1865-001 SOUTHAMPTON COUNTY CHANCERY PAPERS

BUTTS et al vs HOOD and Wife val 11/1865

OTHER SURNAMES: Blackwell, Pierce, Stephenson, Davis, Lain, Doles, Peirce

54.

Butts Fathers

v. } Passers

Hood & Wife

1865 Nov.

Butts & al:

To 3 Stat. Rules.

Hood & Wife 1c

1860 May

Clk	15.90
Sff	150
Law 1c	3150
	38.90

In Southampton Circuit Court -

John Butts, John D. Blackwell & Anna J. his wife and George Pierce & Adelaide his wife against

William A. Hood & Sylvania his wife and William B. Stephenson.

1860 March 20 Summons issued -

" Apr. R. Summons ret.d Ex.d Bill filed. Anr. of Defts Hood & Wife. Decree Nisi v. Defts. Stephenson -

" " R. (Last Monday) Bill taken for confessed as to Deft. Stephenson & cause set for hearing &c

" May T. Decree &c to make Deed

Butts et als.

v 3 Bill

Hood & wife &c

1860 April Rules

To the Hon; Richard H. Baker, judge of the Circuit Court of Southampton County — In Chancery —
April Rules, 1860 —

Humbly complaining, shew unto your honor your Complainants John Butts, John D. Blackwell and Anna J. his wife, and George Pierce and Adelaide his wife, that Francis P. Butts departed this life some years ago after having duly made and published his last will and testament which has been admitted to record in the County Court of Southampton County. A copy of which will is herewith filed as an exhibit and prayed to be taken as a part of this bill. Your complainants state that by his said will the said Francis P. Butts gave to his wife Emma Butts all of his real and personal estate during her life, and at her death to his children. That the said Emma Butts has long since departed this life. That the said Francis P. Butts left his children, to-wit, Anna J. who has intermarried with your Complainant John D. Blackwell, Adelaide who has intermarried with your Complainants, Sylvania who has intermarried with William A. Hood, and John, James and Edward — That James and Edward have died under age and without issue. Your Complainants further state that the said Francis P. Butts died seized and possessed of a tract of land lying in Southampton County, containing about seven hundred acres — That many of his children have resided on the said land

ever since his death - At last Christmas the last of his daughters was married, and it became necessary to break up, and a division of the land was of course desired by all the parties - That all of the children were of age but Adelaide who had intermarried with William H. Hood - That the improvements on the said land were good, but most of the land was poor, and all the parties were convinced that a division in kind would materially injure the interests of all parties, and that a sale was manifestly proper and indispensable - That none of them desired or were willing to take the land, and believing that a sale last winter would be best for the interests of all concerned, and all being of age but one, after giving four weeks public notice of the time and place of sale, they put the said land up for sale to the highest bidder on Wednesday the 4th day of January last, and that William G. Stephenson became the purchaser at the sum of $2500. That the terms of sale were one third cash, and the balance on a credit of one and two years the purchaser giving bond with security, and the title retained until the purchase money is paid. Your Complainants believe that the said land sold for its full value, and owing to peculiar circumstances, for much more than it would have done twelve months hence, or perhaps at any other time - That the sale was entirely satisfactory to all parties, and terms have been complied, and the bonds given to the respective parties in proportion to their interests.

Your complainants desire that your honor will confirm the sale thus made by them -

In tender consideration of the premises and in as much as your Complainants are without remedy in a Court of Equity, it is prayed that William H. Hood and Sylvania his wife, and William G. Stephenson be made parties defendants to this bill, and answer all the allegations thereof - That your honor will confirm the sale of the tract of land of which Francis P. Butts died seized and possessed lying in Southampton County and containing seven hundred acres, made by his heirs on the 4th day of January 1860, and at which sale William G. Stephenson became the purchaser - That your honor will decree such further and general relief as equity may dictate, and the nature of this case may require, and they will ever pray &c.

Cobb p.q.

Butts Adm
v
Hood & wife &c.

Answer of W. H.
Hood & wife

1860 April Rules

To the Hon R. H. Baker, judge of the Circuit Court of Southampton County—

The answer of Wm H. Hood and Sylvania his wife to a bill of Complaint exhibited in this Court by Joshua Butts & others against them and Wm. G. Stephenson.

These defendants for answer to the said bill say that the facts stated therein are true; that the interests of all parties were promoted by a sale of the land of which Francis P. Butts died seized and possessed at the time it was made, and that they desire that the sale may be confirmed. And having thus answered pray to be hence dismissed &c—

Wm H. Hood & Sylvania his wife.

By L W Cobb their attorney

Butts et als

v 3 Decm

Hood & wife et als

May Court 1860

To be entered.

