

1842-001

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

BUTLER

VS. JORDAN et al

10/1842

other surnames: Whitfield,  
Gurley, Worrell, Worrel, Barnes

Butler,

to { Cashb. with bill

Jordan & Co

-1840-

Dec. Sp<sup>a</sup> r<sup>it</sup> Came to hand for lake to  
execute - Will filed in new Sp<sup>a</sup>

1841.

Jan<sup>y</sup> - Sp<sup>a</sup> Ex<sup>o</sup> on Morrell Jordan  
& Gunley no inhabitants - O.P. R.  
D<sup>ts</sup> Jordan & Gunley -

Mar Set for hearing as to D<sup>ts</sup> Morrell  
apl. ans. of Morrell filed by leave  
G. Reps:

June R. Set for hearing as to Morrell  
" Oct. T. Or. for account of

1842 Feb<sup>y</sup> 28 Report

" Oct. Decree of

|         |       |
|---------|-------|
| letk    | 8.29  |
| Renw.   | 2.00  |
| Pub. &  | 9.25  |
| Self    | 2.05  |
| Law.    | 16.66 |
| W. Jay. | 75    |
|         | 39.00 |

Doug Cas / pg

Buster  
vs  
Jordan et al } Bill  
and  
Exhibits

Enr. Supr. Ct

(11701 w m do)

To the Hon Richard A Baker Judge of the Cir: Supt.  
Court of Law and Ch. in and for the County of Southampton  
Humbly Complaining, sheweth unto your honour, Your Orator  
George W Butler son of Elisha Butler; all of the State of In-  
diana. That in the year 1819 one Mary Whitfield of the  
County of Southampton, being possessed of considerable estate  
both real & personal; duly made & published her last will  
and testament in writing, bearing date the 30<sup>th</sup> day of  
September in the year 1819; and by her said last will  
amongst other things, gave and bequeathed unto your  
Complainant the sum of one hundred dollars; to him &  
his heirs forever; and the said Mary Whitfield by the resi-  
-duary clause in her will hereinbefore named, gave to  
your Orator and Ten others therein named; the rest and  
residue of her estate, after the payment of her debts; and  
the legacies before given & bequeathed; all of which will  
more fully appear by a Copy of the will of said Mary  
Whitfield; herewith filed and prayed to be taken as a part  
of this bill.

Your Orator would also shew unto yr honour, that Elisha  
Butler qualified as the guardian of yr Orator, and rec'd from  
Jacob Barnes the executor of Mary Whitfield; the legacy of  
one hundred dollars, and the seventh part of the residue  
of the <sup>estate of</sup> said Mary Whitfield, according to the provision of  
her will hereinbefore named; amounting in all to the sum  
of one hundred Eighty two dollars & Fifty nine Cents; as will  
more fully appear by the receipt of Joseph Jordan the sub-  
-sequent guardian; herewith filed and prayed to be taken  
as a part of this bill. Your Complainant would further  
shew that his guardian Elisha Butler, being about to  
remove from the State of Virginia, his powers and authority  
as guardian to yr Orator; were revoked by the Worshipful  
County Court of Southampton; and Joseph Jordan appointed  
guardian to yr Orator, who qualified and entered into bond  
together with Geo: G Guley and Lemis Murrell as his

secured in the sum of One thousand dollars by which they  
bound themselves well & truly to pay unto yr Orator when he  
attained to lawful age, all such estate as might appear to be  
due him; all of which will more fully appear by a copy of the  
said bond herewith filed & prayed to be taken as a part of  
this bill: And your Orator contends that he is entitled to recover  
from the said Joseph Jordan and his securities to the said bond;  
the sum of One hundred & Eighty two dollars & Fifty nine Cents.

With lawful interest thereon from the 10 day of April 1827  
till paid, as at that time the aforesaid sum of \$182.59<sup>00</sup>  
came to the hands of said Joseph Jordan, guardian of  
your Orator, as will appear by the aforesaid receipt of  
sd Jordan herinbefore mentioned & filed.

Your Orator would also shew unto yr honour that he attain-  
ed the lawful age of Twenty one years on the — day of —  
and being entitled under the will of Mary Whitfield to the  
before named sums of money, he has made frequent  
applications to the said Joseph Jordan to have the said  
legacy of One hundred dollars & the <sup>7</sup>/<sub>10</sub> share of the residue  
amounting in all to the sum of \$182.70<sup>00</sup> with interest  
from 10 day of April 1827. paid to him; with which just  
and reasonable request yr Orator well hoped that he  
the said Defendant, would have complied as in justice  
and equity he ought to do. But now so it is &c. that he  
absolutely refuses so to do; sometimes pretending that  
your Orator is entitled to no such legacy &c. &c. whereas  
your Orator Charges the Contrary thereof to be true, and so the  
said Defendants will at other times admit: All which  
actings, doings, and pretences are Contrary to equity &  
good Conscience and tend to the manifest wrong and  
injury of your Orator in the premises. In tender Con-  
sideration whereof and forasmuch as your Orator  
is remediless in the premises at and by the direct  
and strict rules of the Common Law, and cannot  
have adequate relief done in a Court of Equity

where matters of this and the like nature are properly  
Cognizable and Relievable: To the end therefore, that <sup>the</sup> the  
said Joseph Jordan Geo. I. Gurley and Thomas B. Morrell  
administrator of Lemis Morrell dead may upon their several  
and respective Corporal oaths full, true and perfect an-  
swers make to all & singular the matters herinbefore  
stated and Charged; as fully and particularly as if the  
same were hereinafter repeated, and they thereto distinctly  
interrogated &c. And that the said Defendants may  
answer the premises, and that the said Thomas B. Morrell  
administrator of Lemis Morrell dead, unless he admit aforesaid  
may settle his account as administrator of Lemis Morrell dead  
before a Commissioner of this Court &c. And that your  
honour would be pleased to Decree the payment to yr  
Orator of the aforesaid legacy of One hundred dollars &  
the <sup>7</sup>/<sub>10</sub> share of the residue, bequeathed yr Orator by the said  
Mary Whitfield, amounting to the sum of \$182.70<sup>00</sup> with  
legal interest thereon from 10 day of May April 1827. till  
paid, and that yr ~~Orator~~ <sup>honour</sup> would take the receipt of Joseph  
Jordan herinbefore mentioned & filed shewing the amount  
due in Apr. 1827; to be true, unless the said Defendants  
can shew the Contrary.

