

1918-012
Nansemond Co (Suffolk) Chancery Causes: E.R. Smith et al vs Eva S. Smith Byrd, admx et al

Johnson, Cross, Ballard, Holland, Herrell

SUFFOLK, VA., Nov. 16, 1916. 191

Mrs. C. L. Byrd.

OFFICE HOURS.

8 TO 9 30 A. M.

2 TO 3 30 P. M.

7 TO 8 30 P. M.

TO DRs. J. M. & W. C. GIBSON, DR.

1045 WEST WASHINGTON STREET

FOR PROFESSIONAL SERVICES RENDERED:

Mr. C. L. Byrd.

Nov. 15. To acct to date

\$65.00

Chd 24 Bx of Mrs Eva S Smith Byrd
Administratrix of the Estate
of the Late R. L. Byrd & received
in full of bill for this
last billless \$65.00
J. M. & W. C. Gibson
J. M. G.

Mrs. Eva S. L. Byrd

To G. E. BUNTING, CLERK CIRCUIT COURT
OF NANSEMOND COUNTY
SUFFOLK, VA.,

191

6

vs.

Aug 22

TAX, \$ 1.00

TRANSFERS, \$

FEE, \$

2.75

375

Qualifying on Est. of
C. L. Byrd

Paid

Nov. 17,

1910

G. E. Bunting

Clerk

I. O. HILL
Lock Box 334

H. B. CROSS
Bell Phone 69

Suffolk, Va., Nov. 27 1916
Mr. Clarence Byrd's Est.

To I. O. HILL & CO., Dr.
Dealers in Furniture of Every Description
UNDERTAKERS AND FUNERAL DIRECTORS
Ready-Made Coat Suit Department

Nos. 957 and 959 Washington Street.
No. 301 Saratoga St.—Three Stories.

1916

Aug	18	To Sack-	115 00
"	"	" Use of hearse,	5 00
"	"	" Embalming,	10 00
"	"	" Undertaker,	2 05
"	"	" Permit-	50
"	"	" State Vault-	32 50
"	"	" Telegram.	2 1
"	"	" Pressing clothes,	3 50

165-71

Received payment of Mr. E. R. Smith,
S. O. Hill & Co.
Nov. 27. 1916.
Per S.

Recd of
Mrs C. L. Byrd
five Dollars \$5.00

Oct 16 - 1916

J. B. Parag

LEHMAN & CO.,

THE LEADING LOW PRICE HOUSE.

937 WASHINGTON SQUARE.

Suffolk, Va.,

1916

Name

Wm. Byrd

Address

Sold by

Am't Rec'd

1	<i>2 S. Molecules</i>	<i>1</i>	<i>00</i>
2	<i>2 cost</i>		<i>20</i>
3	<i>2 base</i>		<i>20</i>
4			
5			<i>1 90</i>
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

15

MCKAY, WASHINGTON & CO.

DRY GOODS, NOTIONS, SUITS, SKIRTS AND WAISTS

NO. 531 MAIN ST.

Suffolk, Va.

191

Name _____

Address

Sold by

Am't Rec'd

13

...OUR GUARANTEE...



All goods sold by us are guaranteed to be as represented.

Our purpose is to supply you with the best of everything in our line at the lowest possible price.

OUR MOTTO:

"NOT HOW CHEAP--BUT HOW GOOD"

We want your trade solely upon the merits of our goods.

If any of the goods should be spoiled, or of inferior quality, please advise us of the fact at our office, and do not discontinue buying without an explanation.

YOURS FOR BUSINESS

McKay, Washington & Co.

"ABSOLUTELY THE LADIES STORE"

DRY GOODS, NOTIONS, SUITS, SKIRTS and WAISTS

No. 531 MAIN ST., SUFFOLK, VA.

In case of Error or Exchange of Goods Please Return
this Slip

IN CASE OF ERROR PLEASE RETURN THIS BILL

Date.....191.....

Name

Address

Sold by Ami Reed.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

Rec of Mrs
C. D. Reed
6.50 for cash
& bill
Mrs Clara Reed
Per S
9/9/16
13

18432

18432

\$ 105⁰⁰ 710 **20809** SUFFOLK, VA., Aug 22 1916

Thirty (90) days after date 8 — promise to pay, without offset, unto
Mr. W. D. Byrd, or order, negotiable and payable at the

FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

One Hundred Five 710 ————— **Dollars**

for value received; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and
endorsers, he benefit of our Homestead Exemption as to this debt.



Eva S. Smith Byrd.

W. D. Byrd

W. H. Byrd

20th —

16544

Aug 22

\$125⁰⁰ 167 18432

SUFFOLK, VA., June 23 1916

sixty days after date promise to pay, without offset, unto

W. H. Byrd, or order, negotiable and payable at the

FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

one hundred Twenty five & no/100 Dollars

for value received; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and by waive the benefit of our Homestead Exemption as to this debt.

C. L. Byrd

by



W. H. Byrd

In

22443 22610

Oct 6

\$ 50 ⁰⁰/₊₊

SUFFOLK, VA.,

Aug 6

1916

days after date

promise to pay, without offset, unto

, or order, negotiable and payable at the

FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

Fifty ^{no}/₁₀₀

Dollars

for value received; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and
endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

C. L. Byrd

R. L. BREWER & SON
Diamonds, Watches, Clocks, Jewellery, Spectacles &c.
Bicycles and Bicycle Supplies.

L. R. Smith

Suffolk, Va., Sept 19

1916

Received of Mrs. Peterson.
Four

25 Dollars
100
Due \$100.15 Note and Int on same to Sept 6/16

R. L. Brewer Jr

By L R B

425-
5-75-
10.00
Int

R. L. BREWER & Sⁿ
Diamonds, Watches, Clocks, Jewellery, Spectacles &c.
Bicycles and Bicycle Supplies.

Suffolk, Va., Aug 16 1916

Received of Mr E. R. Smith for Mrs C. R. Byrd
Ten _____ Dollars

To be credited to John Peterson
R. R. Brewer Jr

\$10.00

By _____

Nov 8

\$40.00

1910

SUFFOLK, VA.,

Sept 9

1916

21281

DAYS AFTER DATE

1

PROMISE TO PAY, WITHOUT OFFSET, UNTO

Mr. H. Byrd

, OR ORDER, NEGOTIABLE AND PAYABLE AT THE

FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

Forty and 00/100

DOLLARS

for value received; and it is agreed upon by the parties to the benefit of our Homestead Exemption as to this debt.

on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the



Eva S. Smith Byrd.

W. H. Byrd
no

80

16843

Sept 9

19101

\$4000

SUFFOLK, VA., July 11

1916

sixty

days after date

promise to pay, without offset, unto

W. H. Byrd

, or order, negotiable and payable at the

FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

Forty

and no / 100

Dollars

for value received; and it is agreed upon by the parties that the

interest on this Note shall be payable in advance; and we, principal and
as to this debt.



C. L. Byrd

by

W. H. Byrd

Dr

\$75⁰⁰

149 Suffolk, Va., Aug. 21.

Nov 19
1916

Ninety (90)

E. R. Smith

days after date I promise to pay to

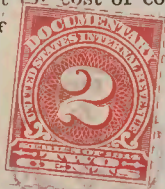
or order, negotiable and payable

without offset at the AMERICAN BANK OF SUFFOLK, Suffolk, Virginia,

INCORPORATED

Seventy five and 00/100 DOLLARS,

for value received, with ten per cent for cost of collection; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.



Eva S. Byrd

ER Smith

November 29-1916

Received of Eva Smith Byrd,
Administrator of the estate of
Clarence Byrd, \$25.00, for
professional services rendered
Clarence Byrd.

Etta J. Paulsen
(Nurse)

Suffolk
Va

Suffolk, Va., Sept 5 1916

Mrs. Eva S. Byrd

TO THE SUFFOLK HERALD CORPORATION DR.

Suffolk's Leading Job Printers

NEWSPAPER AND JOB PRINTING

No. 912 WASHINGTON ST.

TERMS OF THIS BILL NET CASH

BELL PHONE 135

To Print Card of Thanks
Paid Suffolk Herald Co
per invoice

50c

Dec. 3rd 1916

Received from Mrs C. L. Byard
Eleven & $\frac{25}{100}$ _____ Dollars

As payment in full of a/c. C. L. Byard

\$11 $\frac{25}{100}$

PIEDMONT-MT. AIRY GUANO CO.

Wm Lawsky

BROTHERS-PRUDEN CO.
HARDWARE

SUFFOLK, - - - VIRGINIA

Suffolk, Va.

Dec 2

1916

Received of C. L. Byrd

Five

93 Dollars

Received By Geo. S. Byrd

Administrative

3.93

BROTHERS-PRUDEN CO.