Rich. H. Baker

Butts et als

v 3

Hood & wife et al

This Cause, in which the plaintiffs bill has been taken for Confessed against the defendant William G. Stephenson, Came on this day to be heard on the bill, answers of the defendants Wm. H. Hood and Sylvania his wife, genral replication thereto, ~~exhibit~~ filed and examination of witnesses, and was argued by Counsel, on Consideration whereof, the Court being satisfied from the evidence that the sale made of the land in the bill mentioned was beneficial to the femal infant defendant, and said sale being assented to by the Adult plaintiffs, doth adjudge, orden and decree that the sale of the land of Francis P. Butts made as referred to in the bill be confirmed, and that Henry M. Butts, who is appointed a Commissioner for the purpose on the payment of the purchase money by William G. Stephenson the purchaser thereof, execute to the said purchaser a deed with special warranty for the said land, and make report to this Court. and that the parties to this suit respectively pay their Costs. ~~pro confesso~~

Betty [redacted]
my Negro
Henry Lipe

To be entered
R. & B.

Nov. 10. 1865

Butts & others

vs Ejectment

Hood & wife.

This cause came on this day to be again heard on the papers formerly read, and on the report of Commissioner H. M. Butts. made in pursuance of a decree rendered in this cause at May term 1860 to which report no exceptions have been filed, and on consideration whereof the court doth adjudge, order and decree that the said report be confirmed.

Butts Gothers
&
Sams Ldy.

Hood Ellis &
1860 April Rules

excelsior
W. M. Watt
G. A. Baily
W. W.

Surrey.

The Commonwealth of Virginia,

TO THE SHERIFF OF ~~SOUTHAMPTON~~ Surry COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Wm. H. Hood, & Sylvania his wife, and Wm. G. Stephenson.

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in April next, to answer a bill in chancery exhibited against them in our said Court by John Butts, John D. Blackwell, & Julia Anna his wife & George Peirce & Adelaide his wife.

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 20th day of March 1860, in the 84th year of the Commonwealth.

L R Edwards. Cl.

Butts Levies
~ 3 Sums Debt.

Hood Levies 1st
1860 April Rules

Executed March 31st
1860 on Wm H Stephenson
Stephenson by delivering
him a copy
The other parties within
named are not resident
of this County

S. W. Vick
D. S

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON William H. Hood & Sylvania his Wife, and Wm G. Stephenson.

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in April next, to answer a bill in chancery exhibited against them in our said Court by John Britt, John D. Blackwell & Julia Anna his Wife. George Pierce and Adelaide his wife,

and have then and there this writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 20th day of March 1860, in the 84th year of the Commonwealth.

L R Edwards, Clk.

Batty & Others

v 3 Depositions

Hood & wife

The depositions of Merritt J. Davis, Demarcus Doles and Sugars Lain, taken by Consent of parties in the town of Jerusalem, at the office of Wm. H. Purdom, on Wednesday the 2nd day of May 1860, to be used as evidence in a suit depending in the Circuit Court of Southampton County wherein John Butts & others are plaintiffs and Wm. H. Hood & wife are defendants -

These deponents being first duly sworn, deposed and said as follows - That they are decidedly of opinion that the tract of land of which Francis P. Butts died seized and possessed could not have been divided in kind amongst the parties without great injury to the interest of all parties - that a sale was manifestly to the interest of all parties - That the sale made by the parties on the 4th day of January last was made after full notice of the time and place of sale, and that the land, they think, sold for its full value - That it would for more than it would have done next winter, owing to all circumstances there being several who wanted it at that time.

Given under our hands this the 2nd day of May 1860 —

Sugars Lain
M. J. Davis
D. L. Doby

The above depositions were sworn to and subscribed to before me a Commissioner of the Circuit Court of Southampton County on the 2nd day of May 1860 —

W. H. Purdom Comm'r.

Subscribed & sworn before me as Commissioner in Chancery of the Court of

Butts & others

v. } Report

Wood & wife

1863 Feby 16th

Agreeably to a decree of the Circuit Court of Southampton County entered on the 3rd day of May 1860 in the Suit of Butts & others v. Hood &c &c, the undersigned appointed Commissioner for the purpose, has executed a deed with Special warranty to William G. Stephenson for the land in the Proceedings mentioned the purchase money having been paid.

Respectfully Submitted.

E. M. Butts
Comr.

1862 February.

(Copy)

Frances P. Butts's

Will

Butts &c
v } Exr. with bill
Hood & wife &c

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 determenation 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 decease or marriage I give the Same, and every part and parcel thereof, of what Kind Soever to my Children Julia Anna, Adelaid Virginia, John Francis, Sylvania, James Dennis & Edward Augustus Butts, to be equally divided among them, to them and their heirs forever.

2nd I do hereby constitute and appoint

Executors 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.

Francis P. Butts (Seal)

acknowledged and declared to be the the last Will of Francis P. Butts, and at his request, we have Witnessed the Same in his presence.

A. S. H. Burges
Wm. 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. H. Burgess and William D. Wood two of the subscribing witnesses thereto
and Ordered to be recorded, and there being no Executor named in said Will,
On the motion of Emma Butts who made oath and together with Wm D. Wood and
H. M. Butts and Arthur A. Drewry her securities entered into and acknow-
-ledged 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 dec'd with his Will aforesaid annexed
in due form.

Test L R Edwards, Clk.

A Copy

Test L R Edwards Clk