

1874-002 Chancery Causes. William Mahone, admr of Dr. Robert Butler, Mrs Otelia Butler's admr vs Folder 1
Dale of Wight County vs John Bracken Butler vs

William Mahone, admr vs Mary Ann Butler vs
Petition of R. S. Thomas

Other SURNAMES: Atkinson,
Watson, Jordan, Reynolds,
Crump, Lanier, Whitfield,
[Dismal Swamp Land Company]
Chalmers, Whitehead,
Kilby, Young, Spratley,
Chapman, Hodges, Barrett
[Thomas, Adams & Company]
[Thomas & Adams] Wilson,
Adams, Pritlow, Barrett
Pritlow, [Womble & Wilson]
Womble

1847

Butter & Co.

Bill to. Felix - Sp. 24.
all parties, except Lamm
and deere miss.
affd. as a no. 1. of
Lamm, order of parties.

Octo. Larus 1856.

Accru for acct. p. 9, 4.

Decr. for a
ap. 15th 1837 refd.
of Court. Hayden filed

May 1877

Octo. 1557. Card.

May 1838. Wm. A. G. Jr.

1838

Sept. 21st 1854. Am. Bill
filed. 78th ad litem
ap. 21st 1854. his was
filed Sep. 1st & decrees
made in Am. Adm. 1854.

Acto. 2^{da}. Set for
hearing.

Q. R. p. 150.

May 1889 Cond,

Deco. 1857. Conto.

Feb'y, 6. 1860. full
Dept. of Marine

May 1860.

Finis de ...

April, 1882. Received
upon the docket &
de. for a. l.,

Q. 10. 1/3 - De. for cage
by Mahara

Kilby P. G.

Wm. Malone adm. & of
Dr. R. Butler dec? &

W. } Rice

John B. Butler sal;

Augt. July 1856 filed.

J. of W. Cir. Ct.

Butler, Richard Reynolds, Watson P. Irwin,
Edmond Lanier, Archibald Atkinson, George
H. Crump Executor of John C. Crump deceased,
(and The President and managers of the
Dismal Swamp Land Company, may be
made Defendants hereto & be compelled
to answer the several allegations herein
on oath - That an account of all
outstanding debts due by Robert Butler
deceased and their dignity, may be
had; That the pretended debt due Edmond
Lanier & wife may be barred & declared
to be satisfied - That the accounts of Ottilia
Butler as adm^r &c of said Robert Butler
may be further settled; That the accounts
of said William Mahone as adm^r &c of
said Robert Butler may be settled; That
the several claims paid by said Robert Butler
as security for said John B. Butler may be
paid out of any estate given by the said
Testator to said John B. Butler; That

The President & managers of the Dismal
Swamp Land Company, ~~shall~~^{may} make known,
discover & set forth, whether any debt was
due to said Company before said Testator's
death & how much thereof the said Robert
Butler's Estate or Legatees are entitled; &
that the same may be paid to your
Complainant, William Mahone as adm^r
&c of said Robert Butler dec^d, and that
the said President & managers of the
Dismal Swamp Land Company may in
the mean time be restrained from paying

over the same to any one - That the value
of negro Stephen may be directed to be paid
the said William Mahone & Ottilia his
wife, out of the said Dividend or
other property of the said Testator's
Estate, and that such other and
further decree may be made as may
be consistent with Equity &c. and your
Compt^y &c.

John R. Kilby J. C.

been saved from being sold - wherefore your Complainants W^m Mahome & Otelia his wife pray that his value may be refunded out of the profits & dividends arising from the Testator's Interest in the Dismal Swamp Land Company - That the said payments & advancements made to said John B. Butler may be also paid out of any portion of such dividends & profits as the said John B. Butler may be entitled to; as also any other debt or debts which the Testator's estate may have to pay on account of his being security to said John B. Butler.

Your Complainants are advised & charge that previous to the death of said Robert Butler, there was due to the Dismal Swamp Land Company (in which the said Testator owned one half share) a large sum of money, which was suspended by suit then pending in the Supreme Court of appeals of Virginia or in some other Court & which has been recovered and paid over to said Company, since the said Testator's death, ~~etc~~, and your Complainants claim that the portion thereof to which said Testator's share is entitled should be paid over to the Testator's administrators as personal Estate, to be administered according to Law -

In Consideration whereof and for as much as adequate relief can only be had in a Court of Equity, To the End therefore your Complainants pray that John B.

this Court will grant him its aid & advice in the premises, and further, that a Commissioner of this Court may be directed to ascertain the outstanding debts due by said Testator, and their dignity, and any other matters which may be necessary to enable your Complainant (William (Malone)) to settle legally & properly the said Testator's Estate.

Your Complainants also say, that the Testator by his said will gives to his son John Bracken Butler among other things one quarter share in the Dismal Swamp Land Company, and another quarter share therein to his daughter Otilia (your Complainant) after the death of his said wife; also he gives to his said daughter negro boys Ellick, & Bill and Stephen, if he can be saved from being sold.

Now your Complainants charge that said Robert Butler paid as security for his son John Bracken Butler, a number of debts, among them, to No. H. Whitfield as attorney for Norwotthy Whitfield Bonds amounting to \$140.13 - to Jn. Holladay claims amounting to \$120.50 & to Jn. A. Graves for R. Cole \$118.00 or thereabouts, all of which your Complainants are advised, are payments & advancements such as should be deducted from the legacies thus given to said John B. Butler, & which your Complainants pray may now be done.

That Stephen, a negro given to your Complainant, Otilia Malone (daughter of said Testator) was sold by Mrs. Otilia Butler adm^t as above to pay debts with, due by said Testator, & which negro your Complainants charge could have

2
Comr. Watfon \$19.58 & to Watson P. Jordan \$200, leaving
a small Balance due by her to said Estate - That
the said Mrs. Otilia Butler died, in November 1853
intestate in Norfolk City, and the said William
Mahone duly qualified as her administrator
in the Corporation Court of said City on the 27th day
of November 1853, as appears by a copy of ~~the~~ order
of said Court filed herewith & marked (C.).

That the said Otilia Butler as adm^r. of said Dr.
Robert Butler dec^d, had not administered said Testator's
estate entirely, at her death, but there still remained
& now remains a number of debts due by said
Testator outstanding, among them a debt due to
Richard Reynolds, a debt due to Watson P. Jordan,
& others as your Complainants have a right to believe,
and there are also debts due by other persons to which
the Testator is security, & which the holders of said
debts, demand payment of said Testator's estate.

That the Testator was the administrator of one
Samuel Butler & qualified as such in the
County Court of Surry and executed his Bond
as such ~~Adm^r~~ on the 26th day of November
1832, with John C. Crump and Archibald
Atkinson as his securities, as appears by a
copy of said Bond filed herewith & marked
(D.) - That the said Robert Butler as adm^r. of said
Saml. Butler had a settlement duly made
out & recorded in Surry County Court on the 27th
of Nov. 1843, by which it appears a Balance of \$341.28
^{on 1st of January 1840}
is reported as due by said Robert Butler as adm^r.
as aforesaid to one Edmund Lanier in right of
his wife (a copy of which settlement is filed herewith
& marked (E.)). That John C. Crump one of said securities

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died early in the year 1856, and George H. Crump
duly qualified as his Executor in Nansemond
County Court on the 11th day of February 1856 as appears
by a copy of the order of Court, granting probat^e. filed
herewith & marked (F.).

That since the qualification of your Com-
plainant (William Mahone) as adm^r. &c. of said
Dr. Robert Butler dec^d, the house & lot in Smithfield
called the Court house lot belonging to said Testator
has been sold by the heirs & Legates of said Testator
for \$1200, and after paying off a debt due
Alex. K. Parker, secured by deed of Trust thereon
there has been placed in your said Com-
plainant's hands as such adm^r. the sum
of \$782.53 to be administered according to
Law, which with \$58.95, received of the Bank of
Virginia, Richmond, he is ready to account for.

Your Complainants charge that the sum of \$341.28
reported as due to Edmund Lanier in right of wife, has
been, as he is informed, long since paid, and if not
paid, should be barred, because of its Statuteness & the
act of limitations - That said Edmund Lanier
has for a great many years resided out of the
Commonwealth his wife, ^{has been} dead many years
ago, no claim has been set up for the same,
but the securities of said Ro. Butler as adm^r.
of Saml. Butler dec^d, as aforesaid, claim
that your Complainant (William Mahone)
as adm^r. of said Robt. Butler dec^d, shall
protect them from loss on that account.

In view therefore of the complicated
state of the affairs of said Robert Butler
dec^d, Your Complainants pray that &c

To the Hon. Richard H. Baker, Judge of the Circuit Court of Isle of Wight County — Complainings shew unto the Court your Complainants, William Mahone administrator de bonis non with the will annexed of Dr. Robert Butler deceased, and as administrator of Mrs. Otelia Butler deceased and the same William Mahone and Otelia his wife — Your Complainants respectfully represent to the Court (and ~~shall~~ say — That Doctor Robert Butler, late of Richmond City, died in said City on or about the day of , having first made and executed his Last will & Testament which was duly recorded in the Hustings Court of said City on the day of — a copy of which said will duly certified is filed herewith as part of this Bill & is marked (A.).

That the Executor (arch? Atkinson) therein named refused to qualify and thereupon Mrs. Otelia Butler the widow of the Testator, qualified in said Hustings Court as administratrix with the will annexed of said deceased on the day of as will appear by the Certificate copied on said will — That the said Administratrix proceeded to make sale of various property of said deceased's & to pay off the debts as far as practicable, and had a settlement of her transactions duly made out by a Commissioner of said Hustings Court (a copy of which settlement is filed herewith as part of this Bill & marked (B.)), & which was duly recorded, by which it appears that a Balance of \$281.47 was due by her to said Estate on the 2^d day of February 1855 — That since then the said administratrix has paid claims against said Estate as follows. To

Kelly p. 9.

Mahone ad. &c.

or { amended
Bill

Butler &c.

Sept. rules 1838. Am. bill
filed, N. P. Young ap.
gave. ad. titm to the
inftr. his ad. filed Sept.
and decre nisi as.
adult defts.

Cir. Ct. of S. of W. Co.

the said Infant defendants - that the dividends arising from the said Mrs. B. Butler's Interest in the said Dismal Swamp Land Co. maybe applied to pay the demands aforesaid, and that all proper accounts maybe directed and all other and all proper relief granted consistent with equity &c.

John R Kilby p. q.

That all the purposes of the original bill have been satisfied except the matters above specified concerning the amounts to be paid by Jno. B. Butler - That Jos. B. Whitehead has qualified in the County Court of Isle of Wight County as administrator of said John B. Butler dec'd, (and that the said John B. Butler left very little estate, except his interest in the Dismal Swamp Land Company aforesaid - Your Complainants therefore pray that the Dividends arising to the said Jno. B. Butler on his share in said Company may be applied to the payment of the debts aforesaid until paid, and if necessary that all debts in the hands of said Joseph B. Whitehead as admr. aforesaid may also be thus applied -

In Consideration whereof and as this Court can alone grant adequate relief to the end your Complainants pray that Mary Ann Butler, Sally B. Butler, Mary Butler & Robert Butler ^{the last three being infants.} & Jos. B. Whitehead admr. of ^{& the President & Managers of the Dismal Swamp Land Company} Jno. B. Butler dec'd, may be made Defendants to this amended or supplemental bill & answer the same on oath - That some proper person may be appointed to defend

the will of his father, Ro. Butler dec^d, one quarter share in the Dismal Swamp Land Co., and that the annual dividends therefrom will soon pay the liabilities aforesaid, and as the same have been by Jno. B. Butler, by the order aforesaid thus appropriated, Your Complainants pray that a decree may be made directing the said company to pay over for the said purpose the dividends to accrue therefrom, until the aforesaid debts are paid —

Your Complainants also state that by the decree of this Court in the original cause, above referred to, an account is directed to be taken of the funds and assets referred to in the answer of the Dismal Swamp Land Co., but that by consent that fund has been paid out by said company to the said John B. Butler —

That since the rendition of said decree, just referred to, and the execution of the order aforesaid, the said John B. Butler has died, Intestate, leaving as his heirs at law, a wife named Mary Ann & three children, Sally B; Mary & Robert Butler, all infants; and which said wife & children have removed out of the Commonwealth of Virginia and are non residents thereof,

for one half - That since the proceedings in the original case have been commenced your Complainants have discovered that a part of the claim supposed to be due said Laniere by Ro. Butler has been paid as appears by a decree of this Court made at Oct. term 1844 in assent of Jas. Chalmers against said Laniere & Ro. Butler, to wit. the sum of \$154. 92. on the 4th of Dec. 1844, as will more fully appear by a copy of said decree & execution thereon (recd. filed herewith marked (B.)). That the following statement will shew what is necessary to be retained by said Mahone as admr. of Ro. Butler decd. to meet any demand the said Laniere may have, to wit. amo. directed to be retained \$341. 28

Interest from 1 st Jan 1840 to 4 Dec. 1844	\$100. 90
Self amo. paid Jas. Chalmers as above	\$442. 18
	\$154. 92
	\$287. 26
with interest from 4 Dec. 1844 to	
4 th Dec 1858 (next) 14 years —	\$241. 22
making the sum of	\$528. 48
of which sum Jno. B. Butler is	
liable to contribute one half or	\$264. 24
to which add above liabilities of	\$309. 56
making Jno. B. Butler's liability	\$573. 80
besides costs —	

Your Complainants state that John B. Butler obtained, besides other estate, from

account of the several claims aforesaid \$264. 16
 (and on the 19th of Sep. 1857, executed an order
 on the President & Managers of the Dismal
 Swamp Land Co. to pay to said Mahone (thru.
 his atty.) the Dividends arising from his interest
 in said Company, until the same should pay
 what he had to pay under the decree
 aforesaid - which order is filed herewith
 marked (A.). That the following
 statement will show what amounts the
 said John B. Butler owes under said Decree
 to wit. one half of \$705, value of Stephen (the same
 being) decreed to be paid out of Ro. Butler's estate
 (and the said Mrs. B. Butler & Maria Mahone
 being the Legatees are each liable for one
 half) making the sum of \$352.50
 also the sum of 139.74
 and the sum of 67.12
 making due to said Mahone \$559.66
~~which there is~~, with interest from
 19th May 1857 to 19th Oct^r 1857 of } 13.96
 \$573.62

of which there was paid as above
 stated on 19th Oct^r 1857 the sum of 264. 16
 Leaving on 19th Oct^r 1857 due Mahone \$309.46

That of the ~~sum~~ amount directed
 to be retained to pay any demand of Edward
 Lanier, the said John B. Butler is liable

restrained from paying the same away - 7th That
the value of a negro Stephen might be paid to
said Mahone surfe, ^{out of} ~~and that~~ the Dividends
of Ro. Butler estate &c

That under the proceedings had in the
cause a Commr. of this Court was directed
to make out certain accounts & report to Court
which was done (and at the May Term of the
said Court 1857 a decree was made, directing
thesaid Mahone as admr. of Ro. Butler to
pay certain debts due by the dec^d which has
been done as the record shews: and that the
said Mahone surfe receive out of said Ro. Butlers
interest in the Dismal Swamp Land Co. The
sum of \$705. value of a negro named Stephen,
(and that Jno. B. Butler pay to said Mahone
\$139.74 1/2 + \$67.42^c as therein stated - &
which sums were directed to be paid out of the
Legacy of Jno. B. Butler under the will of
Ro. Butler dec^d, his father, and also directing
that out of the profits of Ro. Butler arising from
the Dismal Swamp Land Co., there be paid
to Wm Mahone as admr. as aforesaid \$341.28
with interest from 1st Jan 1840, to be held
till further order to meet any demand of
Edmond Lanier -

That the said John B. Butler on the
19th of Oct. 1857 paid to said Mahone on

(1)

To the Hon. Richard N. Baker Judge of the
Circuit Court of Isle of Wight County.