And that yr honour would grant such other and general  
relief to your Orator as may be just & proper and which  
may be Consistent with Equity & the Rules & Practice of this  
Hon. Court; And that it may please your honour to grant  
unto yr Orator the Comm. writ of Subpoena to be directed  
to the said Joseph Jordan Geo. I. Gurley & Tho. B. Morrell admst.  
of Lemis Morrell dead Commanding them to stand to and  
abide such Order & Decree therein &c. as to your honour may  
agreeable to equity & good Conscience & yr Orator m<sup>ay</sup> &c. &c.

Samuel James Douglas P<sup>r</sup>

Answer of  
Thos. B. Wood.

Butler

to }

Jordan & Co

1841 April 6<sup>th</sup>

The separate answer of Thomas B. Womel admr. of  
 Lewis Womel Dec<sup>d</sup> to a Bill of complaint  
 exhibited in the Circuit Superior Court of Law  
 & Chancery for the County of Southhampton:  
 by George W. Butler son of Elisha Butler vs.  
 Joseph Jordan, Geo. G. Gurley, and Thomas B. Womel  
 admr. of Lewis Womel Dec<sup>d</sup>. This Defen-  
 = dant reserving to himself all fit and proper  
 exceptions to the many errors &c in Plff's Bill  
 stated. for as much as it is material for him  
 to answer unswornly and saith. that of  
 the allegations therein contained he knows  
 nothing, and calls for strict proof of every  
 thing therein set forth. That many years ago  
 Joseph Jordan removed to the State of Ohio  
 and whether he ever settled with the Plff. if  
 he really owed any thing or not this Def<sup>t</sup>  
 cannot say. That George G. Gurley also re-  
 = moved to the West probably to Tennessee  
 admits that as admr. of Lewis Womel he has <sup>to pay the damages &c. &c. &c.</sup> ~~to pay the damages &c. &c. &c.~~ <sup>to pay the damages &c. &c. &c.</sup>  
 This Respondent, calls for strict proof  
 that Joseph Jordan ever qualified as guardian  
 of George W. Butler, and that Lewis Womel  
 Dec<sup>d</sup> was one of his securities: & having  
 answered prays to be hence dismissed  
 &c

This Day personally appeared before me Jorenia Cobble  
 a Justice of the peace for the County of Southhampton, and  
 made oath that the above answer is true so far as  
 he knows or believes - Given under my hand  
 and seal this 2<sup>d</sup> day of April 1841

Lea (Sb) (Ld)

Butler  
as } Decem  
Jordanfat }

To be entered

R. H. B.

Butler }  
" } Dece  
Jordan & Co }  
} Dec 18

That Defendants Joseph Jordan and Geo: G. Guiley, who are out of this Country, and against whom the Plaintiff appears to have proceeded in the mode prescribed by law against absent Defendants, still failing to appear and answer, on motion of the Plaintiff, the Court doth take the Bill for confessed as to those Defendants; and the cause coming on to be heard on the Bill, the answer of the Defendant Morrell & exhibits, not argued by Counsel on consideration whereof, the Court doth order, that the Defendant Jordan render an account of his transactions as Guardian of Geo: W. Butler before a Commissioner of this Court, who is directed to examine, state & settle the same, and report the same to the Court, with any matters specially stated, deemed pertinent by himself, or which may be required by the parties to be so stated.

Butler  
i } } Deane  
Jordanose

Entered this  
1843.

Butler  
68 Mich-  
Jordan

The defendants Joseph Jordan and George G Gurley, who are out of this country, and against whom the plaintiff appears to have proceeded in the mode prescribed by law, against absent defendants still failing to appear and answer, on motion of the plaintiff, the Court doth take his bill for confessed as to those defendants, and the cause coming on to be heard on the papers formally read, together with the report of the commissioners, to which there is no exception, was argued by counsel: On consideration whereof, the Court doth order and decree, that the said report be confirmed and that the defendants Joseph Jordan, George G Gurley and Thomas B Norrell, adm. of Lewis Norrell decd. pay to the plaintiff George Butler, the sum of one hundred and twenty three dollars and forty cents with int from the 10<sup>th</sup> day of April 1827 till paid, and the costs expended in the prosecution of this suit.

Butler

to { Or. Pub.

Jordan & Co

a copy posted at the B. House

on Jan 7/1861

L.R.G

At Rules held in the Clerk's Office of the Circuit Superior Court of  
Law & Chancery for the County of Southampton on the first Monday in January  
1811.

George Butler

against

Joseph Jordan, George H Gurley and Thomas B Worrell administrators  
of Lewis Worrell dec'd

Plff

} In Chancery

Defds

The defendants Joseph Jordan and George H Gurley not having entered their  
appearance and given security according to the Act of Assembly and the rules of this  
Court and it appearing by satisfactory evidence that they are not inhabitants of  
this County it is ordered that the said defendants do appear here on the first day  
of the next Term and answer the bill of the plaintiff and that a copy of this order be  
forthwith inserted in some newspaper published in the Town of Petersburg for two  
months successively and posted at the front door of the Courthouse of this County.

Butler

2 } Deere

Jordan 2

For Commissioners

Jordan non resident

Acknowledgment service of the within notice

Thos. B. Norrell Adm.  
of Lewis Norrell Adm.

