

1855-004 Chancery Causes. Willis B. Norfleet & wh & al vs Sebana Butler, admr of Winnefred Darden & al
Isle of Wight County

other surnames: Powell,
Watkins, Gray, Andrews,
Wright, Hall, Powel, Simon,
Goodson

1304

Gray & Kilby

1855 final Decree
p. 53

Willis B. Norfleet
wife sal;

Mr. Bill &

Lebana Butler adm.
of Wm. C. Carden
dec. sal;

Nov. Reels 1853 Bill &
filed & dec. nisi in all
Joseph Q. Butler, his ad. filed & rep.

Dec. 5. Reels Bill taken
for confessed as to other depts.

1854. Aug. Reels set for hearing

May 18th. 2nd & 3rd
small taken from Bill

June 1854. 1st & 2nd
taken from 1st & 2nd

July 1854. 3rd & 4th
taken from 1st & 2nd

Aug. Reels 1854 set for
hearing on to next party

1st of W. C. Cir. C!

Oct. 1854. Decree for actor O. B. p. 32.

May 1855 Decree O. B. p. 2 & 41.

Darden admr. of Wm G. Darden dec'd ~~and from John Simons fifty dollars~~ ^{and from John Simons fifty dollars} two hundred dollars on the 16th March 1837. That the said Winnefred Darden was at the time of her death and had been for eight or ten years before then, the owner of a negro woman named Chazy, & some four or five children, which were also taken possession of, by said Letana Butler as administrator of said Winnefred Darden dec'd, and which were sold & appropriated by said Letana Butler to pay his own debts with which negro woman Chazy & children were worth over One thousand dollars. That the said Letana Butler as such administrator has never returned any inventory of said estate - & never had any settlement of his transactions returned to Court - as by law he was required to do -

That your Complainants are severally of the ages following, to wit: the said Virginia, twenty four years old, Martha, twenty three years old, Nancy, twenty one years old, and Sally, nineteen years old, and never had any guardian -

That Mills E. Powell, one of the securities to the administration Bond aforesaid has also died Intestate, leaving a widow named Elizabeth who afterwards married S. G. Butler, who is now also dead, leaving said Elizabeth, still alive. - the said Mills E. Powell also left two children Wm. H. Powell, a son, and a daughter named Mary Jane, who married Jm. H. Gray, who is dead & she now the wife of John Andrews - That Wm. W. Wright qualified in Sale of Wight County Court as the administrator of said Mills E. Powell

dec'd, took charge of his estate, and after duly settling the said estate distributed the estate to the said Elizabeth Butler, Wm. H. Powell & Mary Jane Andrews, the heirs & distributees, that the said last named persons, as the heirs & distributees of said Mills E. Powell received a large estate, greatly more than sufficient to pay your Complainants demands -

Your Complainants therefore pray that the said Letana Butler as administrator of Winnefred Darden dec'd may be required to settle his transactions as such, and that whatever amount may be due to said estate may be decreed to be paid to your Complainants by the parties liable therefor.

In Consideration whereof and as a Court of equity can alone give adequate remedy - To the End therefore your Complainants pray, that Letana Butler administrator of Winnefred Darden dec'd Elizabeth Butler (widow of S. G. Butler & late the widow of Mills E. Powell deceased), Wm. H. Powell and John Andrews and Mary Jane his wife, late Mary Jane Powell, ^{Heirs & distributees} may be made Defendants hereto, (and be required to answer the several allegations herein, on oath - That Letana Butler as administrator of Winnefred Darden deceased, may be required to settle his transactions as such, and that whatever sum may be due by him as such admr. may be paid to your Complainants, and that such other and further relief may be granted, consistent with equity &c.

Joseph A. Hare, &
John R. Kilby, p. q. }

To the Hon. Richard H. Baker, Judge of the Circuit
Court of Isle of Wight County - in chancery sitting -
Complaining shew unto the Court your
Complainants Willis B. Norfleet and Virginia his
wife, Martha Butler, Nancy Butler and Sally
Butler (the last an infant under twenty one years ^{sixing}
by ^{Willis B.} ~~the said~~ Norfleet her next friend) -

Your Complainants respectfully represent &
shew unto your Honor, That Winnefred (or Winney)
Darden, departed this life early in the year 1837
intestate, leaving no husband, but four children
to wit: Virginia (now the wife of Willis B. Norfleet),
and the said Martha, Nancy and Sally Butler as
her heirs at Law - That the said Winnefred Darden
was never married, and that the children aforesaid
are, ~~not~~ ~~consequently~~ consequently Bastards, but as
your Complainants are advised are capable of
inheriting from their mother -

That at March Court in the year 1837
of Isle of Wight County Court, one Letana Butler
qualified as the (ad) ministrator of said Winnefred
Darden, and executed his Bond as such ad-
ministrators with Mills E. Powell and Wiley
Watkins as his securities, which bond is in
the penalty of \$600.00 a copy of which said
Bond is filed herewith, marked No. 1, & prayed to be
taken as a part of this Bill -

Your Complainants charge, that the
said Letana Butler as the administrator
of said Winnefred Darden deceased, took charge
of some small chattel estate left by the deceased
worth Fifty dollars - That he found in her house
at her death in cash One hundred dollars. That
he received as such administrator, from Merrill &

Willis B. Norfleet wife
Jal.

or. } amended
Bill

Lebana Butler adm. of
Winnifred Carden to

June 18th 1854 filed.

To The Hon R. A. Baker Judge of the Circuit Court
Held for the County of Giles & Wight

Respectfully Sheweth unto the Court
your Compts Morris B. Naflet and Virginia his
wife Martha Butler Nancy Butler & Sally Butler the
the last an Infant under the age of 21 years
by ^{by way of amendment to their former bill say} Morris B. Naflet her husband ~~that~~ ^{that} some
time since your Compts exhibited their bill in
this Court against Sebastian Butler administrator of
Winifred Darden dec'd others in which said
bill William W. Wright administrator of Mills & Powell
dec'd was intended to be made a party but
was inadvertently omitted, In Tendency Consen-
sation whereof your Compts pray that the sd
William W. Wright adm'r of Mills & Powell dec'd
may be made a party ~~that~~ ^{that} he be compelled
to answer the original & amended bills in as
full and ample manner as if the same were
served upon him and he thereunto particularly
interrogated, and that thereupon a Decree
may be entered in favour of the Compts for
their respective interest in said Estate and
such other and further relief as their Case
requires & Equity Demands, your Compts
pray the Courts Summons &c

Graves & Kelly for
Compts

Nathaniel Larr.

at 3 Muncy -

Worflin & Co.

May 18th. 1834 filed

Worflin & Co. 1834

Worflin & Co. 1834

except an old chest & a bed which were taken & used by her children
the complainants & they now have them - They also deny that any
money was found in the house belonging to her, at least not enough
to pay her funeral expenses; or that any other money ever came to
Rebecca Lewis as adv. of Winifred Barden, except the two hundred
dollar or whatever was the real sum paid ^{by} Wm. G. Barden's admor. and
as to this amt, they insist that Winifred Barden was indebted
to Deborah Butler, ten times that sum for ^{the} support of her & her
children & that it is nothing but right & honest & equitable that it
be so considered, ^{& charged against her & theirs} in protecting these defendants - his securities.
As to the Woman Chasey & children referred to, they further say that
she never was owned by Winifred Barden, but was the property
of Deborah Butler himself & sold by him - These defendants say
that they require the strictest proof ^{of} every fact, on the part of the plaintiffs,
in as much as being necessarily personally ignorant of many things
which might be beneficial for them, they can expect no assistance
but opposition & concealment on the part of Butler himself -
who they believe is urging this suit - as it cannot injure ^{an innocent} him, but
must his securities. He was called upon, only a few days ago, by one of
your respondents to afford information & to file his answer; and, ~~that~~
though he stated the above facts, as to the manner of his living
with Winifred & supporting her & their children, treating & holding
her out ^{to the world} in all manner as his wife; and also as to the amt. of money
left by her or received by him, and that Chasey belonged to him, yet
he refused to file any answer - These defendants finally say
that the complainants are not entitled to any relief in the
premises & they pray hence to be dismissed &c.

Wiley Watkins
Wm. H. Powell
Geo. N. Andrews
Elizabeth & Butler.

I do of right: to wit:
Wiley Watkins, Wm. H. Powell, Geo. N. Andrews &
personally appeared before me a justice
of the peace for the county aforesaid & made oath that
the facts as stated in their sworn hints annexed are true to
the best of their belief & in my view the - 1854.
Wm. H. Watkins J.P.

To the Honble Richd H Baker judge of the Circuit Court of Ala of
right in Chy: sitting. The joint and separate Answer of Wiley Watkins,
Elizabeth Butler, William H Powell & John Andrew & Mary Jane his
wife formerly Mary Jane Powell, to the Bill of Complaints, Triliss B
Norflett & Virginia his wife, Martha, Nancy & Sally Butler - & ^{Married} ~~Consent~~ ^{of} ~~Butler~~
These defendants reserving all right of exception to the said Bill of Complaints
for answer thereto say, a Bond was executed, they believe, as is stated,
by one Lebanon Butler with the said Watkins & one Eliza E. Powell as his
sureties, and to a full understanding of their defence to this ungenerous
suit it is essential to state the following preliminary facts. That Lebanon
Butler and the said Winnifred Borden as she is in the Bill now styled, com-
menced living together as husband and wife from some year between
1825 & 1828, up to the moment of the death of Winnifred - sometime in the
year 1837. That within this time, they had the ~~complaintants~~, born to them
the Complaintants, Virginia Norflett formerly Butler, Martha, Nancy &
Sally Butler. That the said Lebanon Butler & Winnifred, regarded &
treated each other as man & wife & reared their said children in
same manner as if born in wedlock. - That the labour, time & property of
said Butler were as abundantly bestowed in the care, support, maintenance
& education of these several children ^{& their mother}, as much, ~~as~~ any father in the state;
& these children thus & under such circumstances remained with
& lived on him, from their birth, until Virginia married, and the
other three are now living & have ever continued to live with & on
him & at his cost & labour. Then defendants say that Lebanon Butler
& Winnifred Borden by these facts were in legal contemplation husband
& wife, and consequently, he was entitled to any personal property she
may have had; if any; but if not so considered, then, in all honesty &
justice, the sums which were necessarily expended, for so long a time,
for the board & support of Winnifred & her bastards, should be offset
against any demand which they, claiming through her, now
set up to the extent at least of protecting innocent securities; &
and they insist that such an account be taken of necessity & that
such a defence is proper, just and equitable.

