

1834-016 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BUTTS et al vs. BUTTS' EXECUTRIX

3/1834

To the worshipful court of Southampton County in chancery
setting humbly complaining shew unto your Honorships your
orators Edward A. Butts, Henry M. Butts, Francis P. Butts, &
George W. Butts an infant suing by the said Edw. A. Butts,
his brother & next friend, that about the month of November
in the year 1831 their father Daniel Butts senr. departed this
life leaving a will probated has been duly admitted to probate,
an attested copy whereof is here referred to & prayed to be
considered as a part of this bill: the said testator appointed
his widow Polly B. Butts executrix & of his said will, &
his other property bequeathed to her for life one third
part of his slaves, & the other two thirds together with the
reversion of the third so as aforesaid to be allotted to the
said widow for life, to your orators his four sons share &
share alike - and your orators further shew that the
said Polly B. Butts, after the probate of the said will, duly
qualified as the executrix thereof, & in that character ob-
tained possession of all the slaves & personal estate to which
the said testator died entitled: your orators refer to a paper
marked A which contains the names of the said slaves
& pray that the same may be considered as a part of
this bill, and your orators further state, that no part
of the said slaves, as they are advised, will be required
for the payment of the said testator's debts: under these
circumstances your orators have frequently requested
the said Polly B. Butts to consent to the division &
distribution of the said slaves as herein before mentioned,
but with such their reasonable requests she has
hitherto failed to comply - In Tender consideration
whereof & for as much as your orators are reminded
in the premises by the assistance of a court of
equity where matters of that nature are properly
cognizable - To the end therefore that the said Polly B.
Butts, as executrix & legatee as aforesaid, who is prayed
to be made defendant hereto, may upon her corporate
oath full & perfect answer make to the several alle-
gations in the said bill contained, and that as fully
as if the same were here again repeated & interrogated -
your orators pray that your Honorships will appoint

2.
get and proper commissioners to divide the said slaves,
so as to give to the def^t for life one third part thereof
& the residue share & share alike to your orators, &
your orators pray that your worship will make
such further decree in the premises as may seem
consistent with the principles of equity &c
May it please V^e

1103.
Cps.
Edw^d. A. Butts, Val.
vs. ^{my} Bill &
Polly B. Butts ex^{tr}
D^r of Dan^l Butts.
Baker.

1833 Decr. Decree as filed &c

The answer of Polly B. Butts, legatee & executrix of
Daniel Butts, dec^d deceased to the Bill of complaint
submitted against her in this court by Edw^d. A. Butts
& other complainants - This respondent having and
receiving to herself every advantage of exception
to the many errors in the said bill contained, for
answer thereto says that the statements, allegations
in the said bill set forth are true & correct, and
she is willing that such decree for the division of
the slaves belonging to the estate of the said testator
as the court shall & require, may be rendered: Having
answered &c she denies all fraud &c & prays to be
hence dismissed with her reasonable costs &c

3. Edward A. Butts & al
vs. ^{et} ch^y.
Polly B. Butts, ex^{or}. of D. Butts, &c

This cause came on this day to be heard
by consent of parties upon the bill, answer and shi-
bet filed and was argued by counsel; on consideration
whereof the court doth adjudge, order and decree that
Jeremiah Cobb, Saml. B. Hens, & Charles J. Merguliant
or any two of them here-
by appointed corner. for that purpose, do divide the
slaves to which the testator Daniel Butts, sen^r. died
intitled, the names of which are set forth in the shi-
bet marked A. filed with the complainant, said bill, and app-
ears to the defendant Polly B. Butts one third part thereof
to be held by her for life, and divide the other two thirds
into four equal parts, and deliver to the compl^t. Edw^d.
A. Butts, Henry M. Butts, & Francis P. Butts, each,
one of the said parts, and to the guardian of the
complainant George M. Butts, the remaining one fourth
part, and make report &c. and the said corner, or
such of them as may act, are directed, if required
by the defendant, to take refunding bond, with security
from the said compl^ts or some person or persons acting
for them, in a pecuniary double the amount of each
one's share, conditioned according to law. &c.