Per D. Williams

M *Clarence L. Byrd*

11/9

To C. R. FULGHAM, Treasurer of Nansemond County, Va., Dr.

No. **2687**

HOLY NECK DIST. 1916 Taxes and Levies	Valuation	Rate of State Tax Per \$100	Amount of State Tax	COUNTY AND DISTRICT LEVIES		TOTAL
				Real Estate and Tangible Property	Intangible Property Classes 1, 2, 5 and 6	
SUBJECTS OF TAXATION				Co. Purposes - .50 Co. Schools - .25 Poor - - .05 Dist. Schools - .25 Dist. Roads - .20 TOTAL - \$1.25	Dist. Roads - 30 TOTAL - - 30	
Real Estate <i>35</i> Acres <i>140</i>		\$.10	<i>14</i>	<i>175</i>		<i>189</i>
Personal Property—Tangible (Sched. B) - -		.10				
Personal Property—Intangible (Classes 1 and 5)		.65				
Personal Property—Intangible (Class 2) - - -		.70				
Personal Property—Intangible (Class 6) - - -		.35				
Personal Property—Intangible (Class 4) Money -		.20				
Income - - - - -		1%				
Capitation Tax - - - - -			<i>1.50</i>			
TOTAL - - - - -						<i>189</i>
Credit - - - - -						
- - - - -						
- - - - -						

Five Per Cent. Penalty - - - - -

TOTAL - - - - -

Paid *NOV 30 1916*, 191

Received payment:

J. W. Artman

DEPUTY Treasurer.

$$\begin{array}{r}
 1730 \\
 189 \\
 \hline
 1919
 \end{array}$$

M Clarence R. Byrd 11/9
 To C. R. FULGHAM, Treasurer of Nansemond County, Va., Dr.

No. 158

CYPRESS DIST. 1916 Taxes and Levies					COUNTY AND DISTRICT LEVIES				
SUBJECTS OF TAXATION	Valuation	Rate of State Tax Per \$100	Amount of State Tax	Real Estate and Tangible Property	Intangible Property Classes 1, 2, 5 and 6			TOTAL	
				Co. Purposes - .50 Co. Schools - .25 Poor - .05 Dist. Schools - .25 Dist. Roads - .20 TOTAL - \$1.25	Dist. Roads - 30 TOTAL - - 30				
Real Estate..... 42 1/2 Acres 825	\$.10	83	10 31				11 14		
Personal Property—Tangible (Sched. B) - - 345	.10	35	4 31				466		
Personal Property—Intangible (Classes 1 and 5)	.65								
Personal Property—Intangible (Class 2) - - -	.70								
Personal Property—Intangible (Class 6) - - -	.35								
Personal Property—Intangible (Class 4) Money -	.20								
Income - - - - -	1%								
Capitation Tax - - - - -		1 50					1 50		
TOTAL - - - - -							17 30		
Credit.....	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								
	\$								

Five Per Cent. Penalty

TOTAL

Received payment:

C. R. Fulgham

Treasurer

DEPUTY

NOV 30 1916

Folio

191 6

From

TO

Aug 23

Norfolk, Va., Aug 23 191 6

Mr. E. R. Swift

To Virginian and Pilot Publishing Company, Br.

ADVERTISING

Cord of Thanks

for Mrs. Regd

50

Received Payment, VIRGINIAN AND PILOT PUBLISHING CO.,

Per

Daisy Murrey

Aug 22 - 1916

Rec'd of E.R. Smith

Two Dollars \$2.00 in full
for ^{his} ~~living~~ ^{of} C. G. Byrd

Richard ^{his} ~~son~~ ^{Logan}

ST. ANDREW'S HOSPITAL

DR. E. R. HART

\$ 11 ⁰⁰/₁₀₀

SUFFOLK, VA., Aug 30 1916

RECEIVED OF Mr E. R. Smilli for Mrs E. S. Byrd

Eleven
- five full -

⁰⁰/₁₀₀

DOLLARS

ST. ANDREW'S HOSPITAL

VISITING HOURS. { 11 A.M. TO 1 P.M.
2 P.M. TO 4 P.M.
7 P.M. TO 9 P.M.

PER Mrs. S. S. S. (Supt)

Rosewood Camp, No. 2, Woodmen of the World

Suffolk, Va.,

SEPT. 1916

191

Received of

C. L. Byrd

For Installment No. 8 and Emergency Fund,

Sovereign Camp and Local Camp Dues,

\$1.05

W. B. Vaughan Clerk

Rosewood Camp, No. 2, Woodmen of the World

Suffolk, Va.,

OCT 1 1916

191

Received of

C. L. Boyd

to complete Annual dues
For Installment No. and Emergency Fund,

Sovereign Camp and Local Camp Dues,

\$ 3.90

W. B. Vaughan

Clerk

STATEMENT

SUFFOLK, VA.

Sept. 5th 1916

M. C. L. Byrd

TO JOS. P. HALL, INC., DR.

Drugs, Family Medicines, Spices, Perfumery, Stationery,

Toilet Articles, School Books, Blank Books, Etc.

Garden and Field Seeds

1916

To Amt. Rendered

Aug. 11	1 pt. alcohol	50
"	1 Drinking tube	05
12	" " "	05
14	Prescription	50
"	Chloropin	35
15	Prescription	40
"	Sparteine Tablets	40
17	Prescription	40

~~\$~~ 265

or By Goods returned

75

\$1.90

Received of
 Mrs C. L. Byrd
 full acct

Jos P Hall Inc
 11-10-16

DIXIE GUANO CO., Inc. SUFFOLK, VA.

Suffolk, Va.,

11/24/1916

Received of Eva D. Smith Byrd
For note in full of C. L. Byrd
One hundred forty seven $\frac{7}{10}$ Dollars

Dixie Guano Company, Inc.

Per

P. H. Hester

\$147⁰⁰

\$147⁰⁰

Suffolk, Va.,

7/24 1916

See 1st

days after date

promise to pay, without offset, unto

DIXIE GUANO COMPANY, INCORPORATED, OR ORDER

Negotiable and payable at Farmers Bank of Nanslemund

One hundred ~~thirty~~ ^{seventy} Dollars

FOR VALUE RECEIVED, WITH ALL COSTS OF COLLECTION, INCLUDING TEN PER CENT. FOR ATTORNEY'S FEE; AND WE, PRINCIPAL AND ENDORSERS, HEREBY WAIVE THE BENEFIT OF OUR HOMESTEAD EXEMPTION AS TO THIS DEBT.

Suffolk R.F.D. C.L. Regan

H. J. Boyd



Nov 24

1916

Received from Eva J. Smith Dyer
and $\frac{50}{100}$ ————— Dollars

for wire fence bought for estate

\$

6

R R Albee

Order No. _____

I, C. L. Byrd have this day
bought of **CATAWBA COUNTY NURSERY, NEWTON, N. C.**, the
following bill of Trees, Plants, Etc.

EVERY ORDER IS A CONTRACT.

No Conditional Orders taken or Countermands Accepted.

Apples, at _____ cts \$	Strawberries, at _____ cts \$
Apples, 3 to 4 ft _____ cts	Pecans, at _____ cts <u>5.00</u>
Crab Apples, at _____ cts	Figs, at _____ cts
Peaches, at _____ cts	Quince, at _____ cts
Peaches, 2 to 3 ft _____ cts	Almonds, at _____ cts
Pears, at _____ cts	Walnuts, at _____ cts
Cherries, at _____ cts	Shade Trees, at _____ cts
Apricots, at _____ cts	Evergreens, at _____ cts
Plums, at _____ cts	Hedge, at _____ cts
Mulberries, at _____ cts	Raspberries, at _____ cts
Grapes, at _____ cts	Blackberries at _____ cts
Currants, at _____ cts \$	Roses, at _____ cts
Gooseberries, at _____ cts	

Total No. of Trees 3

Other stock _____

Total Amount of Bill - - - \$ 5.00

Credit for Lodging, Etc. - - - \$ _____

Balance Due - - - \$ 5.00

To be delivered at Suffolk

in Oct., Nov., or Dec., 1918, notice to be given by mail of the day

of delivery for which I agree to pay five Dollars

and _____ cents on day of delivery, and all extra expense incurred in collecting this bill, and, when delivered at the above named place it shall be considered as delivered to me; and I hereby expressly agree to waive all right to avail myself of the homestead and exemption laws of this State as to the liability assumed in signing this contract.

I positively agree that I will not countermand this order, and if by accident or otherwise my order should not arrive on the day above named, I will receive the same if delivered at the above named place within ten days thereafter, in good condition, and pay for the same as priced above.

