

1860-15

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BUTTS et al vs. BUTTS' ADM'X, et al
2/1860

other SURNAMES: Blackwell,
Hood, Dengre

1862,

Butts & others
v. B. B. & others
Butts adm. & others.

1859 Dec. Dec. as filed
#1860 Jan. Report.
Feb. Conf.

Let's go to

To the Worshipful County Court of Southampton
County. In chancery sitting. Next term 1857.

Humly complaining sheweth unto your worship
your complainants John Butts, John W. Blackwell
& Anna J. his wife, and Adelaide Butts that
Francis P. Butts of this County departed this life some
years ago after having duly made and published his
last will and testament which has been duly admitted
to record in the County Court of Southampton County.
A copy of which is herewith filed and prayed to be
taken as a part of this bill - That by his said will
he gave all his property to his wife Emma Butts
during her life, and at her death it was ^{to be} equally
divided amongst his children - That his children
living at his death were Anna J., John
Adelaide Sybrian James and Edward.
That his widow qualified as his Executrix but has
long since departed this life, and Mary B. Denzre
has qualified as the Administratrix with the will
annexed of the said Francis P. Butts. That
two of the children James and Edward have died
under age without issue. That Anna J. has intermarried
with John W. Blackwell, and Sybrian with Wm. H.
Hood - your complainants desire that the slaves
of which the said Francis P. Butts died possessed
should be divided amongst the parties entitled.

In tender consideration whereof your complainants

may that Mary B. Menegre administratrix with
the will annexed of Francis P. Butts decd and
Wm. H. Hood & Sylvia his wife be made
parties defendant to this bill and that they
answer all the allegations thereof. That your
honors will decree a division of the slaves
of which Francis P. Butts died possessed
amongst the parties entitled thereto and that
your honors will decree such further & general
relief as equity may dictate and the nature
of their case may require & they will wrap up
Cott. sig.

The answer joint & several of Mary B. Menegre
administratrix of Francis P. Butts decd and
William H. Hood to the foregoing bill.

These defendants saving &c for answer to the
said bill, say that the facts stated therein are
true and that they have no objection to the
decree prayed for & may to be done as directed &c
By Wm. Cott atty.

John Butts, John B. Blackwell & Anna J.
his wife, and Adelaide Butts. Petrs
By
Mary B. Menegre administratrix with the will
annexed of Francis P. Butts decd, and Wm. H.
Hood & Sylvia his wife - Resps.

This day this cause came on to be heard by
Consent of parties on the bill, answer and exhibits
and was argued by Counsel, on consideration
whereof the Court doth approve, order and decree that
A. J. H. Bengep, Susan Linn, Remondus Dole, J. B.
Kello and Meritt J. Davis, (any three of whom may act)
who are appointed Commissioners for the purpose
procured to divide the slaves of which Francis
P. Butts died possessed, having regard to quality
and value, into four equal parts, and that
they allot one part to John Butts, one to John
B. Blackwell & Anna J. his wife, one to Adelaide
Butts and one to Wm. H. Hood & Sylvia
his wife, and that they make report to this
Court in order to a final decree.

Bulls go

& { copy sent

Bulls alone 10

Southampton County Court. December Term 1859.

John Butts. John D Blackwell & Anna J his wife and Adelaide Butts. Plffs.
against. } In Chancery

Mary V Dinegre administratrix with the will annexed of Francis P. Butts dec'd
& Wm H Stodd & Sylvania his wife } Dfts.

This day this cause came on to be heard by consent of parties on the bill, answer and exhibits and was argued by counsel. On consideration whereof the Court doth adjudge order and decree that A. J. H. Burges, Shugars Linn, Lemarius Dales, J. B. Kello and Moritt J Davis (any three of whom may act) who are appointed Commissioners for the purpose proceed to divide the slaves of which Francis P Butts died possessed, having regard to quality and value, into four equal parts, and that they allot one part to John Butts, one to John D Blackwell & Anna J his wife, one to Adelaide Butts and one to Wm H Stodd & Sylvania his wife and that they make report to this Court in order to a final decree.