Complaining shew unto the Court your
Complainant William Mahone administrator
de bonis non with the will annexed of Robert Butler
dec^d, and as administrator of Otelia Butler dec^d,
& the said William Mahone and Otelia his
wife - your Complainants respectfully, ~~beg~~
leave to file this, their amended bill and
say - That in 1856 they filed their Bill in
Chancery in said Court against John B.
Butler, Richard Reynolds, Watson P. Jordan, Edmond
Laniere, ^{the Dismal Swamp Land Co.} and others, having for its object
the settlement of the matters therein named
growing out of Robert Butler's estate, and praying
^{an account of}
1st That, all outstanding debts due by Robert
Butler ^{and their dignity} might be had, - 2^d. That any claim of
Edmond Laniere might be declared barred by
the statute of limitation, 3^d. That the accounts
of Otelia Butler as adm^t. of Ro. Butler
might be settled: 4th. That the accounts of W^m.
Mahone as adm^r. of Ro. Butler might be settled
5th. That all debts paid by Ro. Butler as security
for Jas. B. Butler might be paid out of any
estate given by the said Ro. Butler & him.
6th. That the President & managers of the Dismal
Swamp Land Co. might make known when
certain debts were received by the same, and be

will appear a copy of the said order of qualification herewith filed as exhibit ^{to} ~~the~~ and prayed to be taken as a part of this petition.

Wherefore your petitioner prays that the said cause may be dismissed and that he may be made a party defendant to the said bill and have such other relief as the nature of his case may require to Equity shall seem meet and he prays &c

R. S. Thomas

adms

Thomas &c

vs.

Butcher &c

Petition of R. S.

Thomas to the above

Party to be dismissed

Mahone et al

v

Butter et al

The petition of R. S. Thomas respectfully represents

1. That in the Decree rendered in this cause at the May Term of the Court - 1860 it was adjudged entered and decreed that "it appearing by the report filed herein on the 6th of July 1860 (being one of the reports confirmed) that there is in the hands of Wm. Mahone, administrator ~~for~~ bonds run into the will annexed of Robert-Butter deceased the sum of \$534.03 carrying interest from the 23^d day of November 1859 which cannot now be disposed of, it is by the Court decreed and advised that this cause be discontinued from the docket without prejudice to the rights of any one and unto leave to any of the parties to ask for the case to be reinstated for any further relief"
2. That this sum of \$534.03 was due to Edmund Laniere or is shown by the report of William Mahone filed in the said Cause on February 6th 1860; and this sum was and is held by the said William Mahone to pay the said Edmund Laniere, or his representative ~~where~~ where ever he should present himself to this Court in this cause.
3. That at the February Term 1873 of ^{the County} this Court this petitioner was appointed administrator upon the estate of the said Edmund Laniere as

from them as security for said No. Butth
owner of said Butth seed. - They ask that
you should not protect their right as full
as if the said out of limitations of said
it was more from a good place in
this answer - They may have to be
dis missed with no doubt certainly
in behalf of justice -

A. Althorn

Geo. H. Crump

John of the County of ... Butth 4th August 1836
Anno. Althorn made vatt before me
a Justice for said County, to the truth of
the foregoing answer -

W. B. Bynon J.P.

sum on to before me a Justice of the Peace
County of ... by Geo. H. Crump ... of
John C. Crump, -
Aug 12th 1836

H. L. Lynes J.P.

W. C. H.
Butth 4th
Geo. H. Crump
John C. Crump

To the Judge of the Circuit Court of St of M^g & C^{ty} The answers of Archibald M^g & George H^g & of John C^g & George H^g to the bill of inhibition against them & others in the said Court by Mr. M^g above named on being now with the rich answers of D. R. Butler & others - They defend & say that they admit the qualification of the couple ~~and~~ and of D. R. Butler as, or in toto of same Butler sec^d. - that the said Rob^t Butler qualified as such in the County Court of Surry and executed his bond as such on the 26th of November 1832 with you respondent A. M^g & John C^g & George H^g sec^d. his security - that the said Butler performed a settlement of his transactions as stated in the bill showing the balance as stated on the 1st day of Jan^y 1840, showing a balance due to him, Lavinia - and you respondents say that they and the estate of John C^g & George H^g sec^d, ought not to be held liable for the pay^{mt} of the same reported on by the said Rob^t Butler, because they believe that the said Lavinia was indebted to the said Rob^t Butler - and because they plead herein the statute of limitation from which bonds, and plead that the right of action upon the bond of Rob^t Butler in of same Butler against the said security accrued on the first day of Jan^y 1840 or sooner, and that all persons, interested in said estate are barred by the act limiting actions against security upon a mortgage bond passed by the act of the General Assembly of 1835 and they plead also act of limitation in their favor and against recovery

Machine salt.

Mr.,

Butler sal:

Answer of
D. S. L. Co.

filed Oct 4
1856

that the personal representative of the
said Robert Butler dec^d is entitled
to any share of the said Fund upon
the ground that the said Quaker share
was formerly owned by said Robert Butler
and that the debt recovered by the
Company was due in his lifetime -
As the debt recovered was due as far
back as the year 1797 long before the
said Robert Butler owned the Quaker
share devised by him if the principle
asserted in the Bill be correct it
would follow that the said fund
should be distributed among those
who were stockholders at the time the
debt originated - a principle which
would produce great confusion &
would utterly destroy the independent
Corporate existence of your Respondents
& deprive them of the benefits resulting
from their incorporation.

These Respondents have no interest
or concern in the matters litigated
between the plaintiff & the said John
B Butler & are willing to abide by
such a decree in regard to the interest
of the said John B Butler in the
Company as the Court may see
fit to make but they feel bound
from a regard to their own interest
to deny the right of the personal
representative of the said Robert
Butler ^{directly} ~~as such~~ to any portion of
the fund in the hands of the said
Company & to insist that he can

only claim it if at all ^{indirectly} through the
equities between him & the said John
B Butler with which ^{these respondents}
^{may submit.} ~~have nothing to do~~ ^{and that the Plaintiff has no}
^{right to make these respondents parties to this suit}
They pray the protection of the Court
in the premises & having fully
answered pray that they may
be hence dismissed with costs.

The President & Managers of
the General Swamp Land Company
by Gazezwell Taylor President
of the Company.

The answer of the President & Managers of the Desimal Swamp Land Company to a Bill exhibited against them and others in the Circuit Court of the County of Wight County by William Chahone administrator de bonis non of the Estate of Dr Robert Butler dec'd as administrator of the Oliver Butler dec'd &c

These Respondents for answer unto so much of the said Bill as they are advised it is material for them to answer unto answering say that the said respondents have recently recovered by a decree of the Court of Appeals of Virginia of the Estate of Alexander Macaulay dec'd the sum of Twenty two thousand four hundred and sixty nine dollars and fifty cents (\$22469.⁵⁰/₁₀₀) being the net balance after deducting attorneys fees which was invested by the Company in Virginia State Stock purchased under power and the certificate of which amounting to \$23750 with interest from the 1st July last the Company now holds subject to be distributed among the share holders or may hereafter be ordered by the Company at its next annual meeting that the defendant John Bracken Butler as the holder of a Quarter share in the said Company is entitled to him by his father will be entitled to $\frac{1}{31}$ part of the portion of said fund which may be distributed. But your Respondents wholly deny

Mahine ad. &c
M.
Butler &c.

ans. of Infant
Deaths.

files sep. rules
1858.

The joint ~~and~~ separate answer of Sally B. Butler,
Mary Butler, and Ro. Butler, infants, under 21 years
of age, to ~~the~~ the original and amended Bills
filed in the Circuit Court of Isle of Wight County
by Wm. Mahone admr. of Ro. Butler decd &c
against Jno. B. Butler, Mary Ann Butler &
others. - the answer filed by A. P. Young
their guardⁿ ad litem.

These Respondents say, that
whether the facts, as set forth in the
said Bill are true or not, they
are unable to say, and being infants
and ignorant of their rights in the
premises, they pray that no order or
decree may be made inconsistent
with their rights &c.

signed

A. P. Young
Gdw. ad litem

Mahone &c.

vs.

Butler &c.

answer of
J. B. Whitehead
Adm^r of Pro. B.
Butler &c.

filed Oct. 11. 1838

The answer of J. B. Whitehead
adm. of Dr. Jno. B. Butler dec'd to
a Bill in chancery filed in the
Circuit Court of Ill of Wright County
by Wm. Mahone & against Butler &c.

This Respondent says that he
is the adm. of said Jno. B. Butler
& that a very small chattel estate
came to this Respondent's hands, & that
as far as he knows or can learn
the estate of his Intestate, is
entirely insolvent, - that he is ready
to account for all assets in his
hands when required to do so, and
having answered &

Signed

J. B. Whitehead
Oct. 18. 1858

Butlers Acad. V.

8. $\frac{1}{3}$ Am.
 $\frac{2}{3}$ In coll.

Butler Tab.

To Aug. 1836
Rev. St. Scholastic

Kelly

Executed - and a true copy of the
within summons in Chancery delivered
to George H. Brown & Co. of
John L. Brown & Co. -
J. M. Kelly Schol.

The Commonwealth of Virginia,

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

YOU ARE HEREBY COMMANDED TO SUMMON

George H. Crump
Executor of John C. Crump decd.

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first Monday in *August* next, to answer

a Bill in Chancery to be filed in said Court against him & others, by William Mahon adnor, de bonis non with the
of a plea of

Will annexed of Dr. Robert Butler decd., and as adnor. of Mrs. Letitia Butler decd., and
damages

the said William Mahon and Letitia his wife.

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 9th day of *July*, 1856, in the 8th year of the Commonwealth.

N. P. Young

Butters Adm^r Vals,

to 3rd March in
3rd Chy.

Butter Vals.

To Acct. July 1856.

Civ. Est. J. O. Wright

Kelby J. J.

July 17th 56. Executed by
delivering a copy hereof
to Jaz. Taylor, President
of the Dismal Swamp
Land Company, in
Norfolk.

W. J. Henderson D. S.
Seign

The Commonwealth of Virginia,

Sgt. Norfolk City

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON

*The President (and
Manager of the Desmal Swamp Land Company*

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first
Monday in *August* next, to answer *a Bill in Chancery*
to be filed against them and others, by William
Mahone admor. de bonis non with the will
of a pleao of
annexed of Dr Robert Butler decd. and as
admor. of Wm. Otis Butler decd. and
damages
the said William Mahone and Otis his wife.

and have then and there this Summons,

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this
day of *July*, 185*8*, in the *87th* year of the Commonwealth.

9th.

N. P. Young ec

Executed by delivering a True copy
 to R. Reynolds & John B. Bullen
 A Attorney on the 15th of July
 and on the same day left a True
 copy with Cases Jordan for W. P.
 Jordan the said W. P. Jordan for
 which he has acknowledged the receipt
 not being at home. C. Levin not
 found
 I have left

Butlers Corv. Feb.

vs.
 3 Sum. in
 Chy.

Butler Sale.

10 August 1836.

Civ. Ct.

Relief pay.

Executed in W. P.

Jordan in the

22nd of July (I have left)

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *John B. Butler, Richard Reynolds, Watson S. Jordan, Edmund Laniar and Archibald Atkinson*

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first Monday in *August* next, to answer *a Bill in Chancery to be filed in said Court against them & others by William Mahon administrator de bonis non with*
of a plea of ~~the~~ *will annexed of Dr Robert Butler decd.*
and as administrator of Mr. Otis Butler decd.
and the said William Mahon and Otis his wife.
damages

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *9th*.
day of *July*, 185*6*, in the *81st* year of the Commonwealth.

N. P. Young cc.

Mahone Jas,
Co. 3rd Sum. in
City.

Butler Jas,

To Sept. 1838.

1838 Augt 26th I hereby acknowledge
service of the within summons.

Henry R. Butler

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Mary Ann Butler*

to appear at the Clerk's Office, of our *Circuit* Court of Isle of Wight County, on
the first Monday in *September* next, to answer *Original Damanded*
bill filed against her gotten by William Mahone
admr. De Bonis and with the will annexed of Robert
of & exec of Butler decd. as administrator of Otelia
Butler decd. and the said Wm. Mahone and
daughters. Otelia his wife

and have then and there this summons.