Butts

to - 3/1

Butts.

mem. for Bile V.
to L. computer D. Const.

Edward A. Butts, Henry M. Butts, Francis P. Butts
& Geo: W. Butts an infant suing by the said Edw. A. Butts
his brother & next friend

vs.

Polly B. Butts asatrix of Daniel Butts dec'd for her
character of defrauder under the be lator will.
Bills to be prepared for the division of the slaves under the
will named as follows toward: Corners to wit:

Bulls of

in { Co. Decree

Bulls

For Commissioners

Southampton December Court 1833-

Edward A Butts, Henry M Butts, Francis P Butts and George M Butts, an infant
suing by the said Edward A Butts his brother and next friend, Plffs.
against
Polly B Butts legatee and Executrix of Daniel Butts dec'd. ^{In Chancery} Dft.

This cause came on this day to be heard by consent of parties upon the bill
answer and exhibit filed and was argued by Counsel. On consideration whereof
the Court doth adjudge, order and decree that Jeremiah Cobb, Samuel B Stines,
Charles F Miquelart or any two of them, hereby appointed Commissioners for
that purpose, do divide the Slaves to which the Testator Daniel Butts dec'd
was intitled, the names of which are set forth in the exhibit marked A. filed
with the Complainants said bill, and assign to the defendant Polly B Butts
one third part thereof to be held by her for life, and divide the other two thirds
into four equal parts, and deliver to the Complainants Edward A Butts, Henry
M Butts, and Francis P Butts, each one of the said parts, and to the
guardian of the Complainant George M Butts the remaining one fourth
part, and make report &c. and the said Commissioners or such of them as
may act, are directed, if required by the defendant, to take refunding bonds
with security from the said Complainants or some person or persons acting
for them, in a penalty double the amount of each ones share, conditioned ac-
cording to Law &c.

Teste James Rochelle Clk

(Exhibit A.)

Names of negroes belonging to the Estate of Daniel Butts dec'd

Edmund, Daniel, Robt. Jack, Henderson, Grandison, Allen, Tom, Sipe,
James, Nicholas, Amos, Lewis, William, Alfred, Nathan, Beck, Amy,
Cherry, Hannah, Elary, Eliza, Lucy, Manerva, Harriet, Rosa, Louisa.

Polly B Butts

Attest Teste James Rochelle Clk

Names of the negroes.

A.

Names of the Negroes belonging
to the estate of Daniel Butts. Decd.

Edmund

Daniel

Bob

Jack

Henderson

Grandison

Allen

Tom

Jesse

James

Nicholas

Amos

Lewis

William

Alfred

Nathan

Beck

Amy

Cherry

Hannah

Clary

Eliza

Lacey

Mahersa

Harriet

Rosa

Louisa

Polly. B. Butts.

Butts } decm &
m } Comm^o Report
Butts }

1834 March 17 Ret^o of Conf^o?
8^o

Accordingly to the annexed decree we the undersigned Commissioners appointed therein have divided the negroes belonging to the estate of Daniel Butts etc. in the following manner to wit.

The whole amount of the valuation of the negroes $\$7060.00$
 $\frac{1}{3}$ as the widow's proportion $\$2353.33$
 each distributees proportion $\$1176.66\frac{2}{3}$

Assigned to the widow Garrison $\$500.00$
 Bot 250.00
 James 375.00
 Lijer 350.00
 Clary, Rosa & Alfred 550.00
 also Amos 350.00
 over her proportion 21.67
 $\$2353.33$

which amount she pays to no 2 drawn by George Butts.