e Hoopy

Juste J R Edwards clk

Report

1860 Jan'y 6th

The Commissioners appointed under an order obtained at the next Term of the County Court of Southampton to divide the Negroes of J. P. Butts deed, and to allot to the Legatus of the said Butts, one equal share thereof, having regard to quality and value, offer the following report to wit, We valued Negro Man William at 1200⁰⁰ ~~Man~~ Alfred 1200⁰⁰ — Girl Ellen 1000⁰⁰ — Girl Minerva 1000⁰⁰ Boy Augustus 900⁰⁰ — Boy Tom 750⁰⁰ Charles 650⁰⁰ Woman Jane 500⁰⁰ & Child Sarah 400⁰⁰ Luisa 800⁰⁰ & Child Ben 150⁰⁰ Boy James 350⁰⁰ Boy John (a crippled) at nothing — And an old Woman Cherry at nothing, making the sum total of 8900⁰⁰ and divided the same into four equal lots as follows — Lot No 1 William 1200⁰⁰ Jane 500⁰⁰ & Child Sarah 400⁰⁰ and an old Woman Cherry at nothing, making 2100⁰⁰ — Lot No 2 — Boy Alfred 1200⁰⁰ Luisa 800⁰⁰ & Child Ben 150⁰⁰ and Boy John (a crippled), at nothing, making 2150⁰⁰ — Lot No 3 — Ellen 1000⁰⁰ Tom 750⁰⁰ and James 350⁰⁰ making 2100⁰⁰ and Lot No 4 — Girl Minerva 1000⁰⁰, Augustus 900⁰⁰, Charles 650⁰⁰ making 2550⁰⁰, being ²⁵325⁰⁰ over an equal share

Lot No 4 to pay back as follows (viz) to Lot No 1 125⁰⁰ to Lot No 2 75⁰⁰, to Lot No 3, 125⁰⁰ — The parties then proceeded to draw their respective lots, and John Butts, through his friend A. M. Bates drew Lot No 1 — George Pierce for his wife Adelaide, drew Lot No 2 — J. D. Blackwell drew Lot No 3, and Wm. St. Hood drew Lot 4

All of which is respectfully submitted

Meritt J. Davis
Shugart Laine
Demancy, ^{Commissioners} J. B. L.

Francis P. Mills

Mills

I Francis P Butts of the County of Southampton and state of Virginia do hereby make my last Will and Testament in manner and form following that is to say.
1st I desire that all just debts due by me be paid out of the perishable part of my estate; after the payment of my debts aforesaid I lend to my loving wife Emma Butts during the time she shall remain my widow, all the rest of my estate, real as well as personal and chattell, as well for her support, as for the support and education of my children, which I particularly desire. Should she, however, come to the determination to marry again, then I give to her, my said wife, one third part of my estate, both real and personal, for and during the term of her natural life, and after her death or marriage, I give the same and every part and parcel thereof, of what kind soever to my children Julia Ann, Adeline Virginia, John Francis, Sybilla, James James & Edward Augustus Butts to be equally divided among them, to them and their heirs forever.

2^d I do hereby constitute and appoint executor of this my last Will and Testament, hereby revoking all other or former Wills or Testaments by me heretofore made. In Witness whereof I have hereunto set my hand and affixed my seal this 25th day of September in the year 1846.
Acknowledged and declared to be the last Will of Francis P Butts, and at his request we have Witnessed the same in his presence.

Francis P. Butts (Seal)

A. S. A. Burgess

W^m D. Hood

Samuel Branch

At a Court held for the County of Southampton on the 19th day of October 1846.

This last Will and Testament of Francis P. Butts dec^d was proved by the oaths of A. S. A. Burgess and William D. Hood two of the subscribing witnesses thereto and ordered to be recorded. and there being no Executor named in the said Will on the motion of Emma Butts who made oath and together with W^m D. Hood & M. Butts & Arthur A. Drury her securities entered into and acknowledged a bond in the penalty of six thousand dollars conditioned as the law directs certificate is granted her for obtaining letters of administration on the estate of the said Francis P. Butts with his will aforesaid annexed in due form.

Teste L R Edwards C^{le}

Attest. Teste. L R Edwards C^{le}