These defendants deny that any real property was left by Winnifred Borden

Weymouth.

no. } answer of
 } Letitia Butler.

Bathurst.

Filed 7th. Nov. 1832.

was held and kept by Winnefred Darden until her death in 1837 some 8 or ten years after the swap or exchange, during which period the said negro woman Chasy had two or three other children — That some four ~~and~~ five years after Winnefred Darden's death, ~~this~~ respondent was pressed by his debtors, and as he had lived with said Winnefred Darden for some years as man and wife, he supposed he had a right to sell and convey said negro woman Chasy, her children, and as he intended to sell some land, and redeem the said negro woman Chasy & children, for the children of said Winnefred Darden before named, which are his children — he therefore conveyed said negroes for the benefit of A. P. Phillips, and some time thereafter they were sold at public auction, the exact amount they sold for I do not know, but at least seven hundred dollars — one of the children of Chasy (to wit: Let) I sold for two hundred and seventy five dollars myself after said Winnefred Darden's death — at the ^{said} sale negro woman Chasy was bought by Wiley Watkins, Hannah bought by J. W. Duck, & a boy & girl (children of Chasy) bought by A. R. Hoame & Nat. Puden, & that the land out of which I expected to redeem the negroes had also to be sold to pay some claims against me, & I ~~was~~ unable to carry out my desire ~~understanding~~ —

This Respondent further says that as he considered himself the father of said Virginia, Martha Nancy & Sally, he always said he never should charge them any

thing for what he might do for them, or for board, clothes or any thing else —

That this respondent also received from John Simons, from Hajah Simons' estate, about forty or fifty dollars, to the best of my recollection my receipt will shew —

(And further this respondent says not.
(signed) Lebanah Butler,

Stammond County Court.

This day Lebanah Butler came before me & made oath that the foregoing answers contains the truth to the best of her knowledge and belief — Given under my hand Oct^r 1st 1858

W. S. Shepherd J. P.


The answer of Lehana Butler, to a Bill in Chancery filed against him (and others, in the Circuit Court of Isle of Wight County, by Willis B. Norfleet & Virginia his wife and others.

This Respondent says, it is true he qualified as the administrator of Winnefred Darden in 1837 & that he gave Bond as such with Mills E. Powell and Wiley Watkins as security, as charged — That Winnefred Darden died Intestate, leaving four children Virginia now the wife of Willis B. Norfleet, who is about twenty five years old, Martha, who is twenty three years old, Nancy twenty one years old & Sally nineteen years old — That as her administrator received in March 1837 or about that time as soon as I administered, some two hundred dollars of Maud E. Darden as adm. of Wm Goodman Darden decd. and I gave Mr. Darden a receipt therefor — I further admit that when Winnefred Darden died, she left some household furniture, worth about twenty dollars, and she had in her possession in cash some little over Eighty dollars, and that I took charge of the said chattel estate and money and used the same for my own purposes — I admit also that Winnefred Darden had a negro woman, named Lelly & her child, which I sold for three hundred and fifty dollars, some eight or ten years before said Winnefred Darden died, and as I used the money I agreed to place in possession of said Winnefred Darden in exchange for said woman Lelly & child another negro woman named Chasy who had I think only one child — That said negro woman

I delivered a true copy of the within to William H
Percival & John Angus & Mary his wife on
the 1st day of Oct 1833. T. Hall M^{fr}

I delivered a true copy of the within to Elizabeth
Butler and Wm. Wathams on the 1st of Oct 1833
Sabana Butler
not found T. Hall M^{fr}

A. S. Edwards D.
H. H. Hall M^{fr}

Wm. H. H. H. H.
& wife to H.

m. H. H. H.

Charles H. H.
agent of H. H. H.

H. H.

To Wm. H. H. H.
1833.

Wm. H. H. H.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Sebenah Butler admor:*
of Wm. & Darden decd. Elizabeth Butler (widow of S. G. Butler
decd. and late the widow of Miller E. Powell decd.) Wm. H. Powell
and John Anderson and Mary Jane his wife, late Mary Jane Powell, and
Wiley Watkinson
to appear at the Clerk's Office of our Circuit Court for Isle of Wight county, on the first Mon-
day in *October* next, to answer *a bill in Chancery exhibited*
against them in said Court by Willis B. Norfleet & Virginia
his wife, Martha Butler, Nancy Butler and Sally Butler (the
last an infant being by Willis B. Norfleet, ^{her} next friend)

of a plea of

Damages

and have then and there this Summons.

Witness, NATH'L. P. YOUNG, Clerk of our said Court, at his Office, this *27th* day of
September, 185*3*, in the *78th* year of the Commonwealth.

N. P. Young co.

William B. Houghton
& wife & als.

3^d Saml.
m.

Sebanah K. Butler adm.
of Winifred Darden
died. & als.

To Nat. City Cir. Ct.
Oct. 15th 1853
Haver & Kelly per

Exacted on the 25th day of October 1853
a copy hereof returned to Sebanah
Butler.

Wm. B. Houghton
for W. B. Houghton & wife

The Commonwealth of Virginia,

Nansemond
To the Sheriff of Isle of Wight County, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON

Lebanah Butler
Administratrix of Wingfield Parker decd.

to appear at the Clerk's Office of our Circuit Court for Isle of Wight county, on the first Mon-

day in *November* next, to answer *a bill in Chancery exhibited*
against him & others in said Court by Willis B. Norfleet
and Virginia his wife, Martha Butler, Nancy Butler
and Sally Butler the last an infant being by Willis
of a plea of *B. Norfleet her wife & friends.*

~~damages~~

and have then and there this Summons.

Witness, NATH'L. P. YOUNG, Clerk of our said Court, at his Office, this *9th* day of

October, 185 *3*, in the *78th* year of the Commonwealth.

N. P. Young & Co.

1853 March 22^d, service of
the within notice acknow-
ledged.

John R. Kilby
attor for pets.

To. Miles B. Norflett & Virginia his wife, Martha Butler, Nancy Butler,
& Sally Butler the last being by Norflett her next friend.

Take notice, that on Wednesday the 5th day of April, next, between the
hours of 9 A. M. & 3 P. M. of that day, at the Barbour. Crof Rodds
in the County of Isle of Wight, Va., we shall proceed to take the depositions
of Thomas Hall, Meredith Watkins, William W. Wright, Nathaniel S. Phillips
& others to be read as evidence in a certain suit pending in the
Circuit Court of Isle of Wight County, on the Chancery side, in which you
are Complainant & we & al. are defendants: and if from any cause
the said depositions should not be taken or completed on that day, they
will be adjourned from time to time, till completed. Given
under our hands, the 23^d day of March 1854.

Isle of Wight County

Wiley Watkins
Elizabeth Butler
Wm. H. Powell

John Andrew & Mary Jan
his wife - By
Robt. Whitfield & al.

Executed - and a true copy of the
within Summons delivered to William
W. Wright Admt. of Mills E. Powell
deed. ——— J. H. Kelly Shff.

Allen, B. Mather Scrip &

3 Sum. to
3 ad. am. bill

Abraham Butler Adm.
of Winifred Garden
&c &c.

To Kelly July 1884.
Grace & Kelly pr.

The Commonwealth of Virginia,

Transcribed
To the Sheriff of ~~Isle of Wight~~ County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *William W. Wright*
Administrator of Mills E. Powell

to appear at the Clerk's Office, of our ~~Circuit~~ Court for Isle of Wight county, on the first
Monday in *July* next, to answer *The original and amended*
Bills filed against him and others, by Willis W. Telford and Virginia
his wife, Martha Butler, Harvey Butler and Sally Butler, the last
of a plea of
an infant under twenty one years of age, by Willis W.
Telford her next friend.
damages

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this
day of *June*, 1854, in the *75* year of the Commonwealth.

N. P. Young

Koslee & als }
as } in Chy
Butler & als }

Subpoena to Thos Hall
& Meredith Watkins

Executed by delivering
a true copy of the
within to On to

Watkins Dec 20
1857

L. B. Evans
D. for T. H. Evans

Service acknowledged

T. H. Evans

p. 20

To be returned to
C. B. Hayden

The Commonwealth of Virginia,
To the Sheriff of Isle of Wight
County, Greeting:

You are hereby commanded to summon Thomas Hall
& Meredith Watkins personally to appear before the unders-
igned, one of the commissioners in chancery of the cir-
cuit court of Isle of Wight County at his office in the town
of Smithfield in said county on the 2nd day of January
next to testify & the truth to say in behalf of Wiley Watkins
in a certain matter of account referred to said commissi-
oners for settlement by a decree of the said court in a suit in
chancery therein pending between Willis B. Kufleet &
Virginia his wife, Martha Butler, Nancy Butler & Sally
Butler, the last an infant suing by Willis B. Kufleet her
next friend Plaintiffs, against Lebara Butler adm^r
of Winifred Garden dec'd, Elizabeth Butler widow of
S. P. Butler dec'd late widow of Mills & Povel dec'd, W^m
H. Povel, & John Andrews & Mary Jane his wife late
Mary Jane Povel & Wiley Watkins. And this they shall
in no wise omit under the penalty of \$100, & have then
there this writ. Witness C. B. Hayden, Commissioner of
the said court at his ^{script} office the 5th day of December 1834
in the 79th year of the Commonwealth.

C. B. Hayden

Kaffee cloth }
25 } in Chg
Butter cloth }

Subpoena at
Merritt & Gardner

Executed on Merritt &
Gardner, Dec. 7th
1854 L. E. Edwards &
for T. H. Hall Esq.

To be returned to
C. B. Hayden

The Commonwealth of Virginia

To the Sheriff of Isle of Wight County Greeting;
You are hereby commanded to summon Merit E Warden
personally to appear before the undersigned one of the com-
missioners in chancery of the circuit court of Isle of Wight
County at his office in the town of Smithfield on the 2nd
day of January next to testify & the truth to say in behalf
of Miller B. Kinslet & Virginia his wife, Martha Butler,
Nancy Butler & Sally Butler in a certain matter of ac-
count respecting the transactions of Lebana Butler adm^{tr}
of Winnifred Warden dec'd, ~~referred to~~ the said com-
missioner for settlement by a decree of the said court in
a suit in chancery therein pending between the afore-
said named persons, Plaintiffs & Lebana Butler adm^{tr}
of Winnifred Warden dec'd, Elizabeth Butler, widow of
S. G. Butler dec'd late the widow of Mills & Povel dec'd,
W^m H Povel, John R. Andrews & Mary Jane this wife late
Mary Jane Povel, Wiley Watkins W^m H Waight adm^{tr} of
Mills & Povel dec'd defendants, & to produce before the said
commissioner any receipt for money paid by him to the
aforesaid Lebana Butler adm^{tr} of Winnifred Warden dec'd.
And this the said Merit E Warden shall in no wise
omit under the penalty of \$100. And have then & there
this mil. Witness C B Hayden commissioner of the
said court at his said office the 20th day of ^{November} January
1834, in the 79th year of the commonwealth.