WITNESS, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *16th* day
of *August* 185 *8*, in the *83rd* year of the Commonwealth.

Copy

N. P. Young co.

Enclosed by returning a true copy of the
within to Geo. B. Matthews Sept 31st 1838

Wm. Matthews
Geo. B. Matthews

Madame Lach.
3 Sam. P.
86. 3 Aug.

Butler Lach.

To Sept. 1838.
Lilly P.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Mary Ann Butler, Sally B. Butler, Mary Butler & Robert Butler (last three infants), Geo. B. Whitbread and Mrs. B. Butler decd., the President & Managers of the Dismal Swamp Land Company* to appear at the Clerk's Office, of our *Circuit* Court of Isle of Wight County, on the first Monday in *September* next, to answer *Original & amended bills filed against them by William Mahon administrator de bonis malis with the will annexed of Robert Butler decd. & a plea of non as administrator of Orelia Butler decd. and the said William Mahon and Orelia his wife.* Damages

and have then and there this summons.

WITNESS, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *16th* day of *August* 185*8*, in the *83rd* year of the Commonwealth.

N. P. Young.

Mahone & Co.

(n. $\frac{2}{3}$ Sum. in
Chy.

Butler & Co.

To Sept. 1st, 1838.

Kilby & Co.

Norfolk ~~Sept 2nd 1838~~
Executed by delivering
a copy here of to Mrs
Anna Taylor Wife of
Jas. Taylor the said
Jas^{Taylor} not being found
at his usual place of
abode. And ^{he} being the
President of the Primal
Swamp Land Co. And
a resident of Norfolk city
O. Cunningham
for the Deceit ^{Deputy}
Sergeant

THE COMMONWEALTH OF VIRGINIA, *Supt. of Norfolk City*

To the Sheriff of ~~Isle of Wight County~~ *Isle of Wight County*—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *The president and*
managers of the Dismal Swamp Land
Company.

to appear at the Clerk's Office, of our *Circuit* Court of Isle of Wight County, on
the first Monday in *September* next, to answer *Original & Amended*
Bills filed against them & them by William
Mahone administrator de bonis non with the will
of John Mahone deceased & Butler decd. as admors.
of John Butler decd.; and the said William
Mahone & John his wife

and have then and there this summons.

WITNESS, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *16th* day
of *August* 185*8*, in the *83^d* year of the Commonwealth.

N. P. Young

Mahon vol.

v. 3 affd.

Butler vol.

Wm. Mahone adw. &c. of Ro. Butler decd, &c.:

vs. { Chy; suit in I. of Wt. Circuit Court.
Jno. B. Butler and others.

This day ~~Edmund Laniere~~ John R. Kilby
Plaintiffs Attorney made oath before me
that Edmund Laniere a Defendant
in the above suit, is as he verily believe,
a non resident of the State of Virginia,
John R. Kilby

Sworn to before me

as above in the Clerk's
Office of Isle of Wight
Circuit Court Aug. 4. 1836

A. P. Young co.

advertise in the Standard paper
or send to me.

Mahon et al
vs
Invs Butter et al

2 In
Chancery
}

Deposition of
Miss Lucy Ann Young

The foregoing deposition was taken sworn to
subscribed before me as Commissioner
at the time & place mentioned in the
caption

C. B. Hayden -

The deposition of ~~Lucy~~ ^{Lucy} Ann Young.
taken at the office of C. B. Hayden.
before the said C. B. Hayden as commis-
sioner on the 7th April 1857. To be read as evidence
on behalf of the plaintiffs in the suit in
Chancery depending in the circuit
court of the State of Wright County between
the Madam a son of Dr. Robt Butts
and others as plaintiffs against
John B Butts & others defendants.
The said deponent being first duly
sworn answered to the following interro-
gatories respectively as follows.

Question 1st by Commissioner. Were you ac-
quainted with Edmond Senece? State gener-
ally what you may know of him your
connection with him & his pecuniary condition.
Answer. I was acquainted with Mr. Edmond
Senece he married in 1819 or 20 my sister
Agnes Butts who was a daughter of Major
Samuel Butts. He lived in Southfield
~~there~~ a year or two before his marriage
& then ~~at~~ four years after ^{there} he moved to
Richmond. His wife died the year
after his removal to Richmond. His
wife left a son who died in Richmond
about 1833. Some time after the death
of his son he removed to the West. I have
heard to this. Since his removal to this
I have not heard anything from him nor
have I heard anything from him for more
^{he was very poor all the time I knew him} than ^{thirty} years. I further this depo-
nent saith not.

Signed.

Lucy A Young

Affidavit

Wm Mahone adm. sr. of Ro. Butler decd. &c

vs. } Chy: suit in the Circuit Court
John R. Butler father } of Isle of Wight County.

This day John R. Kieby, plaintiff, atty
came before me, a Justice of the peace for
Kauweemo County, & made oath that Mary
Ann Butler one of the Defendants in
the above suit is as he verily believe,
a non resident of the state of
Virginia — Given under my
hand this 7th Aug^r. 1858.

R. L. Brewer, J. P.

Mahonesals }
is } Dr. Chanany
Butler Hals }

Commissioner Hayden's
Report

Apr. 15th 1837 filed.

The Estate of Robert Butler deceased
In account with W^m Mahone his Administrator de bonis man

1835

Oct 10	To amount of Adm's expenses to Richmond to obtain papers from the Agt of Adams & to draw funds of estate from bank-	16 00
Dec 31	do to Smithfield to attend to sale of House & Lot	4 00
<u>1836</u> Jan 17	Insurance on House & Lot in Smithfield for 1835-	16 10
Aug 19 th	Southern Argus for advertising notice in sent of Mahone & as Butler & -	97 5
" 23	Insurance on House & Lot for 1836-	16 10
"	Clerks Tickets	4 15
"	W ^m H Day - Trustee	13 57
"	Sgt of Norfolk City	50
"	Retained to pay subscription to Southern Planter	5 42
"	do Attorney's fee in Chancery sent of Mahone & as Butler	50 00
"	Commissions on \$907.46-	45 37
Oct 10	Balance due Estate as per contra -	733 50 \$907 46

1835

C^o

Oct 10	By Cash taken from Bank in Richmond found there to be Butler Credit	58 95
Dec 2	amt transferred from W ^m Mahone as admin of Otelia Butler who was a dmp of Robert Butler, being balance due from her as such a dmp on this date	15 96
<u>1836</u> June 7	Balance from sale of House & Lot in Smithfield to Mrs B Butler after paying trust debt	782 55 \$907 46

An Account of Debts paid by Robert Butler
For John B Butler -

1834
Oct 28 As security on Bond due Joseph Wessmuth 110 95
do do J. P. Whitfield 29 18 140 13
Int on do to May 16, 1837 - 21 44
Dec 5th Joseph Holladay - 102 82
Interest on do to May 16, 1837 15 10 117 92
\$279 49

An Account of Outstanding Debts against
Robert Butler as security for John B Butler,
included in foregoing Account of Debts
against the Estate of Robert Butler -

Bond due E Chapman for 43 71
Interest on from Sept 11th 1847 - 24 38 68 09
Bond due Sefu Hodges - for 50 00
Interest from Oct 4th 1837 16 75 66 75
\$134 84

Statement of the Value of Stephen.

1833
June 5th Gross Amount of Sale of Stephen
on this date \$703 00

The Estate of Robert Butler, deceased
In Account with Otelia Butler his Adm^r -

1835
Feb 2 To Cash paid Commissioner
W^m F Watson for Administration of 19 58
Dec 2 .. This amount transferred by W^m Mahone
as Adm^r of Otelia Butler to himself
as Adm^r de bonis non of Robert Butler - 659 66 \$ 85 54

1835
Feb 2 By Balance due Estate on this date
as per last ac^t - 81 47
Dec 2 .. Interest on do to date - 407 \$ 85 54

An Account of outstanding debts against
The Estate of Robert Butler dec'd -

Bond due Richard Reynolds for	18 10	
Interest on from Sept 21 st 1847-	10 48	28 58
Balance on negotiable Note due J ^d W Smealley	208 41	
Interest on do from Jan'y 25 th /53-	28 56	236 97
Bond due Elizabeth Chapman for -	43 71	
Interest on from Feby 11 th 1847-	24 38	68 09
Bond due Jesse Hodges for	50 00	
Interest on from Oct. 4 th 1831	16 75	66 75
An A/c due J. R. Atkinson for	35 05	
Interest on do from Jan'y 1 st /52	11 30	46 35
An A/c due R. F. Barnet for	13 44	
Interest on from Jan'y 1 st /53-	3 53	16 97
An A/c due Thomas Adams & Co. for -	2 50	
Interest on from Jan'y 1 st /54-	3 5	2 53
An A/c due Thomas Adams for	26 64	
Interest from March 16 th /53-	6 66	33 30
Bond due A B Pittman for	56 71	
Interest on from March 12 /50	24 42	81 13
Balance on Bond of Watson P Sadler of.	128 13	
Interest from Feb 10 th /53-	17 41	145 54
		\$ 726 53
An A/c due Humble & Wilson for -	3 17	
Interest on from Jan'y 1 st /54-	57	3 74
		<u>\$ 730 27</u>

The claim due Agnes Lanieve is not barred. Your commissioner also concludes that there is no presumption of payment from the lapse of time, as this presumption is repelled by the death of the wife & the removal of the husband from the state prior to the accruing of the cause of action & the consequent presumption of the ignorance of the latter & the want of opportunity of paying the claim by the Act of Samuel Butler & there is strong negative evidence in the report of the commissioners making up the Administration Ac of Samuel Butler's Admin Ac that the same was not paid as late as Nov 1843, as they report a payment on that date to the other distributees of Saml Butler except Lanieve, of the balances shown the ac to be due them. Your commissioner will add that the presumption of the ignorance of Lanieve of his claim, is strengthened by the fact, that this balance is not due from the general settlement of Saml Butler's Estate, but from a debt recovered after the former settlement, as the Ac shows. The commissioner further reports to the Court that after the completion of said accounts (with the exception of so much of this report, as relates to the claim due Lanieve) he retained the same in his office ten days. The decree notices aforesaid are herewith returned.

Given under my hand, as commissioner aforesaid,
the day year first aforesaid.

C. B. Hayden

Time employed by the commissioner, in examining vouchers & in stating, settling & reporting the foregoing account - 30 hours - Commissioners Fee \$22.50, Chfd Wm Mahone as Admin of Robert Butler -

examined the vouchers, stated & settled the foregoing account of the transactions of said Otelie Butler, as done with the will annexed of Robert Butler dec'd to the 2nd of December 1833, & on that day finds a balance of \$15.96, due from said admr to said estate, which amt is on that date transferred by W^m Mahone as the adm of said Otelie, to himself as Admr de bonis non of the said Robert Butler & of the transactions of said W^m Mahone as admr de bonis non of said Robert Butler dec'd up to the 10th day of Oct, 1834, the end of his fiduciary year, & on that day finds a balance of \$733.50, due from said administrator, on which balance your commissioner has charged no interest since that date, as the fund is a pendente lite fund subject to the decree in this cause. ~~and~~ the foregoing account of the debts, still outstanding against the said Robert Butler (notice to whose creditors was given according to law) that the several creditors of said Robert Butler whose names are mentioned in the foregoing account of said debts proved their respective claims before your commissioner as set forth in said account & upon which he has computed interest up to the 16th of May, 1837, & on that date finds the aggregate amount of said debts inclusive of interest to be \$730.27 - all of which debts are of equal dignity & the foregoing account of debts paid by said Robert Butler for John Butler, amounting with interest thereon to May 16th 1837, to \$279.49, to which is annexed a supplemental account of outstanding debts against Robert Butler as security for Mrs B Butler, amounting with interest to May 16th 1837, to \$134.84, which are included in the foregoing account of debts against the said Robert Butler. Which are claimed as security debts by the Plaintiff repudiated as such from the signature of said Robert Butler, being secured on the respective Bonds. & the foregoing account of the value of negro man Stephen repudiated as \$705.00, his gross amount of sale on June 5th 1833, as shown by the A/c of sales of late Admr of Robert Butler filed in this cause -

In the foregoing account of outstanding debts against the estate of Robert Butler dec'd, no notice is taken of the balance shown to be due from said Robert Butler as Admr of Saml Butler dec'd, ^{to Edmund Laniere} alleged by the Plaintiff, Bill to be barred by the statute of Limitations, or that payment of the same is to be presumed ^{from the lapse} of time, as at the time of making up said accounts. ^{no evidence was before your commissioner as from which} ~~to which strictly speaking is not in a condition to be litigated as no representation of~~ ^{he could report in reference to the same. The only} ~~Agnes Laniere is before the court~~ ^{evidence before your commissioner was the deposition of} Lucy Ann Young, taken this day from which it appears that the latest date that can be assigned for the death of Agnes Laniere, late Butler) is 1825, & that her husband Edmund Laniere left the state about 1833. From the account of the transactions of Robert Butler as admr of Saml Butler filed with Pltffs Bill, it appears that the sum of \$341.28, with interest thereon from the 1st of January 1840, was due said Edmund Laniere in right of his wife Agnes, that this amount was due from assets received by said Admr in 1838 & 1839. Hence the wife of Laniere died & he left the state before cause of action accrued on said balance. There is no proof of administration on the estate of the wife & where the cause of action accrues after the death of the party, prior to the New Code the stat of limitations did not commence running until grant of administration (Clarke & Hardiman (2 Leigh 347 & Mansford & O. Elliott - 9th Leigh - 19.) Hence the claim was not barred prior to the New Code, either as to the securities of Saml Butler Admr of the Admr himself. But it is argued by the Pltffs Counsel that under the 15th of Chapt 149, of the Code pa 393, that the stat commenced running against the wife of Laniere, within five years of her death, & hence the claim would be barred within 10 years of the termination of the latter period. Your commissioner doubts whether said section 15, has any retroactive effect, taken in connection with the §19 of same Chapter pa 394, which seems to protect any right of action existing at the time the Code took effect & hence he concludes

Commissioners Office
Smithfield April 7th 1837

To the Circuit Court
of Isle of Wight County:

Pursuant to a decree of the Circuit Court of Isle of Wight County, rendered on the 20th day of Oct. 1834, in a suit in chancery depending in said court, between J^{rs} Mahone, as admr de bonis mrs. with the will annexed of Robert Butler decd, & admr of Otelia Butler, decd, & the said J^{rs} Mahone & Otelia his wife, as Plaintiffs & John B Butler, Richard Reynolds, Watson P Judan, Edmund Laniere, Archibald Atkinson, George H Crump Exec of J^{rs} C Crump & the President Managers of the Disposal Swamp Land Company, as Defendants, to whom was referred for settlement by said decree, the following accounts,

- 1st An account of the transactions of J^{rs} Mahone as Admr de bonis mrs. of Robert Butler -
 - 2nd An account of the transactions of Otelia Butler as admr of Robert Butler -
 - 3rd An account of the outstanding debts due by said Robert Butler & of their dignity -
 - 4th An account of all debts paid by said Robert Butler for & on account of John B Butler -
 - 5th An account of the value of Negro man Stephen, -
- repals to the Court, that on the 13th day of Dec last he issued notices against the several parties aforesaid, (except Edmund Laniere, a non resident, & to whom a notice was published once a week for four successive weeks in the Southern Argus prior thereto) requiring them to attend the settlement of said accounts, at his said office on the 1st day of January last, which notices were duly executed. That the Plaintiff by his counsel, appeared before the commissioner, in obedience to said notice, as did some of the creditors of said Robert Butler, but to enable other creditors to present their claims, the taking said accounts was successively adjourned to the 3^d of Feb, & 3^d of March last, & he thereupon

For

Mr Hayden

In Mahone's case

I think Laniere's claim
ought to be barred. — because he is presumed
to have been dead more than 10 years ago, &
hence act. of him: began to run after 5 years
after death (see code p. 593. sec. 16.

