1820-004 Chancery Causes - Jethro H. Butler, admr of Sally Butler vs Nancy Butler & Martha Butler, by + other surnames: Marshall

Isle of Wight County

C.

division thereof as aforesaid, so that such division be
made agreeably to the principles of this decree, and not-
withstanding the direction herein before given, the said Comrs.
or such of them as may act, are required & directed to
receive in cash a sum sufficient to pay & discharge the
proper incidental expences of this suit & apply the same
accordingly & make report &c — Liberty is allowed the infant Def-
endants to shew cause against this decree at any time within twelve
months —

Butler agst Butler
vs. Bill &c
&
Martha Butler

Master

December 1819 Interlocy
decree

Feby. 1820 rept. rets & &
decree accordingly —

John Wright

the aforesaid allegations & that as perfectly as if the same were herein again repeated & they thereto interrogated - That they may particularly set forth and discover whether a correct & proper account is not herein given of the slaves aforesaid whether the same can be divided in any other manner than as above mentioned & whether they are willing that the same may now be divided by a decree of this court - Your complainant thereby prays your worships to decree a sale & division of the said slaves as herein before mentioned and that you will make such other & further order or decree in the premises as may seem consistent with the principles of equity and justice

May it please the court to grant the complts writ of subpena directed &c comg &c & as in duty bound your Compt will ever Pray &c -

Richd St Baker
Atto for Compt

The joint & separate Answer of Nancy Butler and Martha Butler infant children of Stephen Butler dec. by John Marshall their guardian to the foregoing bill of complaint exhibited in this court by Jethro Butler adm. of Sally Butler dec. complainant - These respondents saving & reserving &c for answer thereto say that they admit the allegations in the said Bill stated to be true - they believe the account or statement made by the compt as to the slaves now sought to be divided is correct, and they consent that this worshipful court may decree a sale & division of the same agreeably to the prayer of the said Bill - They deny all fraud &c & pray to be hence dismissed with their costs in this behalf sustained &c

John Marshall

Jethro H. Butler admr. &c of Sally Butler dec.
vs. Eq
Nancy Butler & Martha Butler, defendants by John Marshall their special guardian &c

This cause came on this day to be heard upon the bill & answer by consent of the parties & with the assent of the court, whereupon the court doth order, adjudge & decree that Thomas Marshall, Esqr Ely and Jonathan McClenny or any two of them after giving due & proper notice of the time & place of sale do sell at public auction upon a credit of six months the slaves in the bill mentioned named Miles & Riddick, taking three several bonds with good & sufficient security each for one third of the proceeds of the said sale, and payable in the following manner viz, One of the said bonds to Jethro H. Butler as admr. &c of Sally Butler, and one of the said bonds to the guardian of each of the infant defendants -

And the court doth further order adjudge & decree that the said Comrs. or such of them as may act do divide the following negroes slaves into three equal parts, to wit, Isham James the infant children, Rinny, Moses & Delelah, and allot one of the said parts to the guardian of each of the infant defendants, thereby having one equal third part, which said remaining one equal third part, the said Comrs. or such of them as may act, after giving notice as aforesaid of the time & place of sale, do sell at public auction upon a credit of six months as aforesaid, taking three several bonds with good & sufficient security each for one third part of the said last mentioned sale & payable as follows, that is to say, one of the said bonds to Jethro H. Butler as admr. as aforesaid & one of the said bonds to the guardian of each of the infant defendants - This Court however presuming difficulty herein & not knowing the respective value of the slaves sought to be divided, do therefore hereby order adjudge & decree that the said Comrs. or such of them as may act, should they deem it expedient, do sell more or not so many of the said slaves as above directed, for the purpose of making

To the worshipful Court of Isle of wight County in Chancery sitting Humbly complaining sheweth unto your worship your Orator Jethro H. Butler admor. &c of his late wife Sally Butler, that some time during the present year in the life time of the said Sally, her son Albert M. Butler departed this life seized & entitled to two negro slaves named Miles and Riddick as also to a certain interest or share in or to the other slaves then holden by the said intestate his mother, that is to say, Isham, Jason & her infant child Rosey, Moses & Delilah: the said Albert M. Butler died an infant leaving two sisters Nancy & Martha & his mother the said Sally his heirs at law: the said slaves Miles & Riddick are therefore liable to division share & share alike among the said Nancy & Martha and the said Compl. as admor. as aforesaid, and the said Six other slaves above mentioned are liable to division as follows, that is to say one third part thereof each to the said Nancy & Martha & the remaining part thereof share & share alike to them the said Nancy and Martha and your complainant as admor. as aforesaid your Complainant states that in consequence of the nature of the said property & the number of claimants thereto no legal division thereof can be made but by first making sale of the two first-mentioned slaves Miles & Riddick, & further that no division can be made of the six other slaves herein before mentioned but by first causing a sale of one third part thereof. Your complainant further states that as some of the parties entitled as aforesaid are minors he has hitherto been unable to obtain from them his just rights which as he is advised, can only be effected him by a decree of this Court. In Tender consideration whereof & for as much as your complainant is remediless in the premises except by the aid & intervention of a court of equity. To the End therefore that that Nancy Butler & Martha Butler infants may be made defendants hereto by some person to be appointed as their guardian in this behalf & may upon their several corporal oaths full, true & perfect answers make to all & singular