Durhampton Circuit Court November 2<sup>nd</sup> 1841

George Butler

against

Joseph Jordan George S Burley and Thomas B Morrell  
administrators Lewis Morrell and.

Ref. In Chy.

Sept 3

The Defendants Joseph Jordan and George S Burley who are out of the Country and against whom the plaintiffs appear to have proceeded in the mode prescribed by Law against absent Defendants, still failing to appear and answer on motion of the plaintiff the Court doth take his bill for confessed as to those defendants And the Cause coming on to be heard on the bill the answer of the defendant Morrell and exhibits was argued by counsel. On consideration whereof the Court doth order that the defendant Jordan render an account of his transactions as Guardian of George W Butler before a Commissioner of this Court who is directed to examine state and settle the same and report the same to the Court with any matter specially stated deemed pertinent by himself or which may be required by the parties to be so stated -

Attest. J. R. Edwards Clk

Comm<sup>d</sup> Office Jerusalem January 8<sup>th</sup> 1842

The parties interested in the settlement of the foregoing account are required to attend at my office in the Town of Jerusalem (at the Court house) on Friday the 18<sup>th</sup> day of February next by Ten O'Clock A. M. with their vouchers accounts and testimony for examination and settlement

Jen. G. M. Connor

Butler

to { Sp. in lchyl

Jordan & Co

1840 December Rules

Come to h and to take  
to execute

Edw D Smith del of  
Thos Butler att

**THE COMMONWEALTH OF VIRGINIA,**

*To the Sheriff of Southampton County, Greeting:*

We command you that you summon *Joseph Jordan. George I Gurley*  
*and Thomas D Morrell Administrator of Lewis Morrell*  
*decd.*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *December* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

*George Butler*

And unless *they* shall answer the said Bill within <sup>*Two*</sup> ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *27* day of *November* 18*40*, in the *65<sup>th</sup>* year of the Commonwealth.

*L. R. Edwards et al.*

[One Copy to be delivered each Defendant.]

Butler

{ Spain City  
 {

Jordan &amp; Co

1841 January Rules.

Executed by delivering  
 a true copy to Thomas

B. Worrell Dec 30/1840

Joseph Jordan and

Geo. G. Gurley no

inhabitants  
 \_\_\_\_\_

Supt Drury and

Tho Prattow shiff  
 \_\_\_\_\_

**THE COMMONWEALTH OF VIRGINIA,**

*To the Sheriff of Southampton County, Greeting:*

We command you that you summon *Joseph Jordan, George G. Gurley & Thomas B. Worrell administrators of Lewis Worrell dec'd*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *January* next, to answer a Bill in Chancery exhibited against *them* in the said Court by.

*George Butler.*

And unless *they* shall answer the said Bill within <sup>*two*</sup> ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *7* day of *December* 18*40*, in the *65<sup>th</sup>* year of the Commonwealth.

*L. R. Edwards Clk*

[One Copy to be delivered each Defendant.]

Butter  
v  
Jordan & Co

Proff. Not.

1

N CHANCERY—VIRGINIA.—Southampton Circuit Court, Nov. 4th; 1841:

George Butler,

Pltff

AGAINST

Joseph Jordan, George G. Gurley, and Thomas Worrell, administrator of Lewis Worrell dec'd,

Defts.

The defendants, Joseph Jordan and George G. Gurley, who are out of this county, and against whom the plaintiffs appear to have proceeded in the mode prescribed by law against absent defendants, still failing to appear and answer: On motion of the plaintiff, the Court doth take his bill for confessed, as to those defendants; and the cause coming on to be heard on the bill, the answer of the defendant Worrell and exhibits was argued by Counsel. On consideration whereof, the Court doth order that the defendant Jordan render an account of his transactions, as guardian of George W. Butler, before a Commissioner of this Court, who is directed to examine, state and settle the same, and report the same to the Court, with any matters specially stated, deemed pertinent by himself, or which may be required by the parties to be so stated.

A Copy—Teste,

L. R. EDWARDS, c. c.

COMMISSIONER'S OFFICE,  
Jerusalem, January 8th, 1842.

The parties interested in the account directed to be settled by the above order of the Court, are required to attend at my Office, at the Court House, in the town of Jerusalem, on Friday the 18th day of February next, by ten o'clock, A. M., with all the necessary accounts, vouchers and testimony, for examination and settlement.

Jan 22 w4w

JERR. COBB, Comm'r.

Town of Petersburg to wit

This day personally appeared before me  
(an alderman of said town, *A. H. Hawood*)  
*Clerk*  
~~forwards~~ of the Intelligencer office, and  
made oath that the annexed order and  
notice has been published for four weeks  
successively - Given under my hand  
this 18 day of May in the year  
1842

*John Toward & Co*

\$3.75<sup>00</sup>

Butler

to } Proof pub

Jordan & S.

1821 March 23<sup>d</sup>

Town of Petersburg to wit

Personally

appeared before me (an Alderman of said  
Town, W. B. Quimpo, foreman of the Petit  
Jury Office, and made oath that the  
annexed order of publication has been pub-  
lished for eight weeks successively, given  
under my hand this 22<sup>nd</sup> Day of March  
1841.

John P. Lusk J. P.

**IN CHANCERY—VIRGINIA:** At Rules holden in the  
Clerks Office of the Circuit Superior Court of Law and  
Chancery for the county of Southampton, on the 1st Mon-  
day in January, 1841.

George Butler,

Plff,

AGAINST

Joseph Jordan, George G. Gurley, and Thomas B Wor-  
rell, Adm'r of Lewis Worrell, dec'd.

Defts.

The defendants, Joseph Jordan and George G. Gurley, do  
not have entered their appearance and given security ac-  
cording to the Act of Assembly, and the Rules of this  
Court, and it appearing by satisfactory evidence that they  
are not inhabitants of this County, It is ordered that they  
said defendants do appear here on the first day of the next  
Term and answer the bill of the plaintiff, and that a copy  
of this order be forthwith inserted in some newspaper pub-  
lished in the Town of Petersburg for two months succes-  
sively, and posted at the front door of the Court-house of  
this county.