D. Butler was able to pay Laniere
money — hence pres. of pay 2 domat
488 —

3 More by Miss Young Laniere's poverty, how
long since he left the state.
LPRK.

Mahme adr &c

n } Report of
Butler } Mahme adr.
 } &c.

Filed Nov. 5th 1887

Jan 1st 1886 32,125
Nov 5, 1887 - 154,000

Amts. brought in $\$798.91$ $\$783.50$
 To paid Jno. R. Kelly additional
 fees $\$15$ & $\$20$ - } 35.00

By Interest on above sum of $\$783.50$ }
 from 16 May 1857 to 16 Sep 1857 (average) } 15.66
 By Balance due me by the Estate 34.75

 $\$833.91$ $\$833.91$

1857 }
 Dec. 9 } To Balance due me by said
 Dr. R. Butler's Estate } $\$34.75$

By the decree above named John R. Butler is directed
 To pay me, $\frac{1}{2}$ of value of negro Stephen to wit. $\$352.50$
 also $\frac{1}{2}$ of $\$279.49$ & of $\$134.84$ = $\frac{159.74}{67.42}$ } 207.16
 Making due me $\$559.66$
 of which I have received of him 311.05
 Leaving now due me $\$248.61$
 To which I add $\frac{1}{2}$ of above balance of $\$34.75$ - 17.37

The said John R. Butler is by said decree also
 directed to leave in my hands $\frac{1}{2}$ of $\$341.28$
 with interest from 1st Jan 1840, to meet
 any claim Edmund Sanborn may have
 against said Dr. Butler's Estate, which
 has not yet been done -

Since the date of said decree I find
 Dr. Butler in his life time by decree
 of Court (Circuit Court) of the said County
 made at Oct. term 1844 in chancery suit
 of Jas. Chalmers v. Edmund Sanborn &c.
 Paid the sum of $\$1521.92$ on 4 Dec. 1844
 which is to be credited on said claim

- a further report will hereafter be made
 Copy submitted
 Wm. McKone

To the Circuit Court of Isle of Wight County -

The undersigned the admr. &c. of Dr. Ro. Butler reports to Court his proceedings under Decree of said Court of 19th May 1857, made in the Chancery suit of Mahme ad. &c. v. Butler &c.

That there was on the 16th day of May 1857 a Balance due by him on a settlement of his administration account due the estate of Dr. Ro. Butler, as appears by the proceedings in said suit, the sum of \$733.50

There was charged in said settlement for Costs of said suit, then not paid, the sum of \$ 50.00

Making in his hands to be accounted for \$783.50
That he has paid the Costs of said suit as directed by said Decree as follows -

To A. P. Young. Clerk	\$12.59
" J. R. Kilby, Tax & fee & suit Tax	16.50
" J. Hall, Shff.	2.50
" Shff. of Norfolk	.50
" " " " " " " " " "	.50
" C. B. Hayden. Comr.	22.50
" "Southern Argus" included in former acct.	_____
	<u>\$55.09</u>

I then paid the several debts as directed by said decree as follows -

To Richard Reynolds per acct.	28.93
" Jas. W. Sprattley "	240.85
" Elizabeth Chapman "	68.97
" Sept. Hodges "	68.97
" Geo. R. Atkinson "	47.51
" R. J. Barrett "	17.53
" Thomas, Adams & Co. "	2.88
" Thomas & Adams "	33.78
" A. B. Prettow "	81.88
" W. P. Jordan "	148.21
" Wmble & Wilson "	4.31
Car'd. on	<u>798.91</u>
	<u>\$783.50</u>

Mahone Hals.

rd.

Copy done
may ct. 1857

Butler Hals.

as to what interest therein he is entitled, And the Court doth
 further adjudge order and decree - that William Mahone and Otelia
 his wife receive out the profits and income and estate arising from
 the estate and interest Dr. R. Butler died; in the Dismal Swamp
 Land Company's property, the Sum of Seven hundred and five
 dollars, Value of Negro Stephen sold as appears by the Commissioner's
 report, and who was given by the testator's will to the plaintiff
 Otelia now wife of said Mahone; And the Court doth further
 adjudge order and decree, that John B. Butler pay to William
 Mahone One hundred and thirty nine dollars - Twenty four &
 a half cents & sixty seven dollars & forty two cents, being one
 half of each of the Sums of \$279.49. (and \$134.84. paid by
 Robert Butler - and to be paid by William Mahone as administrator
 as above decreed, And which Sums are to be paid out of any
 legacy the said John B. Butler may be entitled to under the testa-
 tor's will. And the Court doth further adjudge order and decree
 that out of the assets and estate of which Dr. R. Butler died,
 is entitled from the Dismal Swamp Land Company's property,
 there be paid to William Mahone as administrator of said
 Robert Butler's due the Sum of Three Hundred and forty one
 dollars and 28 cents - with interest from the 1st of January 1840,
 as reported by Commissioner Hayden in his report, Subject
 to the right of Edmund Linnier & wife - or whosoever may
 have any interest in said Sum, to be held by him Subject
 to the order of the Court.

A. Copy

Mr. J. C. Wright 12.50
 Atto. Hay 16.50
 Stff. Hall 2.50
 " of Worf. .50
 " " Nason? .50
 Com^r Hayden 22.50 (paid)
 Mr. Ayer publn.
 order to the 37.50
 Costs to \$63.59
 This time

Teste. J. C. Satterlee D.C.

A Circuit Court continued & held for Isle of Wight County on the 19th day of May 1857.

William Mahone administrator de bonis non with the Will annexed of Robert Butler decd. and as administrator of Otelia Butler decd. and the said William Mahone and Otelia his wife. Compts.

Against.

In Chancery

John B. Butler, Richard Reynolds, Watson P. Jordan, Edmund Lammie, and Archibald Atkinson Debtors.

This Cause came on again this day to be heard on the papers formerly read, and on the report of Commissioner Hayden, made pursuant to the decree of the 20th of October 1856. to which there is no exception. And was argued by Counsel; On consideration whereof; the Court doth confirm said report, and doth adjudge order and decree, that William Mahone as the administrator with the Will annexed of R^o. Robert Butler decd. out of the sum of Seven hundred and thirty three dollars and fifty Cents in his hands, as appears by said report, pay first, the Costs of this suit; And then pay to the following persons the several Sums due them as appears by said report, to wit, To Richard Reynolds \$28. 58. with interest on \$18. 10 part thereof from the 16th May 1857., To James W. Spratley \$236. 97. with like interest on \$208. 11 part thereof, To Elizabeth Chapman \$68. 09. with like interest on \$43. 71 part thereof, To Jesse Hodges \$66. 75. with like interest on \$50. part thereof. To R. F. Barrett \$16. 97 with like interest on \$13. 44 part thereof, George R. Atkinson \$46. 35. with like interest on \$35. 05 part thereof, to Thomas Adams \$60. ~~45~~ \$2. 85 with like interest on \$2. 50 part thereof, to Thomas Adams ~~\$60.~~ \$33. 30. with like interest on \$26. 64 part thereof, to A. B. Pretlow \$81. 13. with like interest on \$56. 71 part thereof, to Watson P. Jordan \$145. 54 with like interest on \$128. 13 part thereof, to Wm. Wilson \$3. 74. with like interest on \$3. 17 part thereof; And that he report his transactions to Court under this decree. And the Court doth further adjudge order and decree that a Commissioner of this Court take an account shewing what Amount of the funds and Assets named in the answer of the Desual Swamp Land Company - belong to the estate of R^o. Butler.

82 2 6
 24 12 24
 22 2 2

59 11 28
 62 11 24
 14 11 18

257 12
 257 12
 257 12

287 12
 89 12

133 5 34
 22 95 08
 113 63
 47 11
 28 12
 14 36
 102 00

33 001
 30 21
 30 21
 30 21
 30 21
 30 21

12 12
 12 12
 12 12

12 12
 12 12
 12 12

Mahone wife to -

Copy decree
 Vol. 2 Spl. Cir. Ct. 1873.

Pro. B. Butler et al

In Schofield Circuit Court, April 21st 1873.

W^m Mahone Adm^r de bonis non with the will an-
nexed of Dr. Robt. Butler dec^d, & as Adm^r of Mrs
Otelia Butler dec^d, & the said W^m Mahone & Otelia
his wife Plffs:

vs. 3 Defendants:

Jno. R. Butler, Richard Reynolds, Watson
P. Jordan, Edmond Larniere & Arch^d Atkin-
son, Ges. H. Cunniff Exor. of Jno. C. Cunniff dec^d,
and the President & managers of the Dismal
Swamp Land Company. Defts.

Upon the petition of R. S. Thomas & Co^r
of Edmond Larniere, it is ordered that
this cause be reinstated on the docket of
this court, and that the said R. S. Thomas
be made party defendant to the said suit.
And it being suggested to this court that
there is an error in the report of February 6th
1860, charging W^m Mahone Adm^r of
Robert Butler with \$534.03, as due Ed-
mond Larniere, It is adjudged, ordered
& decreed that a commissioner of this court
ascertain & report to this court the amount
due by the said Mahone to the said Larniere
on the said 6th of February 1860,

Hoppy, Secy.

C. A. Hart, L. C.

1
Mahone admr &c.

17 { Final
Report of
Mahone

Butler sal.

1860.

July. 18th. filed.

To amo. bought on \$45.72
 1859 Nov. 23. By amo. of Disual
 Swamp Land Co. 310.00
 Surplus to go to Statement below \$284.28

Edmond Lanier Dr.
 To amo. as per said decree retained \$341.28
 " Int. from 1. Jan 1840 to 4 Dec 1844 100.90
\$441.18
 Cr.
 By amo. paid by D. Ro. Butler under
 Decree of S. of W. Circuit Court to
 Jas. Chalmer vs. Ed. Lanier & 154.92
\$287.26
 " Int fr 4 Dec 1844 to 23 Nov. 1859 246.77
\$534.03

By amo. contributed by Wm. Mahan \$267.01
 " amo. surplus above \$284.28
 contributed by Mrs. B. Butler
 Less 1/2 of \$34.75 due adm.
 on admn acct. \$17.37 = 267.01 \$534.03

all of which is respectfully submitted
 to Court

William Mahan

To the Circuit Court of S. of W. Co.

The undersigned as the admr of D.
Ro. Butler decd? reports to Court that pursu-
ant to the decree of Maybourn 1857 made in
the cause therein pending wherein Wm. Mahone
admr &c. is Defendant (and Mrs. B. Butler sal.
Defendants, he has received of Mrs. B. Butler
the several sums therein directed to be
paid the undersigned; and he has now
in his hands the sum of \$534.03 in his
hands as admr. of D. Ro. Butler decd? to
be held subject to any claim that Edmond
Lanier may have on the same -

That all amounts decreed to him in his
own right to be paid by Mrs. B. Butler have
been paid him - The statements below
will more fully shew the same - to wit.

John B. Butler

D.

To 1/2 value of man Stephen as per decree	\$352.50
" also for the sum of	139.74
" also for	67.42
	\$559.66
" Int. from 19 th May 1857 to 19 th Oct. 1857	13.96
add amo. due for rent	46.89
Total amo. due	\$620.51
By amo. of Mrs. B. Butler	311.05
	\$309.46
To Int. from 19 Oct 1857 to 31 May 1859	29.95
	\$339.41
1859	
May 31 By amo. of Dismal Swamp Land Co.	
under said decree	\$285.00
To Int. from 31 May 1859 to 23 ^d Nov. 1859	44.41
	1.31
Car. on	\$45.72

1 1
Service of this notice acknowledged
for the plaintiff John R. Kelly. p. v

Service of this notice acknowledged for the
defendants R. S. Thomas

Superior Court Office Burlington

Indictment of Right Honourable Court: April 21st 1873

W^m Mahone administrator of the will annexed of R^t Robert Butler deceased
and as administrator of Mrs Otilia Butler deceased and the said W^m Mahone and Otilia
his wife

Plaintiffs

against } In Chancery

Jos B Butler, Arthur Leopoldus Watson P. Ordway, Edmund Lancia and Archd
Stinson Jos W Cump viceroy of Jos Cump deceased and the President and
Manager of the Resolute Transfer Land Company

Defendants

Upon the petition of R^t Thomas administrator of Edmund Lancia it is ordered that
this case be heard and decided on the merits of this case, and that the said R^t Thomas
be made a party defendant to the said suit, and being suggested to this
Court that there is an error in the report of February 6th 1860 charging W^m Mahone
administrator of Robert Butler with \$534.⁰³ as due Edmund Lancia. It is adjudged ordered
and decreed that a commissioner of this Court do ascertain and report to this Court
the amount due by the said Mahone to the said Lancia on the said 6th of
February 1860.