C. B. Hayden

Jr. of county court.

The foregoing deposition of Mr. H. Wright was taken & sworn
to before me - (he having been first sworn on the holy Bible,) a justice of the
peace of the County of Gr. of Ang. at the place & between the hours of the
day mentioned in the Caption: given under my hand & seal the 19th
19th of April 1854-

W. H. Martineau J.P.

W. H. Martineau J.P.

do.

3 J. H. of
W. H. Martineau

W. H. Martineau J.P.

May 1. 1854

W. H. Martineau J.P.

do.

The deposition of William W. Wright taken at Barbours & Roads in Isle of Wight County, on Wednesday 19th of April 1854, between the hours of 10 A.M. & 5 P.M. of that day to be read as evidence in a suit in Chancery pending in the Circuit Court of Isle of Wight, in which Willis Craft & Virginia his wife & Martha, Nancy & Sally Butler are plaintiffs, & Lebanah Butler, Wiley Watkins, Elizabeth Butler, William Butler, John Andrews & Mary Jane his wife are defendants: Taken at the instance of the defendants:

Quest. Did you know & remember Lebanah Butler & her children? 2 How did they live, in what relation to each other & to the public? 3 How many children had they? & when have these children lived? 4- Was the labour & property of Lebanah Butler expended for their support?

How much per annum was it worth to support Lebanah & her children? 5 Was not the cost of their support as much less or more than all of her property was worth?

Ans: I knew Lebanah Butler & Winifred Darden well & long - I lived to their neighbourhood 7 or 8 years - They lived together & esteemed each other as man & wife, held themselves out to the public as such, in all respects as if legally married & this relation so continued from their first coming together till Winifred's death - long time, but how long I do not now recollect: They had while in this relation a number of children who lived with Lebanah Butler - The labour, care attention & property of Lebanah Butler were expended for their support; to an extent as fully as any husband or father bestows on his wife & children - and these costs to Lebanah Butler must have been between at least \$300 per annum: and Winifred Darden if left to herself must have necessarily for her & their support have spent over & over again all the estate ~~of~~ belonging to her - Butler had when he commenced living with Winifred Darden, had a tract of land & several negroes all of which he expended towards their support & raising these children.

Quest. To whom did a negro Chancy belong?

Ans. He was always regarded as the property of Lebanah Butler, tho' as to his title I do not know - still I would have bought ^{for} him & have felt satisfied my title would have been good -

Wm. W. Wright

The foregoing deposition of Merit E. Barden, was
taken, sworn to & subscribed before me as commissioner
aforesaid this 2nd day of January 1855

C. B. Hayden

Stephen P. Hall }
as } In Chancery
Butler & Pals }

Deposition of Merit E.
Barden returned with
Commissioner's Report.

by me with said Winnifred Garden in her life time, the said amount was paid by bond bearing date March 16th 1837 which bond marked A is herewith filed & which was subsequently paid off by me as shown by receipts enclosed thereon - said bond includes the sum of two hundred dollars due said Winnifred Garden & a balance due said Libana Butler in ~~the~~ right of his deceased wife & as guardian of his child by said wife

Ans. ~~to~~ 2^d Question. I know nothing of the negro alluded to in 2^d question

Ans to 3^d Question - I know she owned a negro named Let or Lety, but I do not know what became of her.

Cross Examination by Defendant Counsel.

Quest. 1st Explain the compromise with Winnifred Garden alluded to in your answer to the 1st question.

Ans - My Father W^m Garden by his will gave ~~to my~~ brother W^m G. Garden two negroes (Ransom & Abraham) on the death of said W^m before 26 - to me - & on the death of said W^m before 26, a doubt arising as to my title to said negroes, I by the advice of Counsel compromised with being advised by Counsel that the heirs would probably recover the ^{said} negroes, I compromised with the parties under the compromise paid the two hundred dollars aforesaid.

2^d Queried by same - How long & in what relation did Libana Butler & Winnifred Garden live together - what ~~are~~ the circumstances of Libana Butler when he first commenced living with her - were not the female complainants children of said Libana & Winnifred & were they not supported by said Libana Butler & if so for what time - what would be a fair charge for their support.

Ans - They lived together from the year 1823, at which time his wife a sister of said Winnifred was living - at that

time he was either acting or legal guardian of Winnifred - in 1824 - she ^{said} Winnifred was reputed to have had a stillborn child by said Libana - some time after 1824 (about 1825 & 1826) the wife died - & Winnifred from the death of the wife lived until her death with said Libana - they lived together in all respects as man & wife - Winnifred I think died about the first of 1837 - When he first commenced living with her he had right good property - he owned several negroes - good stock - comfortably off - I think he was somewhat in debt - I think he owned for a part of the farm he lived on, though of that I am not certain - he was extravagant in his habits, I mean thereby he was profligate - all the female complainants were children of Winnifred & owned by Libana Butler as his children; they were supported by Libana Butler as far as I know; he supported them in the same manner in all respects as if they had been his lawful children - they all lived with him up to the time of Winnifred's death & are still living with him except one of them (Virginia) who is married & she lived with him a while (I don't know how long) after her marriage - there are four of them; the youngest is about 20 & the oldest about 26 years of age - during this period I think, I think \$150.00 a year would be a fair average for their support - but since the death of their mother although their expenses were greater, yet as their services were greater I think the said sum a fair average for that time - though I think their services were slight.

Quest 3^d by same - What were the circumstances of Libana Butler at the death of Winnifred & since -

Ans - He was poor - at that time he had a negro woman (Chare) & child which have since been sold - And further this deponent saith not -

Signed -

M. F. D. O'Donnell

The examination of Merit E Darden, a witness of lawful age taken on the 2nd day of January 1833 before C B Hayden one of the commissioners in chancery of the circuit court of Isle of Wight County at the office of the said commissioner under a decree of said court pronounced on the 19 day of October 1834 in a suit in chancery therein pending between Willis B Kuffel & Virginia his wife, Martha Butler, Nancy Butler & Sally Butler the last an infant suing by Willis B Kuffel her next friend Plaintiffs against Libana Butler admtr of Winnifred Darden decd, Elizabeth Butler, ~~widow~~ of J. P Butler decd late widow of Mills & Powell decd, Wm H Powell, John Andrews & Mary Jane his wife late Mary Jane Powell, Wiley Watkins & William W Wright admtrs of Mills & Powell decd, to be used as evidence on behalf of said Plaintiffs before said commissioner, touching certain matters of account & inquiry referred to said commissioner for settlement by said decree.

The said witness being first duly sworn answers & says
Questions by Plaintiffs Counsel -

- 1- Do you know of any assets received by Libana Butler admtr of Winnifred Darden? if so, at what time & what was the amount thereof.
- 2- Do you know whether at the time of her death said Winnifred Darden owned a negro woman named Chasny & what became of her -
- 3^d - Do you know whether said Winnifred Darden in her life time owned a slave named Letta & what became of her -

Ans to 1st Quest - I know of no assets recd by Libana Butler ad admtr of Winnifred Darden except the sum of two hundred dollars which I paid said Libana Butler as admtr of Winnifred Darden on account of a compromise in reference to slaves from the estate of Wm P Darden a brother of Winnifred Darden, made

Naslet et als } In
as } Chancery
Butler et als }

Departments of M. H.
Watkins & T. Hall returned
with Commissioners
Report -

any of my acquaintances - they lived together from about 1826 or 1827 or 1828, until the death of Winnifred. ~~is not~~ I think Winnifred & her children were supported by him - I never knew any arrangements that she made for her or their support, he always made them as far as I know - he supported Winnifred & her children up to the time of the death of Winnifred & the children since her death to the present time except one of them who is married - Libana Butler at the time he commenced living with said Winnifred had eight or nine of property, he had negroes & land & stock; he was then worth some three thousand dollars or more - at the death of said Winnifred his property was considerably reduced, I think nearly exhausted - I think his property was consumed in the support of Winnifred & children - I don't know of his spending money except in their support - Chase & Cary & child belonged to Libana Butler. ^{who has been sold but I don't know} Winnifred & children I think could not have been supported except by the aid of Libana Butler, her property being insufficient for that purpose - I think \$200.00 per year would be a fair ^{average} allowance for the support of Winnifred & children from the time they commenced living together to the date of her death & since -

Ques't! And further this deponent saith not -

Signed -

W. H. Watkins

Thomas Hall, being first duly sworn answers & says -

Ques't by same -

Do you know of any chattel property left by Winnifred Gorden & if so what became of same & of what did it consist - Do you know whether Winnifred Gorden & children were supported by Libana Butler & how long & what would be a fair charge for the same

Ans - Winnifred left some chattel property, consisting principally of one or two beds, Loom & spinning wheel, as well as I remember - the whole did not exceed

Twenty dollars in value - I think the children took the ^{said} property - Libana Butler said they had taken it - Winnifred Gorden & children must have been supported by Libana Butler, she & her children lived with him & the children were chiefly raised by him - I don't know of any other property of Winnifred Gorden except the chattel property aforesaid - I first knew Winnifred Gorden about 1833 or 1834, she & children were then living with Libana Butler - she & children from that time lived with him up to the date of her death, & the children have since lived with him up to the time he left the county about three years since - he returned about twelve months since - I don't know whether they are now living with him - the support of Winnifred Gorden & children was very expensive; I could not estimate what would be a fair allowance for their support -

Ques't by Pltffs Counsel -

1st Did you know a slave Let, a Letty & to whom did she belong -
Ans - I know nothing of Let or Letty -

2^d Did you know a slave named Chary, to whom did she belong -
Ans - There was a slave of that name in the possession of Libana Butler - I don't know to whom she belonged, but I always supposed she belonged to Libana Butler -

And further deponent saith not -

Signed -

C. J. Hall

The foregoing depositions of W. H. Watkins & Thomas Hall were taken, sworn to & subscribed before me as Commissioner aforesaid this 2nd day of January 1835 -

C. B. Hayden

The examination of Meredith H Watkins & Thomas Hall, witnesses of lawful age taken on the 2^d day of January 1833 before C B Hayden one of the commissioners in chancery of the circuit court of Isle of Wight county at the office of said commissioner under a decree of said court pronounced on the 19th day of Oct. 1834 in a suit in chancery therein pending between Willis B Nuflett & Virginia his wife, Martha Butler, Nancy Butler & Sally Butler, the last an infant suing by Willis B Nuflett her next friend, Plaintiffs against Libana Butler's adm^r of Winnifred Garden dec'd, Elizabeth Butler widow of G B Butler dec'd & late widow of Mills C Povel dec'd, W^m H Povel, John Andrews & Mary Jane his wife late Mary Jane Povel, Wiley Watkins & William H Waight adm^r adm^r of Mills C Povel dec'd, to be used as evidence on behalf of said ^{Deft's & child} ~~Plaintiffs~~ before said commissioner, touching ~~certain~~ matters of account & inquiry referred to said commissioner for settlement by said decree.