Should anything be omitted by mistake or otherwise the balance will be accepted.

[SIGNED] C. L. Byrd this 5 day of

May 1918 Location from place of delivery _____

P. O. Suffolk County North Carolina

P. C. Henderson Salesman.

We will replace trees that die for one-half Catalogue price, f. o. b. Maiden, N. C. when CASH accompanies the order. We will not replace any mulberry or nut trees, shrubbery, rose bushes, evergreens, and strawberry plants.

GOODS ORDERED

APPLES

-----Early Colton
-----May
-----Yellow Trans.
-----Red June
-----Summer Rose
-----Red Astrichan
-----Early Harvest
-----Yellow June
-----Summer Queen
-----Maiden Blush
-----Horse
-----Hackworth
-----Summer Banana
-----Buckingham
-----Baltimore Red
-----Magnum Bonum
-----Gloria Mundi
-----Wine Sap
-----Keener Seedling
-----Coffey Seedling
-----Sta'm'ns W. Sap
-----Red Limbertwig
-----Royal Limbert'g
-----Va. Beauty
-----Ben Davis
-----N. C. Keeper
-----Shockley
-----Jonathan
-----Winter Banana
-----Johns L. Winter
-----Golden Winter
-----Mammoth B. T.
-----Grimes Golden
-----Ark. Black
-----Delicious
-----Rome Beauty

CRAB APPLES

-----Red Siberian
-----Transcendent

PEACHES

-----Mayflower
-----Victor
-----Sneed
-----Ark. Traveler
-----Slappy
-----Triumph
-----Amsden June
-----Alexander
-----Greensboro
-----Early Rivers
-----Mamie Ross
-----Flatter's St. John
-----Carman
-----Yellow Swan
-----Emma
-----Champion
-----Early Crawford

-----Late Cr'wford
-----Elberta
-----Chines Cling
-----Greenville Cling
-----Indian
-----Bell of Ga.
-----Wonderful
-----O. M. Free
-----O. M. Cling
-----Mathews Beauty
-----Stump the World
-----Eatons Golden
-----Heath Cling
-----Salway
-----Albright's L. C.
-----Stinson Oct.

PEARS

-----Early Harvest
-----Koonce
-----Bartlett
-----Le Cont
-----Seckle
-----Dutchess
-----Japan G. Russet
-----Garber
-----Kieffer
-----Magnolia

CHERRIES

-----May Duke
-----E. Richmond
-----Dyehouse
-----Gov. Wood
-----L. Montmore'y
-----Blk. Tartarian

APRICOTS

-----Royal
-----Early Golden

NECTARINE

-----Japan

PLUMS

-----Wild Goose
-----Abundance
-----Kelsey's Japan
-----Red June
-----Burbank
-----Ogon
-----Hale
-----Wickson
-----Damson

CURRENTS

-----Cherry
-----Fay's Prolific

Gooseberries

-----Houghton
-----Downing

GRAPES

-----Concord
-----Martha
-----Catawba
-----Brighton
-----Lutie
-----Delaware
-----Moore's Early
-----Moore's Dia'd
-----Campbell's E.
-----Niagara
-----James
-----Scuppernong

Shade Trees

-----Silver Maple
-----Carolina Poplar
-----Texas Umb.
-----Norway Maple

Evergreens

-----Norway Spruce
-----Magnolia
-----Arbor Vitae
-----Irish Juniper

Hedging

-----Cal. Privet
-----Amoor R. Privet

Strawberries

-----Lady Thomp'n
-----Brandywine
-----Bubach
-----Excelsior
-----Michaels E.
-----Grandys Late

Raspberries

-----Cuthbert
-----Loudon

Blackberries

-----Snyder
-----Iceberg

Mulberries

-----Black Eng.
-----Hicks Ev'g

NUTS

-----Pecan
-----Pecan Buded
-----E. Walnut
-----Jap. Walnut
-----Almond
-----Figs
-----Quince

ROSES

-----Marechal Neil
-----La France
-----Crimson R.
-----Gen. Jacuel'm't
-----The Bride
-----Americ'n B

Virginia: In the Office of the Clerk of the Circuit Court
of Transmont County, the 21st day of August 1916

IT IS ORDERED, That E. R. Smith, Joel E. Harrell,
Felton Brinkley, H. H. Byrd and Jesse Knight

.....or any three of them,

being first duly sworn for the purpose, do truly and justly appraise such of the goods and
chattels of Clarence H. Byrd, deceased, as may be
produced before them, and return their appraisement under their hands as the law directs.

A Copy—Teste:

H. E. Brinkley, Clerk.

STATE OF VIRGINIA, City of Suffolk to-wit:

This day E. R. Smith, Joel E. Harrell,
Felton Brinkley, H. H. Byrd and
Jesse Knight

named in the foregoing order of the Clerk of the Circuit Court of the county of Transmont

personally appeared before me, H. E. Brinkley

a Notary Public in and for the said City County, and made oath that

they will truly and justly appraise such of the personal effects of Clarence

H. Byrd, deceased, as may be produced before them.

Given under my hand, this 21st day of August, 1916

H. E. Brinkley
Notary Public

An inventory and appraisement of the personal effects of Clarence L. Byrd
dec'd, made on the 21st day of August, 1916.

CONTINUED

ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value	ARTICLES APPRAISED	Appraised Value
1 Bureau	150						
1 Wash stand	100						
1 Carpet	100						
1 Clock	50						
1 Gun	200						
1 Safe	100						
2 Carts	1500						
4 Hoes	100						
Harness for Cart	200						
1 Buggy & harness	2000						
1 Lot Shingles	750						
1 Horse	5000						
1 Horse dirt shovel	200						
1 Stalk Cutter	1000						
1 Peanut weeder	300						
1 Corn Sheller	100						
1 Mowing Machine	100						
1 Corn Planter	500						
1 Guano Sewer	250						
1 Peanut planter	250						
2 Turn plows	250						
2 Cotton plows	200						
3 Cultivator	150						
1 Grinding Stone	100						
5 Pitch forks	250						
3 Shovels	150						
1 Spade	50						
1 Washing machine	750						
30. Hogs @ 30 ⁰⁰	9000						
10. Acres Cotton	30000						
7. " Peanuts	15000						
10. " Corn	10000						
5. " Sweet Potatoes	5000						
	\$83350						

Mr H Byrd
Jesse Knight
Gutten Brink
Joel E Harrell
E R Smith

Appraisers.

Cora Smith Byrd, per rep.

of

COMMISSIONER'S OFFICE,

191

To the Clerk of the Circuit Court of _____ County:

DEAR SIR:

I have examined the foregoing appraisement and find it to be in proper form, and now return it to you to be recorded as required by law.

Commissioner of Accounts.

Inventory and Appraisement

OF THE ESTATE OF

Chambers D. Byrd

Chambers D. Byrd
Inventory and Appraisement
of the Estate of
Chambers D. Byrd
Dec. 1914

AUCTION SALE

of Real Estate

By virtue of a decree of the Circuit Court of Nansemond County, Virginia, entered on the 9th day of December, 1916, in the Chancery Cause therein pending under the name and style of E. R. Smith, suing for himself and other creditors against Eva S. Smith Byrd, Administratrix, and others, the undersigned Special Commissioner will offer for sale, at public auction, to the highest bidder, before the door of the Old Post Office Building, Suffolk, Virginia, at 12 o'clock M. on

Thursday, Dec. 28, 1916

the following real estate:

40500
FIRST: (1). That certain tract of land, with all improvements thereon, situated in Cypress Magisterial District, Nansemond County, Virginia, located about three miles from Suffolk, containing 12 9-16 acres, more or less, bounded by the lands of C. J. Duke, formerly owned by Caleb R. Busby's estate, the land conveyed to Clarence L. Byrd by Etta Johnson and husband, the land of W. J. Gray, formerly owned by R. C. Bunch, and the Old Williamson land; it being the same land conveyed to Clarence L. Byrd by deed executed by Grace D. Cross and husband, dated January 4th, 1915, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book No. 80, at page 296.

300 00
(2). That certain tract of land, situated in Nansemond County, Virginia, containing 35 acres, more or less, bounded by the land of James Rawles and Irajah Langstun and known as the Drewry H. Holland farm; it being the same land conveyed to said Clarence L. Byrd by Herbert Holland and others by deed recorded on the 13th day of February, 1913, in said Clerk's Office in D. B. 74, at page 213.