In Obedience to the annexed Decree of the Honourable Court of Isle of wight County to us Directed bearing Date December Court 1819 requiring us to Sell two Negroes Named Miles and Riddick and to Sell and Divide Sundry other mentioned in said Decree between Nancy Butler and Martha Butler infant Children of Steven Butler Decd and Jethro H. Butler Admr of his late Wife Tally Butler Decd with Direction to the Commissioners Not to sell so many Slaves as was ordered in said Decree if a Division could be made agreeable to the Principles of said Decree without a Sale. We therefore beg leave to make the following report. that we could not make a Division without some Money's being Paid from one to the other and the Guardian for the two Infant Children admited that he had money enough in his hands belonging to said Infants to pay whatever Sum it might be right for them and Jethro H. Butler aforesaid admited on his Part that he was also willing to have an entire Division without a Sale as he would pay whatever was required of him to make the Division equal and In Consideration of it not to be the wish of the Court to have a Sale if Shares could be made without a Sale under the Court Consideration we have made an entire Division in the following Manner Court we have Divided The following Slaves Isham Jamer and her child Rony, Moses and Delilah into three equal Shares and have allotted to Nancy Buler aforesaid Rony and Delilah Valued at $450. and receive of Martha Butler aforesaid the sum of $16.66 and We have allotted to Martha Butler aforesaid Jamer and Moses Valued at $500 and to Pay Nancy Butler aforesaid the said Sum of $16.66 and to pay to the other lot Isham and Milly $16.66 and we have added Isham and Milly with the said sum of $16.66 to Miles and Riddick, and We have allotted to Nancy Butler aforesaid Riddick and Milly and to pay Martha Butler aforesaid $8.33 Riddick and Milly have been Valued at $425 and We have allotted to Martha Butler Isham Valued @ $400. and to receive of Nancy Butler aforesaid $8.33 and also to receive of Jethro H. Butler $8.33 and We have allotted to Jethro H. Butler one Negro Miles and to pay Martha Butler $8.33 and we do further and Lastly report that We have run in Each of

John Marshall Guardian for Nancy and Marther Butler
infants aforesaid the sum of Fourteen Dollars and of Lethro
H Butler the sum of Seven Dollars to pay for our Services and
the expences to the Clerk and Attorney for this Decree Given
under our hands and Seals this 29th day of December
1819

Thomas Marshall

Enos Eley

Jonathan McKenney

Court a Sum Sufficient to pay and discharge the proper [illegible] expen
of this Suit and apply the same accordingly & make report.
Liberty is allowed the defendants defendants to Shew cause against this decree
at any time within twelve months

Master's Office David Dick D.C.

Butler
vs
Butler

Decree

Abbey

Isle of Wight County December Court 1819

Jethro H. Butler admor &c of his late wife Sally Butler — Complts

against

Nancy Butler & Martha Butler infant children of Stephen Butler dec'd by John Marshall their guardian — Defts

In Chancery

This cause came on this day to be heard upon the bill and answer by consent of the parties and with the assent of the court, Whereupon the Court doth order adjudge and decree that Thomas Marshall Exam Clay and Jonathan M. Clemy or any two of them, after giving due & proper notice of the time and place of sale, do sell at public auction upon a credit of Six months the slaves in the bill mentioned named Miles and Riddick, taking three several bonds with good and sufficient security each for one third of the proceeds of the said sale, and payable in the following manner Viz- One of the said bonds to Jethro H. Butler as admor. of Sally Butler, and one of the said bonds to the guardian of each of the infant defendants— And the Court doth further order adjudge & decree that the said commissioners or such of them as may act, do divide the following negro Slaves into three equal parts viz, Isham Tamer Hher infant Celia Remy, Mosey and Delilah, and allot one of the said parts to the guardian of each of the infant defendants, thereby leaving one equal third part, which said remaining one equal third part, the said commissioners or such of them as may act, after giving notice as aforesaid of the time and place of sale, do sell at public auction upon a credit of Six months as aforesaid taking three several bonds with good and sufficient security each for one third part of the said last mentioned Sale and payable as follows that is to say, one of the said bonds to Jethro H. Butler as admor. as aforesaid and one of the said bonds to the guardian of each of the infant defendants— This Court however perceiving difficulty having and not knowing the respective value of the slaves sought to be divided, do therefore furthermore order adjudge & decree that the said comm'rs or such of them as may act (should they deem it expedient) do sell sum or not so many of the said Slaves as above directed for the purpose of making division thereof as aforesaid, so that such division be made equably to the principles of this decree, and not withstanding the directions herein before given— the said comm'rs or such of them as may act are required and directed to receive in