A copy—Tete,

January 14 w8w

L. R. EDWARDS, c. c.

Printed for \$5.50

**N CHANCERY—VIRGINIA.—Southampton**  
Court, Nov. 4th, 1841 :  
George Butler,

AGAINST

Joseph Jordan, George G. Gurley, and T  
Worrell, administrator of Lewis Worrell dec'

D.

The defendants, Joseph Jordan and George G. Gurley, who are out of this county, and against the plaintiffs appear to have proceeded in the manner prescribed by law against absent defendants, still refusing to appear and answer: On motion of the plaintiff the Court doth take his bill for confessed, as to the defendants; and the cause coming on to be heard on the bill, the answer of the defendant Worrell and exhibits was argued by Counsel. On consideration whereof, the Court doth order that the defendant Jordan render an account of his transactions, as guardian of George W. Butler, before a Commissioner of the Court, who is directed to examine, state and settle the same, and report the same to the Court, with any matters specially stated, deemed pertinent by himself, or which may be required by the parties to be so stated.

A Copy--Teste,

L. R. EDWARDS, c. c.

COMMISSIONER'S OFFICE, }  
Jerusalem, January 8th, 1842. }

The parties interested in the account directed to be settled by the above order of the Court, are required to attend at my Office, at the Court House, in the town of Jerusalem, on Friday the 18th day of February next, by ten o'clock, A. M., with all the necessary accounts, vouchers and testimony, for examination and settlement.

Jan 22 w4w

JERR. COBB, Comm'r.

may reap the reward due to their base efforts  
r's is an occupation, compared to which the life  
e bandit, who has courage to say "stand and sur-  
er," is honorable.—*Compiler.*

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### BALTIMORE MARKET—FRIDAY.

Flour—Howard street, \$5 62 1-2, dull. Wheat,  
to 125. Corn, 53 to 55. Whiskey, bbls. 20 a  
1-2; hhds. 19 1-2. Exchange—New York and  
ten 3 prem; Philadelphia 5 a 6 dis. Wheeling  
ney 15 per cent discount.

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### PHILADELPHIA MARKET—Saturday.

Exchange on Boston and New York 8 a 9 prem;  
Baltimore 3 a 4 prem; Richmond 3 to 5 dis. Flour,  
for superfine, at which 2,000 bbls had been sold.  
Wheat, 127 to 130 per bush. Corn, 500 bushels round  
yellow at 60 cts. Whiskey, 200 bbls Friday at 20 cts;  
bbls on the Delaware 18 3-4.

---

### DIED,

Of Gout, on the 8th inst., at the residence of Mrs  
Mary Cocke, City Point, Prince George county, WIL-  
LIAM GILLIAM, Esq., in the 41st year of his age.  
Dignity of deportment, unbounded hospitality, and  
strong common sense were prominent traits of his  
character. Though sorely pressed by disease, his  
spirits were ever lively, and his attention to business  
unabated. But it was as a farmer and improver of  
the soil that he was peculiarly useful, and won for  
him the applause of all who witnessed his extensive  
operations. For many years he was entrusted with  
the whole of Mrs. Cocke's large estate, which he re-  
tained until his death, leaving every where abundant  
proofs of his taste, ingenuity and judgment. The

Batter  
vs. Comrs.  
Jordan & Report

Filed February 28/1842

Southampton Circuit Court Nov 4<sup>th</sup> 1840  
George Butler

against

Joseph Jordan, George G. Guilez, & Thos B<sup>3</sup>  
Worrell admr. of Lewis Worrell dec'd 3 depts

Plff

In Chy

The Court is directed to make up an account, of the  
defendant Joseph Jordan's transactions as Guardian of  
of the plaintiff George Butler and report to

George Butler a minor

In account with Joseph Jordan Guardian

1827

April

10 By this amount received of Geo. Barlett  
admr. of Orion Ferguson a Specific Legacy  
To Commissions off

Dr Cr

182 59

9 12

By balance due the ward  
with interest from this date till paid  
Costs

173 47

Order publication in the Petersburg  
Intelligencer 35.50

Superior Court for entering notice  
on the defendant Worrell 50

Court fee 2 Hours 2.00

\$8.00

Respectfully submitted  
J. G. Carr

N. B. The defendant Worrell  
attended, only, who stated he knew  
nothing of the transactions

J. G. Carr

Mary Whitfields  
Will

(Copy)

Butler

to { Exhl: with bill.

Jordan & ad

I Mary Whitfield of the County of Southampton in the State of Virginia do hereby make my last will and Testament in manner and form following that is to say: 1<sup>st</sup> I desire that my executor hereafter named do as soon as convenient after my deceased sell all my estate of every kind whatsoever and out of the money raised by such sale pay all my just debts and funeral expenses.

2<sup>nd</sup>. After the payment of my debts and funeral expenses as aforesaid I give to my sister Elizabeth Overitt one hundred dollars out of the remaining part of my estate to her my said sister and her heirs forever.

3<sup>rd</sup>. I give and bequeath to my sister Sarah Birdsong one hundred and sixty dollars of said remaining part of my estate to her my said sister and her heirs forever.

4<sup>th</sup>. I give and bequeath to Mason Birdsong one hundred dollars to her and her heirs forever.

5<sup>th</sup>. I give and bequeath to George W Butler one hundred dollars to him and his heirs forever.

6<sup>th</sup>. The residue of my estate of every description I give and bequeath to the following named persons to each person alike said so as to make an equal division amongst all the following named persons to wit: Rebecca Birdsong, John Birdsong, Mason Birdsong, Sophia Birdsong, <sup>Martha Birdsong</sup> Newt Birdsong, Miles Birdsong, Sarah Birdsong, all the last above named being the children of Charles Birdsong dec'd also George W Butler Burwell Overitt and Charlotte Overitt to them the <sup>above</sup> last above named persons and to be equally enjoyed by them and each of their heirs forever.