SECOND: Remainder in fee after the death of Eva S. Smith Byrd in the following described land:

300
(1). That certain tract of land, situated in Cypress Magisterial District, Nansemond County, Virginia, containing 29 acres, more or less, bounded on the north by the land of Joel Harrell, formerly owned by Charles James Hale, on the east by the land conveyed to Clarence L. Byrd, now deceased, by Grace D. Cross and husband, on the south by the land of W. J. Gray, known as the Fell land, and on the west by the Somerton County Road—the said land lying on the east side of the said Somerton Road and about three miles from Suffolk; it being the same land which Etta B. Johnson and husband conveyed to said Clarence L. Byrd by deed dated January 12th, 1910, and recorded in said Clerk's Office, in Deed Book No. 68, at page 337.

(2). That certain tract of land, situated in same said district, County and State, containing one acre, more or less, bounded by the lands of J. E. Harrell, W. J. Gray, and the Somerton County Road; it being the same land conveyed to said Clarence L. Byrd by Armistead Ballard by deed recorded in said Clerk's Office on the 6th day of October, 1911, in Deed Book No. 70, at page 580.

TERMS—One-half cash and the remainder payable one year from the day of sale, with interest from the day of sale, until paid, the title to said property to be retained until the purchase price is paid in full and conveyance directed by the Court. If the purchaser or purchasers so elect, he or they may pay the whole of the purchase price in cash.

JOHN K. HUTTON,

Special Commissioner.

December 11th, 1916.

I, G. E. Bunting, Clerk of the Circuit Court of the County of Nansemond, do certify that John K. Hutton, Special Commissioner, in the above-entitled cause, has given bond as required by the decree in said cause, with security.

Given under my hand this 11th day of December, 1916.

G. E. BUNTING, Clerk.

\$ 1000 00

Baron

\$..400.00... On demand after date, with legal interest from date
until paid, payable... annually
..... I bind..... myself..., ... my heirs, executors and administrators, jointly and severally, to pay
to C. J. Duke, his personal representatives, or assigns, ...
..... heirs or assigns,
the sum of..... Four hundred DOLLARS,
for value received; and hereby waive the benefit of my Homestead Exemption as
to this debt, obligation and contract.

Secured by deed of trust on real estate in..... Nansemond County, ... Va.,

..... Lee Britt, ... Trustee.

Witness..... my.. hand... and seal... this... 12th ... day of February, 1913. 191...

Witness:

Bradford K. Britt

L. Byrd (SEAL.)
(SEAL.)
(SEAL.)

Received of C. J. Duke \$400.00
Special Commissioner

Clara Byrne

Rec'd of the within
Jan 27, 1917 on acct for 12⁰⁰
sent to H. H. 1917

Rec'd of the within on
sent to H. H. 1917
12⁰⁰

Rec'd of the within
on sent Jan 30 1917 12⁰⁰

For value of 298⁰⁰

I hereby transfer and deliver
the above to Mrs. Eva S. Smith Byrne
Jan 30 1917

Clara Byrne



\$700.00 on demand after date, with legal interest from date
until paid, payable annually during the running of this obligation,-----

I bind myself my heirs, executors and administrators, jointly and severally, to
pay to C.J. Duke, his personal representatives, or assigns,-----

----- heirs or assigns,-----
the sum of seven hundred (700)----- DOLLARS,

for value received; and I hereby waive the benefit of my Homestead Exemption as
to this debt, obligation and contract.

Secured by deed of trust on real estate in Gloucester County, Va.,

Lee Brink Trustee.

Witness my hand and seal this 21st day of January, 1915.-----191-----

Witness:

Brathen Kilby-----

Secretary of the Social Commissioner

Clarence L. Byrd (SEAL.)

----- (SEAL.)

----- (SEAL.)

Recd by the Western
on Int. Jan. 30th 1912 \$42⁰⁰

C. L. Byrne

For value of \$74⁰⁰

I hereby transfer and deliver
this bond to Mr. C. L. Byrne

Jan. 30th 1917

C. L. Byrne

E. R. Smith, et als.....Complainants.
vs.

Eva S. Smith Byrd, Admx., et als.....Defendants.

\$ 115.63

John W. Hutton

Received of ~~S. E. Everett~~, Special Commissioner in the above-
styled suit One Hundred and Fifteen & 63/100 Dollars.

*E. R. Smith By
his atty S. E. Everett*

1916 December 30.

Received of John K. Hutton, Special Commissioner in the suit of
E.R. Smith v. Eva S. Smith Byrd et als, fifteen (\$15.) dollars, in
full of Commissioner's fee for report in said suit.

Bradford Kilby

Commissioner in Chancery.

Smith v. Smith & als.

Received of John K. Hutter Special Commissioner in the
above styled case \$5.00.

E. E. Wagner Off.
Clerk of Court

Copy of Costs

S.E. Everett, ----- p. q.

Taxed in the Suit of:

E.R. Smith et als. -----

vs.

Eva S. Smith Byrd et als. -----

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA

Writ Tax

1.50

Clerk

6.87

Sheriff

x

Attorney

15.00

Commissioner

Printer, for Order of Publication, etc.

23 37

Date of Judgment or Final Decree

191

Paid *March 13, 1918*

G. B. Dinty

Clerk

LAW OFFICES

Everett & Hutton

SUFFOLK, VA.

Receipts

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

E. R. Smith, who sues, et als.....Complainants.
vs.

Eva S. Smith Byrd, Admx., et als.....Defendants.

Your commissioner reports to your honor that the sale in
the above-styled suit was confirmed January 13th, 1917, and your
commissioner executed and delivered deed, and collected the pur-
chase price.....\$1100.00

The report of Bradford Kilby, Commissioner in
Chancery, filed January 31st, 1917, shows that Eva S.
Smith Byrd, Administratrix was due the estate of
Clarence L. Byrd Eighty-nine Dollars and ninety-
four cents, and that the said Administratrix paid
that amount to your Special Commissioner, John K.

Hutton..... 89.94
Total.....\$1189.94

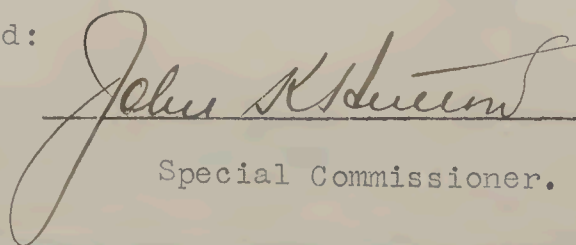
Your Commissioner disbursed the said \$1189.94 as
follows, and files vouchers herewith.

Clerk of the Court.....\$23.37
Commissioner in Chancery..... 15.00
E. E. Wagner, Auctioneer..... 5.00
Writing deed..... 10.00
Commissions of Special
Commissioner..... 31.00
Total cost.....\$84.37
Balance on hand.....\$1105.57

E. R. Smith, funeral expenses
of the deceased, paid by him to
I. O. Hill & Co.....165.71
C. J. Duke, balance on \$400.00
bond.....208.50
C. J. Duke, bond of \$700.00,
and interest.....740.00
To balance.....\$8.64

Balance.....\$1114.21 \$1114.21

The shortage was paid to said
Special Commissioner by said
Eva S. Smith Byrd.
Respectfully submitted:


Special Commissioner.

E. R. Smith, et als.

vs. Special Commr's Report

Eva S. Smith Byrd.

FINAL.

Chancery Order Book
No. 5-Page 141

Filed Mar. 13, 1888
H. B. Dwyer,
Clerk

Commissioner's Office,

To E. R. Smith who sues on behalf of himself and
such other creditors of Clarence L. Byrd, deceased,
as shall come in and contribute to the cost of this
suit.

and Eva S. Smith Byrd, Administratrix of Clarence L.
Byrd, deceased, Eva S. Smith Byrd, widow of said
Clarence L. Byrd, deceased, and Texanna Smith Byrd,
infant under the age of 21 years, and Moody E.
Stallings, Guardian ad Litem of said infant.

You are hereby notified that on the 4th. day of December 1916 ~~190~~,
at my office, in Suffolk, Va., (at which time and place you are required to attend), I
shall take, state and settle the following accounts which are to be taken, stated and settled and
reported to Court in pursuance of the decree of the Circuit Court of Nansemond County
Va., rendered the 25th. day of November 1916, 190, in the suit in chancery
pending in said Court to which you are parties plaintiff and defendant, to-wit:

- (1) An account of the transactions of Eva S. Smith Byrd, personal
representative of Clarence L. Byrd, deceased.
- (2) An account of the debts due by the decedent, Clarence L. Byrd,
together with their dignities and priorities.
- (3) An account of the real estate of which said Clarence L. Byrd
died seised and possessed, together with any liens on the same in
the nature of delinquent taxes or otherwise.
- (4) Fee-simple and annual value of said land.
- (5) Any other matter deemed pertinent by said commissioner or re-
quired by any party in interest to be so stated.

