

1874-011 Chancery Causes: Thomas, Adams & Company, for & c vs Joseph B Whitehead 'admr, John
Isle of Wight County B Butler's admr & al

other surnames: Thomas,
Adams, Atkinson, Eley, Bidgood,
[Thomas & Adams], Day, Millard,
[Dismal Swamp Land Company]
Dignum, Hayden, Leigh
[Leigh Brothers], Phelps,
Marshall, Rawls, Willis Folk,
Wilson, [Womble & Wilson], Hall,
Southall, Valentine, Scott
Collonna, Darden, Vellines,
Womble, Chalmers, White,
[Pasteurs & Shivers], Pasteurs,
Shivers, Bykin, Babb, Couper's,
Jordan, [Southern Argus],
Brickhouse, Hill, Daniel, Archer
[Stephenson & Archer], Stephenson
Mears, [Couper & Jordan], Clarke,
Carroll, Spratley, Dignum,
Crocker, Barrett, Todd, Mahone
Benton, [S & N White], Elliott

Thomas Adams & Co. et al.

1853

Bill of

John B. Butters Adm et al.

25
32
12
12
48

1869.

Sept. Rules - Bill filed -
to clear nisi n. lry, Day &
Whithead - Ord. of public. n.
about def. gov. ad litem ap?
to infants, then ans. filed & disp.

Octo. Rules - sit for hearing

Octo. et. Decem affg. and lites &
for sale & act.

May 1870 - Cond.

Octo. 1871 - Decem to ap. down.
collect & distribute & for act
& make and p.

apl. & Octo. / 72. cond.

apl. / 73 - Decem to collect
deposits - make distribution &
for further act.

Octo. 1874, Final Decree

and that such other and further relief
may be granted
in the premises as to the Court may
seem meet and ^{as} may suit the Equity of
the case, and your complainant
will ever pray &c.

Hayden jrg.

That your complainants are without
remedy at Law and can only be relieved
by the aid of this Honorable Court of
Chancery were matters of this sort
are cognizable, to this end your
complainants pray that the said James S. Pley,
as administrator of Joseph B. Whitehead,
and as administrator de bonis non of
John B. Butler, Mary Ann Butler widow
of said John B. Butler, James Willard
and Sarah B., his wife late Butler, Mary B.
Butler and Robert Butler, the last two
infants, by someone appointed their Guar-
dian ad litem to defend them in this suit,
Amanda C. Hay Executrix of William
H. Hay and Eliza Whitehead
Executrix of A. A. Whitehead may be made
parties defendant to this Bill, and be required
to answer the same. That a further account
may be taken of the transactions of said

Joseph B. Whitehead as Administrator of the
said John B. Butler and of the outstanding
debts against the said John B. Butler's
Estate that the stock aforesaid may be sold
and the proceeds applied to the satisfaction
of the debt due Thomas Adams & Co. and the
surplus, subject to the widow's dower therein,
applied in aid of the personal assets, to the
payment of the debts due by the said John B. Butler

said Benjamin Bidgood has departed this
life intestate and his Estate has been
committed for administration to the
said Edmund Eley Sheriff as aforesaid.
That the said A. A. Whithead has departed
this life and his widow Eliza Whithead
has qualified as his Executrix.
That the debts aforesaid due the said
Thomas Adams & Co and the said Benjamin
Bidgood are still due & unpaid; that your
said complainants Thomas Adams & Co.
are informed & so charge that by virtue of
the deed of Trust aforesaid they have a right
to have the aforesaid quarter share of
Stock in the Mineral Spring Land Com-
pany sold and the proceeds of Sale
applied to the satisfaction of their debt
and for the purpose of such sale to have
a Trustee appointed in the place of the
said William S. Hay and your com-
plainant Edmund Eley as Administrator
of Benjamin Bidgood is informed
and so charges, that if the personal
assets of the said John B. Butler ^{are insufficient for the payment of his debts as your said complainant} have a
right to subject the surplus proceeds
of Sale of said Stock after the payment
of the debt of said Thomas Adams & Co. to the
payment of the debts due by said John B. Butler.

Exhibit
E

1st day of November 1858. That at the request of said Administrator an account of debts against the said John B. Butler was taken and confirmed, a certified copy of which marked E, is herewith filed and prayed to be taken as a part of this Bill, showing the outstanding debts against said Estate to be inclusive of Interest to the 5th of September 1859 \$2257.98. That the said John B. Butler left as his heirs and distributees at Law his widow Mary Ann Butler, and three children, Sarah B., Mary B., and Robert Butler all of whom are still living but are non residents of the State of Virginia the said Sarah B. has intermarried with one James Willard. That the said Trustee William H. Day has departed this life and Amanda Day has qualified as his Executrix. That the said Joseph B. Whithead has departed this life and his Estate has been committed for administration to Enoch L. Eley the Sheriff of said County. That the Estate of said John B. Butler has been committed for administration de bonis non to Enoch L. Eley Sheriff as aforesaid. That the said John B. Butler in his lifetime was also indebted to one Benjamin Bidgood, by open account, due on the 1st of January 1858 in the sum of \$63.20, which account was allowed in the account of ~~debts~~ of aforesaid against the said John B. Butler That the

prayed to be taken as a part of this Bill.
That after the execution of said deed of Trust,
and in the lifetime of the said John B. Butter
the said Trustee in pursuance of said deed
sold the said house & lot, conveyed by said deed,
and applied the proceeds of sale less the expenses
thereof, amounting to \$1352.25 as will appear
from the credit on said Bond for that amount.
That on day of 1857 the said
John B. Butter departed this life intestate in
the County aforesaid and one Joseph B.
Whitehead qualified in the County Court
of said County as his Administrator, and
with one A. A. Whitehead as his security
executed his Bond in a penalty of \$1000.00,
an official copy of which Bond marked C,
is herewith filed and prayed to be taken
as a part of this Bill. That the said John B.
Butter besides the quarter share of Stock in the
Slismal Swamp Land Company left a small
personal Estate of which the said Joseph B.
Whitehead took possession for administration
and administered the same as will appear from
the annexed Account of his transactions as
such administrator marked D, herewith
filed and prayed to be taken as a part of this
Bill, showing a balance of \$253.97 to be due
from said Administrator to said Estate on the

Exhibit
C.