Meredith H Watkins being first duly sworn answers & says -

Quest By Counsel for the Deft's expt Libana Butler

Quest 1st Did you know Libana Butler & Winnifred Garden

how long did they live together - were said Winnifred & her children (the female pl^{ff} in this case) supported by said Libana & for how long a time - what were the circumstances of said Libana when they commenced living together, & at the death of said Winnifred - was his estate for the most part consumed in the support of said Winnifred & children - to whom did Chare or Chary's child belong - Could Winnifred & children during the time they were supported by Libana Butler, have been maintained without the aid of said Libana, what would be a fair allowance for ^{said support}

Ans - I was well acquainted with Libana Butler & Winnifred Garden - I lived near them & knew them as well as

The Estate of Winifred Garden in af with Labana Butter her Adm^{tr}

1838
March 5 To Balance due the estate as per credit \$322 05-

1837
March 6 By Cash found in decedent's house 80 00
" " " amt of Chattel property appropriated by Adm^{tr} 20 00
" " " Cash received from Elijah Simmons adm^{tr} 22 05-
" " " do from Merit E Garden 200 00 \$322 05-

1838
March 5 Balance due estate from Administrator
as above of Principal 322 05-
1855
May 16 Interest on said Balance to date 332 30
Amount due estate from Administrator of
Principal & Interest \$654 35-

Statement A, shewing the amount of
afets received from the estate of Mills &
Povel, by Elizabeth Povel his widow in
her own right, & as Guardian of W^m H. &
Mary Jane Povel.

1842
March 10 Elizabeth Povel received in her own right 414 01/3
" " do as Idm of Mary Jane Povel - 414 01/3
" " do as Idm of W^m H. Povel - 414 01/3
\$1242 04

Kaspe et als }
as } in Chancery
Butler et als }

Commissioners May den's
Report -

1st Report

Special Ac B, made at the request of the Securities Attorney

Virginia, Martha, Nancy & Sally Butler

1835
May 16 To Board, ^{Maintenance} from March 6th 1837, to date
18 years, 2 mos & 10 days - at \$100.00 per year \$2911 11

1838
March 5 By amt due from Mother's estate \$322 05
" Interest on to date 332 30
" Balance as per debit - 2256 76 \$2911 11

Balance as per credit due from
Plaintiffs to Libana Butler on May 16, 1835. \$2256 76

Commissioners Office

Smithfield March 12, 1835

To the Circuit Court of Isle of Wight County;
Pursuant to a decree of the Circuit Court of the county aforesaid rendered on the 19th day of October 1834, in a suit in Chancery depending in said court between Willis B. Kufleet, & Virginia his wife, Martha Butler, Nancy Butler, & Sally Butler Plaintiffs and Libana Butler, admtr of Winnifred Sarden, Elizabeth Butler, widow of S. G. Butler decd late widow of Mills & Powell decd, W^m H. Powell, John Andrews & Mary Jane his wife late Mary Jane Powell, Wiley Wetheris & W^m W. Wright admtr of Mills & Powell, the undersigned one of the commissioners of said court, to whom was referred for settlement by said decree the account of Libana Butler's administration of the estate of Winnifred Sarden decd & to ascertain what amount of assets if any Elizabeth Butler, W^m H. Powell, John Andrews & Mary Jane his wife have received from the estate of Mills & Powell deceased, reports to the court that on the 20th day of November 1834, he issued notices against the several parties aforesaid, requiring them to attend the settlement & taking of said accounts before him at his said office on the 2^d day of January, 1835 which were returned to your commissioner duly executed. That the parties aforesaid appeared before the commissioner in obedience to the said notices, & he thereupon examined the vouchers & took the depositions of the witnesses subpoenaed for the respective parties & adjourned the taking of said ac's to the 1st day of March to enable the Plaintiffs to produce further evidence to establish the claims set up their bill, ~~on which~~ last mentioned day the Plaintiffs failing to produce any other testimony, your commissioner stated & settled the foregoing ac of the said Libana Butler's administration of the estate of the said Winnifred Sarden's estate up to the 16th day of May, 1835, on that day finds a balance due the said estate from the said ~~administration~~ of \$654.35, of which \$332.30, is interest. The statement A, showing that Elizabeth Butler, W^m H. Powell, & Mary Jane Powell had respectively received from the estate of Mills & Powell assets amounting to \$414.01 2/3 was made on the authority of a refunding bond & receipt given by said Elizabeth Butler in her own right & as guardian of W^m H. Mary Jane Powell, to W^m W. Wright admtr of Mills & Powell, recorded in the clerk's office of the county court of Isle of Wight & inspected by your commissioner. The special statement (B) is made at the request of the counsel for the securities in Libana Butler's administration

and, & shews what is due by the said Plaintiff to Labana Butler on the assumption that they are liable for their board & maintenance for which they are in this statement charged \$160.00 per annum the least sum named (see Merit & Garden's deposition) as a fair remuneration therefore & offsetting said charge with the amount shewn to be due them from their Mother's estate with interest thereon. This account, in which the Pltff are only charged with their board & maintenance from the qualification of Labana Butler as administrator of Winifred Garden, although it was in evidence that they had been supported by their father from their birth & no interest is charged on the amount of board &c, shews a balance due said Labana Butler of \$2256.76

The commissioner further reports to court that after the completion of said account he retained the same in his office for ten days for the examination of the parties, during which time Wiley Watkins, Wm H Powell, Elizabeth Butler, John Andrews & Mary Jane his wife by their counsel filed exceptions to the Ac of Labana Butler's administration on the estate of Winifred Garden, which with the decree, notices, subpoenas aforesaid & the evidence relating thereto are herewith returned. The commissioner ~~takes~~ the liberty of stating in reference to so much of said bill of exceptions, as excepts to the credits in the administration of Labana Butler allowed on the admissions in his answer, as a violation of the rule of evidence, which prohibits the answer of one defendant ~~being used~~ as evidence against a codefendant, that in allowing said credits on the admissions of Labana Butler's answer, they are allowed primarily against him & the securities are only incidentally affected by this evidence & hence the use of this answer as evidence cannot be regarded as a violation of the above rule & if so, it is within the exceptions to the rule as quoted in 1. Greenleaf on Evidence p. 178. 2. Daniels Chancery Practice 281. & Baldwin's opinion in Pettit's. Jennings 2. Rob 681. Given under my hand as commissioner aforesaid the day & year first aforesaid.

C. B. Hayden

Time employed by the commissioner in making notices, subpoenas, examining witnesses, stating, settling & reporting the foregoing of 14 hours & 20 minutes

Commissioner's Fee \$10.75 - charged to Plaintiff -
Shiff of Hammond fee for serving 1. notice -

do 1st of Night - " 6 - "

do -

2. Subpoenas -

H. H. Kelly, Att^y for the
Copy
To { Refunding Bond

Irijah Simon's admor: de
Louis non.

Voucher filed by
Plffs in ~~Winflet~~ et als
vs Butler et als returned
with Com Hayden's Rpt

Executors, Administrators &c: do and shall pay a proportionate part of all debts, claims or demands which may come against the said estate, with the interest and costs attending the same, when called on by the said John Simons adm^r, D. B. N. as aforesaid, so that there be no default of payment on the part of foregoing named persons, then this obligation: to be void, or else to remain in full force and virtue

Signed, sealed & delivered } Hugh H. Kelly, Exor of Estate
in the presence of } Carr Butler, decd
Joshua Simons } Lebanah Butler qua Peace
and administr }
Merit G. Darden } Seal
Thomas X Goodson } Seal
mark }

In The Clerk's Office of Nauset County Court, the 10th:
day of October 1853.

This refunding bond was this day filed
Teste

Peter B. Prentiss. Clerk

a Copy:

Teste,

Peter B. Prentiss. Clerk

Know all men by these presents, that we Hugh H. Kelly, Exor: of Carr Butter, dec'd: who intermarried with Sally Darden an heir of the said Irijah Simons dec'd, Lebanon Butter gn: for Willis Butter as administrators of Winney M. Darden also Thomas Goodson, Merit E. Darden heirs and legatees of Irijah Simons, dec'd are held and firmly bound unto John Simons, Adm^r: de bonis non, on the estate of Irijah Simons dec'd, in the just and full sum of Twenty two dollars and five $8\frac{1}{2}$ cents, each, to the payment whereof well and truly to be made to the said John Simons, Adm^r: D.B.N. as aforesaid, his certain attorney his executors, administrators, or assigns, we bind ourselves, our heirs, Exors: and administrators, jointly severally firmly by these presents sealed with our seals, and dated this 6th: day of March 1837; The condition of the above obligation is such that whereas the said Hugh H. Kelly Exor: of Carr Butter dec'd, Lebanon Butter as gn: for Willis Butter also as adm^r: of Winney M. Darden Thomas Goodson, Merit E. Darden hath each received of John Simons, Adm^r: de bonis non, on the estate of Irijah Simons, dec'd, the sum of Twenty two dollars and five $8\frac{1}{2}$ cents, being the amount due each heir, as found in a settlement made the 13th: day of Feby: 1837, "see same" - we bind ourselves, our heirs, Exors: & adm^rs: to pay or refund, or cause to be paid (and refunded, a proportionate part of all claims, debts or demands together with the interest & costs thereon accruing, that may hereafter come against the estate of the said Irijah Simons, dec'd, - Now if the above bound Hugh H. Kelly Exor: of Carr Butter dec'd, Lebanon Butter as gn: for Willis Butter also as adm^r: of Winney M. Butter Thomas Goodson, Merit E. Darden their heirs,