Given under my hand, as Commissioner in Chancery of said Court, the 27th. day of
November 1916., 190

Bradford Kilby
Commissioner in Chancery.

Sufficient and legal service of the within notice is hereby accepted by us.

E R Smith

Eva S. Smith Byrd
Widow of said Clarence L. Byrd, deceased.

Eva S. Smith Byrd
Widow of said Clarence L. Byrd, deceased.

Moody E. Halling
Substituted Adm'r
for Texana Smith Byrd

E. R. Smith, et als Complainants
vs

Eva S. Smith Byrd, Administratrix, et als Defendants.

This cause coming on again this day to be heard on the papers formerly read and on the report of Special Commissioner, John K. Hutton, filed on the 28th day of December 1916, to which report there is no exception, and was argued by counsel.

On consideration whereof, the Court, approving and confirming said report, doth adjudge, order and decree, that, upon payment by Eva S. Smith Byrd, purchaser at the said sale reported by the said commissioner, of the sum of Eleven Hundred Dollars, the said sum being the amount for which the said tract of land hereinafter described was struck off at said sale, the said commissioner, John K. Hutton, convey, with special warranty, to the said Eva S. Smith Byrd the following described property:-

FIRST: (1) That certain tract of land, with all improvements thereon, situated in Cypress Magisterial District, Nansemond County, Virginia, located about three miles from Suffolk, containing 129-16 acres, more or less, bounded by the lands of C. J. Duke, formerly owned by Caleb R. Busby's estate, the land conveyed to Clarence L. Byrd by Etta Johnson and husband, the land of W. J. Gray, formerly owned by R. C. Bunch, and the Old Williamson land; it being the same land conveyed to Clarence L. Byrd by deed executed by Grace D. Cross and husband, dated January 4th, 1915, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book No. 80, at page 296.

(2) That certain tract of land, situated in Nansemond County, Virginia, containing 35 acres, more or less, bounded by the land of James Rawles and Irajah Langston and known as the Drewry H. Holland farm; it being the same land conveyed to said Clarence L. Byrd by Herbert Holland and others by deed recorded on the 13th day of February, 1913, in said Clerk's Office in D. B. 74, at page 213.

SECOND: Remainder in fee after the death of Eva S. Smith Byrd in the following described land:

(1) That certain tract of land, situated in Cypress Magisterial District, Nansemond County, Virginia, containing 20 acres, more or less, bounded on the north by the land of Joel Harrell, formerly owned by Charles James Hale, on the east by the land conveyed to Clarence L. Byrd, now deceased, by Grace D. Cross and husband, on the south by the land of W. J. Gray, known as the Fell land, and on the west by the Somerton County Road - the said land lying on the east side of said Somerton Road and about three miles from Suffolk; it being the same land which Etta B. Johnson and husband conveyed to said Clarence L. Byrd by deed dated January 12th, 1910, and recorded in said Clerk's Office, in Deed Book No. 68, at page 337.

1.

(2) That certain tract of land, situated in same said district, County and State, containing one acre, more or less, bounded by the lands of J. E. Harrell, W. J. Gray, and the Somerton County Road; it being the same land conveyed to said Clarence L. Byrd by Armistead Ballard by deed recorded in said Clerk's Office on the 6th day of October, 1911, in Deed Book No. 70, at page 580.

And it is further ordered that the said Special Commissioner, after paying the cost of this suit, disburse the remainder of the purchase price in accordance with the report of Bradford Kilby, Commissioner in Chancery, duly filed in these proceedings, and the said Special Commissioner is ordered to make report of his proceedings hereunder to this Court.

E. R. Smith, et als

vs

Eva S. Smith, Admx., et als

Enter the /3 day of

January, 1917.

J. M. Lemoore

Entered in Chancery Order

Book No. 5, Page 85

My consent
is given for
all parties except
infant.

Moody E. Halliday
Guardian ad litem for Defendant
Smith Byrd

E. R. Smith, who sues on behalf of himself
and such other creditors of Clarence L. Byrd,
deceased, as shall come in and contribute to
the cost of this suit.....Complainant.

vs.

Eva S. Smith Byrd, Administratrix of Clarence
L. Byrd, deceased, Eva S. Smith Byrd, widow of
said Clarence L. Byrd, deceased, and Texanna
Smith Byrd, infant under the age of twenty-one
years.....Defendants.

The undersigned commissioners, appointed by the decree
entered on November 25th, 1916, in the above styled cause, on
the 30th day of November, 1916, after being duly sworn, proceeded
to execute the duties thereby enjoined upon them by said decree.

Your commissioners assigned dower to the said Eva S. Smith
Byrd, widow of Clarence L. Byrd, in the land of which said Clarence
L. Byrd died seized and possessed.

The following is description of the land set aside as dower:

First: The land first described in the bill and herein described
as follows:

That certain tract of land, situated in Cypress Magisterial
District, Nansemond County, Virginia, containing 29 acres, more or
less, bounded on the north by the land of Joel Harrell, formerly owned
by Charles James Hale, on the east by the land conveyed to said Clarence
L. Byrd by Grace D. Cross and husband, on the south by the land of
W. J. Gray, known as the Fell land, and on the west by the Somerton
County Road, - the said land lying on the east side of the said Somerton
Road and about three miles from Suffolk; it being the same land of
which Etta B. Johnson and husband conveyed to said Clarence L. Byrd
by deed dated January 12th, 1910, and recorded on the 20th day of the
same month in D. B. 68, at page 337, in the Clerk's Office of the
Circuit Court of Nansemond County.

Second: The tract of land, containing one acre, described third
in the bill and herein described as follows:

That certain tract of land, situated in same said district, county

and state, containing one acre, more or less, bounded by the lands of J. E. Harrell, W. J. Gray and the Somerton County Road; it being the same land conveyed to said Clarence L. Byrd by Armistead Ballard by deed recorded in said Clerk's Office on the 6th day of October, 1911, in D.B. 70, at page 580.

Respectfully submitted:

Feltin Brinkley

W. H. Byrd

E. L. Turner

Joel E. Harrell

John H. Hargett

Commissioners.

Report of Commissioners
appointed to assign
Lawn.

1916 Dec. 9. Filed.
Jm

E. R. Smith, who sues on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit.....Complainant

vs.

Eva S. Smith Byrd, Administratrix of Clarence L. Byrd, deceased, Eva S. Smith Byrd, widow of said Clarence L. Byrd, deceased, and Texanna Smith Byrd, infant under the age of twenty-one years.....Defendants

This cause came on again this day to be heard on the papers formerly read, the report of four of the commissioners, Felton Brinkley, W. H. Byrd, E. L. Turner, and Joel Harrell, *filed this day and* appointed by decree entered in this cause on the 25th day of November, 1916, to assign dower to Eva S. Smith Byrd, widow of Clarence L. Byrd, deceased, in the land in the bill and proceedings in this cause mentioned, to which report there is no exception, and on the report of Bradford Kilby, Commissioner in Chancery, filed on the *25th* day of December, 1916, in the Clerk's Office of this Court, the provision of the statute requiring such report to be returned ten days before a hearing having been waived by all the parties to this suit, to which report there is no exception, and was argued by counsel.

and by consent of all parties
On consideration whereof, *it* is adjudged, ordered and decreed:

First. That the report of the commissioners appointed to assign dower be confirmed and the dower assigned by said commissioners be held firm and stable, the said assignment of dower as appears by the report of said commissioners, being as follows:

1st. All that certain tract of land, situated in Cypress Magisterial District, Nansemond County, Virginia, containing 29 acres, more or less, bounded on the north by the land of Joel Harrell, formerly owned by Charles James Hale, on the east by the land conveyed to Clarence L. Byrd, now deceased, by Grace D. Cross and husband, on the south by the land of W. J. Gray, known as the Fell land, and on the west by the Somerton County Road,- the said land lying on the east side of the said

Somerton Road and about three miles from Suffolk; it being the same land which Etta B. Johnson and husband conveyed to said Clarence L. Byrd by deed dated January 12th, 1910, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book No. 68, at page 337.

2nd. All that certain tract of land, situated in same said district, county and state, containing one acre, more or less, bounded by the lands of J. E. Harrell, W. J. Gray, and the Somerton County Road; it being the same land conveyed to said Clarence L. Byrd by Armistead Ballard by deed recorded in said Clerk's Office on the 6th day of October 1911, in Deed Book No. 70, at page 530.