Exhibit
D.

To the Honorable E. D. Pitts Judge of the
Circuit Court of Isle of Wight County,
Humbly complaining sheweth unto the Court
your complainants James Thomas John E.
Adams & S. B. Atkinson late merchants and
partners under the style of Thomas Adams & Co.
suing for the benefit of said James Thomas
and John E. Adams merchants & partners
under the style of Thomas & Adams and
Essex L. Cley Administrator of Benjamin
Bidgood suing on their ~~their~~ own behalf
and that of all other creditors of John B.
Butler deceased; that heretofore in the
lifetime of the said John B. Butler to wit on
the 3^d day of June 1856 the said John B. Butler
made his certain writing obligatory sealed
with his seal the date whereof is the day
and year last aforesaid, whereby he prom-
ised to pay on demand to the said Thomas
Adams & Co. the sum of \$1850.00, which bond
marked A. is herewith filed and prayed to
be taken as a part of this Bill. That to secure the
payment of said Bond the said John B. Butler,
and Mary Ann Butler his wife
by a deed of Trust of even date therewith con-
veyed in Trust to one Wm. H. Day, as Trustee,
a house and lot in the town of Smithfield,
and one quarter share of stock of the Abigail
Swamp Land Company a certified copy of which
deed of Trust marked B. is herewith filed and

Exhibit
A.

Exhibit
B.

Thomas Adams & Co. et al.

vs

John B. Butler's Admrs et al.

Infants Answer

Sept. Reel 1869. filed

To the Honorable E. D. Pitts, Judge of the Circuit Court of
Isle of Wight County.

The joint and several answers of Mary B.
Butter and Robert Butter infant orphans
of John B. Butter, deceased, by N. P. Young their
Guardian ad litem, to the Bill of com-
plaint in said Court exhibited by Thomas
Adams & Co. and others against them and
others;

These defendants jointly & severally answering
say that they are infant under 21 years of age
and submit their interest in the premises
to the protection of this Honorable Court and
having answered they pray hence to be
dismissed with their costs in this behalf
most unreasonably expended

Signed

N. P. Young *gov. ad litem*

Presented by subscription a true copy of the letter
to the Hon. Secretary of the War, dated
in the City of August 11 1869

100 100 100
for J. Smith & Co.

Thomas, Adams & Co.
for Thomas & Adams
& Co.

B. $\frac{1}{2}$ Sum. &
Ans. Bill

Mr. B. Butters
admir. & Co.

To Septem. 1869.
Cir. Oct.
Hayden & Co.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We command you to summon Esq. A. Clay as admor. of Joseph B. Whithead as admor. & bonor. of John B. Butler, Mary Ann Butler, widow of said Jno. B. Butler, Mary Ann Butler (James Millard & Sarah B. his wife, late Butler, Mary B. Butler & Robert Butler, the last two infants) and Amanda Day Executors of Wm. H. Day decd: and Eliza Whithead admor. with the will annexed of Elizav. A. Whithead decd. to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in September next, to answer the Bill in chancery of James Thomas, John E. Adams & R. K. Atkinson late merchants & partners under the style of Thomas, Adams & Co. suing for the benefit of said Jos. Thomas John E. Adams merchants & partners under the style of Thomas & Adams, & Esq. A. Clay admor. of Benj: Redgood suing on their own behalf & that of all other creditors of said John B. Butler.

a plea of non est for \$ Damages, \$ And have then there this writ. Witness, CHARLES H. HART, Clerk of our said Circuit

Court, at the Courthouse, the 19th day of August 1869, in the 94th year of the Commonwealth.

A. J. Young D.C.

Thomas Adams Geo.
for Thomas Adams

4. $\frac{2}{3}$ Affidavit

3 Books adms. sold.

Isle of Wight County, to wit:

On this 6th day of Sept. 1869, before me, N. P. Young Depy. Clerk for C. S. Hart Clerk of the Circuit Court of Isle of Wight County, personally appeared C. B. Hayden Counsel for the plaintiff, in the suit of Thomas Adams & Co. for Thomas & Adams, & als, who are for themselves & other creditors of J. B. Butler decd; against E. L. Cley admr. off. B. Whitman & as adm. de tour, and of Mrs. B. Butler decd. to be defendants. Now appearing in said Court, and made oath that Mary Ann Butler widow, of J. B. Butler, Jas. Millard & Sarah B. his wife late Butler, Mary B. Butler & Ho. Butler defendants in said suit, are now residents of the state of Virginia.

C. B. Hayden

Seem to subscribe
before me in my office
the day & year aforesaid.
N. P. Young D.C.

I, *James Barran Hobbs Esq*
The Virginian, a newspaper printed in the
City of Norfolk, in the State of Virginia, do
hereby certify that the order hereto annexed
has been published once a week for four suc-
cessive weeks in the newspaper aforesaid.

Given under my hand this *12th*
day of *Sept* A. D. 1870

James Barran Hobbs Esq
Ch.

Cost of executing the said order, paid by the
above-named plaintiff, \$ *9⁰⁰*

Advertising Rates, per square (10 lines nonpareil) first insertion
75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on
alternate days.

A T RULES HELD IN THE
Clark's Office of the Circuit Court of
Isle of Wight County, the 7th day of Septem-
ber, 1870

James Thomas, John E. Adams and George N.
Atkinson, late merchants and partners, un-
der the style of Thomas, Adams & Co, who
sue for the benefit of James Thomas and
John E. Adams, under the style of Thomas
& Adams, and E. S. Eley, administrator of
J. B. Bidgood, deceased, suing for the benefit
of themselves and other creditors of John
B. Butler, dec'd. Plaintiffs.

Versus
E. S. Eley, as administrator of J. B. Whitehead
deceased, and as administrator de bonis non
of John B. Butler, deceased, Mary Ann
Butler, widow of J. B. Butler; Jas. Millard
and Sarah B. his wife, late Butler, Mary B.
Butler, and Robert Butler (the last two in-
fants) and Amanda Day, executrix of W. H.
Day, deceased, and Elvira Whitehead, ad-
ministratrix with the will annexed of J. A.
Whitehead, deceased. Defendants.