The parties interested in the said decree are hereby notified that I have fixed
up in the City of New York at my office of record to stay, settle, &
report the said account at such time and place they are required to attend,
When under my hand as a commissioner in Chancery of the said Court the day and
year first aforesaid

Charles W. Johnson Clerk

Mahone Knife

vs

Butler Fother

Commonwealth Report

Act. 2^d 1873 filed

An Account showing the amount due to Edmond Larnie by William Ma
horne administrator of Robert Butler decd, who was administrator of Edmund Butler,
on the 6th day of February 1860.

Cost decreed to be returned by decree of May Term 1857. 341 28

Interest on same from Jan^y 1st 1850 to December 4th 1857 100 84

442 12

Left amount paid by R. Butler to James Buchanan by decree of
Circuit Court of Ill of May Term 1857 of Edmond Larnie 154 92

287 20

Interest thereon from December 4th 1857 to February 6th 1860 211 44

548 64

Commissioner's Office

Smithfield October 1873

Pursuant to a decree of the Circuit Court of Ill of May Term 1857 rendered
on the day of April 1873 in a suit in chancery depending therein between
Meham & wife plaintiffs and Butler ~~and~~ and other defendants the undersigned
a commissioner in chancery of the said court to whom was referred for settlement
by said decree an account of the amount due by William Mahorne a decd of
Robert Butler to Edmond Larnie on the 6th day of February 1860, reports to
the court that he found & views against the said parties requiring them to attend
the placing of said account at his office aforesaid on the day of
summed of which notice was acknowledged by the parties in the foregoing report, and on
the date of this report he stated the foregoing account and finds that on the 6th
day of February 1873 there was due by the said William Mahorne a decd of
Robert Butler to the said Edmond Larnie the sum of \$548⁶⁴ of which the
sum of \$287²⁰ is principal and \$261⁴⁴ is interest.

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

James Buchanan, Jr.

John R. Buchanan, Jr.

Mahone &

N.

Butler &

1836

Oct Ct

Decree

To be entered

N. N. B.

26th Ents

Mahone tal:

or.

Butler &c

The President & Managers of the Dismal Swamp Land Company, this day filed their answer ^{in which the plaintiffs have proceeded against Edmund Laneing in the mode prescribed by law against absent defendants} to the Compt's Bill, and this ~~Bill~~ cause, came on & he heard on the said Bill taken for confessed as to the Defendants John B. Butler, Richard Reynolds, Watson D. Jordan, ~~Came on & he heard on said Bill~~ and on the answers of the President & Managers of the Dismal Swamp Land Co, of arch^d. Atkinson & George H. Lemp Ed. of Geo. C. Crump dec^d, and replication & said answers, and exhibits filed & was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that a Com^d of this Court take the following accounts - 1st an account of the ^{with wife annexed} transactions of Estia Butler ad^t. of Ro. Butler dec^d - 2^d. an account of the Transactions of Wm Mahone as adw. de bonis non of said Ro. Butler dec^d - taking the accounts filed as Exhibits as prima facie correct - 3^d. an account of the outstanding debts due by said Ro. Butler dec^d and their off^y - 4th. an account of ^{all} debts paid by said Ro. Butler ^{account of the value of negro man Stephen named in the Bill, and} for and ^{an} account of John B. Butler - 5th. any other account deemed pertinent by him or that either of the parties may require to be so stated - and the Court doth adjudge order & decree that the President & Managers of the Dismal Swamp Land Co. be restrained & enjoined from paying over to the said John B. Butler any dividends or other moneys or estate arising from the interest & estate therein from said Ro. Butler dec^d.

or that either of the parties may require to be so
stated, & make report to Court.

A. Copy, Foster.

H. C. Salmons De

Mahone & als. et.

De

Copy De

Pro. B. Butler & als.

A Copy

A Circuit Court Continued & held for the County
of Isle of Wight On the 20th day of October 1856
William Mahone adm^r. dec^d.s. non with the will
annexed of D^r Robert Butler dec^d. and as adm^r. of M^r.
Otelia Butler dec^d. and the said William Mahone and
Otelia his wife
Against In Chancery.
Pleas

John B. Butler, Richard Reynolds, Watson P. Jordan, Editors
Lanier, Archibald Atkinson & al^s.
Def^s.

The President & Managers of the Dismal Swamp
Land Company, this day files their answer to the Com-
plainants Bill. in this cause in which the plaintiffs
have proceeded against Edmund Lanier in the mode
prescribed by law against Absent Defendants. Cause on
to be heard on the said Bill; taken for Confess as to the def-
endants John B. Butler, Richard Reynolds, Watson P. Jordan,
and on the answers of the President & Managers of the
Dismal Swamp Land Company, and of Archibald Atkinson,
and George H. Crump Executor of John C. Crump dec^d.
and replications to said answers & exhibits filed, 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; First, an
account of the transactions of Otelia Butler adm^r.
with the will annexed of Robert Butler dec^d. Second, an
account of the transactions of William Mahone as adminis-
trator dec^d. non with the will annexed of said Robert
Butler dec^d. taking the accounts filed as exhibits, as
prima facie correct, Third an account of the out-
standing debts due by said Robert Butler dec^d. & their
rep^y.; Fourth, an account of all debts paid by the
said Robert Butler for & on account of John B. Butler,
Fifth, an account of the Value of Negro man
Stephen James in the Bill - and any other
account deemed proper and by him or that

Mahone &

17

Butler & al

1837

May 1st

Deere

To be entered

R. N. B.

Swamp Land Company, belongs to the estate of Ro. Butler or to what interest therein he is entitled —

And the Court doth further adjudge, order & decree that Wm. Mahone & Otelia his wife receive out of the profits and income and interest, arising from the estate & interest of Dr. Ro. Butler dec'd in the Dismal Swamp Land Company's property the sum of \$705, value of negro Stephen sold as appears by the Commissioners report, and also was given by the Testator's will to the plaintiff Otelia, now wife of said Mahone —

and the Court doth further adjudge, order & decree that John B. Butler pay to Wm. Mahone \$139.74 $\frac{1}{2}$ & \$67.42, being one half ~~of~~ each of the sums of \$279.49 & \$134.84, paid by Ro. Butler & repaid by Wm. Mahone as adm'r. as above decreed, and which sums are to be paid out of any legacy the said John B. Butler maybe entitled under the Testator's will — and the Court doth further adjudge order & decree that ^{out} of the assets and estate to which Dr. Ro. Butler dec'd, is entitled from the Dismal Swamp Land Company's property, there be paid to Wm. Mahone as adm'r of said Ro. Butler dec'd, the sum of \$341.28 with interest from 1st Jan'y 1840, as reported by Com'r. Hayden in ~~this~~ report — subject to the rights of Edmund Sanborn and wife or whosoever may have any interest in said sum — & be held by him subject to the order of the Court.

Mahone &c

vs.

Butler dec;

This cause came on this day ~~to~~ be again heard on the papers formerly read and on the report of Commissioner Hayden, made pursuant to the decree of 20th of October 1856, to which there is no exception, and was argued by counsel; On consideration whereof the Court doth confirm said Report and doth adjudge, order and decree that W^m Mahone as the administrator with the will annexed of Dr. Robert Butler dec^d, out of the sum of \$733.50 in his hands as appears by said Report, pay, first the costs of this ^{suit} ~~cause~~, and then pay to the following persons the several sums due them as appears by said Report - to wit. - To Richard Reynolds \$28.58 with interest on \$18.10 part thereof from 16th May 1837; To Jas. W. Sprattly \$236.97 with like interest on \$208.41 part thereof; To Elizabeth Chapman \$68.09 with like interest on \$43.71 part thereof; To Jefe Hodges \$56.75 with like interest on \$50 part thereof; To Geo. R. Atkinson \$46.35 with like interest on \$35.05 part thereof; To R. J. Barrett \$16.97 with like interest on \$13.44 part thereof; To Thomas, Adams, & Co. \$2.88 with like interest on \$2.50 part thereof; To Thomas & Adams \$33.30 with like interest on \$26.64 part thereof; To A. B. Phillon \$81.13 with like interest on \$56.71 part thereof; To Watson P. Jordan \$145.54 with like interest on \$128.13 part thereof - To Wemble & Wilson \$3.74 with like interest on \$3.17 part thereof - And that he report his transactions to Court under this decree.

And the Court doth further adjudge, order & decree, that a Commissioner of this Court take an account, shewing what amount of the funds and assets named in the answer of the Defendant

Mahone &

or

Butter Sal.

1858

Octo. Decree

To be entered.

R. H. Baker.

1 Ent?

Mahone &

vs

Butter & Co.

This cause came on this day to be again heard on the papers formerly read & on the Report made by Wm. Mahone ^{made} under the decree of the 19th May 1857 to which there is no exception (and on the amended bill of the plt. ~~and~~ ~~on the~~ ~~and~~ taken for confessed as to the Def^t May Ann Butter & the Dismal Swamp Land Company, & on the answers of Jno. B. Whitehead adm^r of Jno. B. Butter dec^d, ^{the day filed} & on the answers of the Infant Defendants by their guardian ad litem ^{replications & said answers} and ~~and~~ on the exhibits filed with the said ^{Amended} Bill, and was argued by counsel. On Consideration whereof the Court doth judge order and decree that the Dismal Swamp Land Co. pay the annual dividends arising on the share or portion of Jno. B. Butter in said Company, to John R. Kilby atty for the plt: to be by him applied to the payment of the several debts named in the decree of the said 19th May 1857 referred to in the said Amended Bill, & that the said Mahone report to Court &

Mahone &

or

Butler &c.

1860

May Court - Decree

To be entered

Rich. H. Baker

Conf. 2

Mahone tal:

17

Butler Jr.

This cause came on this day to be again heard on the papers formerly read for the ^{two} reports of Wm Mahone made pursuant to the decree of May Court 1857, to which reports there are no exception, and was argued by counsel.

On consideration whereof the Court ~~doth confirm the said Reports, and doth adjudge, order & decree~~ that the said Reports be confirmed: and it appearing by the Report filed herein on the 6th of July 1860 (being one of the said Reports confirmed) that there is in the hands of Wm Mahone as adv^r. do bonis sum with the will annexed of Ro. Butler dec^d. the sum of \$534:03 carrying interest from the 23^d day of November 1859, which cannot now be disposed of, it is by the Court decreed & ordered that this cause be discontinued from the Docket, without prejudice to the rights of any one, and with leave to any of the parties to ask for the case to be reinstated for any further relief.

Mahone &
v. Dean
Butler & Co

April June 1873

To be entered.

Geo. B. Kent.

Geo. B. Kent.

Moore vs

v

Bunker vs

Upon the petition of R. S. Moore as administrator of Edmund Laniere it is ordered that this cause be introduced upon the docket of this court, and that the said R. S. Moore as he and are properly defendant to the said suit; and it being suggested to this court that there is an error in the report of February 6th 1860 charging ^{administration of Robert Phillips} Wm Moore with \$334.03 as due Edmund Laniere it is adjourned ordered and decreed that a commissioner of this court ascertain and report to this court the amount due by the said Moore to the said Laniere on the said 6th of February 1860

Mahm + Wife

v

Butcher's

Rough & Seem

1873

Deloria House

To be entered

Gu. 11/10/73

Entered (10)

Mahone & wife

Butler & others.

This cause came on again this day to
be on the hand on the papers ^{formerly} ~~presented~~
and on the report of George R. Allen -
one special commissioner made under
decree also rendered herein in previous
case is decreed also without as the 31st
June 1873 to which report no excep-
tions are filed and was agreed by counsel
on consideration whereof the court con-
firming the said ^{report} decree with a judge
order and decree that Wm Mahone
administrator of Robert Butler deceased
who was administrator of Samuel But-
ler pay to R. S. Thomas as administra-
tor of Edmund Saniered the sum of
Five Hundred and Forty Eight ⁶⁴/₁₀₀ of 100
dollars with interest from February
6th 1860 till paid, and the costs on the ~~whole~~
~~of the said decree~~ ^{by} ~~the said decree~~
^{left} ~~for years~~ interest from 17. April
1861 to 10 April 1865, and it is further
ordered that R. S. Thomas administrator
on aforesaid pay the costs of this pro-
ceeding.

Mahone &c

17

Butler & adw

(X)

Certificate of
R. S. Thomas adw
of Edmund Lanier
de d.

filed May 1st 1874

Mahome &

vs.

Butter & admr

I certify that the amount decreed to be paid by Wm. Mahome admr of Ro. Butter decd. to me as admr of Edmund Lanivord. by the decree of this Court of the Octo. Term 1873, made in this cause of \$548.64 with all interest due thereon, has been paid to me, as will appear by an Execution issued on said decree.

R. I. Thomas

May 26 1874

admr

Mahone to
M

Butler's adv to
1874
May Cir. Ct
Final Decree
To be entered.
Geo. W. W.

59

Entered
10,

Mahone &c

vs.

Butler's adm.

This cause came on this day to be again heard on the papers formerly read & on the paper this day filed herein & marked (X), which shows that the amount due by the defendant to Mr Mahone as adm. of No. Butler Decd. has been paid, and was argued by Counsel. On consideration whereof the Court doth confirm the proceedings herein & nothing more remaining to be done in this cause it is ordered that the same be removed from the Docket.

Re: Butler's will.

Copy

William Vah.

3. 3. 64.

William Vah

Fee \$1.00

motion of Otelia Butler, widow of the said Robert Butler dec^d, who made oath as the law directs, and with John Y. Mason and Roscoe B. Heath, her sureties therein, entered into and acknowledged a bond in the penalty of Twelve Thousand dollars conditioned as the law directs, (which bond was executed as to the said John Y. Mason by Roscoe B. Heath his Attorney in fact, duly constituted by letter of Attorney produced to the Court and filed, and which bond being acknowledged by the Obligors therein is Ordered to be recorded) Certificate is granted the said Otelia Butler for obtaining letters of administration on the estate of the said Robert Butler late of this City deceased, in due form.
Teste Chs. Howard, clk.