Second. That John K. Hutton, who is appointed special commissioner for the purpose, do, after having advertised the time, place and terms of sale for fifteen days by posting notices in numerous public places in Nansemond County and the city of Suffolk, proceed to sell before the door of the Old Post Office Building, in Suffolk, Virginia, the remainder after the death of the widow, Eva S. Smith Byrd, in the dower lands assigned her and fully described above and the following tracts of land in fee simple:

That certain tract of land, with all improvements thereon, situated in Cypress Magisterial District, Nansemond County, Virginia, located about three miles from Suffolk, containing 12 9/16 acres, more or less, bounded by the lands of C. J. Duke, formerly owned by Caleb R. Busby's estate, the land conveyed to Clarence L. Byrd by Etta B. Johnson and husband, the land of W. J. Gray, formerly owned by R. C. Bunch, and the old Williamson land; it being the same land conveyed to said Clarence L. Byrd by deed executed by Grace D. Cross and husband, dated January 4th, 1915, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book No. 80, at page 296.

That certain tract of land situated, ~~situated~~ in Nansemond County Virginia, containing thirty-five acres, more or less, bounded by the lands of

James Rawles and Irajah Langstun and known as the Drewry H. Holland farm; it being the same land conveyed to said Clarence L. Byrd by Herbert Holland and others by deed recorded on the 13th day of February, 1913, in said Clerk's Office in D. B. 74, at page 213.

That said John K. Hutton, Special Commissioner, shall sell said land on the following terms, to-wit: one-half cash and the residue one year from ~~the~~ date of sale, with interest from the date of sale, title to said property to be retained until the purchase money is paid in full and a conveyance directed by the Court, or, if the purchaser or purchasers should elect to do so, he or they may pay the whole of the purchase money in cash. The said Commissioner is directed to make report of his proceedings hereunder to the Court, taking the bond of the purchaser ~~or~~ or purchasers for the credit installment, bearing interest from the date of sale, and returning said bond with this report to the Court, but the said Commissioner shall not proceed to act under this decree until he shall enter into bond with security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia, in the amount of \$1500. and conditioned upon the faithful discharge of his duties hereunder or under any further decrees in this cause.

E. R. Smith, who sues etc

vs.

Eva S. Smith Byrd, Adm'x,

et als.

Enter on the 9th day of
December, 1916.

James M. Moore

Entered in Chancery Order

Book No 5, Page 75-

We consent:

E. R. Smith

Eva S. Smith Byrd, Adm'x

Eva S. Smith Byrd, Adm'x

by Ernest M. Martin

Att'y

Moore E. Halling

for defendant defendants

To the Honorable Circuit Court of Nansemond County.

E. R. Smith, et als Complainants.

vs

Eva S. Smith Byrd, Administratrix, et als Defendants.

Your Commissioner, John K. Hutton, appointed by your Honor in the above entitled cause, on the 9th day of December, 1916, to make sale of certain property mentioned in the bill and proceedings in said cause respectfully submits the following report:

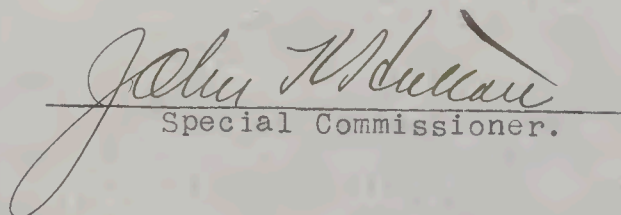
Having executed the required bond, your Commissioner advertised the said property for sale on the 28th day of December, 1916, at 12 o'clock M., in front of the Old Post Office Building, in Suffolk, Virginia, fifteen days notice of said sale having been given as required by said decree, the said property was put up at public auction and was struck off to Eva S. Smith Byrd. The said Eva S. Smith Byrd being the highest bidder at said sale *for \$1100.00.* Your Commissioner sold the tracts separately at first and they bought the following prices:

The tract containing 129-16 acres sold for four hundred dollars.

The tract containing 35 acres sold for three hundred dollars and the remainder in the other two tracts sold for three hundred dollars.

Your Commissioner then put it up as a whole and it sold for one hundred dollars more, the said Eva S. Smith Byrd was the highest bidder in each sale.

The said purchaser desires to pay the whole purchase price in cash as soon as the deed is ready to be delivered. Your Commissioner asks your Honor to confirm the said sale as reported herein and to direct your said Commissioner to make a proper deed conveying the said property to the said Eva S. Smith Byrd. Your Commissioner states that the property was well advertised and therefore brought its value, and asks that the sale be confirmed.


Special Commissioner.

August
12

Byrd

Report of Special
Commissioner
John H. Hutton.

Dec. 28, 1916

G. E. Armstrong,
Clerk

E. R. Smith, who sues on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit.....Complainant.

vs.

Eva S. Smith Byrd, Administratrix of Clarence L. Byrd, deceased, Eva S. Smith Byrd, widow of said Clarence L. Byrd, deceased, and Texanna Smith Byrd, infant under the age of twenty-one years.....Defendants.

This day came the complainant and filed his bill of complaint, and M. E. Stallings is assigned as guardian ad litem of the infant defendant, Texanna Smith Byrd, to defend her interest in this suit, and the said M. E. Stallings as such guardian ad litem filed the answer of the said infant defendant and his own answer to the bill of complaint, and the said adult defendants filed their answers, to which said several answers, the complainant by counsel replied generally, and this cause is docketed by consent, and, coming on to be heard by like consent on the bill, answers and replications, was argued by counsel.

On consideration ^{and by consent of parties} whereof the Court doth adjudge, order and decree that E. L. Turner, W. H. Byrd, Jesse Knight, Felton Brinkley, and Joel E. Harrell, who are hereby appointed commissioners for the purpose, any three or more of whom may act, having been first duly sworn to go upon the lands in the bill mentioned of which the late Clarence L. Byrd died seized and possessed of an estate of inheritance during his marriage with the said Eva S. Smith Byrd, and assign and allot to the said Eva S. Smith Byrd, widow of said Clarence L. Byrd, by metes and bounds one equal third part in value of said lands as her dower therein, and further doth adjudge, order and decree that the papers in this cause be referred to one of the commissioners of this court, who is directed to enquire into and report:

1. An account of the transactions of Eva S. Smith Byrd, personal representative of Clarence L. Byrd, deceased.

2. An account of the debts due by the decedent, Clarence L. Byrd, together with their dignities and priorities.

3. Account of the real estate of which said Clarence L. Byrd died

seized and possessed, together with any liens on the same in the nature of delinquent taxes or otherwise.

4. Fee-simple and annual value of said land.

5. Any other matter deemed pertinent by said commissioner required to be stated by any party interested.

E. R. Smith, who sues etc

vs.

Eva S. Smith Byrd, Adm'x, et als

Enter the 25 day of November,
1916.

James M. Moore

Entered in Chancery Order Book

No. 5, page 73

We consent:

E. R. Smith

Eva S. Smith Byrd, Adm'x

Eva S. Smith Byrd, Widow

J. E. Brown, Counsel

Moody E. H. H. H.

*Guardian ad litem pro
against defendants.*

E. R. Smith who sues etc.)
)
v.)
))
Eva S. Byrd Smith Admx. et als.)

In Chancery.

Commissioner's office,
Suffolk, Va. Dec. 5, 1916.

To Honorable James L. McLemore, Judge of the Circuit Court for
the County of Nansemond:-

In pursuance of the decree of the Circuit Court for the County
of Nansemond pronounced on the 25th. day of November 1916, in the suit
in chancery pending in said court between E. R. Smith, Complainant, and
Eva S. Byrd Smith, Admx. et als. Defendants, the undersigned, Bradford
Milby, one of the Commissioners in Chancery of said Court respectfully
reports as follows:

That on the 27th. day of November 1916, your commissioner gave
notice that he would proceed on the 4th. day of December 1916, at his
office in Suffolk, Va. to make the several inquiries required by said
decree to be made by one of the Commissioners in Chancery of this
Court.

That sufficient and legal service of the notice was duly ac-
cepted by all the parties to said suit, as will appear by their en-
dorsements on the notice herewith returned.

That on the 4th. day of December 1916, your commissioner took
the depositions of of D. H. Byrd and Joel E. Hanell
touching said inquiries, which
depositions are herewith returned.

That from the testimony of said witnesses and from information
otherwise obtained, your commissioner reports as follows:

(1)

Clarence L. Byrd died seised and possessed of the following real estate:

First: That certain tract of land situated in Cypress Magisterial District, Nansemond County, Va. containing 29 acres more or less, bounded on the North by the land of Joel Harrell, formerly owned by Charles James Hale; on the East by the land conveyed to said Clarence L. Byrd by Grace D. Cross and husband; on the South by the land of W. J. Gray, known as the Fell land; and on the West by the Somerton County Road, - the said land lying on the East side of said Somerton Road and about three miles from Suffolk; it being the same land which Etta B. Johnson and husband conveyed to said Clarence L. Byrd by deed dated Jan. 1, 1910 and recorded in D.B. 68, page 337 in Nansemond County Clerk's office, Va.