IN CHANCERY.

The object of this suit is to effect a sale of the
real estate of which John B. Butler, died, seiz-
ed and possessed, for the payment of the debts
due to the plaintiffs. And affidavit having been
made and filed that the defendants, Mary Ann
Butler, widow of John B. Butler, James Millard
and Sarah B. his wife, Mary B. Butler and Rob-
ert Butler, are non-residents of the State of
Virginia, it is ordered that they do appear be-
fore the said Circuit Court within one month
after due publication of this order and do what
is necessary to protect their interests.

(A Copy) - Teste:

N. P. YOUNG, D. C.

C. B. HAYDEN, P. C.

sel3-1awlw

GLENNAN, RUFFIN & CO.

VIRGINIAN NEWSPAPER & JOB PRINTING OFFICE.

JOB PRINTING NEATLY AND
PROMPTLY EXECUTED.

Norfolk, Va., Sept 13th 1870

Mr C. B. Hayden
To NORFOLK VIRGINIAN, Dr.

For *Copy Sent Hayden to Eley adm* \$
4 per law & costs *9⁰⁰*

Received Payment, of *C. B. Hayden*
Glennan Ruffin & Co

I, *James Baran Hobbs Ed*
The Virginian, a newspaper printed in the
City of Norfolk, in the State of Virginia, do
hereby certify that the order hereto annexed
has been published once a week for four suc-
cessive weeks in the newspaper aforesaid.

Given under my hand this *11th*
day of *July* A. D. 1871

James Baran Hobbs Ed
J.B.

Cost of executing the said order, paid by the
above-named plaintiff, \$*6.75*

Advertising Rates, per square (10 lines nonpareil,) first insertion
75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on
alternate days.

By Leigh Bros. & Phelps, Auctioneers,
Corner Commerce and Water sts.

**PUBLIC SALE OF DISMAL
SWAMP LAND COMPANY STOCK.**—By
virtue of a decree of the Circuit Court of Isle of
Wight County of October Term 1869, in the suit
of Thomas, Adams & Co., and als., vs. John B.
Butler's Administrator and als., I will sell, at
public auction, at the auction room of Leigh Bros
& Phelps, Norfolk, Va., on THURSDAY, the 8th
day of June next, the

ONE QUARTER SHARE OF STOCK OF THE
DISMAL SWAMP LAND CO.,

conveyed by the deed of trust from said John B.
Butler, for the benefit of Thomas, Adams & Co.,
in said suit mentioned.

TERMS: Credit of six months with interest
from day of sale, except so much for cash as will
pay the costs of suit and sale, with liberty to the
purchaser to pay the whole amount of the pur-
chase money in cash at his election; if credit is
preferred, bond with sufficient security will be
required. If desired the stock will be sold in
separate portions of $\frac{1}{8}$ one-eighth each.

N. B. A late lease by the Company will for the
next five years secure an annual dividend on a $\frac{1}{4}$
share, equal to the interest at 6 per cent. on \$6,500.

C. B. HAYDEN, Trustee.
LEIGH BROS. & PHELPS,
Auctioneers.

my9-law1w

Journal copy.

Mr C. B. Hayden Trustee
In acct. with Leigh Bros & Phelps.

1871

June 8 For selling at Auction this day One quarter share of stock of Dismal Swamp Land Co. to Mr. Fagwell Taylor for		\$21.50
Advertising		
in Norfolk Journal	6.75	
in Norfolk Virginian	6.75	
Commission 1%	21.50	35.00

Norfolk June 8th 1871. Received of C. B. Hayden Esqr.
Trustee. Thirty five dollars in full charges on the
above sale.

Leigh Bros & Phelps
Auctioneers

Statement B

To Cash paid Order of Publication	9.00
" Do Auctioneers &c (including Printer's Bill)	35.00
" Do Atto. Fee & Lit. Tax (taped in costs)	30.50
" 1/2 Commission @ 5 per ct. on \$300. ⁰⁰ / ₁₀₀	7.50
" do @ 2 per ct. on \$1830. ⁰⁰ / ₁₀₀	18.50
" Cash paid Thomas Adams (Clerk's Office fees)	8.23
" Do. paid A. P. Young Clerk's Fees	<u>1.48</u>
	<u>\$110.21</u>

The Bond aforesaid & Receipts of the parties aforesaid for said payments are herewith filed.

All of which is respectfully submitted.

(Signed) C. B. Hayden

Nov 30. 1871 Recd. of C. B. Hayden \$1.⁴⁸ Clk's fees in this case.

A. P. Young Cl.

Received of the Clerk of the Circuit Court of Eschewright County the within named bond. Octo. 23rd 1871, C. B. Hayden

Thomas Adams & Co. Tel.

Id.

Butler & Adams Tel.

Commissioners Hayden's

Report of Sale

To the Circuit Court of Isle of Wight County

The undersigned Commissioner of Sale under the annexed Decree of said Court of October Term 1867 in the suit of Thomas Adams & Co. vs John B. Butler & Amroals reports to the Court that pursuant to said Decree he exposed the one quarter share of stock of "The Dismal Swamp Land Company" in said suit mentioned to sale at Public Auction in the City of Norfolk, ^{on the 8th of June 1871} after having given the notice required by said Decree, when Jazewell Taylor Esqr. being the highest bidder became the purchaser for the sum of \$2150.⁰⁰, of which amount he paid \$110.²¹, & for the balance with J. S. Taylor as his Surety executed his Bond for \$2039.⁷⁹ payable six months from June the 8th 1871 with interest from that date, which Bond & Cash Payment made up \$2050.⁰⁰, a amount of sale as per

Statement of

Cash Payment 110.21

Bond 2039.79 \$2150.00

The Cash Payment was applied in payment of the costs of suit - as far

And the Court doth further adjudge order
 & decree that this suit as to Amanda Day
 exor: of Wm H. L. be dismissed & the Court doth
 order that the said Court shall give notice
 of the time & place of taking said ac-
 counts, ^{once a week} by advertisement, for four successive
 weeks in the Norfolk Virginian a newspaper
 published in the City of Norfolk & such
 notice shall be in lieu of personal service
 on the parties. But the effect of this decree
 as to said sale shall be suspended un-
 til the said trustee shall execute in
 the Clerks office of this Court a bond
 with sufficient security, & in a penalty
 of \$1000.00 payable to the Commonwealth of
 Virginia, Conditioned for the performance
 of this or any future decree herein,

A Copy

Truste

C. H. Hart Clk

X Received of C. B. Hayden Commissioner Six Dollars & Seventy
 Three Cents Clerks Tickets & One Dollar & Fifty Cents Sheriffs
 Fees in within suit amounting in all to Eight Dollars
 & Twenty Three Cents.