Lastly. I do hereby nominate and appoint my friend Jacob Burnez executor of this my last will and Testament. And witness whereof I have hereunto set my hand and affixed my seal this 30<sup>th</sup> day of September in the year of our Lord one thousand eight hundred and nineteen:

Signed sealed and acknowledged to be the last will and Testament of the aforesaid Mary Whitfield in presence of

Mary <sup>her</sup> Whitfield <sup>mark</sup> 

Dixon Ferguson

James <sup>his</sup> Jordan

John Ferguson

At a Court held for the County of Southampton on the 21<sup>st</sup> day of February 1820. This will was presented in Court by Jacob Burnez the executor therein named proved by the oaths of Dixon Ferguson and John Ferguson Witnesses thereto and ordered to be recorded. And on the Motion of said Executor who made oath according to Law Certificate is granted him for obtaining a probat thereof in due form on his giving bond and security whereupon the said Jacob Burnez together with Silez Barritt and Edmund Vick his securities entered into and acknowledged their in the penalty of five thousand dollars conditioned as the law directs.

Teste James Rochelle clk

Attest

Teste S R Edwards clk

Butlers Gov.

To } Gov. Bond  
Justices

Copy

Butler

v } Exhbt. with bill.

Jordan & ad

Know all men by these presents that we

are held and firmly bound unto James D

Musomberg A P Peete, J Dardor, and C W Goodwin. Gentlemen Justices of Southern  
County Court now sitting in the sum of One thousand dollars, the payment whereof  
well and truly to be made to the said Justice and their successors we bind ourselves and  
each of us our and each of our heirs Executors and administrators jointly and severally  
firmly by these presents sealed with our seals and dated this day of 1836

The condition of the above obligation is such that whereas the above bound  
both have this day appointed Guardians to George Butler infant  
son of Elisha Butler orphan of

Now therefore if the said  
Guardians as aforesaid shall well and truly pay and deliver or  
cause to be paid and delivered unto the said orphan as  
aforesaid all such estate or estates as now is or hereafter may appear to be due and owing  
to the said orphan when shall attain to lawful age or when there is required  
by the Justices of our said County Court and also save himself the above named Justice  
in the premises from all trouble and damage that shall or may arise about this  
estate or estates then this obligation to be void or else to remain in full force and virtue

Witness

Joseph Jordard  
George S. Barker  
Lewis Morrell

Attest. J. R. Edwards

Butlers for

To { Receipt

Fergusons acc<sup>y</sup>

Butler

" { Exht. with bill

Jordan & Co

Apr<sup>10</sup>. 1827 Rec<sup>d</sup> of John Barnett administrator of Dixon Ferguson  
dec<sup>d</sup>. the sum of One hundred Eighty two dollars & fifty nine cents in full for legacy  
due from Elisha Butler Guardian of Geor. W. Butler Dixon Ferguson security for  
the aforesaid Elisha Butlers guardianship.

Witness  
J

Joseph Jordan  
present Guardian of  
George W Butler

The original is filed in the clerks office of the County Court of Southampton in a suit  
therein depending between Elisha Butler plaintiff & John Barnett & M<sup>r</sup>. Ferguson adm<sup>s</sup>  
of Dixon Ferguson dec<sup>d</sup>. Dfts.

Teste

L R Edwards clk

December 1/1820

Joseph Jordans  
Messrs. To  
Liscon Fargasons  
Admrs. —

Feb. 23. 1827.

care Butter & Fargasons  
care

Apr 10<sup>th</sup> 1827 rec<sup>d</sup> of John Barrett Administrator of  
Dison Ferguson Dec<sup>d</sup> The sum of One hundred Eighty  
two Dollars & fifty nine Cts in full for Legacy due from  
Oliver Butler Guardian of <sup>W.</sup> Geo<sup>r</sup> Butler Dison Ferguson  
security for ~~the~~ aforesaid Oliver Butlers Guardianship  
Witness

Joseph Jordan  
present Guardian of  
George W Butler

Butler

v. } Record

Jordan *ye*

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34 11  
37 4 1/2  
11) 4488 (2.71  
30  
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1

At a Circuit Superior Court of Law and Chancery for  
Southampton County holden at the Court house of said County  
on the first day of November One thousand eight hundred and  
forty two:

Be it remembered that heretofore to wit On the 27<sup>th</sup> day of November  
in the year One thousand eight hundred and forty Came George  
Butler by his Counsel and sued out of the Clerk's Office of the said  
Circuit Superior Court of Law and Chancery a subpoena and decree nisi  
against Joseph Jordan George B. Sinsley and Thomas B. Worrell adminis-  
trator of Lewis Worrell deceased which said subpoena and decree  
nisi together with the return thereon made is in these words and  
figured to wit

"The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting

We Command you that you summon Joseph Jordan George B. Sinsley and  
Thomas B. Worrell administrator of Lewis Worrell dec'd to appear at the  
Clerk's office of our Circuit Superior Court of Law and Chancery for the  
County of Southampton, at the rules to be holden for the said Court on the  
first Monday in December next, to answer a bill in Chancery exhibited  
against them in the said Court by George Butler and unless they shall  
answer the said bill within two months thereafter the Court will take the  
same for Confessed and decree accordingly and this they shall in no wise  
omit, under the penalty of \$100. And show them this writ: Witness,  
Littleton R. Edwards Clerk of our said Court, at the Court house the 27<sup>th</sup> day of  
November 1842 in the 65<sup>th</sup> year of the Commonwealth

L. R. Edwards Clk"

Sheriff's return: "Came to hand too late to execute Edward's Built Duty of  
This Porelow shiff"

