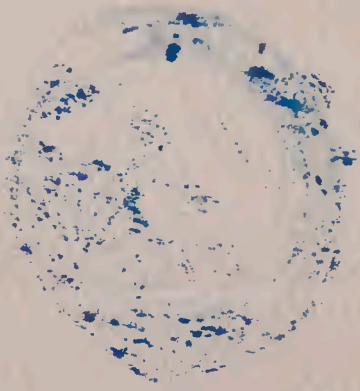
To the Bank of Smithfield, Smithfield, Va.

5
68-233

E. Johnson Special Commissioner

Stephenson v. Stephenson

A. H. Chapman



No. ●

Smithfield, Va. Sept 28 1927

B of S

Pay to the order of Ada J. Stephenson $1013.55

Ten hundred thirteen [illegible] Dollars

For amount paid on deed of trust held by Bank of Smithfield against W. M. Stephenson

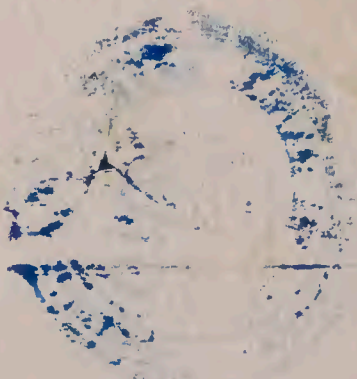
To the Bank of Smithfield, Smithfield, Va.

5
68-233

BANK OF SMITHFIELD, VA. PAID OCT 3 1927

D. Johnson, Special Comm
Stephenson v. Stephenson

Ada J. Stephenson



No. —

Smithfield, Va. September 28 1927

Pay to the order of E. N. Brinton $ 3.00

— Three — 00/100 Dollars

For Printing Sale notices Stephenson v Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

A. Johnson Commr
Stephenson v. Stephenson

BANK OF SMITHFIELD PAID OCT 3 1927 SMITHFIELD VA.

R. N. Benton

PAY TO THE ORDER
OF THE
BANK OF SMITHFIELD
SMITHFIELD, VA.
COFER HARDWARE CO.

No. ____

Smithfield, Va., Sept 28" 1927

B of S

Pay to the order of C. P. Stagg $64 30

— Sixty four — 30/100 Dollars

For balance due to him as Exr. of W[illegible]

To the Bank of Smithfield, Smithfield, Va.

5
68-233

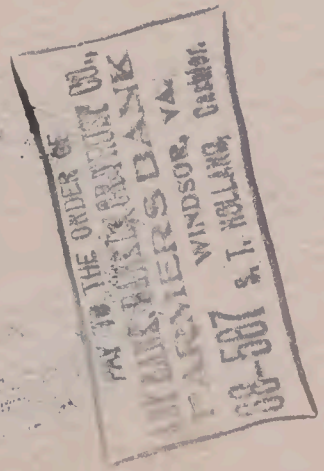
Stephenson & Stephenson Commissioners

Stephenson & Stephenson

BANK OF SMITHFIELD PAID 12 1927

PAY ANY BANK, BANKER OR TRUST CO.
OR ORDER
ALL PRIOR ENDORSEMENTS GUARANTEED

OCT 10 1927
Norfolk National Bank of
Commerce & Trusts
68-36 of Norfolk, Va. 68-36
A. E. WHARTON, Cashier



No. ●

Smithfield, Va. Sept 13 1927

Pay to the order of R. A. Edwards $ 16.20

Sixteen 20/100 Dollars

For writ tax and Clerk fees, Stephenson v Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

Dom. Special Commissioner
Stephenson v Stephenson

BANK OF SMITHFIELD
PAID
SEP 26 1927
SMITHFIELD, VA.

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.
R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

No. ____

B of S

Smithfield, Va., Septem 13 1927

Pay to the order of R. A. Edwards $15.00

Fifteen 00/100 Dollars

For Commissioners fee Stephenson v Stephenson

To the Bank of Smithfield, Smithfield, Va.

5
68-233

E Johnson
Spl. Comr. Stephenson v Stephenson

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.
R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

No. ____

Smithfield, Va., Septem 13" 1927

Pay to the order of Bank of Smithfield $261.33

Two hundred sixty one 33/100 Dollars

For principal & int on Wm M. Stephenson & ors note

To the Bank of Smithfield, Smithfield, Va.

5
68-233

E. B. Smith

Special Comr. Stephenson v Stephenson

No. ●

B of S

Smithfield, Va., Sept 12 1927

Pay to the order of R. A. Edwards agt $10.50

Ten & 50/100 Dollars

For bond premium, Stephenson etc v Stephenson et als

To the Bank of Smithfield, Smithfield, Va.