Lot No. 1 drawn by Henry M. Butts to wit
 Jack 475.00
 Lijer 450.00
 Lucy 250.00
 Hart 1175
 and to receive no 3 $\$1176.66\frac{2}{3}$

No 2 drawn by George Butts. Henderson 485.00
 Nicholas 375.00
 Dan? 40.00
 Minerva 235.00
 This lot to receive of the widow 21.67
 do. Lot No. 4 $18.33\frac{1}{3}$
 do. Lot No. 3 $1176.66\frac{2}{3}$

Cont. forward

Lot No 3 drawn by Francis P. Butts. Tom - \$550.00
 William 250.00
 Henry - 150.00
 Harriet - 230.00
 this lot pays no 2 — 1.66 $\frac{2}{3}$ 11 80
 on — no 4 — 1.66 $\frac{2}{3}$ 3.33
 \$1176.67

Lot No 4 drawn by Edward A. Butts to wit
 Allen — 520.00
 Lewis — 275.00
 Hannah, Louisa & Nathan. 400.00
 this lot pays to no 2 — 18.33 $\frac{1}{4}$ 11 95 $\frac{3}{4}$
 18.33
 \$1176.67

There were three old negroes to wit, Edmund & army
 which the Comm^r valued at nothing, and by consent
 of all the parties the ^{London} agreed to take them

Respectfully Submitted

Sam^l Jobb

Sam^l B. Lewis

Chas. F. Ferguson

Daniel Bates Sr.

Wife

A. Copy.

At a Court held for the County of Southampton the 15th day of July 1830.
This last Will and Testament of Daniel Butts Jr. dec^d was proved by the Oaths
of Henry Parker and Sally P. Parker two of the next of kin of the said dec^d and ordered to
be recorded. And on the Motion of Sally P. Butts the Executrix therein named
(Henry M. Butts One of the Executors therein named appearing in Open Court
to take upon himself any part of the burden of the Execution thereof) who made
oath and together with Edward B. Butts, John Denegre, Henry M. Butts and
Francis P. Butts her Securities entered into and acknowledged a Bond in
the penalty of Twenty Thousand Dollars conditioned as the Law directs. Certifi-
cate is granted her for obtaining a probat of the said Will in due form
Liberty being reserved to Edward B. Butts the other Executor named in the
said Will to join in the probat when he shall think fit

Jesto James Rochelle & Co

A. Copy Jesto James Rochelle & Co

In the name of God Amen. I Daniel Butts of Southampton County and Parish of Stollonay being of full age and sound mind do make and Ordain this as my last Will and Testament revoking all former Wills by me heretofore made in manner and form following to wit

- 1st It is my Will and Desire that my wife Polly B Butts should have and enjoy the use of my minor plantation wherein I now live containing by deed four hundred acres during her natural life it is also my Will that my wife take to her part one third of the negroes to her use during her natural life and no longer the land and negroes as above mentioned
- 2nd It is also my Will and desire after my just debts being paid and my wife after having received such part as may then be allotted to her that the other two thirds of my negroes be equally divided personally between my four sons that is to say Edward A. Butts, Henry M. Butts, Francis P Butts and + George W Butts and at the decease of my wife her part of the negroes to be divided as above to my four sons as already named to them and their heirs forever.

3rd It is also my Will and desire that all my lands not heretofore disposed of that is in dispute for or that may come to the Estate be admitted and sold in a Credit of twelve months the purchaser giving Bond and good personal security with a deed of Trust if required on the land to secure the payment of the purchase money. It is also my Will and desire that the lands loaned to my wife at her decease be admitted and sold as above directed and the proceeds equally divided between my four sons as above named provided Edward A. Butts pays into the Estate four hundred and twenty five dollars advanced him more than the other children, without paying interest on the same then he shall be entitled to draw his full proportion as above directed to them and their heirs forever.

Item 4th It is my Will that my wife draw her part of all my stock and that she have the disposal of my household furniture Beds & and Plate. And lastly I do hereby constitute and appoint my wife and my sons Edward A. Butts and Henry M. Butts my whole and Sole Executors of this my last Will and Testament revoking all other Wills by me heretofore made In Witness whereof I have hereunto set my hand and seal this 18th day of November in the Year of our Lord 1831.

Signed Sealed published and declared before us.

Daniel Butts (Dec)

John Henry Parker

William Butts

Sally B. Parker

+ Infant.