Second: That certain tract of land, with all improvements thereon, situated in Cypress Magisterial District in Nansemond County, Va. located about 3 miles from Suffolk, containing 12 and 9/16 acres, more or less, bounded by the lands of C. J. Duke; the land above described, the land of W. J. Gray; and the old Williamson land; it being the same land which by deed recorded in D.B. 80, page 296 in Nansemond County Clerk's office, Va. was conveyed to said Clarence L. Byrd by Grace D. Cross.

Third: That certain tract of land, situated in Cypress Magisterial District in Nansemond County, Va. containing one acre more or less, and bounded by the lands of J. E. Harrell, W. J. Gray and the Somerton County Road; it being the same land conveyed to said Clarence L. Byrd by Armistead Ballard by deed recorded in D.B. 70, page 580 in Nansemond County Clerk's office, Va.

Fourth : That certain tract of land, situated in Nansemond County Va. containing 35 acres, more or less, bounded by the lands of James Rawles and Irajah Langston and known as the Drewry H. Holland farm, it being the same land conveyed to said Clarence L. Byrd by Herbert

Holland and others by deed recorded on the 13th day of February 1913 in D.B. 74, page 213 in Nansemond County Clerk's office, Va.

The following liens of record are found upon the respective tracts mentioned below:

A deed of trust on the 29 acre tract first above described and on the one acre tract third above described, made by Clarence L. Byrd and wife on Feb. 12, 1913 to Lee Britt, Trustee, to secure to C. J. Duke the sum of \$400. evidenced by a bond for that sum, payable on demand. Said Deed of Trust is recorded in D.B. 73, page 122 in Nansemond County Clerk's office, Va. Two hundred (\$200.) dollars on the principal of said bond has been paid.

A deed of trust on the 29 acre tract first above described and on the 12 and 9/16 acre tract second above described, made by Clarence L. Byrd and wife on Jan. 21, 1916 to Lee Bratt, Trustee, to secure to C. J. Duke, the sum of \$700. evidenced by a bond for that sum, payable on demand. Said deed of trust is recorded in D.B. 79, page 7 in Nansemond County Clerk's office.

There are no delinquent taxes, and the taxes for 1916 have been paid, amounting to \$19.19 on all of said tracts of land.

The fee-simple value of the 29 acre tract first above described is about \$ 800.. Its annual value is about \$ 75.⁰⁰

The fee-simple value of the 12 and 9/16 acre tract second above described is about \$ 700.⁰⁰. Its annual value is about \$ 50.

The fee-simple value of the one acre tract third above described is about \$ 10.. Its annual value is about \$ nothing.

The fee-simple value of the 35 acre tract of land fourth above described is about \$ 500.. Its annual value about \$ 50.⁰⁰

(2)

An account of the transactions of Eva S. Smith Byrd, Admx. of Clarence L. Byrd and of the debts due by said Clarence L. Byrd, together with dignities and priorities is as follows:

Eva S. Smith Byrd, Administratrix,

In account with the estate of Clarence L. Byrd.

1916				
Aug.	22	The Administratrix qualified.		
"	22	The Administratrix bought the personal estate of the decedent, for cash, at the appraised value thereof, thus saving expense of public sale.		
"	22	By cash from Eva S. Smith Byrd for the whole of the personal estate of Clarence L. Byrd.		\$833.50
"	22	To paid Richard Rogers for digging grave.	\$2.00	
"	23	To paid Va.-Pilot Publishing Co. for adv. card.	.50	
"	30	To paid St. Andrews Hospital account.	11.00	
Sept.	1	To paid Rosewood Camp. Woodmen of World dues.	1.05	
"	5	To paid Suffolk Herald for card of thanks.	.50	
"	19	To paid R.L. Brewer, on John Peterson note.	10.00	
Oct.	6	To paid George W. Murney note	50.00	
"	1	To paid Rosewood Camp Woodmen of World dues.	3.90	
"	16	To paid R.L. Brewer on John Peterson note.	10.00	
"	16	To paid T. R. Pierce account.	5.00	
Nov.	8	To paid note in Farmers Bank of Nansemond.	40.00	
"	10	To paid Jos. H. Hall drug account.	1.90	
"	17	To paid George E. Bunting, Clerk, fee on qualification.	3.75	
"	19	To paid note in American Bank.	75.00	
"	20	To paid note in Farmers Bank of Nansemond	105.00	
"	23	To paid Catawba County Nursery for fruit trees.	5.00	
"	24	To paid R.R. Allen, hardware account.	6.50	
"	24	To paid Drs. J.M. and W.C. Gibson, account.	65.00	
"	24	To paid Dixie Guano Company account.	147.00	
"	27	To paid Margaret J. Wright bond.	90.00	
"	29	To paid Etta J. Parker, trained nurse, account.	25.00	
Dec.	2	To paid C.R. Fulgham, Treas. 1916 taxes.	19.19	
"	2	To paid Piedmont-Mt. Airy Guano Co. account.	11.25	
"	2	To paid Braothers-Pruden Co. hardware acct.	3.93	
"	2	To paid Chesapeake and Potomac Tel. Co.	9.42	
"	2	To paid Eva S. Smith Byrd 5% commissions on \$833.50, as Admx.	41.67	
"	2	By balance due the estate.	89.94	
			\$833.50	\$833.50
		The estate still owes the following debts:		
		To E.R. Smith for funeral expenses of deceased paid by him.		
				\$165.71
		" C.J. Duke, balance on \$400. bond.		
				\$200.00
		" C.J. Duke bond for \$700.		
				\$700.00
				\$1065.71

D. H. Byrd, being duly sworn, deposeth as follows:

Q. State your name, age, residence and occupation.

a. I am 36 years old. I live in Portsmouth. Am a merchant. Was originally from Nansemond County and I am thinking of returning.

Q. Are you acquainted with the lands of which Clarence L. Byrd died seized and possessed?

A. Yes, sir.

Q. Give fee simple and annual value of these tracts.

A. 1. The Lively H. Holland ^{tract of 35 acres} is worth from \$400.00 to \$500.00. It depends on who wants it. If a colored man wanted it and didn't mind its being off of the road, he might give double this value. It might be that white people would object to its being off the road..

This property would rent for \$50.00 a year.

2. The Armistead tract contains only one acre and I don't think it is worth much of anything except possibly worth something to the home tract. There is no house on this one acre and a part of it is in brush. It would not rent for anything.

3. The 12 $\frac{1}{2}$ acres ~~now~~ ^{of} the Cross land would be worth around \$700.00 or \$800.00. It would rent for \$50.00. The home tract is nearly one-half of the value of the other tracts. It would rent for around \$75.00 a year.

I understand that the commissioners have assigned dower in home tract which contains only ~~20~~ ²⁹ acres. I think they were pretty liberal but I am satisfied she will pay the debts with her insurance money. I am a brother of C. L. Byrd's and I know if he had had any warning, he would have made a will and left everything to his wife.

Q. Is there anything else you want to say?

A. I don't want to say anything special except what is left is for the wife and child and there is one child three years old. While the dower is small, they might make out to make a living on the little tract of land,

And further this deponent saith not.

D. H. Byrd.

Joel E. Harrell being duly sworn, deposeth
as follows:

Q. State your name, age, residence and occupation.

A. I am 40 years old. Live in Nansemond County

Am a farmer. My name is Joel E. Harrell.

Q. Are you acquainted with the lands belonging to the estate
of Clarence L. Byrd, deceased.?

A. Yes. I know the land pretty well.

Q. Tell what the land is worth.

A. It is worth about \$25.00 per acre.

Q. What would the different tracts rent for.

A. The Lively Holland tract would rent for from
\$40.00 to \$60.00 a year.

Q. What would the Cross tract rent for?

A. It would rent for about \$50.00

Q. What would the home tract rent for?

A. From \$60.00 to \$75.00

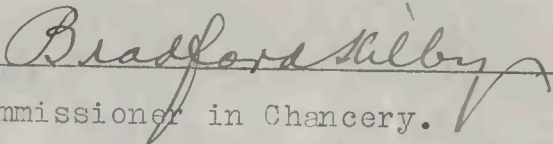
And further this deponent saith not.

Joel E. Harrell

There is no other matter deemed pertinent by your commissioner
or required by any party in interest to be so stated.

Respectfully submitted this 5th.day of December 1916.

Comr's fee: \$20.


Commissioner in Chancery.

E. R. Smith etc.

v.

Eva S. Smith Byrd,
Admx. et als.

Comm's. Report,

Report of Bradford Kilby
Comm. in Chancery under
decree of Nov. 25. th.
1916.