And at a Court of Hustings held for the City of Richmond at the Court-house the 10th day of October 1855.

On the Motion of William Mahone who made oath as the law directs and entered into a bond in the penalty of Seven hundred dollars, conditioned according to law, with Roscoe B. Heath, his surety therein (who justified On oath as to his sufficiency, and which bond being acknowledged by the obligors therein is ordered to be recorded,) Certificate is granted him for obtaining letters of administration on the estate of Robert Butler, late of this City deceased (re-administrated by Otelia Butler the former administratrix, with the will annexed of the said Robert Butler, deceased, and who is now dead,) with the will of the said Robert Butler annexed in due form
Teste Ro. Howard, clk

A Copy
Teste Ro. Howard, clk

marked on the inner case M. J. Tobias, Liverpool, Patent Lever
10 holes Jewelled, with the figures 378 in one place and
145 in another place, after his death to his Oldest son
then living; should he have ^{legat} heirs, at the time of his death
then it is my will and desire, that the said watch should
go to my daughter Otelia Butler and her heirs forever.

I give to my wife Otelia Butler two of the best beds &
mattresses, 2 Bedsteads & furniture for two beds, with her
chamber furniture.

I give to my said wife Otelia the dividends accruing on one
quarter share in the Wisnial Swamp Land Co: and one
half the rent of lot N^o 8 during her natural life or widowhood
and after her death or marriage I give the said quarter
share in the L. S. Land Co: and one half the rents
of House and lot N^o 8 to my son John Bracken.

I loan to my wife Otelia during her life or widowhood all
my silver and plate ware of every description whatever after her
death or marriage, the said silver and plate ware to go to my
daughter Otelia and her heirs forever.

I give to my negro woman Nelly during her natural life.

I give to my daughter Otelia one quarter share in the Wisnial
Swamp Land Co: also one half the rents of the House and lot
N^o 8 my present residence known as the Courthouse lot,
the other half of the rents of said lot N^o 8. I give to my wife
during her natural life or widowhood after her death or
marriage I give the said rents to my son John Bracken.

I give to my daughter Otelia, negro boys Ellick and Bill
also Stephen if he can be saved from being sold, all the
residue of my estate if any to be equally divided between
my wife Otelia and my son John Bracken, should my
wife Otelia not be satisfied with the provision made
for her in this my will and should fly from it; then
in that case I revoke all the bequest made to her in the
previous part of this will, and it is my will and desire
that

that after her thirds has been allotted to her, that all the
rest and residue of my estate of every description whatever
be equally divided between my son John Bracken and
my daughter Otelia, I have such an aversion to the
intennarrage of Blood relations and connections, that
it is my will and desire that if my daughter Otelia
intennarrs with one of her Blood relations or con-
nections, she forfeit all right to any part of the
bequest made her in this will, and that I give it
all to my son John Bracken.

I appoint Arch^d Atkinson Ex^{or} of this my last will & testament
written wholly in my own hand. In witness whereof I
have hereunto set my hand and seal this 2nd day
Jan'y. 1844.

R. Butler 

City of Richmond, to wit:

At a Court of Hustings held for the said City, at
the Courthouse the 15th day of October 1853.

This writing purporting to be the last Will and testament of
Robert Butler formerly of Smithfield, Isle of Wight County, in
this State, but who recently died in the City of Richmond, was
this day produced to the Court, and there being no subscri-
bing witness to the said will, John G. Morley Jr was sworn,
and deposed that he was well acquainted with the Handwriting
of the said Robert Butler deceased, and verily believed that
the said will and the name thereto subscribed, are wholly
in the handwriting of the said Robert Butler deceased;
whereupon it is ordered that the said writing and the
name thereto subscribed be recorded as the true last
will and testament of the said Robert Butler deceased.
And Archibald Atkinson the only executor named in the
said will having by writing under his hand produced to the
Court and filed, declined to qualify as executor; On the
motion

I, Jo. Butler of the Town of Smithfield in the County of Isle of Wight and State of Virginia, being of sound mind and memory and in good health, but uncertain of the duration thereof do make this my last will and testament in manner and form following, to wit:

First: I desire that all my just debts be first paid to effect which it will be necessary to sell some of my real estate, my executor hereinafter named is hereby directed to sell my lands near Smithfield called Tynes Old Brick House containing 140 acres, and the Oak grove containing 90 acres provided they can be sold on time for \$2500 my executor is also authorized to sell my house and lot in the Suburbs of Smithfield; the two lots contain 4 acres ought to sell for \$1200; on time or thereabouts. My Executor is also authorized to sell my marsh opposite the Town of Smithfield ^{much used} by Jo. B. Whitehead and myself from the Exec. of Thomas Purdie my portion ought to be about 25 acres and pays good interest on \$20. ^{per} acre, should those several parcels of land directed to be sold, with my chattel, estate not be sufficient to pay my debts the deficiency must be made up by the sale of some of the negroes.

My daughter Missouri Wilson having been amply provided for by her aunt Mrs. Avery must be content not to receive any portion of my estate.

I give to my son John Bracken one quarter share in the Original Swamp Land Company, after the death or marriage of my wife Otelia Butler, I give to my son John Bracken all my medical Book - Surgical instruments and Shop furniture of every description, and such of my other books as my wife Otelia Butler may not want and all my wearing apparel to him and his heirs forever. I Loan to my said son John Bracken during his natural life the gold watch now in his possession formerly his brothers marked

Robert Butler's

Admiral's account.

A Copy.

(1)

Commissioner Watsons Office

Richmond September 1st 1856

In August 1853 Mrs Orelia Butler qualified as administratrix of the Estate of Robert Butler (her husband) decd: subsequently the will of Robert Butler was found, and Mrs. Butler qualified in the following October as administratrix with the will annexed - Roscoe B. Heath Esqr as the City: for the administratrix placed in my hands the papers from which I have formed the annexed accounts in the month of February 1855. There were I learn but four transactions in her first capacity and I have made out the account in her latter capacity including every thing - The result of the settlement is, that there is due by the administratrix on the 2nd of February 1855 the sum of (\$81⁴⁷/₁₀₀) Eighty one dollars and forty seven cents, Proper vouchers sustain the account the items marked (1) are sustained by the oath of R. B. Heath. The notice by law required has been regularly posted up on the front door of the Hustings Court house for the City of Richmond. The bond of the administrator I deem good.

Respectfully Reported

W^m F. Watson Comfr

Fee for this report \$19⁵⁸/₁₀₀ paid legally for admr:

W^m F. Watson Comfr

(2)

Dr The Estate of Robert Butler, In account with Otelia Butler
1853

Aug: 9	To paid advertising in Dispatch	1 25
Oct 17	" paid J. B. Mason amt: advanced by him in part funeral expenses \$20 and for amt: advanced by him to pay dis amt on renewal of \$850 note ¹⁸⁵³	37 85
" 18	" paid Mrs. Juliet Drew for rent per recit	94 81
" 31	" paid L. Earnest for keeping house	31 00
"	" paid City taxes for 1853	15 75
"	" paid J. B. Stovall Treasurer amt: due him	11 20
Nov 3	" paid L. D. Sprattley amt bond for \$50 interest	54 38
15	" paid W. W. Cowling for ice (1)	8 75
Dec: 3	" paid note of Otelia Butler at 4 mos: from 30 th July 1853 due in bank this day (created to raise money to pay family expenses till sale)	100 00
1854 Jan 10	" paid John Turpin for coffin hack &c	32 00
Jan 9	" paid note of this administratrix due in Bank 0 th this day favor L. D. Sprattley & endorsed by W ^m F. Butler (it was on renewal of one for some amt given by the testator)	850 00
16	" paid on note due at Bank of Virginia Norfolk for \$850	450 00
"	" paid on a/c note due at ditto Portsmouth \$700	400 00
"	" paid Keen Childs & Baldwin for clothes for Plepther	3 00
"	" paid L. Baager for Portsmouth ^{land} advertising	5 25

Forward 2095 34

(3)

Administratrix with the will annexed
1853

Cr

Oct 11	By Cash for sale of Personal Estate	493 60
"	" of Merchants bank Lynchburg	9 00
"	" of Treasury of Virginia balance of salary	113 93
"	" of Bank of Old Dominion	4 75
"	" of R. C. Edmunds payment of land in Sale of Wright	580 33
1854 " "	" Henry Types for land	384 75
Jan 11	" of William H. Thomas for do	660 45
"	" of W. H. Jordan	20 13

Forward * 2192 94

* error of \$6 in addition Ch: 3 subsequently

1852	To Amount Brought over	2095 24
Jan. 26	" paid bond in favor of Thomas D. Ripley for \$62 ¹¹ / ₁₀₀ & interest	93 81
"	" paid Richmond Examiner for advertising land	9 75
February 2	" paid the balance due on the \$700 note at Portsmouth	314 81
"	" paid the balance due on the \$850 note at Norfolk	417 92
13	" paid Susan Vornard balance due on two bonds of this testator 1 for \$250 & 1 for penal sum of \$357 ¹⁴ / ₁₀₀ both dated 3 ^d January 1829	263 06
27	" paid Robert J. Lynhorne's butcher bill	16 24
Mar. 24	" paid Parker Bayly & Minnis's ap ^{ts} for dry goods	391 29
April 2	" paid bond of Robert Butler to Josiah Hollman for \$61 ³⁶ / ₁₀₀ & interest paid to W. P. Young for Emily Hollman	94 90
4	" paid Richmond Post office box rent for 1853	1 71
May 18	" paid Charles Howard's ^{clerk's} ap ^{ts} & bills	8 82
June 12	" paid W ^m H. Day lawyer's fees	5 00
Octo 10	" paid Mrs L. Phillip millinery ap ^{ts}	58 00
Nov. 1	" paid bond of Geo. B. Butler & this testator to Dr. Horsworth for \$100 & interest \$10.95 & bond of same to J. S. Whitfield for \$25. int st \$4.18	
	paid to R. H. Whitfield for the parties	140 13
21	" paid W. P. W. Taylor for shoes &c	14 63
"	" paid P. August for groceries	3 38
Dec. 1 st	" paid Mark Downey for groceries	9 64
3	" paid N. P. Young balance due on bond of this testator to James Handeyside for \$230.95	44 23
"	" paid to ditto balance due on bond of this testator & J. B. Butler to Hannah Handeyside of J. F. Wren for \$159 ¹⁴ / ₁₀₀	136 95
"	" paid by Young for check on Norfolk for amt ret ^d including in Credit for \$500. ³³ / ₁₀₀	4 78

Forward

4124 29

1854	By amount brought over	2192 94
January 18	" Cash of Hy. Tynes for land	606 75
"	" R. L. Edwards for ditto	485 00
"	" Independent Bank	66 38
February	" " E. I. Winston for negro woman Caroline	600 00
June 8	" " John Holloway amt. bond	25 30
Nov 24	" " of R. L. Edwards for land	495 53

Forward 4472 12

(6)

1854	To amount brought over	41.24 29
Decm. 5	" paid W ^m H. Taylor Norfolk for Brandy &c	38 57
"	" paid Joseph Holladay amt of a/c due to Benton & Bros. of New York for Slave	27 68
"	" paid ditto, the amount of the bond of John P. Butters and this testator ^{with right} for \$76.08	102 82
13	" paid Dr F. H. Deane's a/c	40 00
"	" paid Willis Willson in part of bond for \$177 ^{tho} dated 1 st July 1837.	180 00
1853 Jan'y 4	" paid James C. Spotts for shoes for Stephen	1. 75
"	" paid bond for ditto	1 00
"	" paid W ^m Ira Smith for shirt for Stephen	2 75
"	" paid Mutual Assurance Society quota for 1854 on buildings in Smithfield	15 14
24	" paid W ^m Baldwin amt due on bond for \$60 for the hire of Mahabry	58 60
35	" paid Samuel H. Boykin to be credited on a note of this testator to J. W. Sprattly	150 00
"	" paid Richmond Enquirer for advertising	14 75
"	" paid R. L. Wigglesworth for advertising in Norfolk Herald	8 25
"	" paid R. D. Blackwell for W. Willson balance due on the bond for \$177 ^{tho}	185 07
"	" error too much at credit side in addition ^{next page}	6 00
"	" paid on bond of this testator to Merit Womble for \$800 (paid) to Geo. Womble on 6 th Dec 1853	238 14
"	" paid to Womble bal due on said \$800 bond 5 th June /54	58 23
"	" paid Clerk Hastings court fee bills	3.65

Forward \$5256.69

(7)

1854	By amount brought over	4472 12
1855 Jan'y 17	" Cash of Dickinson Hill & Co for sale of Stephen	690 40
Feb'y 2	" " for hire of Stephen in 1854	123 00
"	" for amt of credit payments of sales of personal estate	251 32
"	" amt purchased by Mrs. Otelia Butler at the sale of the personal estate in October 1853. \$197.00	
"	off for amt of articles a special legacy to her, under the will of her husband which were included in the sales & which amt to the sum of \$149.83 off comfr spc.	
"	\$7.49 Leases \$142.34	54 66
"	Cash received of John Womble in December 1853 for purchase of land \$225 & for horse \$20.50 \$245.50 off for prompt payment \$7.36	238 14

Forward 5829 64

1853.	To amount Brought over	3236 69
Feby: 1	" Commissions on recd \$3829 64 at 5 per ct.	291 48
	" Balance at credit	281 47
		5829 64

To cash paid in Check of R. B. Heath atty:
for this admix: favor W. P. Jordan on order made
of note of the testator Check dated 31st
January 1853 brot in after this a/c was
closed

1853		200 00
Feby: 2 ^d	To balance at credit	81 47
		281 47

1853 By amount brought over 5829 64

5829 64

¹⁸⁵³ Feby 2 By balance brought down due by the
Administration 281 47

¹⁸⁵³ Feby 2 By balance brought down due by the
administration 81 47

City of Richmond, to wit:

In the office of the Court of Hastings for the
said City, the 18th day of September 1856.
This account was filed. And at a Court of Hastings
held for the said City, at the Court House the 23rd
day of October 1856, said account was produced to
the Court, and there being no exceptions filed thereto the
same was confirmed and ordered to be recorded.