And afterwards to wit. At rules held in the Clerk's Office of the said  
Circuit Superior Court of Law and Chancery On the first Monday in  
December in the year aforesaid Came the plaintiff by his Counsel  
and filed his bill in these words & figured to wit

To the Hon Richard H. Babers Judge of the Cir sup<sup>r</sup> Court of Law and  
Ch in and for the County of Southampton Humbly Complaining sheweth  
unto your honors Your Orator George W. Butler son of Elisha Butler cl<sup>k</sup>  
of the state of Indiana That in the year 1819 one Mary Whitfield of  
the County of Southampton being possessed of considerable estate both real  
personal: duly made & published her last will and testament in writing  
bearing date the 30<sup>th</sup> day of September in the year 1819 and by her said  
last will amongst other things gave and bequeathed unto your Complainant  
the sum of One hundred dollars to him & his heirs forever and the said  
Mary Whitfield by the residuary Clause in her will heretofore named  
gave to your orator and an others therein named the rest and residue of  
her estate after the payment of her debts: and the legat<sup>ies</sup> <sup>before</sup> given & bequeathed  
all of which will more fully appear by a Copy of the will of said Mary

Whitfield herewith filed and prayed to be taken as a part of this bill: Your Orator would also shew unto yr honor that Elisha Butler qualified as the guardian of yr Orator and me from Jacob Barnes the executor of Mary Whitfield the legacy of One hundred dollars and the eleventh part of the residue of the estate of said Mary Whitfield according to the provisions of her will herein before named amounting in all to the sum of One hundred & Eighty two dollars & fifty nine Cents as will more fully appear by the receipt of Joseph Jordan the subsequent guardian herewith filed and prayed to be taken as a part of this bill. Your Complaint would further shew that his guardian Elisha Butler being about to remove from the state of Virginia his powers and authority as Guardian to your orator were revoked by the worshipful County Court of Southampton and Joseph Jordan appointed guardian to yr orator who qualified and entered into bond together with Geo. S. Gurley and Lewis Worrell as his securities in the sum of One thousand dollars by which they bound themselves well & truly to pay unto your Orator when he attained to lawful age all such estate as might appear to be due him: all of which will more fully appear by a Copy of the said bond herewith filed & prayed to be taken as a part of this bill and your Orator contend that he is entitled to receive from the said Joseph Jordan and his securities to the & bond the sum of One hundred & Eighty two dollars & fifty nine Cents with lawful interest thereon from the 10 day of April 1827 till paid and that the said amount of \$182.59/100 came to the hands of said Joseph Jordan guardian of your Orator as will appear by the aforesaid receipt of J. Jordan herein before mentioned & filed. Your Orator would also shew unto yr honor that he attained the lawful age of twenty One years on the day of and being entitled under the will of Mary Whitfield to the before named sum of Money he has made frequent applications to the said Joseph Jordan to have the said legacy of One hundred dollars & the 11 share of the residue amounting in all to the sum of \$182.59/100 with interest from 10<sup>th</sup> day of April 1827 paid to him with which just and reasonable request yr Orator well hoped that the said defendants would have complied as in justice and equity he ought to do But now so it is &c that he absolutely refused so to do sometimes pretending that your Orator is entitled to no such legacy &c &c whereas your Orator charges the contrary thereof to be true and so the said defendants will at other times admit all which actings doings and pretences are contrary to Equity & good Conscience and tend to the manifest wrong and injury of your Orator in the premises In tender consideration whereof and for as much as your Orator is remediless in the premises at and by the strict and strict rules of the Common Law and cannot have a adequate relief save in a Court of Equity where matters of this and the like nature are properly Cognizable and relievable To the end therefore that justice may be done the said Joseph

Jordan Geo. S. Gurley and Thomas B. Worrell administrators of Lewis Worrell dec<sup>d</sup> may upon their several and respective Oath or oaths full true and perfect answers make to all singular the matters hereinbefore stated and charged as fully and particularly as if the same were hereinafter repeated and they shew distinctly interrogated &c and that the said defendants may answer the same and that the said Thomas B. Worrell administrator of Lewis Worrell dec<sup>d</sup> unless he admit aforesaid may settle his accounts as administrator of Lewis Worrell dec<sup>d</sup> before a Commissioner of this Court &c and that your honor would be pleased to decree the payment to yr Orator of the aforesaid legacy of One hundred dollars & the 11 share of the residue bequeathed your Orator by the said Mary Whitfield amounting to the sum of \$182.59/100 with legal interest thereon from 10<sup>th</sup> day of April 1827 till paid and that yr honor wd take the receipt of Joseph Jordan herein before mentioned & filed shewing the amount due in apt 1827 to be true unless the said defendants can shew the contrary and that your honor would grant such other and general relief to your Orator as may be just & proper and which may be consistent with Equity & the rules & practices of this Hon Court and that it may please your honor to grant unto your Orator the Comm: writ of Subpoena to be directed to the said Joseph Jordan Geo. S. Gurley & Tho. B. Worrell adm<sup>s</sup> of Lewis Worrell dec<sup>d</sup> Commanding them to stand to and abide such order & decree therein &c as to your honor may agreeable to Equity & good Conscience & yr Orator will &c &c

Samuel James Douglas P. Q

Exhibits filed with the bill.