5
68-233

J. T. Brown
Special Dep. Stephenson v Stephenson

Pay to the Order of
BANK OF SMITHFIELD
SMITHFIELD, VA.
R. A. EDWARDS, Clerk of Court
ISLE OF WIGHT COUNTY

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

Stephenson's guardian

v) Chancery. 493.

Stephenson et als.

TO HONORABLE BENJAMIN DEY WHITE,

JUDGE OF THE CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, VIRGINIA.

The undersigned, special commissioner in the above entitled cause, pending in your Honor's court, respectfully reports that, as directed by the decree entered in this cause on the 6th. day of September, 1927, he has executed and delivered to J. Q. Adams, Jr., a deed, conveying to him, with special warranty, the property in the bill and proceedings of this suit mentioned, and has collected from the said J. Q. Adams, Jr., twenty five hundred dollars, which has been applied to the payment of the indebtedness of the estate of Wm. M. Stephenson, deceased, as shown by the report of Commissioner Edwards, filed herein on the 20th. day of December, 1926, leaving a balance in his hands, after such distribution of $857.62. Detailed statement of his disbursements follows:

Received from J. Q. Adams, Jr. account purchase price of land,	$2500.00	
Paid R. A. Edwards, Agent, bond premium,		$ 10.50
Paid Bank of Smithfield, balance due it on deed of trust debt sgainst land,		261.33
Paid R. A. Edwards, Commissioner in Chancery, for his report,		15.00
Paid R. A. Edwards, Clerk, writ tax and clerk fees in suit,		16.20
Paid C. P. Stagg, Executor of Wm. M. Stephenson, balance due him		64.30
Paid P. N. Bristow, printing sale notices,		3.00
Paid Ada J. Stephenson, amount paid by her out of her funds to Bank of Smithfield as part payment on deed of trust,		1013.55

Paid W. H. Chapman, crier at attempted sale of property,		5.00
Paid Johnson and Stephens, refund of fees paid to sergeants for serving processes,		3.50
Paid Johnson and Stephens, draft of deed to purchaser, J. Q. Adams, Jr.,		10.00
Paid to Johnson and Stephens, counsel fee allowed by court,		100.00
Paid A. S. Johnson, special commissioner fees		125.00
Paid Johnson and Stephens, taxed attorney fee		15.00
Balance		857.62
	$2500.00	$2500.00

Vouchers for the disbursements above referred to are attached to this report.

Ada J. Stephenson, the widow of Wm. M. Stephenson, deceased, who is entitled to the income from the balance named during her single life, has presented her petition, relinquishing her rights in the said fund, and asking that the balance be distributed between and among the children of Wm. M. Stephenson, deceased, who are given an interest in the real estate sold under this suit, in equal shares.

It appears that when Wm. M. Stephenson executed his will, that he thought the real estate was worth more than it brought at the sale, and, further, that he did not anticipate that it would be heavily encumbered at the time of his death, whenever that might occur. It will be observed from the bill that he provided that when the right of Ada J. Stephenson might cease that the land, itself, should go to his youngest child, and that he should pay to the other children by his wife, Ada J. Stephenson, namely, Herman, Claude, Leslie, Grover and James five hundred dollars each. It seems to be true that an obligation cannot be imposed upon an infant to accept a piece of land and pay others any sum of money; hence, in a proper case the infant child could, when he became twenty one years of age, refuse, which he would do, most likely, had the land continued to be the property of the estate of Wm. M. Stephenson, unencumbered, to ac-

cept it under the provisions of the will, and it would then, if what appears to be the proper construction of the will, pass to all of the children named, in equal shares, as if the testator had died intestate, leaving the named children as his only heirs at law, subject, of course, to the rights of the widow. Since the widow has now relinquished her rights in the balance in the hands of the special commissioner, it seems proper that after the payment of any balance due on account of costs in this suit, it should be equally distributed between and among the named children, that is to say, Herman, Claude, Leslie, Grover James and Willie Russell. Herman and Claude are adults, and their shares should be paid to them, direct; the others are infants and live with their mother, and it is recommended that their shares, if the court should accept the view herein expressed, and in the petition of the said Ada J. Stephenson, be paid to their mother Ada J. Stephenson, for the maintenance, support and education as by the ststute in such cases is made and provided.

Respectfully submitted,

_____

Special Commissioner.

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Virginia: Circuit Court
of Isle of Wight County.

Stephenson's Guardian

v) Chancery. 493.

Stephenson et als.

Report of Special Commissioner.

Filed, 5/12 1928.

LAW OFFICES
JOHNSON AND STEPHENS
SMITHFIELD, VIRGINIA

The Linden Printing Company, Hartford, Connecticut