~~For Thomas, Adams & Co~~

1742

Thomas Adams & Co. v. L. J.

vs. } Copy decree

Chas. Adams & Co. v. L. J.

Butlers

Admiralty -

trustee shall apply the proceeds of sale to the payment of the debts secured by said Deed of trust, & the balance if any deposit to the credit of this cause in the Norfolk Trust Co: or interest taking the certificate of deposit of the cashier therefor & return the same or said bond with his report to Court of his proceedings under this decree, And the Court doth further adjudge order & decree that a Comr: of this Court take the following accounts,

1st An account of the transactions of said Jos: B. Whitehead as admr: of Jos: B. Butler decd: Taking the account filed with the bill as prima facia correct, subject to be surcharged or falsified by either party,

2nd An account of the complainant's demands against said Jos: B. Butler & those of all other creditors who may choose to contribute to the costs of this suit, taking the account of debts filed with the bill as prima facia correct, subject to be surcharged or falsified by either party,

3rd An account of the transactions of Ezzm: L. Eley as admr: de bonis non of Jos: B. Butler decd: which accounts he shall take settle & report to Court with any matters specially stated deemed pertinent by himself or required by the parties to be so stated,

law as to absent defendants, Came on to
be heard on said bill, the answer of the in-
fant defendants by W. P. Young their gdⁿ
ad litem & general replication thereto &
exhibits filed & was argued by Counsel, on
consideration whereof the Court doth
adjudge order & decree, that C. B. Hayden
be appointed trustee in the place of
W^m H. Day, under the Deed of trust in these
proceedings mentioned from Jno. K. Butler
for the benefit of Thomas Adams & Co.; That
the said C. B. Hayden proceed to sell at pub-
lic auction, in the City of Norfolk at
such place as he may select, after hav-
ing given at least twenty days notice
of the time & place of sale, by advertisement
in the "Norfolk Virginian" a newspaper
published in the City of Norfolk, on a cred-
it of six months with interest from date
except so much for cash as will pay
costs of said sale, with liberty to the pur-
chaser to pay the cash for the same at
his election, the one quarter Share of
Stock of the "Dismal Swamp Land Co."
conveyed by said Deed of trust, Taking
from the purchaser a bond with suffi-
cient security, payable to himself as trustee
six months from date, with interest from date
or if the purchaser should pay cash the said

In Isle of Wight Circuit Court, Oct. 18th 1869.

Jo^{rs}. Thomas, J^{rs}. E. Adams, & Geo. C. Atkin-
son, late merchants under the style
of Thomas, Adams, & Co.; for the benefit
of said Jo^{rs}. Thomas & J^{rs}. E. Adams mer-
chants & partners under the style of Thomas
& Adams, & Exum & Cley adm^s of Benjaⁿ
Bidgood, suing on their own behalf
& that of all other creditors of J^{rs}. B. Butler P^{ty}.

vs:

3 In Chy;

Exum & Cley as adm^s of Jo^{rs}. C. Whitehead
& as adm^s de bonis non of J^{rs}. B. Butler.
Mary Ann, Butler widow of said J^{rs}. B.

Butler, Jo^{rs}. Millard & Sarah, & his wife late
Butler, Mary B. Butler & Rob^t. Butler
last two infants, and Amanda Day
Ex^{tr} of W^m. H. Day decd. Elvira Whitehead
adm^s of Alger now & Whitehead Defts.

This cause in which the bill is taken
for confessed as to the defendants
Exum & Cley adm^s of Jo^{rs}. C. Whitehead & as
adm^s de bonis non of J^{rs}. B. Butler & Aman-
da Day Ex^{tr} of W^m. H. Day, on whom pro-
cess has been duly served. They still fail-
ing to plead, answer or demur, & as to
the absent-defendants Jo^{rs}. Millard & Sarah
& his wife, as to whom the plaintiffs
have proceeded in the mode required by

Thomas, Adams, et als

vs- { Copy of-
Decree.

Jno. B. Butler's admr. et als.

Fee, 65¢

such place as he may select after having given at least twenty days notice of the terms & place of sale, by advertisement in the "Norfolk Virginian" a newspaper published in the city of Norfolk, on a credit of six months with interest from date except so much for cash as will pay cost of said sale with liberty to the purchaser to pay the cash for the same at his election, the one quarter share of stock of the "Dismal Swamp Land Co" conveyed by said deed of trust, taking from the purchaser a bond with sufficient security, payable to himself as trustee six months from date, with interest from date or if the purchaser should pay cash the said trustee shall apply the proceeds of sale to the payments of the Debts secured by said deed of trust, & the balance if any deposit to the credit of this cause in the "Norfolk Trust Co." on interest taking the certificate of deposit of the Cashier therefor and return the same or said bond with his report to court of his proceedings under this decree. And the court doth further adjudge order & decree that a commissioner of this Court take the following accounts:-

- 1st. An account of the transactions of said Jos. B. Whitehead as admr. of Jno. B. Butler decd. taking the account filed with the bill as prima facie correct, subject to be surcharged or falsified by either party.
- 2nd. An account of the complainant's demands against said Jno. B. Butler & those of all other creditors who may choose to contribute to the costs of this suit, taking the account of Debts filed with the bill as prima facie correct subject to be surcharged or falsified by either party.