- I Mary Whitfield of the County of Southampton in the state of Virginia do hereby make my last will and Testament in manner and form following that is to say 1<sup>st</sup> I desire that my Executor hereafter named do as soon as convenient after my deceased sell all my estate of every kind whatsoever and out of the money raised by such sale pay all my just debts and funeral expence;
- 2<sup>nd</sup> After the payment of my debts and funeral expence as aforesaid I give to my Sister Elizabeth Overell One hundred dollars out of the remaining part of my estate to her my said Sister and her heirs forever;
- 3<sup>rd</sup> I give and bequeath to my Sister Sarah Birdsong One hundred and sixty dollars of said remaining part of my estate to her my said Sister and her heirs forever;
- 4<sup>th</sup> I give and bequeath to ~~my~~ Mason Birdsong One hundred dollars to her and her heirs forever;
- 5<sup>th</sup> I give and bequeath to George W. Butler One hundred dollars to him and his heirs forever;
- 6<sup>th</sup> The residue of my estate of every description I give and bequeath

To the following named persons to each person alike sum so as to make a equal division amongst all the following named persons to wit Rebecca Birdsong John Birdsong, Mason Birdsong Ephra Birdsong Martha Birdsong Abner Birdsong Miles Birdsong Sarah Birdsong all the last above named being the Children of Charles Birdsong deceased also George W Butler Burnwell Everett and Charlotte Everett to them the eleven last above named persons and to be equally enjoyed by them and each of their heirs forever: Lastly I do hereby nominate and appoint my friend Jacob Barnes executor of this my last will and testament. In Witness whereof I have hereunto set my hand and affixed my seal this 30<sup>th</sup> day of September in the year of our Lord One thousand eight hundred and nineteen:

Signed sealed and acknowledged to be the last will and testament of the aforesaid Mary Whitfield in presence of  
 Dixon Ferguson  
 James Jordan  
 John Ferguson  
 Mary + Whitfield Seal  
 her onast

At a Court held for the County of Southampton on the 21<sup>st</sup> day of February 1820 This will was presented in Court by Jacob Barnes the Executor therein named proved by the oaths of Dixon Ferguson and John Ferguson Witnesses thereto and Ordered to be recorded and On the motion of said Executor who made oath according to Law Certificate is granted him for obtaining a probate thereof in due form On his giving bond and security whereupon the said Jacob Barnes together with filed Barnett and Emma Dick his securities entered into and acknowledged their in the penalty of five thousand dollars Conditioned as the Law directs.

Teste James Rockella Clk  
 Acpy  
 Teste L.R. Edwards Clk

Apr 10<sup>th</sup> 1827 Recd of John Barnett administrator of Dixon Ferguson decd the sum of One hundred Eighty two dollars fifty nine Cents in full for legacy due from Elisha Butler guardian of George W Butler Dixon Ferguson security for the aforesaid Elisha Butler guardianship  
 Witness Joseph Jordan present guardian of George W. Butler

The original is filed in the Clerks office of the County Court of Southampton in a suit therein depending between Elisha Butler plff & John Barnett & John Ferguson adms of Dixon Ferguson decd Deft

Teste L.R. Edwards Clk  
 December 1/1840

Know all Men by these presents that we are held and firmly bound unto James D. Maffenburg A.S. Peete of Dartmouth and C.W. Goodwin gentlemen justices of Southampton County Court now sitting in the sum of One thousand dollars the payment whereof well and truly to be made to the said justices and their successors we bind ourselves and each of us on and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this day of 1826

The Condition of the above obligation is such that whereas the above bound hath been this day appointed guardian of George Butler infant son of Elisha Butler orphan of Now therefore if the said guardian as aforesaid shall well and truly pay and deliver or Cause to be paid and delivered unto the said orphan as aforesaid all such estate or estates as now is or hereafter may appear to be due and owing to the said orphan when shall attain to lawful age or when thereto required by the justices of our said County Court and also save harmless the above named justices in the premises from all trouble and damage that shall or may arise about the s<sup>d</sup> estate or estates then this obligation to be void or else to remain in full force and virtue  
 Witness Joseph Jordan Seal  
 George S. Gurley Seal  
 Lewis Worrell Seal

Acpy Teste L.R. Edwards Clk

And on the motion of the plaintiff another subpoena and decree nisi was issued against the defendants which subpoena and decree nisi together with the return thereon made is in these words and figures to wit: "The Commonwealth of Virginia"

To the Sheriff of Southampton County, Greeting: We Command you that you summon Joseph Jordan George S. Gurley & Thomas B Worrell administrators of Lewis Worrell decd to appear at the Clerks Office of our Circuit Superior Court of Law and Chancery for the County of Southampton at the rules to be holden for the said Court on the first Monday in January next to answer a bill in Chancery exhibited against them in the said Court by George Butler And unless they shall answer the said bill within two months thereafter the Court will take the same for Confessed and decree accordingly And this they shall in no wise omit, under the penalty of £100 And have themselves this writ Witness Letherton R Edwards, Clerk of our said Court at the Court house the 7 day of December 1840 in the 65<sup>th</sup> year of the Commonwealth  
 L.R. Edwards Clk

The Sheriff of Southampton County is directed by delivering a true Copy to Thomas B. Worrell Joseph Jordan & Geo S Gurley No inhabitant of the County of Southampton

and afterwards to wit At Rules held in the Clerks Office of the said Circuit Superior Court on the first Monday in January 1841 The defendants Joseph Jordan and George S. Gurley not having entered their appearance and given security according to the act of assembly and the rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this Country it is ordered that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiff and that a Copy of this order be forthwith inserted in some News paper published in the town of Petersburg for two months successively and posted at the front door of the Court house of this County:

And afterwards to wit At rules held in the Clerks Office aforesaid on the first Monday in March in the year aforesaid The subpoena and decree nisi awarded in this Cause having been returned executed on the defendant Thomas B. Worrell admr of Lewis Worrell dec and more than two months having elapsed since the filing of the bill and the service of the subpoena and decree nisi and the said defendants still failing to appear plead answer or demur on the motion of the plaintiff by Counsel this Cause is set for hearing as to that defendant

And afterwards to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the sixth day of April in the year aforesaid the defendant Worrell by leave of the Court this day filed his answer in these words to wit:

The separate answer of Thomas B. Worrell admr of Lewis Worrell dec to a bill of Complaint exhibited in the Circuit Superior Court of Law & Chancery for the County of Southampton by George W. Butler son of Elisha Butler of Joseph Jordan Geo. S. Gurley and Thomas B. Worrell admr of Lewis Worrell dec this defendant answering to himself all fit and proper exceptions to the Managers &c in Plffs Bill stated for as much as it is material for him to answer answered and said that of the allegations therein contained he knows nothing and calls for direct proof of every thing therein set forth that many years ago Joseph Jordan removed to the state of Ohio and whether he ever settled with the plff if he really owed ~~any~~ any thing or not this deft cannot say that George S. Gurley also removed to the west probably to Tennessee This respondent admits that as admr of Lewis Worrell he has a full more than sufficient to pay the demand set up but calls for direct proof that Joseph Jordan ever qualified as Guardian of George W. Butler and that Lewis Worrell dec was one of his securities & having answered to say to be hence dismissed &c.