Filed Jan 30 1917

H. B. Dutton,
Clerk

BRADFORD KILBY
Attorney at Law
SUFFOLK, VIRGINIA.

E. R. Smith, who sues, et als.....Complainants.
vs.

Eva S. Smith Byrd, Admx., et als.....Defendants.

This cause came on again this day to be heard on the papers formerly read and on the report of John K. Hutton, Special Commissioner, filed the ^{13th} day of March, 1918, to which report there is no exception and was argued by counsel.

On consideration whereof it appearing to the Court from said report that the said John K. Hutton, Special Commissioner, and Eva S. Smith Byrd, Administratrix, have made proper disbursements, the Court doth adjudge, order and decree that the said report be confirmed and there remaining nothing further to be done in this cause it is ordered that the same be stricken from the docket.

E. R. Smith, et als.

vs. Final Decree.

Eva S. Smith Byrd, Admx.,

et als.-

Enter the ^{13th} day of March, 1918.

Jas L M Lmare

Entered in Chancery Order

Book No. 5, page 142

E. R. Smith, who sues on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit...Complainant vs.

Eva S. ^m_A Smith Byrd, Administratrix of Clarence L. Byrd, deceased, Eva S. Smith Byrd, widow of said Clarence L. Byrd, deceased, and Texanna Smith Byrd, infant under the age of twenty-one years.....Defendants.

The joint and separate answers of Eva S. Smith Byrd, Administratrix of Clarence Byrd, deceased, and Eva S. Smith Byrd, widow of said Clarence L. Byrd, deceased, to a bill of complaint filed against her as such administratrix and as such widow and against the infant, Texanna Smith Byrd, in the Circuit Court of Nansemond County, by E. R. Smith, suing on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit.

This respondent, as administratrix and as widow, reserving to herself the benefit of all just exceptions to the said bill of complaint, for answer thereto, answers and says:

That she believes the statements contained in said bill to be true; that she desires to file her account and have settlement of same in these proceedings; and, as widow, that she desires her dower in the land mentioned in the bill to be assigned and set apart; and that the proper parties, in her judgment, are before the Court, Texanna Smith Byrd, infant under the age of twenty-one years being the only child of the deceased.

And now, having fully answered the complainant's bill, this respondent prays to be hence dismissed with her cost by her in this behalf expended.

Everett H. Hutton
Counsel.

Eva S. Smith Byrd
Administratrix of Clarence L. Byrd,
deceased.
Eva S. Smith Byrd
Widow of Clarence L. Byrd, deceased.

1916 Nov. 25 ^{feet} 25m

E. R. Smith, who sues on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit.....Complainant.

vs.

Eva S. Smith Byrd, Administratrix, et als.....Defendants.

IN THE CIRCUIT COURT OF NANSEMOND:

The answer of Texanna Smith Byrd, infant under the age of twenty-one years, by M. E. Stallings, a discreet and competent attorney at law, her guardian ad litem assigned to defend her in this suit, and the answer of the said M. E. Stallings, guardian ad litem of the said infant defendant, to a bill of complaint exhibited against the said infant and others by E. R. Smith, suing on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit, in the Circuit Court of Nansemond County, Virginia.

For answer to said bill the said infant defendant by her said guardian ad litem answers and says that being of tender years she does not know what her true interest are in relation to the subject matter of the said bill, nor does she know whether the statements therein contains are true or not. She confides the protection of her interest therein to the Court. And the said guardian ad litem of said infant defendant for answer to said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendant. And now, having fully answered, this defendant prays to be hence dismissed, with her cost, etc.

Texanna Smith Byrd

By Moody E. Stallings

Guardian ad Litem.

Moody E. Stallings, Guardian ad Litem of said Infant.

STATE OF VIRGINIA,
City of Suffolk, to-wit:

Sworn to before me in my city aforesaid by M. E. Stallings, guardian ad litem as aforesaid, this 28th day of November, 1916.

Stover N.P.

E. R. Smith, who sues on
behalf of himself and such oth
creditors etc.

vs.

Eva S. Smith Byrd, Adm'x, et al.
als.

Answer of Guardian ad Litem.

1916 Nov. 25. JLM
JLM

E. R. Smith, who sues on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit.....Complainant.

vs.

Eva S. Smith Byrd, Administratrix of Clarence L. Byrd, deceased, Eva S. Smith Byrd, widow of said Clarence L. Byrd, deceased, and Texanna Smith Byrd, infant under the age of twenty-one years.....Defendants.

TO THE HONORABLE CIRCUIT COURT OF NANSEMOND COUNTY:

Your Complainant, E. R. Smith, suing on behalf of himself and such other creditors of Clarence L. Byrd, deceased, as shall come in and contribute to the cost of this suit, humbly complaining, sheweth unto your Honor the following case:

On the day of August, 1916, Clarence L. Byrd died, intestate, seized of certain real estate, situated in Nansemond County and hereinafter fully described, leaving Eva S. Smith Byrd as his widow and Texanna Smith Byrd, his only child, an infant under the age of twenty-one years.

The various parcels of land, of which said Clarence L. Byrd died seized and possessed, are described as follows:

First. That certain tract of land, situated in Cypress Magisterial District, Nansemond County, Virginia, containing 29 acres, more or less, bounded on the north by the land of Joel Harrell, formerly owned by Charles James Hale, on the east by the land conveyed to said Clarence L. Byrd by Grace D. Cross and husband, on the south by the land of W. J. Gray, known as the Fell land, and on the west by the Somerton County Road, -the said land lying on the east side of the said Somerton Road and about three miles from Suffolk; it being the same land which Etta B. Johnson and husband conveyed to the said Clarence L. Byrd by deed dated January 12, 1910, and recorded on 20th day of same month in D. B. 68, at page 337, in the Clerk's Office of the Circuit Court of Nansemond County.

Second. That certain tract of land, with all improvements thereon, situated in said district, county and state. located about three miles from Suffolk, containing 12 9/16 acres, more or less, bounded by the lands of C. J. Duke, formerly owned by Caleb R. Busby's estate, the land above described, the land of W. J. Gray, formerly owned by R. C. Bunch and the old Williamson land; it being the same land which Grace D. Cross and husband conveyed unto said Clarence L. Byrd by deed dated January 4th, 1915, and recorded in said Clerk's Office in D. B. 80, at page 296.

Third. That certain tract of land, situated in same said district, county and state, containing ten acres, more or less, bounded by the lands of J. E. Harrell, W. J. Gray, and the Somerton County Road; it being the same land conveyed to said Clarence L. Byrd by Armistead

Ballard by deed recorded in said Clerk's Office on 6th day of October, 1911, in D. B. 70, at page 580.

Fourth. That certain tract of land, situated in Nansemond County, Virginia, containing thirty-five acres, more or less, bounded by the lands of James Rawles and Irajah Langstun and known as the Drewry H. Holland farm; it being the same land conveyed to said Clarence L. Byrd by Herbert Holland and others by deed recorded on the 13th day of February, 1913, in said Clerk's Office in D. B. 74, at page 213.

On the 21st day of August, 1916, the said Eva S. Smith Byrd, widow of Clarence L. Byrd, deceased, duly qualified as the administratrix of the deceased, in the Clerk's Office of the Circuit Court of Nansemond County.

Your Complainant respectfully represents that he is a creditor of the estate of Clarence L. Byrd, deceased; that said estate is due him the sum of \$165.71; that there are other creditors, whose claims in the aggregate amount to more than one thousand dollars; that there are not sufficient personal assets to pay these claims; and that a sale of the land above described is necessary to the proper settlement of such claims.

In tender consideration whereof, your Complainant prays that the said Eva S. Smith Byrd, Administratrix of Clarence L. Byrd, deceased, Eva S. Smith Byrd, widow of said Clarence L. Byrd, deceased, and Texanna Smith Byrd, infant, may be made parties defendant to this bill and required, but not on their oaths to answer the same, the oaths being hereby waived, the said adult in her own proper person and the infant by guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infant, who shall also answer this bill; that proper process issue; that a proof of debts may be taken and a settlement of the account of the administratrix had; that there may be sale, if necessary, of the real property; that the proceeds of the property both real and personal, be applied to the payment of the debts according to priorities; and that all such other, further and general relief may be afforded your complainant as the nature of his case may require or to

equity shall seem meet. And your Complainant will ever pray, etc.

E R Smith

who sues on behalf of himself and such
other creditors of Clarence L. Byrd, deceased
as shall come in and contribute to the cost
of this suit.

Everett Hutton

Counsel.

E. R. Smith etc

vs Bill

Eva S. Smith Byrne
et al

1916 Nov. 25. filed gm.

LAW OFFICES

Everett & Hutton

SUFFOLK, VA.