3rd An account of the transactions of Exum L. Eley as admr. de bonis non of Jno. B. Butler decd. which accounts he shall take settle & report to court with any matters specially stated or deemed pertinent by himself or required by the parties to be^{so} stated. And the court doth further adjudge, order & decree that this suit as to Amanda Day exix. of Wm H. Day be dismissed. And the court doth order that the said commissioner shall give notice of the time & place of taking said accounts by advertisement once a week for four successive weeks in the "Norfolk Virginian" a newspaper published in the city of Norfolk & such notice shall be in lieu of personal service on the parties. But the effect of this decree as to the said sale shall be suspended until the said trustee shall execute in the clerk's office of this court a bond with sufficient security & in penalty of \$1,000.00 payable to the Commonwealth of Virginia, conditioned for the performance of this or any future decree herein.

A copy.

Teste.

J. S. Young Clerk.

COMMISSIONER'S OFFICE,
Smithfield, August 1st, 1871.

THOMAS ADAMS, AND OTHERS,
Plaintiffs.
Against

Exum L. Eley, administrator de bonis non of
John B. Butler, deceased, and others, Dfts.

In the Circuit Court of Isle of Wight County:
By decree entered in this cause on the 18th day of
October, 1869, the court doth order that one of its
Commissioners take the following accounts:

1. An account of the transactions of Joseph B.
Whitehead as administrator of John B. Butler,
deceased, taking the accounts filed with the bill
as prima facie correct, subject to be surcharged
or falsified by either party.

2. An account of the complainant's demands
against said John B. Butler, and those of all other
creditors who may choose to contribute to the
costs of this suit, taking the account of debts filed
with the bill as prima facie correct, subject to be
surcharged or falsified by either party.

3. An account of the transactions of Exum L.
Eley as administrator de bonis non of John B.
Butler, deceased.

The parties interested are hereby notified that
I have fixed upon Thursday, the 7th day of Sep-
tember, 1871, at my office in Smithfield, as the
time and place for taking the said accounts.

GEORGE R. ATKINSON,
Com. in Chancery.

au5-1aw1w

In the Circuit Court of Isle of Wight County the
18th day of October 1869.

James Thomas, John E. Adams, + G. R. Atkinson late
Merchants under the style of Thomas, Adams, + Co. for
the benefit of said James Thomas + John E. Adams Merch-
ants + partners under the style of Thomas + Adams, +
Exum L. Eley admr. of Benj. Bidgood suing on their own
behalf + that of all other creditors of Jno. B. Butler. pttp.
against

In Chancery
Exum L. Eley as admr. of Jno. B. Whitehead + as admr. de bonis
non of Jno. B. Butler. Mary Anne Butler widow of said
Jno. B. Butler, James Millard + Sarah B. his wife, late Butler,
Mary B. Butler + Robt. Butler lost two infants, and Amanda
Day exix of Wm. H. Day decd. + Elvira Whitehead admr. with
will annexed of Algenon A. Whitehead. Defts.

This cause in which the bill is taken for confessed as
to the defendants Exum L. Eley as admr. of Jno. B.
Whitehead + as admr. de bonis non of Jno. B. Butler
+ Amanda Day exix of Wm. H. Day. On whom process
has been duly served they still failing to plea, answer
or demur + as to the absent defendants James Millard
+ Sarah B. his wife, as to whom the plaintiffs have
proceeded in the mode required by law as to absent
defendants came on to be heard on said bill, the answer
of the infants' defendant by W. P. Young their Gov.
adlitum + general replications thereto + exhibits
filed + was argued by counsel, on consideration whereof
the court doth adjudge, order + decree, that C. B. Hayden
be appointed trustee in the place of Wm. H. Day,
under the deed of trust in these proceedings men-
tioned, from Jno. B. Butler for the benefit of Thomas,
Adams + Co. + that the said C. B. Hayden proceed to
sell at public auction, in the city of Norfolk, at

Thomas & Adams Papers

as } Comrs Reports

3
Butler's Admiralty Papers

Oct. 2nd 1841. filed

any person to credit to the credit of the said taking the account of the said party
and as per the said account, subject to be discharged and satisfied by either party

3. An account of the transactions of Ebenezer L. Ely as administrator of John B. Butler decd.,
deposited to the court that on the 1st day of August 1871, he filed a report against the said party
two thousand five hundred and fifty dollars to attend the settlement of the said accounts before him at his office
at Concord on the 7th day of September 1871, which was published in the Concord Republican
a newspaper published in the city of Concord, New Hampshire, in the issue of the 10th day of September, and on
the date of this report he stated and set out the following ^{accounts} respectively: A. & B.
Account A is an account of the transactions of Joseph B. Whitman as administrator of John
B. Butler decd. and shows that there is a balance due to the said estate on the 1st day
of October 1871, balance of \$451.⁵⁵ of which \$177.⁵⁵ is a balance of interest.

Statement B is an account of the balance of the said accounts and shows that the balance of the said John B. Butler
decd. is due to the 1st day of October 1871, is \$3692.⁵³. Your Honor is a judge of the law
and of the evidence before him and has seen the report of \$4468.³⁸ there is a report
by the said John B. Butler decd. as that of the said John B. Butler decd. is \$567.⁴⁰ and that the
said John B. Butler decd. is of the people of the said New Hampshire and that the said John B. Butler decd.
Your Honor has no evidence before him of any transaction by Ebenezer L. Ely as ad-
ministrator of John B. Butler decd. and is therefore unable to report that said account.
Your Honor may have seen the said account, the said account is not a part of the
said account.