This day personally appeared before me Jeremiah Cobb a Justice of the peace for the County of Southampton Thomas B. Worrell and made oath that the above answer is true so far as he knows or believes Given under my hand and seal this 2 day of April 1841  
Jeremiah Cobb J. P.

To which answer the plaintiff instantly replied generally And afterwards to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 14 day of November in the year aforesaid The defendants Joseph Jordan and George S. Gurley who are out of this Country

George Butler

against

Joseph Jordan George S. Gurley and Thomas B. Worrell admr of Lewis Worrell dec

The defendants Joseph Jordan and George S. Gurley who are out of this Country and against whom the plaintiff appears to have proceeded in the mode prescribed by law against absent defendants still failing to appear and answer on motion of the plaintiff the Court doth take his bill for confessed as to those defendants and the Cause coming on to be heard on the bill the answer of the defendant Worrell and Exhibits and was argued by Counsel On Consideration whereof the Court doth order that the defendant Jordan render an account of his transactions as guardian of George W. Butler before a Commissioner of this Court who is directed to examine state and settle the same and report the same to the Court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated

Southampton Circuit Court Nov 14<sup>th</sup> 1841

George Butler

against

Joseph Jordan George S. Gurley Thos B. Worrell admr of Lewis Worrell dec

The Court is directed to make up an account of the defendant Joseph Jordans transactions as Guardian of the plaintiff George Butler and report &c

George Butler a minor

In account with Joseph Jordan Guardian

| 1829  |    |                                                                                 |   | Dr  | Cr |
|-------|----|---------------------------------------------------------------------------------|---|-----|----|
| April | 10 | By this amount received of Jno Barnatt admr of Dixon Furguson a specific legacy |   | 182 | 39 |
|       |    | To Commissions off                                                              |   | 9   | 12 |
| "     | "  | By Balance due the ward with interest from this date till paid                  |   | 173 | 47 |
|       |    | (Costs)                                                                         |   |     |    |
|       |    | Order publication in the Petersburg intelligence                                | 5 | 50  |    |
|       |    | for Drawing for executing notice on the defendant Worrell                       | 3 | 50  |    |
|       |    | Costs for 2 hours                                                               | 2 | 50  |    |
|       |    |                                                                                 |   | 8   | 00 |

Respectfully Submitted

N.B. The defendant Worrell attended only who stated he knew nothing of the transactions

James Cobb Com

James Cobb Com

And afterwards to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 7<sup>th</sup> day of April 1842 this Cause was Continued till the next term

And now at this day to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the day and year first aforesaid to wit the first day of November 1842: The defendants Joseph Jordan and George S. Gurley who are out of this Country and against whom the Plaintiff appears to have proceeded in the mode prescribed by Law against absent defendants still failing to appear and answer on motion of the plaintiff the Court doth take his bill for Confessed as to these defendants: and the Cause coming on to be heard on the papers formerly read together with the report of the Commissioner to which there is no exception and was argued by Counsel: On Consideration whereof the Court doth order adjudge, order and decree that the said report be Confirmed and that the defendants Joseph Jordan George S. Gurley and Thomas B. Worrell administrator of Lewis Worrell dec pay to the plaintiff George Butler the sum of One hundred and seventy three dollars and forty seven Cents with interest from the 10<sup>th</sup> day of April 1827 till paid and the Costs expended in the prosecution of this suit - Plffs Costs \$39.

The execution which issued upon the foregoing decree together with the return made thereon is in these words and figures following to wit "The Commonwealth of Virginia

To the Sheriff of Southampton County Executing: We Command you that if the goods and Chattels of Joseph Jordan George S. Gurley and Thomas B. Worrell administrator of Lewis Worrell dec late in your bailiwick, you Cause to be made the sum of One hundred and seventy three dollars forty seven Cents with interest thereon from the 10<sup>th</sup> day of April 1827 till paid which George Butler lately in our Circuit Superior Court of Law and Chancery for Southampton County hath recovered against them by a decree of the said Court also thirty nine dollars and which to the said George Butler in the same Court were adjudged for his Costs by him about his suit in that behalf expended: whereof the said Jordan Gurley & Worrell adm as aforesaid are convicted as appears to us of record And how you shall have executed this writ make known at the Clerk's Office of our said Circuit Superior Court of Law and Chancery at the next to be holden for the said Court On the first Monday in February next And have there done this writ  
Witness Littleton R Edwards, Clerk of our said Courts at

the Court house this 5<sup>th</sup> day of December 1842 in the 67<sup>th</sup> year of the Commonwealth

L.R. Edwards Clk

Sheriffs return: "Debt due Jan'y 10/1843  
Int till Feb'y 2/1843  
Cost

173.47  
166.57  
39.00  
\$ 379.04

Shffs Comt

J. C. Lund

18.82  
\$ 398.49

Satisfied Will of Gehrell dy of Will L. Edwards Shff

The only evidence that Lordan had any thing  
in his hands belonging to Butler, is the  
paper filed purporting to be a receipt of  
Lordan - I don't? must not the execution  
of this receipt by Lordan be proved -

French  
for Sept.