As Fleet Stals
as
Sabana Butler
Admiral of Mining
Harden & als
In Chancery

Commissaries Haydens
2^d Report —

Statement F, showing the amounts due from each of
the aforesaid Defendants to the Plaintiffs respectively
under Statement C,

Amount due from Wiley Watkins
To Willis B. Kuslet & Virginia his wife - 82 81 3/8
To Martha Butler 82 81 3/8
To Nancy Butler 82 81 3/8
To Sally Butler 82 81 3/8
Total amt due from Wiley Watkins under
Statement C, - \$331 25 1/2

Amount due from Elizabeth Butler
To Willis B. Kuslet & Virginia his wife 27 60 1/24
To Martha Butler 27 60 1/24
To Nancy Butler 27 60 1/24
To Sally Butler 27 60 1/24
Total amt due from Elizabeth Butler under
Statement C, - \$110 41 5/6

Amount due from Wm H Povel
To Willis B. Kuslet & Virginia his wife 27 60 1/24
To Martha Butler 27 60 1/24
To Nancy Butler 27 60 1/24
To Sally Butler 27 60 1/24
Total amt due from Wm H Povel under
Statement C, - \$110 41 5/6

Amount due from John Archers
& Sarah Lane his wife
To Willis B. Kuslet & Virginia his wife 27 60 1/24
To Martha Butler 27 60 1/24
To Nancy Butler 27 60 1/24
To Sally Butler 27 60 1/24
Total amount due from Jno Archers &
Sarah Lane his wife under Statement C, - \$110 41 5/6

Statement A, showing the amounts due from the
 aforesaid Defendants, to the Plaintiffs respectively
 under statement B, -

Amount due from Wiley Watkins	
To Willis B. Kasket & Virginia his wife	75 00
Amount due from same to	
Martha Butler	75 00
Amount due from same to	
Nancy Butler	75 00
Amount due from same to	
Sally Butler	75 00
Total Amount due from Wiley Watkins	<u>\$300 00</u>
under statement A	

Amount due from Elizabeth Butler	
To Willis B. Kasket & Virginia his wife	25 00
To Martha Butler	25 00
" Nancy Butler	25 00
" Sally Butler	25 00
Total Amount due from Elizabeth Butler	<u>\$100 00</u>
under statement A	

Amount due from W ^m H. Pamel	
To Willis B. Kasket & Virginia his wife	25 00
To Martha Butler	25 00
To Nancy Butler	25 00
To Sally Butler	25 00
Total Amt due from W ^m H. Pamel under	<u>\$100 00</u>
statement A	

Amount due from John Andrews &	
Mary Lane his wife	
To Willis B. Kasket & Virginia his wife	25 00
To Martha Butler	25 00
To Nancy Butler	25 00
To Sally Butler	25 00
Total Amt due from Jno Andrews &	<u>\$100 00</u>
Mary Lane his wife under statement A	

Statement C, showing the amounts due from each
 of the aforesaid Defendants to each of the Plaintiffs
 respectively under foregoing statement B, -

Amount due from Wiley Watkins	
To Willis B. Kasket & Virginia his wife	140 25 3/8
To Martha Butler	40 25 3/8
To Nancy Butler	40 25 3/8
To Sally Butler	40 25 3/8
Total Amt due from Wiley Watkins under statement B	<u>\$141 02 1/2</u>

Amount due from Elizabeth Butler	
To Willis B. Kasket & Virginia his wife	13 41 7/8
To Martha Butler	13 41 7/8
To Nancy Butler	13 41 7/8
To Sally Butler	13 41 7/8
Total Amt due from Elizabeth Butler under statement B	<u>\$53 67 1/2</u>

Amount due from W ^m H. Pamel	
To Willis B. Kasket & Virginia his wife	13 41 7/8
To Martha Butler	13 41 7/8
To Nancy Butler	13 41 7/8
To Sally Butler	13 41 7/8
Total amt due from W ^m H. Pamel under statement B	<u>\$53 67 1/2</u>

Amount due from Jno Andrews	
Mary Lane his wife	
To Willis B. Kasket & Virginia his wife	13 41 7/8
To Martha Butler	13 41 7/8
To Nancy Butler	13 41 7/8
To Sally Butler	13 41 7/8
Total amount due from Jno Andrews & Mary	<u>\$53 67 1/2</u>
Lane his wife	

afesaid, that the afesaid W^m H. Pavel received on the 21st of August 1834, from his guardian G. G. Warden, (who succeeded said Elizabeth Butler as guardian) the sum of \$1251.12 - which sum was the income of the amount due him by said guardian of \$13, together with the income of the rent of land & hires of Negroes, all derived from the estate of the said Mills & Pavel; no evidence has been furnished your commission that the said Mary Jane, or her said husband in her right received from her guardian the amount received by said guardian in her behalf from the estate of said Mills & Pavel; but as the complainant & bill charged a much liability on the said Labana Butler as administrator of said than that reported against him by your commission, further charged that the said Mary Jane & the other distributees of said Mills & Pavel had received from the estate sufficient assets to discharge such liability, which allegations of assets the said Mrs. Andrews & Mary Jane his wife did not deny, your commission from said admissions of the defendants, & from other evidence before feels justified in reporting to the court that the said Elizabeth Butler, W^m H. Pavel, Mrs. Andrews & Mary Jane his wife, stand in the personalty of the said Mills & Pavel equally, each receiving one third thereof, & that the share of each was much more than sufficient to discharge their respective portion of the larger amount reported against as the liability of the said Labana Butler as administrator of said. Statement A, shews the respective amounts due by Wiley Watkins, & the said distributees of Mills & Pavel, (who was co-surety with the said Watkins) in the sum of \$300, the penalty of the Bond of said Labana Butler as administrator of said. Statement B, shews the respective portions due by the same parties of the principal sum (\$322.05) reported to be due by Labana Butler as administrator of said by former account. Statement C, made at the request of the counsel for the Plaintiff, shews the portions due by the same parties of the principal sum of said, with interest thereon from March 5th 1838 (when said sum was found due) to Oct 18th 1835. Statements D, E, & F shew the respective amounts due the Plaintiff distributees of Winney Warden decd. under the foregoing statements A, B, & C. The commissioner further reports to the court that after the completion of said account, he retained the same in his office ten days for the examination of the parties. The account, with the decrees, notices of said evidence relating thereto are herewith returned.

Given under my hand as commissioner afesaid, the day & year first afesaid -

C. B. Hayden

Time employed in examining accounts, stating settling & reporting the foregoing account, 1 hour & 55 minutes - Fee, \$5.94, charged to the Plaintiff.

Statement A, shewing the portions due by each of the defendants, Wiley Watkins, Elizabeth Butler, William H. Pavel, & John Andrews & Mary his wife, in the distribution that they are liable for the sum of \$600.00 the penalty of the Bond given by Labana Butler as administrator of Winney Warden decd. & that Wiley Watkins one of the two original securities is liable for one half of said sum.

Wiley Watkins portion	1/2 -	\$300 00
Elizabeth Butler	1/6	\$100 00
W ^m H. Pavel	1/6	\$100 00
Mrs Andrews & Mary Jane his wife	1/6	\$100 00

Statement B, shewing the portions due by each of the defendants afesaid in the principal sum of \$322.05, reported by former a/c. to be due from Labana Butler as Administrator afesaid -

Wiley Watkins	portion 1/2	\$161 02 1/2
Elizabeth Butler	1/6	\$53 67 1/2
W ^m H. Pavel	1/6	\$53 67 1/2
Mrs Andrews & Mary Jane his wife	1/6	\$53 67 1/2
		\$322 05

Statement C, shewing the portions due by each of the defendants afesaid in the principal sum of \$322.05 afesaid, with interest thereon from March 5th 1838 to Oct 18th 1835 amounting to \$562.51

Wiley Watkins portion	1/2 of principal	161 02 1/2
Interest on do		170 23
Elizabeth Butler	portion 1/6	\$53 67 3/4
Interest on do		56 73 3/4
W ^m H. Pavel	portion 1/6	\$53 67 3/4
Interest on do		56 73 3/4
Mrs Andrews & Mary Jane his wife	1/6	\$53 67 3/4
Interest on do		56 73 3/4
		\$562 51

Commissioner's Office
Smithfield. August 13th 1835.

To the Circuit Court of
the County of Isle of Wight.

Pursuant to a decree of the court aforesaid, rendered on the 17th day of May 1835 in a suit in chancery depending in said court between Willis B. Butler & Virginia his wife & others Plaintiffs against Labana Butler administrator of Winney Darden & others Defendants, the undersigned, one of the commissioners of said court, to whom was referred for settlement by said decree, an account of the estate received by each of the Defendants Elizabeth Butler, William H. Povel & John Andrews & Mary Jane his wife from the estate of Mills & Povel decd, who was one of the securities of said Labana Butler as administrator aforesaid; an account showing the portions due by each of the Defendants Wiley Watkins, Elizabeth Butler W^m H. Povel, Tho. Andrews & Mary Jane his wife, on the supposition that they are liable for the said sum of \$5000 due by said Labana Butler as administrator aforesaid; & an account showing the portions due by each of the aforesaid Defendants in the said sum as reported as due by former report of Commissioner Hayden, report to the court, that on the 2^d day of July last he issued notices against the several parties to the suit aforesaid, requiring them to attend the settlement of said accounts before him, at his said office, on the first day of August, which notices were duly executed. That the said parties by counsel appeared before your commissioner in obedience to said notice. That no materials have been furnished from which your commissioner could make up an account showing the amounts which the aforesaid Defendants, Elizabeth Butler, W^m H. Povel, Tho. Andrews & Mary Jane his wife, have received from the estate of Mills & Povel decd; as reported by former account the said Elizabeth Butler received from the said estate the sum of \$414.01, being one third of the surplus assets after payment of debts from the report of the Commissioner marked A, herewith filed it appears that the said Elizabeth received from said estate several negroes the value of which does not appear from said report, or from the record of the suit in which it was made, but from an examination of the apprehension of the estate of said Mills & Povel, it appears that in the month of May previous to the report were valued at some \$1200.00. In the same suit in which said report was made it appears from the decree & said report that the respective portions of W^m H. Povel, & Mary Jane Povel received from the estate of said Mills & Povel on account of said wards respectively negroes, equal in value to those assigned the said Elizabeth Povel, but no evidence has been furnished your commissioner that said slaves ever came into the possession of said wards on their attaining age. That as before reported the guardian of said W^m H. Povel & Mary Jane Povel received on account of their said wards respectively the sum of \$414.01. which amounts are credited in the guardian of marked B, herewith filed. From an examination of the records of the clerk's office of the county court of the county

And demand we promise to pay or cause to be paid unto Lebanon-
Butler the just and full sum of Three hundred and Eighty-
Dollars it being for Value Recd. of him as witness our
hands and seals this 1st Day of March 1837

Witness

28th of Feb'y
this bond include
all merit & Darden
Lebanon Butler

Merit C. Darden Seal
Augustus Darden Seal

Recd March 16th 1837 the sum of two Dollars apart of the within
Bond (Bond Marked (A) alluded to in
the Deposition of Merit (Marden) Lebanah Butler

August 31st 1837 Recd of Mont C. Darden the sum of one hundred and
thirty Dollars apart of the within Note Lebanah Butler

12th of Dec. 1837 Recd of Mont C. Darden the sum of one hundred & seventeen
Dollars apart of the within Note Lebanah Butler

Division of the
Slaves of M. C. Ponder
Trusd.