There employed not less than 13 hours of 15

Amended for the account, \$6.75

215475

349253

Amount brought forward		2391 25
L L Brickhouse account	2 88	
Interest from July 1 st 1857	2 47	5 35
Stephen Hill Due bill	24 00	
Interest from April 20 th 1853	26 64	50 64
Mills Daniel account	5 49	
Interest from July 1 st 1856	5 20	10 69
Stephen R. Archer account	2 06	
Interest from July 1 st 1858	1 64	3 70
B R Mears account	5 85	
Interest from January 1 st 1858	4 84	10 69
Wm H Thomas account	6 75	
Interest from January 1 st 1857	5 99	12 74
E L Ely account	1 12	
Interest from April 7 th 1857	1 41	3 03
Garret Jordan account	7 33	
Interest from January 1 st 1858	6 07	13 40
George W Carroll Lost Bond	12 00	
Interest from October 1 st 1852	13 70	25 70
D A Clarke balance of account	25 50	
Interest from January 1 st 1856	24 17	49 67
James F Chalmers account	19 56	
Interest from January 1 st 1858	19 71	39 27
A G Spratley agent of R. R. Quinn balance on bond.	7 65	
Interest from July 1 st 1857.	7 94	15 59
William M Crocker account	1 00	
Interest from January 1 st 1855	1 00	2 00
Carried forward		2433 72

Amount brought forward.		2176 78
William P. Collins	Apr	21 46
Interest from January 1 st 1858		17 77 39 23
J. G. Darden	Account	1 38
Interest from January 1 st 1858		1 14 20 52
B. H. Williams	Account	14 12
Interest from January 1 st 1857.		12 53 26 65
William Folk		12 25
Interest from January 1 st 1856		11 61 23 86
Adelard Hall assignee of Mont. Humboldt	Balance on hand	7 83
Interest from October 1 st 1853		8 47 16 30
C. C. Chalmers	Account	5 80
Interest from January 1 st 1858		4 84 10 69
J. K. N. White	Account	11 24
Interest from January 1 st 1858.		9 20 20 44
Partners & Partners	Account	1 65
Interest from January 1 st 1858		1 36 3 01
J. G. Boykin	Account	2 66
Interest from January 1 st 1858.		2 20 4 86
Winnifred Babb	Account	5 00
Interest from January 1 st 1857		4 44 9 44
J. H. P. Campers	Account	3 70
Interest from January 1 st 1858		3 10 1 80
William H. Jordan	Account	9 39
Interest from January 1 st 1857		8 33 17 72
Southern Argus		18 00
Interest from January 1 st 1858		14 90 32 90
Carried forward.		2391 25

An Account of the demands of the Complainants and those of all other creditors of John B Butler deceased, taking the account of bills of the said John B Butler filed with the bill as prima facie correct.

Thomas Adams & Co.	balance on bond	672	58	
Interest thereon from December 30 th 1857 to October 19 th 1871		557	00	1229 58
Thomas Adams & Co.	Open Account	148	70	
Interest from January 1 st 1858		123	12	271 82
J H Marshall assignee of Elisha Pauls-hill as collateral security by Thomas Adams.	Balance on bond	111	11	
Interest on \$84.57 from April 7 th 1857		73	74	184 85
Thomas Adams & Co assignee of J E K Mills.	Account	21	86	
Interest from January 1 st 1857.		18	70	39 76
Morgan in Redgrove's admr.	Account	63	20	
Interest from January 1 st 1858		52	33	115 53
Wm Wilem	balance on bond	30	46	
Interest from August 3 rd 1857		25	97	56 43
Wm Wilem	balance on bond	76	57	
Interest from June 12 th 1857 on \$78.39		64	92	141 51
John E Adams	Rec'd bill	8	00	
Interest from April 24 th 1856		7	43	15 43
James B Southell	Bond	38	31	
Interest from April 24 th 1851		70	05	108 36
E H Valentine	Account	3	00	
Interest from January 1 st 1858		2	48	5 48
James Scott	Account	4	00	
Interest from January 1 st 1855.		4	03	8 13
	Carried forward			2176 78

The Estate of John B Butler

1857

Agreement with Joseph B Whitehead his administrator

November 15	Spaid Administration Tax	1 00
	"Spaid for Coffin & Funeral expenses, including breaking grave	61 75
	"Spaid Clerk and Corer at sale	7 00
	"Spaid Clerk tickets	3 60
	15 per cent Commission on \$367 44	18 37
	"Spaid for stating account and for copy	2 25
	"Spaid Commissioner for depending an account of debts	15 00
	"Spaid Clerk for recording same	4 50

1861	October 1	Balance due the Estate	253 97
			<u>367 44</u>

1857	November 11	By Cash from Surveys of Norfolk	21 85
		"Amount of Sales of Chattell property	340 11
		"Cash from James H Mulhunst	3 33
		"Cash from George W Brett	3 17
			<u>367 44</u>

1858	November 1	To Balance due the Estate per contra	253 97
1871	October 19	"Interest on the same to date	197 58
			<u>451 55</u>

State of New York
City and County of New York } ss.

Thomas G. Benton
being duly sworn, doth depose and say:
That he resides in the City of Brooklyn
County of Kings and State of New York and
is the Father of Mary Ann Butler
Widow of the late John B. Butler of
Salem of Wight County, formerly in the State of
Virginia and that she at present resides
with deponent at his residence in the City
of Brooklyn aforesaid.

That the said Mary Ann Butler
arrived at the age of Forty five years
on the twenty first day of December in the
year one thousand eight hundred and twenty
one, having been born on the twenty first
day of December in the year eighteen hundred
and twenty six.

Seen to and subscribed
before me this Second
day of May, eighteen
hundred and Twenty one.

Thomas G. Benton

Henry T. Lippold.

Notary Public in and for the County of New York
in the State of New York



For Am Atkinson

There is nothing due by Mrs B. Butler to
Mrs Mahone, as will appear by Report in
the Chancery suit of Mahone v. Butler
Jal. final decree 1860 Civ. Ct.

John R. Kelly,
attor for Mahone

5 Dec 1871

Thomas Adams
vs.

{ Copy of
Decree

pro. B. Butler's adm.,

Octo. Cir. Ct. 1871

Filed 18
January 1872.

G. M. A.

For act.

Deed of Trust aforesaid, & balance there
of deposit in the "Citizens Bank of
the City of Norfolk" to the credit of
this Cause, subject to the future
order of this Court herein taking the
certificate of deposit of the Cashier
of said Bank therefor, return the
same to Court, with his Report of
his proceedings under this decree,
& the Court doth further adjudge, order
& decree that on the payment of the
said bond by the said Lazewell Taylor
The said C. B. Hayden who is hereby ap-
pointed Special Comm^r, for that purpose
shall execute & deliver unto the said
Lazewell Taylor a good & sufficient deed
of Assignment with special warran-
ty for the 'one Quarter Share of
Stock of the Dismal Swamp Land
Company" formerly belonging to
the Estate of John B. Butler dec^d,
purchased by the said Lazewell Tay-
lor under the decretal sale
herein affirmed the 8th 1871.