(Beste, Ro: Howard, clk,
A copy
Beste, Ro: Howard, clk,

Copy acct. of Sales
of Robert Butler's estate.

Mahon Val.

N. $\frac{2}{3}$ Cley.

Butler Val.

Account of sales of property belonging to the estate
of Rob^t Butler dec'd

Negro woman Caroline sold to Winston Jan-
uary 1854 for the sum in cash of \$ 600. 00

Negro man Stephen sold to Wm. M. Har-
rison June 5th 1855 for \$705 ⁰⁰/₁₀₀

Less Commissions of Auctioneer 14 ⁰⁰/₁₀₀ 690.40

Wm. Butler admr D.B.N.C.F.A

of Ro. Butler dec'd by R.B. Maltby agt.

City of Richmond, to wit:

In the office of the Clerk of Hustings for the
said City, the 2nd day of February 1855;

This account of sales was returned and admitted
to record.

Teste. Ro. Howard, clk.

Attesty

Teste, Ro. Howard, clk.

(C.)

At a Court of the Corporation of the City of Norfolk. Entenued
and held on the 27th day of November 1855.

Administration of the Estate of Otelia Butler deemed
was granted to William Mahone who made oath and gave
bond in the penalty of Five hundred dollars with George
W Camp his security who justified upon oath as to his
sufficiency Conditioned according to law.

A Copy

John J. Williams &c

Clerk's fees \$ 2.20 charge A. Atkinson reg.

Copy
Bond of Ro Butler
dated 10. of Samuel
Butler sent over.

(S.)

Know all men by these presents: That we Robert Butler John
C Crump and Archibald Atkinson are held and firmly
bound unto William D Duffin Danson Warren James D
Edwards and Allen P Birns Justices of the Court of Surry
County now sitting in the just sum of fifteen thousand
dollars to the payment whereof well and truly to be made to
the said Justices and their successors we bind ourselves and
each of us, our and each of our heirs, executors and adminis-
trators jointly and severally, firmly by these presents, sealed
with our seals, and dated this 30th day of November 1832,
in the 54th year of the commonwealth.

The condition of this obligation is that if the said
Robert Butler administrator de bonis non with the will annexed
of Samuel Butler sen. deceased, do make a true and perfect
Inventory of all and singular the good chattels and credits of
the said deceased, which have or shall come to the hands
possession or knowledge of him the said Robert Butler or into
the hands or possession of any other person or persons for him and
the same so made, do exhibit to the County Court of Surry
at such time as he shall be thereto required by the said court,
and the same good chattels and credits do well and truly admin-
ister according to law, and make a just and true account of
his receipts and doings therein when thereunto required by the
said court, and further do well and truly pay and deliver all the
legacies contained and specified in said will, so far as the
good chattels and credits will extend, according to the value
thereof and as the laws shall charge him, then this obligation
to be void, or else to remain in full force.

Signed, sealed acknowledged &
delivered in the presence of
Jno W Spratley

R. Butler
J. C. Crump
A. Atkinson

A Copy
Teste

Wm D Duffin
3rd May 1832

In Surry County Court 30th May 1841

On motion of Robert Butler administrator
de bonis non with the will annexed of Samuel Butler
deceased. Ordered that James Chalmers, William St
Jordan, Davis P Wells and Turner St Southall, or any
three of them being first duly sworn do audit state and
settle an additional account of his transactions as admin-
istrator as aforesaid, and also a distributer account of said
estate, and that they make report thereof to the Court.

Attest
H. C. P. J. S. L.

Jno R. Chalmers J.C.

Isle of Wight County. To wit.

James Chalmers, William St
Jordan and Davis P Wells this day qualified before me
a Justice of the peace for the County aforesaid. Given under
my hand and seal this 16th day of November 1843.
M. Wamble J.P.

Copy
No. 1. Butler's adminis-
tration account of
Samuel Butler deceased.

(13)

administrators of the sum of ten dollars and twenty four cents.
with interest from January 1840 till paid. Since we settled the
above account Robert Butler the admr. has paid to Frances
Butler aforesaid the sum of \$76.79 which including interest is the
discharge for the balance aforesaid due to him as aforesaid. and
the said admr. has paid Lucy Ann Young the sum of \$214.20 being the principal aforesaid due to her, including interest
to the payment, so that by the unexpired receipts the balances due
said Young and Frances Butler has been paid off the admr.
thereafter stands now indebted to said only who married
Agnes Butler.

Jas. Chalmers

D. P. Wells

W. H. Jordan

Smithfield Novem. 2^d 1843. Then received of R. Butler admr.
debris son of said Butler, deceased, the just and full sum of
two hundred and fourteen dollars and twenty cents being principal
and interest due me as p. report of commissioners as one of the lega-
tees of of the late Major Saml Butler dec'd. The Commissioners
found a balance due Lucy Ann Young on the 2^d Novem. 1843
of \$214.20. the interest on which sums up to 2^d Novem. 1843 in
amounts to the above sum of \$214.20

Witness Reuben Butler.

Lucy Ann Young

Norfolk Novem. 24th 1843. Then received of R. Butler
adm. debris son of Major Saml Butler dec'd. Sixty five dollars
and thirty four cents with interest from January 1st 1841, (2 years
& 11 months) making the sum of \$76.79 principal & interest up to
1 Decem. 1843.

Thomas Butler.

Pro E Adams

In Suffolk Jan 27th November 1843.

This account of the transactions of Robert Butler as
of Samuel Butler, deceased with the receipts unexpired, was this day
returned to Court and ordered to be continued for examination and
exception. And at a Court held for said County 3^d Jan 1844. The said account, having remained two terms and no exceptions
taken, is confirmed, and ordered to be recorded.

Henry Esq. Wm. Underwood Esq. Wm. Underwood Esq.

Geo. H. Crump
Ex. of Mo. C. Crump
dec?

(2.)

At a Monthly Court held for Nansmond County, the 11th:
day of February 1856.

The Last will and Testament of John C. Crump deceased, was proved according to law, by the oaths of N. P. Howard and R. H. B. Denson, the subscribing witnesses thereto: And a Codicil to said will annexed, was also proved according to law, by the oaths of N. P. Howard and R. H. B. Denson, subscribing witnesses to the said Codicil; and thereupon the said Will and Codicil are ordered to be recorded. And on the motion of George H. Crump, the Executor therein named, who made oath thereto, entered into and acknowledged a bond in the penalty of Eighty thousand dollars, without security (the Will requiring none), conditioned according to law: Certificate is granted him for obtaining a probat of said Will in due form; which bond is ordered to be recorded.

A Copy:

Nansmond Office
June 25th. 1856.

Teste,

Peter B. Prentiss. Clerk.

Mahone &

v.

Butler &.

2 Ex: filed
with amended
Bill

J. B. Butts
order.

on D. & L. Co.

(A.)

The President (and Managers of the Sismal
Swamp Land Company are hereby directed
to pay to John R. Kilby attorney for Wm.
Mahone, admr. of D. Ro. Buttes decd, the
Dividends arising from my Interest
in the Sismal Swamp Land Company's estate
until said Dividends shall pay what I owe
under a decree in a chancery cause in
Isle of Wight Circuit Court, of Wm. Mahone
admr of D. Ro. Buttes &c. against J. B. Buttes
& others. Given under my hand this
11th Sep 1837

John B Buttes

To have 7th. Nov. 1844. J. C. Jordan Shff.
1844, Nov. 26th. Satisfied, and on the 4th. Dec.
1844 paid the money to pldg. as fr. his acct. on this Exord.
J. C. Jordan Shff.

1844. Dec. 4th. Recd. of James C. Jordan Shff. the sum
of One hundred and fifty four dollars and ninety
two Cents in full of this execution, including debt, int.
and Cts.

J. C. Chalmer

Copies Sent

N. P. Young & Co.

J. C. Chalmer

Chalmer

W. C. Chalmer

The Commonwealth of Virginia, to the Sheriff of Isle
of Wight County greeting: We Command you, that of the
goods and Chattels of Samuel Butler decd. in the hands
of Robert Butler to be administered. take in your bail-
iwicks, you cause to be made the sum of fifty our
dollars and seventy seven cents, with interest thereon
from the first day of January 1821 till paid, which
James Chalmer lately in the Circuit Superior Court of
Chancery of the County of Isle of Wight, hath recovered
against the said Ro. Butler admr. as aforesaid by decree
of said Court in a suit wherein said Chalmer is Plaintiff.
and Edmund Larnum and said Butler defendants. also
\$28.91 or which to the said Chalmer in the same Court was
awarded for his costs by him, about his suit in that behalf
expended, whereof the said Butler admr. as aforesaid is
convicted. And how you shall have executed this writ,
make known at the Clerk's office of said Court, at which to be
held on on the first Monday in February next. And have
them then this writ. Witness N. P. Young Clerk of said Court
at the Courthouse the 7th day of November 1824, in the
19th year of the Commonwealth

N. P. Young Clk.

This Execution has been by virtue of a decree rendered in
Sup. Ct. Chy. Isle of Wight, in favor for Chalmer v. Edm.
Larnum and Robt. Butler who has effects in his hands
as admr. of Saml. Butler belonging to said Larnum.
A. Atkinson att. for the plff.

Chalmers

m. 336. Secord

San Jose Stutter

(B.)

In the Circuit Superior Court of Law and Chancery for the County
of Isle of Wight, October term 1844.

James Chalmers

Plaintiff

against

3 In Chancery

Edmund Sanborn and Robert Butler

Defendants

The defendant Sanborn, who is out of this country, and
against whom the plaintiff seems to have proceeded in the
mode prescribed by law against absent defendants, still fail-
ing to appear and file his answer, on motion of the plaintiff
by his attorney, the Bill is taken for confessed as to that defend-
ant. And the Subpoena having been executed on Robert
Butler, and the bill filed more than two months, and he not
having answered, the said Bill is taken for confessed as
against him also - And the Cause coming on to be heard on
the Bill and exhibits filed, was argued by counsel; on
consideration whereof, the Court doth order that the
defendant Edmund Sanborn pay to the plaintiff the sum
of \$51.77 with interest thereon from the 1st day of January
1821 till paid, and the Costs of this Suit. And that the
defendant Robert Butler pay to the plaintiff so much
of the sum of \$341.28 which it appears is in his hands
as administrator of Samuel Butler decd. and which carries
interest from the first day of January 1840 till paid,
as will discharge the said sum of \$51.77 with interest
thereon from the 1st day of January 1821 till paid, and
the Costs of this Suit. And the said Chalmers is not to
have the benefit of this decree until he shall have entered
into bond with sufficient security, in the Clerk's office of
this Court, in a penalty equal to double the money decreed
to be paid by the resident defendant, with such condition
as the law requires in case of absent defendants.

a copy

Teste

N. P. Young & Co.

R. S. Thomas Admr^r
of Edmund Larnie
Certe: of Qualification

Feb: Co. Ct. 1873,

1st Aⁿ

In Suffolk County Court, February
the 3rd 1843,

On the motion of Richard S.
Thomas, who made oath, and
together with Julius O. Thomas his
Security, (who justified) entered into
and acknowledged a bond in the
penalty of One Thousand Dollars,
with condition according to
Law, Certificate of Administra-
tion is granted him on the
Estate of Edmund Larnie
decd.

Alopy, Tester,

Wm. H. Hart, Secy.

Apresus. shall be justifiable in making sale
 of the aforesaid property, or as much as may be
 necessary, when requested by ~~them~~ them or either
 of them their heirs, or on or adm^r so to do, and
 in executing to the purchaser or purchasers
 for the same a good and sufficient Deed, and
 the said George Wilson doth on his part
 covenant, that he will well and truly dis-
 charge the trust hereby confided to him, and
 he doth moreover covenant, that when they the
 said Arch^d Atkinson and John C. Grunk or either
 of them, their heirs or adm^r or apresus, shall
 signify this or either of their assents in writing, that
 he will in that case release all right, title
 interest and demand to the said Lots and Land
 and premises hereby conveyed or intended to be
 conveyed, in testimony whereof the parties to
 these premises have hereto set their hands and
 affixed their Seals the day and year first
 above written.

Signed, Sealed and
 acknowledged
 and delivered in
 presence of

Ro: Butler. Seal
 Seal
 Seal
 Seal
 Seal

Witness to Butler
 to 3 Dec
 J. Wilson for
 Grunk & Atkinson
 Filed by J. Atkinson

This Indenture witnesseth that for and in consideration of the premises and for the further sum of one Dollar to him the said Ro: Butler in hand paid, at and before the enrolling and delivery of these presents, the receipt whereof the said Ro: Butler doth hereby acknowledge; then the said Ro: Butler and Otelia his wife, have granted, bargained, sold, aliened and conveyed, and by these presents do grant, bargain, sell alien and convey unto him the said George Wilson his heirs and assigns a certain House and Lot N^o 8 in the Town of Smithfield on which the said Ro: Butler now resides, known as the Old Court House; one other House and two acres Land in the upper part of the Town of Smithfield purchased of Mrs Frances West, with the two acre Lot thereto adjoining purchased of Mrs Elizabeth Johnson. The tract called Oakland containing ninety acres purchased of David Lynes and wife, Arch^d Atkinson, Thomas Broadfield's heirs, and Henry Crocker, and the tract called Tyne's purchased of Messrs Andrew Woodley containing one hundred and forty acres. — To have and to hold the above named House and Lots, and tracts of Land, together with all the appurtenances thereto attached and belonging or in any wise appertaining, unto him the said George Wilson his heirs and assigns for ever.

Provided always, and this present grant is upon this express condition, that if the said Ro: Butler his heirs, executors, administrators shall well and truly perform and discharge the conditions

of the before recited administration Bond according to the true intent and meaning of the same, and shall at all times hereafter sufficiently save harmless and keep indemnified the said Arch^d Atkinson and John C. Grump their heirs executors administrators and assigns from all damages and charges whatsoever upon the before recited administration Bond; that then this Indenture shall be void and of no effect.