A. Copy

Voucher A. filed
with Commissioner
Hayden's 2nd Report.

At a Court held for Isle of Wight County on

Monday the first day of June 1840.

Elizabeth Powell widow of Mills E. Powell, William H
Powell and Mary Jane Powell. Plffs.

Against

William H. Wright- adm^r of Mills E. Powell - Defts.
To the Hon^{ble} Court of Isle of Wight - at a Court held
in said County March 2^d 1840. Anthony Penno, Edward
R Johnson, James Holland and Meredith A Watkins the
three first named acting as Commrs. to divide the Slaves
of Mills E. Powell dec^d: do now report according to the
requirements of that dec^r, having had regard to quality
and quantity, after having appraised them according to
our judgement; We allotted to the widow, the following named
Slaves- Chana, Jerry, Allen, Jacob and Nat- by her pay-
ing W^m H. Powell and Mary Jane Powell infants of Mills E.
Powell dec^d: the sum of Eight dollars and thirty three cents.
each - W^m Henry Powell, ~~Edw~~. Isaac, Lucy & Fulgham -
Mary Jane Powell drew Charlotte, Selina and Nancy,
which we respectfully submit without comments.

Anthony Penno
Edward R. Johnson
James M. Holland

A Copy
Teste

J. C. Latimer R. C.

Mrs. & Mary J. Powle.^s

with 3 yrs. op.

Elizabeth Powle. gov.

A Copy

Voucher B filed with
Commissioner Hayden's
2^d Report —

For C. B. Hayden
Com.

William H Powell orphan of Mills Powell

In ac. with Elizabeth Powell Guardian

	Dt	Cr
1841. By Bal. ft. former ac.		\$ 51 54
To 2 ft. Shoes and Cap	2 00	
" Amt. paid Land tax	1 30	
" Clerk's bill for filg. gov. ac.	37	
" Amt. paid Willis Babb tuition bill.	3 89	
" 1 Year bond up to 31 st Dec. 1841.	40 -	
" Commissions on \$557.59	27 88	
By 1 Year Interest on \$51.54		3 09
" Land Rent and Negro Hire		135 25
" This sum due gov. in division of Negroes		8 33
" Gov. proportion of the balance on a Settlement of gov. father's estate.		414 01
To Balance due Ward 31 st Dec. 1841.	536 78	
	<u>\$ 612 22</u>	<u>612 22</u>

By Bal. due Ward as ft. former ac.

536 78

1st April 1842. This day Mr. Elizabeth Powell came before me and made Oath that the above ac. was just and true.

A. Person J.P.

In Isle of Wight County Court, April 4th 1842.

This acct was filed for exceptions; and in the same Court the 6th day of June following the said account having been filed more than two terms and no exceptions taken thereto - was confirmed and ordered to be recorded.

Teste.

A. P. Young ex

A Copy

Teste.

S. C. Latimer D.C.

Mary Jane Powell. orphan of Mills E. Powell

In ac. with Elizabeth Powell Wm. Dr. Cr

1841	By Bal. f. former Settlement	46 37
	To 1 yr. Shres Bonnet	2 62
	" 1 yr. M. Delane & 1 Ad. Kff.	2 50
	" Ant. paid Land tax	1 30
	" " " Clerk's tickets	87
	" 1 yr. Shres & Shawb	2 37
	" Ant. p. Willis Babb, tuition bill,	4 52
	" Years board up to 31 st Dec. 1841.	40 —
	" Commissions On \$525. 67	26 28
	By one year interest on \$46. 27	2 78
	" Land Rent and Negro Hire	103 33
	" His amt. due you in division of Negroes	8 30
	" Your pr. of the bal. on a Settlement of your father's Est.	414 01
	To Bal. due you 31 st Dec. 1841.	494 85
		<u>\$574 82.574 82</u>

By Bal. due you as pr. former ac. 494 85

1st April 1842. This day Mr. Elizabeth Powell came before me, and made oath that the above acct. was just and true.

A. Person J.P.

In Isle of Wight County Court, April 4th 1842 —

This account was filed for exceptions; And in the same Court the 6th day of June 1842. the said account having been filed two terms and no exceptions taken thereto, was confirmed, and ordered to be recorded.

Teste.

A Copy

Teste.

A. P. Young co.

F. C. Latimer D.C.

Worfleit se

v.

Butler se

1854
Ochs. ch. decree
~~May~~

To be entered

R. H. Baker

2

4

Entered

Willis B. Norfleet Secy.

1871.

Butler Sale.

The defendants Elizabeth Butler, W. H. Ponce, Jno. R. Andrews, and Wiley Watkins this day filed their answer by leave of the Court, ^{and the original amended Bills having been taken for confessed at the rule as set by W. C. Wright admr. of mts. of Ponce decd.} and the cause came on to be heard on the said Bills and exhibits answer of the defendants replication to said the defendants' answer, ~~before~~ ^{the Examination} of witness and was argued by counsel; on consideration whereof the Court doth adjudge order and decree that, a Commissioner of this Court take the following accounts—

1st an account of the transactions of Leana Butler as administrator of Winnefred Davis deceased—

~~2^d an account of such other matters as may be deemed pertinent by himself or which either of the parties may require. To be so stated & not make report to Court.~~

~~3^d to be add. in proper book when to examine parties as to reception of a full~~

4th and that unless the defendants Elizabeth Butler, Wm. H. Powell and John Andrews & Mary Jane his wife will admit a full sufficient that their said Commissioners ascertain & report whether said last named parties received a full from the estate of Will. E. Powell decd. sufficient to pay any liability on them — and said Com will report to Court with any matter specially stated, deemed pertinent by himself, or that may be required by any one interested to be so stated.

(copy)
Corflut and others

W. { Copy Deares

Butler - (and others

some of the
the copy made
some of the
the copy made
some of the

In the Circuit Court of Ash Shire County
Octo 19. 1837.

Willis B. Corflect and Virginia his wife, Martha Butler, Nancy
Butler and Sally Butler (the last an infant living by Willis B
Corflect her next friend

Against In Chry.

Lebana Butler adm^r of Winnefred Darden dec. Elizabeth Butler
widow of J. G. Butler dec. and late the widow of Mills E. Powell
dec. Wm. H. Powell and John Andrews and Mary Jane his wife,
late Mary Jane Powell and Wiley Watkins.

The defendant Elizabeth Butler, W. H. Powell, John R. Andrews
and Mary Jane his wife and Wiley Watkins. This day filed their
Answer by leave of the Court, and the original and amended bill
having been taken for confessed at the rules as to William
W. Wright administrator of Mills E. Powell dec. And the cause
came on to be heard on the said bill and exhibits. Answer of
the defendants. replications to the defendants answers, the
examination of witness. And was argued by counsel. On
Consideration Whereof the Court doth adjudge, order and
decree. That a Commissioner of this Court take the following
accounts. 1st An account of the transactions of Lebana Butler
as administrator of Winnefred Darden dec. And that unless the
defendants Elizabeth Butler, Wm. H. Powell and John Andrews
& Mary Jane his wife - will admit of facts sufficient, that their
said Commissioner Ascertain and report whether said last
named parties received of sales from the estate of Mills
E. Powell dec. sufficient to pay any liability on them.
And said Commissioner to Court with any matter specially
stated - deemed pertinent by himself - or that may be required
by any one interested to be so stated.

A Copy

Teste

A. P. Goring es.

Korblet &c

or

Butler &c

Secre
May 24. 1836.

To be entered

R. N. B.

and that the said Com. report to Court with
any matter specially stated seemed pertinent
by himself, or that may be required by any
of the parties to be so stated.

Mills B. Anflut &

vs

Butler &

This cause came on this day to be again heard on the papers formerly read, and on the Report of Com. Hayden made pursuant to the Decree of the 19th day of Oct. 1854, & exceptions thereto, and was argued by counsel, on Consideration whereof the Court doth adjudge order & decree that the plaintiffs, recover of the defendant Lebana Butler the sum of \$600 part of the Balance due by him to the estate of his intestate Winney Barber dec'd - the same being the extent of the penalty ^{reserving to the plaintiffs the right to apply for any further decree against the securities of said Lebana Butler} of said admor. ^{and} the Court, without at this time deciding on the liability of the securities of the said Lebana Butler as admor. as aforesaid, doth adjudge, order and decree that a Com. of this Court take the following accounts -

1st an account ^{of the estate} received by each of the defendants Elizabeth Butler, Wm. H. Powell and John Andrews & Mary Jane, ^{his} wife from the estate of Mills E. Powell, ^{dec'd} one of securities of said Lebana Butler as admor. as aforesaid -

2^d an account shewing the portions due by each of the defendants, Wiley Watkins, Elizabeth Butler, Wm. H. Powell & John Andrews & Mary J. ^{his} wife, on the supposition that they are liable for the said sum of \$600, due by the said Lebana Butler as admor. as aforesaid -

3. an acct. shewing the portions due by each of said defendants, in the preceding ~~an~~ account named, of the principal sum reported as due by said Com. Report, by said Lebana Butler as admor. as aforesaid

By said Sabana Butler as adm^r as aforesaid. and that
the said Comm^r report to court with any matters specially
stated - deemed pertinent by himself - or that may be required
by any of the parties to be so stated.