I do hereby

Teste,

A. D. Young Clerk.

said Geo. B. Butler & Mary Ann his wife in these proceedings mentioned after satisfying the trusts of said deed, which accounts he shall take settle & report to Court with any matters specially stated deemed pertinent by himself, or required by the parties to be so stated. And the Court doth order that the said Court shall give notice of the time & place of taking said account by an advertisement once a week for four successive weeks in the "Norfolk Virginian" a newspaper published in the City of Norfolk, & such notice shall be in lieu of personal service on the party, And the Court doth further adjudge order & decree that the Clerk of this Court deliver to C. B. Hayden on his filing his receipt therefor the Bond of J. Taylor & H. S. Taylor for \$2039.79 payable 6 months from the 8th day of June 1871, with interest from that date, which Bond the said C. B. Hayden is hereby authorized & required to collect & after paying thereout the unpaid costs in this suit, inclusive of an attorney's fee of \$25.⁰⁰ to C. B. Hayden for his services in this cause, pay to James Thomas & John E. Adams merchants & partners under the partnership name & style of Thomas & Adams the sum of \$1229.58 with interest on \$672.58 part thereof from Octo. 19th 1871, being the balance due them on their bond secured by the

In Schofield Circuit Court, Octo. 20th 1871.

Thomas & Adams & Co,

Plffs.

vs.

En Chy:

Butler's adm^r, & als,

Defts.

This Cause this day came on to be again heard on the papers formerly read. the Report of sale of E. B. Hayden under the decree herein of Octo. Term 1869, & the Report of Com^r G. R. Atkinson in said decree, & was argued by Counsel, on consideration whereof the Court confirming both of said Reports, to which no exceptions were filed, except as to the debts reported as due to W^m Mahone adm^r of Robt. Butler & to said W^m Mahone individually, & the Court doth further adjudge order & decree that a Com^r of this Court take the following accounts, First. to ascertain & report to Court whether the said debts heretofore reported as due from the estate of said John B. Butler to W^m Mahone as adm^r of Robert Butler, & to the said W^m Mahone individually are still due & unpaid, secondly, An account of the transactions of E. B. Hayden as adm^r de bonis non of John B. Butler dec^d. Thirdly - An account of the value of the power interest of Mary B. Butler widow of John B. Butler in the surplus proceeds of sale of the Stock of the Dismal Swamp Land Company, conveyed by

Thomas Addams & Co

as { Commissioned Report

Butler's admiral's

Appl. 8th 18th 3.
G. L. D.

decession of John B Butler died, Thirdly An account of the value of the power
interest of Mary A Butler widow of John B Butler in the surplus proceeds of Sale of the
Stock of the Kilmal Swamp Land Company, conveyed by said John B Butler and Mary
Ann his wife in the proceedings mentioned, after satisfying the trusts of said deed. Reports
to the Court, that he filed notices against the said parties freely upon the day of
at his office at noon at the time and place for stating and answering the said account
which notice was published once a week for four successive weeks in the Norfolk Virginian
a newspaper published in the City of Norfolk as required by the said decree, that the said
parties not appearing in obedience to said notice the taking of said account was continued
from day to day and from time to time until their appearance, that your commissioner finds
that the debts heretofore reported as due to Wm Mahone administrator of Robert Butler, and to
the said Wm Mahone individually have been fully satisfied, and that the present value of the power
interest of Mary Ann Butler widow of John B Butler in the surplus proceeds of Sale of the Stock
of the Kilmal Swamp Land Company conveyed by said John B Butler and Mary Ann his wife
after satisfying the trusts of said deed, is \$212, 85. on the 8th day of June 1871 with interest
thereon from that day till paid, Moreover have been laid before your commission
touching the transactions of E. L. Ely administrator & co executor of John B Butler
and he is unable to report said account. Given under my hand as commissioner
of said Court the day and year first aforesaid

W. R. Robinson

Time employed 6 hours. \$6-

An account of the value of the dower interest of Mary A Butler widow of John B Butler in the surplus proceeds of sale of the stock of the Mutual Swamp Land Company conveyed by said John B Butler and Mary Ann his wife, after satisfying the debts of said decd.

Proceeds of sale of said stock, made on the 8 th day of June 1871	2150 00
Exp. Auctioneers & including printer's bill ^{\$35-} ^{\$52-} Commissions	87 00 2063 00
Balance due Thomas H. Hinkle in hand.	572 58
Interest thereon from November 30 th 1867, to June 8 th 1871.	542 52 1215 10
Surplus, after paying debt accrued by said decd of trust	847.90
Age of Mary Ann Butler on 8 th June 1871	44 1/2 years.
Expectancy of Life of said M A Butler.	24 years
Interest on \$847.90 six years at 6 per cent	50 87
One third of Annual interest, Mary Ann Butler draws,	16 96
Present value of said dower on the 8 th day of June 1871	212 85

Comptroller's Office Springfield
January 15th 1873

The Circuit Court of the County of Wright
Pursuant to a decree of the said court rendered on the 20th day of October 1871 in a suit in chancery depending therein between Thomas H. Hinkle and others plaintiffs and E. L. Ely Administrator de bonis non of John B Butler and others defendants the undersigned one of the commissioners in chancery of the said court to him was referred to ascertain and report to court what or the debt heretofore reported as due from the estate of said John B Butler to W^m Mahone as administrator of Robert Butler, and to the said W^m Mahone individually as debt due and unpaid. Secondly an account of the transactions of E. L. Ely as administrator

Surr
Thomas & Adams vs Butler's Adm Vale

1873
May 13 To Cash C.B. Hayden 845.79

845.79

1871

Dec	2	By	Cash	779.18
72 July	1	"	Int	25.71
73 Jan	1	"	"	24.10
May	13	"	"	16.80

845.79



Recd Cte of \$1874 of 213 Hayden Camp for Hume & Adams & Butler
Hume & Adams \$61 per Dollars, of which \$388 is to be placed to the credit of
"Hume & Adams" \$220 to L. Brockhouse \$438 to R. C. Mann, \$161 to H. M. Perkins
and \$103 to J. G. Darden, also \$620 to John D. Hall, subject to their respective
drafts

L. R. Eastman Cashier

Mrs Butler
Receipt

§ 237.49 - May 1873 - Received of

C B Hayden Commissioner under decree of
Circuit Court of Isle of Wight County - at April
Term 1873 in suit of Thomas Adams vs
M Mo B Butlers Adm Two Hundred & Thirty
Seven Dollars & Forty Nine Cents - amount de-
creed me as my equivalent of downer in
Surplus proceeds of Sale of Bismal Swamp
Land Company Stock after paying the trust
debt -

Witness -

Chas E Benton

Signed

Mary Ann Butler

Thomas & Adams, et. als.