But should the said Arch^d Atkinson and John C. Grump or either of them, their heirs executors administrators or assigns be sued, troubled or damaged in any way whatever in consequence of their having become bound in the before recited Bond, that then it shall and may be lawful for the said George Wilson his heirs, executors or administrators, and he or they are hereby fully and legally authorized by the said Ro: Butler and Otelia his wife to sell at publick Auction in such way as he may deem best, after giving thirty days previous notice of the time and place of sale in the publick prints and at some publick place in the Town of Smithfield, and out of the proceeds thereof after first paying the charges of such sale, pay to the said Arch^d Atkinson and John C. Grump their heirs, executors or assigns, such sum or sums of money as they, or either of them, may have been compelled to pay in consequence of their having become bound in the before mentioned Administration Bond; and the over plus (if any) pay to the said Ro: Butler his heirs, executors or assigns, and the said Ro: Butler is to have the use of said property until the day of sale if any. And the said Arch^d Atkinson and John C. Grump their heirs or doth covenant to and with the said George Wilson that he or his heirs, executors or

This Indenture made this 29th day of November
in the year of our Lord One thousand eight hundred
and thirty two, between Robt Butler and Orelia his
wife of the county of Isle of Wight of the first
part; Arch^r. Atkinson of the County of Isle of
Wight and John C. Crump of the County of
Tarry of the second part, and George Wilson
of the County of Isle of Wight of the third part
all of the State of Virginia.

Whereas the above named Arch^r. Atkin-
son and John C. Crump have become securities
to the aforesaid Robt Butler in a certain bond dated
Nov^r 26th 1832, given to the then sitting justices, to wit
James & Edward Allen & Beins, Dawson Warren Jm & B^r
Neffin justices of the Court of Tarry County, for his adminis-
tration on the Estate said Butler decd in the sum of
fifteen thousand Dollars, conditioned as in
said bond expressed; And at the special request of
him the said Robt Butler to secure and keep
harmless the said Arch^r. Atkinson and John
C. Crump as his securities in said Adminis-
tration bond; hath together with Orelia his wife
agreed to convey unto the said George Wilson
as Trustee of the following real property in
the County of Isle of Wight viz The House and
Lot N^o 8 in the Town of Smithfield on which the
Butler now resides; The House and two acres of Land
in the upper part of the Town of Smithfield purchased of
Mrs Frances West; and the adjoining two acre lot
purchased of Mrs Elizabeth Johnson; The tract
called Oak Land purchased of David Tynes
and wife, Arch^r. Atkinson and others contain-
ing ninety acres, and the tract called Tynes
purchased of Capt Andrew Woodley contain-
ing one hundred and forty acres, Now

C. B. Hayden Esq

Suffolk
12 Feby 1857

Dear Sir

I enclose you a note from Carver -
try & get Mr Young to take the acct. & to summon
Hale -

also I enclose a note from Ensey about Cole's
debt to Dr. Butler - by it, it seems Bracken Butler
paid it, hence you will take no other notice of it -
see Thomas & Adams shew if they paid it -

Mr Whitfield will hand you some Dep^s in Parker &
v. Ballard - he objected to E. L. Ballard's evidence -
I think however there is no valid objection - Ballard has
no interest in the hires & due p^{ts}: some is claimed
by him - so also in any Balance due Martha Lawrence's
estate, he has no Int: being barred & some claimed by him,
so far as the sales of Ice is concerned it is proved
by Mr. Bridger & by E. L. Ballard. -

I think the \$700. charged for keeping Jimmy &
Peter from 1828 to 1840 should be stricken out the
adm^r acct. - That Aug. Ballard adm of Martha
Lawrence should be charged with sales of Ice in
1830 -

That Aug. Ballard acting as ^{quasi} agent of Sidney &
Parker should be charged with hires of negroes

Jimmy, Lydia & Isaac — that he should be
charged with him, on Jimmy from 1833
Lydia from 1828 & Isaac from 1830 —

The proof is that these were children of
Isabel & all born before Mrs. Laurence died
(1823) hence in 1828 Jimmy & Lydia must have
been 10 to 12 years old — Isaac was the youngest
I lived with to Peter till Aug. Ballard took
him home, which was as soon as he was worth

anything — Isabel was given to Sidney & ~~was~~ sold to pay debts, ~~and~~
which the other ~~assiduous~~ legatees are asked to refund
I do not at present expect to produce any
other evidence — so you can close the acct.

Respy
John R. Kilby

Mahomedals }
as } In
Jno B Butler } Chancery
& als —

Commissioners Notice
to
Plaintiffs

1856 ~~Dec~~ 13
Service of this notice
acknowledged for
pts: John R Kilby
atty

Commissioners Office
Smithfield ~~Dec~~ 13th / 1835

To William Mahone
& Otelia his wife

You are hereby notified
that I have fixed upon the 15th day of January
next to take & settle at my office the following
accounts;

- 1st An account of the transactions of Otelia Butler
administrating with the will annexed of
Robert Butler deceased;
- 2nd An account of the transactions of William
Mahone, as administrator de bonis non
with the will annexed of said Robert
Butler-
- 3rd An account of the outstanding debts due
by said Robert Butler, & of their dignity
- 4th An account of all debts paid by the said
Robert Butler for & on account of John
B. Butler.
- 5th An account of the value of negro man
Stephen; required to be taken by the decree
of the Circuit Court of Isle of Wight County
rendered on the 20th day of October 1835,
in a suit in Chancery depending in said
court, between the aforesaid W^m Mahone
& Otelia his wife in their own right & the said
W^m Mahone as admr de bonis non with the
will annexed of Robert Butler deceased ~~and~~
Plaintiffs & John B Butler & others are Defendants;
at which time & place you are required to attend.
Given under my hand as commissioner in
Chancery of said court the day & year first
aforesaid-

C. B. Hayden

Expected by delivering a true copy of the
within notice to the within named Geo B
Butler this 19th day of Dec 1834. -

Chas Hall off

Mahone } In
et-als } Chancery
vs. }
Geo B Butler }
et-als - }

Commissioners Notice
to Geo B Butler -

To be returned to
C. B. Hayden

Commissioners Office
Smithfield Dec 13th 1836

To John B Butler;

You are hereby notified
that I have fixed upon the 5th day of January
next to take & settle, at my office the following
accounts;

1st An account of the transactions of Orelia Butler
administrating with the will annexed of Robert
Butler deceased -

2nd An account of the transactions of William
Mahone as administrator de bonis non with
the will annexed of said Robert Butler -

3rd An Account of the outstanding debts
due by said Robert Butler & of their dignity;

4th An account of all debts paid by the said
Robert Butler for & on account of John B
Butler;

5th An account of the value of negro man
Stephen; required to be taken by the de-
cree of Isle of Wight Circuit Court, ~~re-
versed~~ ~~and~~ the 20th day of October 1836, in a
suit in chancery depending in said court, between
W^m H. Mahone, adm^r de bonis non with the will
annexed of Robert Butler dec'd & others as Plain-
tiffs & you & others as defendants; at which
time & place you are required to attend.

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

C. B. Hayden

Madame wife
as } the Chancery
Butlerworth

Commissaries Notice -

Service acknowledged -

Reck^d Reynolds

Arch^d Atkinson

President & Managers of Seamar

Swamp Land Company by

T. Taylor President

M. J. Tindall

Geo. H. Crump Secy J. C. Crump

Commissioner's Office
Smithfield Dec 13th 1836

To Archibald Atkinson,
Richard Reynolds, Watson
P. Jordan, George H Cump
Executors of Geo C Cump - &
The President & Managers of
The Dismal Swamp Company;

You are hereby notified that I have fixed upon the 15th day of January next, to take & settle at my office, the following accounts:

- 1st An account of the transactions of Orelia Butler administratrix with the will annexed of Robert Butler deceased;
- 2nd An account of the transactions of W^m Mahone, as administrator de bonis non with the will annexed of said Robert Butler.
- 3^d An account of the outstanding debts due by said Robert Butler & of their dignity.
- 4th An account of all debts paid by the said Robert Butler, for & on account of John B Butler.
- 5th An account of the value of negro man Stephen; required to be taken by the decree of the circuit court of Isle of Wight County, rendered on the 20th day of October 1836, in a suit in chancery depending in said court, between W^m Mahone as administrator de bonis non with the will annexed of Robert Butler & the said W^m Mahone & Orelia his wife as Plaintiffs, you & others as defendants; at which time & place you are required to attend. Given under my hand as Commissioner in chancery of said court the day & year first aforesaid -

C. B. Hayden

Butters adm.^d tag,

v. $\frac{3}{3}$ Aides Publn

Butter tag.

At Rules held in the Clerks office of the Circuit
Court of Isle of Wight County, the 6th. of August 1856

William Nations adm^r. de bonis moris with
the will annexed of L^d. Robert Butler dec^d.
and ex adm^r. of M^{rs}. Otelia Butler dec^d. and
The said William Nations and Otelia his wife, Plffs.
against $\frac{1}{2}$ M^r. Chauncy.

John B. Butler, Richard Reynolds, Watson F.
Jordan, Edmund Samsen, Archibald McMillan
George H. Crump Exors of John B. Crump dec^d.
and the Seignior Swamp Land Company, &c. &c. &c. Defs.

The object of this suit is to effect a final
settlement of the estate L^d. Robert Butler
dec^d. And affidavit being made it appear-
ing by an affidavit filed in the cause that
Edmund Samsen a defendant is not an
inhabitant of this State, it is ordered that
he do appear here within one month after
due publication of this order, and do what
is necessary to protect his interest. And that
a copy of this order be published in the
Suffolk Advertiser for four weeks successively
and posted at the front door of the Court
house of this County on the first day of
the next County Court.

A Copy

Teste C. C. Thompson

A T RULES held in the Clerk's Office of the Circuit Court of Isle of Wight county, on the 6th day of August. 1856,

William Mahone, administrator de bonis non, with the will annexed of Dr. Robert Butler, deceased, and administrator of Mrs. Ottilia Butler, deceased, and said William Mahone and Ottilia his wife, Plffs,

against John B. Butler, Richard Reynolds, Watson P. Jordan, Edmund Lanier, Archibald Arkinson, George H. Crump, executor of John C. Crump, deceased, and the Dismal Swamp Land Company, Defts

IN CHANCERY.

The object of this suit is to effect a final settlement of the estate of Dr. Robert Butler, deceased, and it appearing by an affidavit filed in the cause, that the defendant Edmund Lanier, is not an inhabitant of this state, it is ordered that he do appear here within one month after due publication of this order, and do what is necessary to protect his interest; and that a copy of this order be published in the Southern Argus for four weeks successively, and posted at the front door of the Court house, on the first day of the next county court.

A Copy—Teste

au 19—ru4w

N P YOUNG. C. C.

OFFICE OF THE SOUTHERN ARGUS, }
NORFOLK, VA., 18 Sept^r 1856. }

I Abraham F. Leonard one of the publishers of the Southern Argus, a newspaper published daily in the City of Norfolk, State of Virginia, do certify that the annexed Legal Notice in the case of *W^m Mahone adm^r de bonis non* of Dr. Robert Butler dec. &c. Plffs. vs. John B. Butler, Prod^r Reynolds &c. Defts pending in the Circuit Court of the County of Isle of Wight has been published once a week for four successive weeks in the said newspaper, commencing on the 19th day August. 1856.

A. F. Leonard

Wahon R.

3. } Off. of Path

1 Berta

Apr. 30. 1837 find

COMMISSIONER'S OFFICE,
Smithfield, December 1st, 1856.

TO EDWARD LANIERE — You are hereby notified that, I have fixed upon the 6th day of January next, to take and settle at my office the following accounts:

1st. An account of the transactions of Orelia Butler, administratrix of Robert Butler, deceased.

2nd. An account of the transactions of Wm Mahone, as administrator de bonis non with the will annexed of said Robert Butler, deceased.

3d. An account of the outstanding debts due by said Robert Butler, deceased.

4th. An account of all debts paid by the said Robert Butler for and on account of John B Butler.

5th. An account of the value of the negro man Stephen named in the bill, required to be taken by the decree of the Circuit Court of Isle of Wight county, rendered on the 20th day of October, 1856, in a suit in chancery depending to said Court between Wm Mahone administrator de bonis non with the will annexed of Mr Robert Butler, deceased, and the said Wm Mahone and Orelia his wife as Plaintiffs, and John B Butler, Richard Reynolds, Watson P Jordan, Edward L. Levee, Achibald Atkinson et als, Defendants, at which time and place you are requested to attend.

Given under my hand as Commissioner in Chancery of the said County the day and year first aforesaid.

C B HAYDEN

OFFICE OF THE SOUTHERN ARGUS,
NORFOLK, VA., April 15th — 1857.

J. Abram F. Leonard — one of the publishers of the Southern Argus, a newspaper published daily in the City of Norfolk, State of Virginia, do certify that the annexed Legal Notice in the case of Wm Mahone, adm de bonis non with the will annexed of Dr. Robt Butler, dec: &c: p'ts: and John B. Butler & others, defendants

pending in the Circuit Court of the County of Isle of Wight has been published once a week for four successive weeks in the said newspaper, commencing on the second day December 1856.

charge of publication \$5. =

A. F. Leonard

Mahonbury.

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Butler t.

blk. of J. A. Wright \$12.59

Atto. Roy 16.50

Stff. Roll 2.50

Stff. of Norfolk .50

" " News. + .50

Cent. Pay der 22.50

Publishing order 2.50

Publ. Cent. notice 5.00

~~Ch. for publishing 3.40~~

~~for copy 1.80~~

~~do. Survey 20~~

~~do. News. \$65.99~~

Certs \$62.59

Green Valley

Dec. 5.

Mr. E. B. ...
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...
...
...

at a ...

Wm Mahone wife

vs. } In Chy.

Butler & Co.,

April, 1873. The above
named Chy. Cause
was taken out of this
bundle and reinstated
on the Docket for new
hearing to —

C. Hart, L.C.,