A Copy
Teste

A. P. Young clk

I have appointed the 1st of August 1833 -
to take at my office the oaths required by
the within decree -

July 2nd 1833 -

C. B. Hayden

Service acknowledged - Ro. H. Whitfield
att^y for Defendants

John R. Kelly
att^y for p^{ts}.

Not filed

cc. Copy & send

Sabana Butler adm^r of

Colony Garden lots

At a Circuit Court Continued and held for the County
of Isle of Wight On the 17th day of May 1855.

Willis B Norflet and Virginia his wife, Martha Butler, Nancy
Butler and Sally Butler. the last an infant under twenty one years of
age. by Willis B. Norflet her next friend Plff

against

Sabana Butler admr. of Winney Darden decd. - William W
Wright admr. of Mills E. Powell decd Defts

This cause came on this day. to be again heard on the papers
formerly read. And on the report of Commr. Heyden. Made pursuant
to the decree of the 19th day of October 1854 - Receptions ~~for~~
thru, and was argued by Counsel. On Consideration whereof the
Court doth adjudg - order and decree that. that the plaintiffs recover
of the defendant Sabana Butler the Sum of \$600. part of the balance
due by him to the estate of his intestate Winney Darden. the same
being the extent of the penalty of said administrators bond. reserving
to the plaintiffs the right to apply for any further decree against
the Securities of said Sabana Butler. And the Court without
at this time. deciding on the liability of the securities of the
said Sabana Butler as admr. as aforesaid, doth adjudg - order
and decree. that a Commissioner of this Court take the following
accounts - first, an account of the estate received by each of the
Defendants. Elizabeth Butler, William H. Powell and John Andrew
-ws and Mary Jane his wife. from the estate of Mills E. Powell
decd. one of the securities of said Sabana Butler as adm
-istrator as aforesaid, Second, an account showing the
portions due by each of the defendants, Wiley Watkins, Elizabeth
Butler, William H. Powell and John Andrews and Mary J
his wife, On the Supposition. that they are liable for
the said sum of \$600. due by the said Sabana Butler
as admr. as aforesaid. Third, an account showing the
portions due by each of said defendants, in the
principal Case reported as due by Commr. report

Impress & strike the

N.

Butter, &c

1853

Oct. 14. Decree

To be entered

R. W. B.

Ents.

And liberty is hereby reserved to the
Plaintiffs to ask for such further
relief on the premises as may
be right & proper.

Kableet twice

Mr.

Butler sal..

This cause came on this day to be again heard on the papers formerly read & on the Report of Commissioner Hayden, made pursuant to the Decree of 17th May 1853, to which no exceptions have been filed & was argued by counsel; On consideration whereof the Court doth adjudge, order and decree that the said Report be confirmed, and doth also adjudge order and decree that the Defendant Wiley Watkins pay to the plaintiff Willis B. Kableet & Virginia his wife the sum of \$75; and to the plaintiff Martha Butler \$75. to the plaintiff Nancy Butler \$75. ^{and to the plaintiff Sally Butler \$75 -} ^{the Court adopting statement &, as correct doth adjudge and decree} ~~and~~ that the Defendant Elizabeth Butler pay as follows - to Willis B. Kableet & Virginia his wife \$17.92 1/2 - to Martha Butler the sum of \$17.92 1/2. to Nancy Butler \$17.92 1/2 & to Sally Butler \$17.92 1/2 - and that the Defendant Wm. H. Ponce pay as follows - To Willis B. Kableet & Virginia his wife the sum of \$28.54 - to Martha Butler \$28.54 - to Nancy Butler \$28.52 & to Sally Butler \$28.53 - and that the Defendants John Andrew, and Mary Jane his wife pay as follows - To Willis B. Kableet & Virginia his wife the sum of \$28.54 - to Martha Butler \$28.54 - to Nancy Butler \$28.52, & to Sally Butler \$28.53 - ^{one moiety of} ~~and that the Defendants~~ ^{Wiley Watkins} ~~pay to the plaintiffs their costs~~ ^{pay to the said plaintiffs the other moiety of their costs} ~~and expenses in prosecuting this suit~~

securities, than it would be, had Butler been lawfully married, & in such a case I need not say that Butler could not have charged his children with board &c.

The case it seems to me is a plain one, and that a Decree must be given for the p'ty's demand—

John R. Kilby p. 9
28 Aug. 1853.

Copy of J. R. Kilby
Att. atty.

Reply to Mr. Whitfield

In his notes, he abandons the idea contained in the answer, that Butler & Dowson were as man & wife, & as no such idea has been advanced by p'tty there can be no "distortion" &c. In the answer of the Securities we are led to believe that Butler spent his own estate in supporting the p'tty, but now he contends Butler spent the estate of p'tty & therefore he should be allowed the charges &c. as advancements — This is not contended for by the answer & does not appear any where —

Whatever charges a quasi guardian might make, Butler cannot make & does not make & the Securities cannot make. Again Mr. W. says "Butler did in fact as is admitted & proved, spend not his own simply, but the property of these children, in the way it was legal &c." — This is something new in the case I admit — & is not supported anywhere, if spent legally, why so many efforts to bring it under supposed analogous cases? — It is apparent

it is not so — again Mr. W. says — Butler was using the p'tty's property legally for their support — he had no other to support them with — & yet the theory of his defence has been & is by the answer that Butler spent his own estate to support them" — No authority which I refer above & Mr. W. dismisses very summarily, yet I apprehend the case supports my view — The Court did not even discuss the question — I submit the case

J. R. Kilby

There is nothing fraudulent or wrong in this, neither is there any collusion between any of the parties, as was intimated - it is all a mere freak of an excited imagination - Read Butler's answer, & see if there is there any evidence of a wrong design, on the contrary see how careful he was & he states expressly as to ^{the} sale of some property, that he considered he had a right to do it - I am fully aware he has aimed to give no advantage any way - the claim for Board then I dismiss without further remark -

It is contended by the securities that the item allowed by the Comd. for money found in the house, they are not liable for - why not?

Suppose Butler soon after he qual^d as adm^r. of Darden had returned his account as by law he was required & in it had charged himself with this sum as found in the house, and a suit had been brought for any balance due on such account, could any objection be urged to such an item? - If not, why then should the securities be in a better position now, because Butler has failed to make the settlement as by law required? - to allow such a plea, would be saying in effect, that the securities should be benefitted by Butler's laches, a position

altogether untenable - But again the admissions of a sett^r are in some cases evidence against a co-defendant - to wit. when joint obligors, as is the case here - see the References in Comrs. report on this point.

The other items in the Comd.'s acct: are sustained by ample proof taken before the Comd. -

A Decree is therefore asked against the securities for the amt. of the Comrs. Report - The penalty of the adm^r. Bond is only \$600, but a Decree may be given for more than the penalty of the Bond where the excess is Interest see Cahill v. Pintoy 4 Mun 371.

I do not conceive it necessary to enter into a discussion of the merits of the case farther than to say, that this case, like many others may fall on the securities, if so, it is their act, the p^{ts}. at least cannot be blamed for what they ^(the sett^r) have thought proper to become responsible for, and if it be alleged that the p^{ts}. ought not to set up such a claim because Butler supported them & expended his own estate about it - they can also say, that he (Butler) also spent their mother's estate nearly or quite equal to his own - and this case cannot be, ~~more~~ oppressive on the

Wife of

or.

Butler sal.

Chy. suit

I. of W. Co.

This suit is brought by ppls. for a settlement of Libana Butler's accts. as admr. of Winney Darden decd. & to recover any Balance due —

Butler is insolvent & whatever is paid, his securities will have to pay —

Comd. Hayden has made up an acct. showing a Balance of over \$600. due by Butler to his intestate's estate, & at May ct. 1853 a decree was entered against him for it — at Oct. ct. a decree will be asked for against his securities —

The securities (defts:) put in several defenses —

They claim to set up an account for Board due Libana Butler by ppls: and to have the same allowed as an offset —

alleging that Butler (who is the father of ppls. by said Winney Darden, not his wife) expended his estate in raising and supporting them &c &c —

To this claim we reply — that Butler himself does not set up claim for Board, on the contrary expressly says he has no such claim — consequently the securities of Butler cannot make a claim for him — there is no law or decision authorizing the securities of a live man, to set up such an account;

As to the other points - noticed by the Council
the one as to the admission of one defendant against
his co-defendant - the point was before the Court & submitted
to the Court, on the authorities adduced - for his decision -

As to the other - "that a license may be ^{from} more than the penalty
of the Bond against the sureties to the Bond" is a point
to my mind too plain to be debated - the authority
cited does not even touch or hint at the true point
we say the Rule should be ~~disputed~~ ^{disputed} as to
the sureties -

Notes of Council
of
the sureties
1. Bond
2. License
3. Rule
4. Disputed

Again,

Suppose any one else had qualified on the estate of Minnie's father & lived on, instead of qualifying as guardian, had paid the board & maintained them children - would not such an ^{one} as general guardian have been entitled to offset these advances against at least the interest of the principal received or held by him? Or suppose Butler had qualified as guardian to these children - & had made their advances - would a Court of Equity tolerate the rank injustice to his sureties in the guardianship, as supposed, by letting him afterwards pretend that these advances were designed by him as gratuitous, when these advances would be just such as were his duty as guardian to make? would they not have naturally inferred that this support in their case, as in every other similar ^{one}, was made from the children's property? And especially so if in reality, this support did in truth & in fact come out of their property? Now how does this supposed case differ ^{from} the one in hand. In nothing except the mere form ⁱⁿ qualifying as guardian. I submit if these sureties are not entitled to just the same protection, as if Butler had qualified as guardian. The Court deceives himself by the idea that Butler might or not charge board - so he might, so far as his own estate was involved - and so might any guardian do the same. But that is not the question here. Butler did in fact, as is admitted & proved, spend not his own simply, but the property of these children in the way it was his legal duty to spend it. If he was insolvent & it is admitted, he could not as general guardian have spent this property for these children? unquestionably he could. Had not the sureties every reason to believe that it was spent in the usual & legal way? Could they know that, some time afterwards, this Butler while should

pretend that he was simply exercising his generosity at their expense! Generous by spending in fact, these children's money, as it was proper to do, & then declare that while he was spending it, he meant not ^{to} charge them. Such defence, or conduct is unjust, & against, and in connection with all the facts, exhibits a fraud and deception as, far & long contemplated. But it will be said that this only goes to the interest - and does not affect the principal. But we answer, that a Court of Chancery has adequate power, independent of our law, to allow encroachments on the principal. The overseers of the poor had a right to have applied this money in the way it was spent. The said made & supposed subjected it to just such ends - & at ~~least~~ since 1850. all charges for board, should be allowed against the principal -

2^d. He contends that the money and property found in the house from the manner in which the parties had lived for so many years, having blended their estates & lived in common was as much his, as hers; & that it may be considered that she herself considered it as such & dedicated, or used by him as his had been for her - at all events that his own expenditures were a good offset to, or a claim on that.

I will add another word to the to point first above discussed - that in fact, Butler was using the property of these plaintiffs in a legal manner - viz - for their support. He had no other to support them with - he was to use it thus, and if this had taken from him, he could not have supported them at all. He was then not in a condition to say he would not charge them board - It lies not in his mouth thus to speak when he was in truth, daily spending, from necessity - the property for them -

Norfolk & Case

v.

Butter & his securities

Chy. Ct.

Notes of Securities Counsel:

The decree in this case at the last term was against Leona Butter reserving the question of the liability of his securities.

It is not denied, but that this will be hard case on the securities if they have to pay - as Butter is, it is conceded, utterly insolvent. The case, or all of its facts are set forth in the account of the securities, and they are fully sustained by the testimony taken - this ^{is} not denied.

The defence, by the securities, in the attempt to offset the expenses of support, & maintaining these children & their mother - Minnie, is met by Mr. Kelly, plff's counsel, by the refusal of Butter himself to set up such a defence, or to charge them. Board &c see his notes - With due deference we do not think he meets the argument. This may be true in regard to Butter himself - Our law allows the securities to set up any proper defence whether employed by their principals or not. This account for Board &c, is not strictly a charge by a father against his children. The relation of the parties is not precisely of that character, and the law applicable to the relation of father & child should not therefore be distorted ^{to} the suit thus case to work great injustice to innocent parties. The view I take of this part of the subject is this. There was no legal obligation on the part of Butter to support either Minnie Sargent, or her children - at least while the Sargents had property, or should ^{not} be chargeable. His expenditures therefor, may well be considered as advances made to her & them & created a debt from her, to him - which on a settlement between ^{them} he might offset against any monies received belonging to her, & upon her death and in the subsequent settlement, it is too late for the Butter then to say, that he charged nothing for the advances ^{by} him, in order that the full amount he owed the deceased might be paid to her representatives by innocent parties. The securities simply desire ^{to} offset the claim which existed against her - as in other case of settlement of mutual accounts between persons - & Equity & Justice are wholly with them.

Wright's wife's.

m. 3/64.

Butler's.

Expt. no. 1. filio Bell
Wice.

Known all men by these presents, That we Sabana Butler, Mills E. Powell
 and Wiley Watkins are held firmly bound unto Josiah Holliman, Edwin Morrison,
 Parker Wells and Augustus Ballard Gentlemen Justices of the County Court of
 Isle of Wight in the Just and full sum of Six hundred dollars; To the
 payment whereof, well and truly to be made to The said Justices for the time
 being and their successors, we bind ourselves, our heirs, executors and adminis-
 trators, jointly and severally, firmly by these presents: Sealed with our Seals,
 and dated this 5th day of March in the Year One Thousand eight hundred
 and Thirty Seven — The Condition of this Obligation is, That, if the
 said Sabana Butler administrator of the good, Chattles and Credits of
 Winifred Darden deceased, do make a true and perfect inventory of all
 and singular the good, Chattles & Credits, of the said deceased, which have, or
 shall come to the hands, possession or knowledge of him the said Sabana
 Butler, or in the hands or possession of any other person or persons for him
 and the same so made, do exhibit into the Court aforesaid, when he
 shall be therunto required by the said Court: And such good, Chattles and
 Credits, do well and truly administer according to Law; And further, do
 make a Just and true Account of his doings and doings therein, when
 therunto required by the said Court; And all the cost of the said good, Chattles
 and Credits which shall be found remaining upon the account of the said
 Administrator, the same being first examined and allowed by the Justices
 of the said Court for the time being, shall deliver and pay unto such persons
 respectively, as are entitled to the same by Law; And if it shall hereafter
 appear, That any last will and testament was made by the deceased,
 and the same be proved in Court, and the executor obtain a certificate
 of the probate thereof, and the said Sabana Butler its in such case,
 being required, render and deliver up his letters of administration,
 Then this obligation to be void, else to remain in full force

Witness
~~A. D.~~
~~Winifred Darden~~
~~Augustus Ballard~~
~~Edwin Morrison~~

Sabana Butler Seal
 Mills E. Powell Seal
 Wiley Watkins Seal

A copy. For A. J. Young & Co.

Not flat tape

²⁷
Parker & (X)

Statement



Statement.

Elizabeth ~~Powell~~^{Butler, late Powell}, received from the estate
of her husband Mills E. Powell in
money the sum of \$414.01²/₃
and slaves for life to the amount of 1200.00

Wm. H. Powell, a distributee of said
Mills E. Powell, received as above
in money \$414.01²/₃
and in slaves in fee 1200.00
\$1614.01

Mary Jane Andrews wife of
Mrs. Andrews, received in
money as above \$414.01²/₃
(and) in slaves in fee 1200.00
\$1614.01

The simple value of the Estate obtained by
Elizabeth Butler (late widow of Mills E.
Powell dec? - to wit: cash as above \$414.01
value of her life estate in \$1200.
worth of negroes say 600.00
Total — \$1014.01

Wm. H. Powell rec? as above 1614.01

Mrs. Andrews & Mary Jane
his wife rec? as above \$ 1614.01
\$4242.03

(over)

Statement

Shewing the amounts due each of the plaintiffs
by each of the Defendants, Elizabeth
Butler, Wm H. Powell, and John Andrew,
& Mary Jane his wife

Elizabeth Butler's portion of \$300 - is \$71.70
To pay Willis B. Norfleet & Virginia
his wife \$17.92 1/2
To Martha Butler 17.92 1/2
" Nancy Butler 17.92 1/2
" Sally Butler 17.92 1/2 \$71.70

Wm H. Powell's portion of \$300. is \$114.15
To pay Willis B. Norfleet and Virginia
his wife \$28.54
To Martha Butler 28.54
" Nancy Butler 28.54
" Sally Butler 28.54 \$114.15

John Andrew & Mary Jane his wife
- their portion of \$300. is \$114.15
To pay Willis B. Norfleet and
Virginia his wife \$28.54
" Martha Butler 28.54
" Nancy Butler 28.54
" Sally Butler 28.54 \$114.15

1854 Nov. 20th I acknowledge service of the
within notice for Willis B. Norfleet wife
Nancy Butler, Martha Butler & Sally Butler
an infant John R. Kilby their
attorney.

Executed - and a true copy of the within notice
delivered to Wm: W. Wright Adm. of Mills &
Powell dead.
Decr. 1st 1854.

J. H. Kelly Shff.

To be returned to
C. B. Mayden

Scapher & Sells }
" " } Le Clancy
Bentley & Co }
Constitution
Mabey & Co

Commissioners Office
Smithfield Nov 20th 1834

To Willis B. Kufleet & Virginia his wife, Nancy Butler
Martha Butler, Sally Butler, the last an infant suing
by Willis B. Kufleet her next friend & W^m H. Powell adm^r
of Mills & Powell dec'd;

You are hereby notified that I have fixed upon the
2nd day of January next to take & settle at my said office
an account of the transactions of Lebara Butler as admin-
istrator of Winnifred Warden dec'd, and unless the defend-
ants Elizabeth Butler, W^m H. Powell, John R. Andrews & Mary
Lane his wife will admit assets sufficient; to ascertain & en-
quire whether the said last named parties received assets
from the estate of Mills & Powell deceased sufficient to pay
any liability on them; required to be taken by the decree of
the Circuit Court of Isle of Wight County rendered on the
19th day of October 1834 in a suit in chancery depend-
ing in said court between Willis B. Kufleet & Virginia his
wife, Martha Butler, Nancy Butler & Sally Butler, the
last an infant suing by Willis B. Kufleet as her next friend,
Plaintiffs, against Lebara Butler adm^r of Winnifred
Warden dec'd, Elizabeth Butler widow of S. G. Butler dec'd
late widow of Mills & Powell dec'd, W^m H. Powell, John R. An-
drews & Mary Lane his wife late Mary Lane Powell & Wiley
Watkins defendants; at which time & place you are requir-
ed to attend. Given under my hand as Commissioner in
Chancery of the said Court the day & year first aforesaid.

C. B. Hayden

Deborah Water Wm. J. Parrell John Adams Mary Jane Hooper
 Henry Mayhew Elizabeth Butler
 Collected by delivering a true copy to the
 within names persons Nov 1852

S. B. Leonard Do
 for T. H. Allen off

\$300

Benj. R. Bell }
 as }
 Burt. R. Bell }

Commission
 Notice

To be returned to
 C. B. Mayhew

Commissioner's Office
Smithfield Nov 20th 1834

To Willis B. Kaseet Virginia his wife, Martha Butler, Nancy Butler, Lebara Butler adm^r of Winnifred Gorden dec'd Elizabeth Butler widow S G Butler dec'd, late widow of Mills & Povel, W H Povel, John R Andrews Mary Jane his wife late Mary Jane Povel, Wiley Watkins, W^m H Wright administrator of Mills & Povel dec'd, & Sally Butler the last an infant suing by Willis B Kaseet her next friend; You are hereby notified that I have fixed upon the 2nd day of January next to take & settle at my office an account of the transactions of Lebara Butler as administrator of Winnifred Gorden dec'd unless the aforesaid Elizabeth Butler, W^m H Povel, John R Andrews & Mary Jane his wife will admit assets sufficient, to ascertain & enquire whether the said last named parties received assets from the estate of Mills & Povel deceased sufficient to pay any liability on them; required to be done by the decree of the Circuit Court of Isle of Wight County rendered on the 19th day of October 1834 in a suit in Chancery depending in said court between Willis

B Kaseet & Virginia his wife, Martha Butler, Nancy Butler, & Sally Butler the last an infant, suing by Willis B Kaseet her next friend, Plaintiffs, against Lebara Butler adm^r of Winnifred Gorden dec'd, Elizabeth Butler, widow of S G Butler, dec'd late widow of Mills & Povel dec'd W H Povel John R Andrews & Mary Jane his wife late Mary Jane Povel, & Wiley Watkins defendants; at which time & place you are required to attend.

Given under my hand as commissioner in Chancery of the said court the day & year first aforesaid.

C. B. Hayden