Copy decree of
U.S. } Fed. Cir. Ct. 1873.

Jno. B. Butler's Amr, et. als.

Received May 25 1873 of Wm B. Hayden Commissioner for the
Commissions on Court of James H. Brown and William C. Hunt

Prothonotary

Costs since last costs were taped.

Clerk's fees - - - \$5.07 paid me

A. D. Young M.D.

Add, Clerk's fee to burial deems estimated \$1.50

A. D. Young M.D.

State in the surplus proceeds of sale of
the stock of the Dismal Swamp Land Compa-
ny, conveyed by the deed of Trust from said
John B. Butler & wife in the proceedings
mentioned, and the balance of the amount
collected on said Certificate pay pro rata
among the several creditors in propor-
tion to the amounts shown to be due
them by the former report of Debts
herein of Comm^r Atkinson filed
October 2nd 1871, except the debt of Thom-
as, Adams & Co. secured by said deed of
Trust, & the debts of Wm. Mahone in his
own right, and as Comm^r of Robert Butler
which debts it appears by the said reports
of Comm^r Hayden & Atkinson have
been paid in full, taking the receipts of
said parties therefor, and return the same
with his report of his proceedings under
this decree to Court, And the Court doth
further adjudge, order & decree that said
report of Comm^r Atkinson be recom-
mitted to complete the account of the
transactions of said Exm^r S. Eley
as Comm^r de bonis non of John B.
Butler dec^d.

A Copy, Teste,

Chas. Hart, D.C.

In Sale of Wright Circuit Court. April 21st 1873,

Thomas + Adams + others

Pltffs.

vs.

J. Subby;

E. S. Eley as Admr of Jno. B. Whitehead + as Admr de
bonis non of John B. Butler. Mary Ann Butler
widow of said Jno. B. Butler + others

Defts.

This cause this day came on to be again heard
on the papers formerly read, + on the report of Com^r
+ Thomson under the decree herein of October
Term 1871. It was argued by counsel on
consideration whereof the Court doth adjudge
order + decree that said report to which no exceptions
were filed be confirmed, and that the clerk of this
Court deliver to C. B. Hayden on his filing his re-
ceipt therefor the certificate of deposit of the
Cashier of the Citizens Bank of Norfolk for
\$779.18. returned by said C. B. Hayden with his
report under the decree of October Term
1871. which certificate the said C. B. Hayden
is hereby authorized and required to collect,
and after paying thereout the unpaid costs
of this suit, inclusive of an additional fee
of \$25.00 to C. B. Hayden for his services in
this Cause, pay to Mary Ann Butler widow
of John B. Butler the sum of \$212.85. with
interest thereon from the 8th day of June
1871. till paid, in satisfaction of her dower

proceeded in accordance with the said decree to distribute the said bal with the interest wh had accrued thereon after the payment to the widow & the costs of suit among the creditors as directed by said decree.

The balance after the payment to the said widow & the costs of suit remaining for distribution among creditors was \$588.20 as per Statement A

By amt collected on certificate	845.79
To said widow	237.49
	\$608.30

To cash paid comr. Atkinson	6.00
" " " N. P. Young Clerk's fee	6.57
" com on \$88.24 interest	1.66
" share of expense to Norfolk to collect	5.00
" atty fee allowed by decree	25.00
By interest on Bal of \$608.30	21.63
To Bal in hands of comr for distrib	585.70
	\$629.93
	\$629.93

Bal for distribution among creditors \$585.70

Statement B herewith annexed shows the amt due the several creditors named in comr. Atkinson's report of debts therein & each creditor's respective portion of said balance of \$585.70, which balance was distributed among said creditors in accordance with said Statement A, as will appear from the receipts of said creditors

herewith annexed, except Wm P. Holborn, Esq. & Warden. Nelson & Hall, L.L. Brickhouse & Re Mear

whose representatives or atty could not be found and hence these sums were deposited in the Farmers & Merchants Saving Bank of Springfield to the respective credits of said parties, as will appear from the certificate of deposit of the cashier of said Bank therewith filed, which amounts to deposited and paid amount to the sum of \$588.20, as will appear from said receipts. The receipts of the parties for said payments are therewith filed, all of which is respectfully submitted

Signed C B Hayden Comr.

To the Circuit Court of Isle of Wight
County.

The undersigned J. B. Hayden
comes under the annexed decree of said
Court of April Term 1873, in the suit of
Thomas & Adams et als v John B. Butters
et als, reports to Court that Pursuant
to said decree on the 13th day of May 1873
he collected the amt due on the certificate
of deposit of the cashier of the Citizens Bank
of Norfolk for \$779⁰⁸ amounting with
interest to that date to \$843⁷⁷ that he
paid thereof to Mary Ann Butler widow
of John B. Butler in satisfaction of her claim
of about \$212⁸⁵ amounting with
interest from May 13th 1871 to date to \$237⁷⁷.
Your Court did not after the payment to
said widow proceed to distribute the bal in
his hands among the creditors as directed by
said decree, because there was a small sum
in the hands of the adm^r of said John B. Butler
which was distributed in the same manner &
the amt in the hands of the adm^r passed
small as to render a separate distribution
inconvenient, your Court delayed this distri-
bution under said decree that both funds
might be distributed together, but the said
adm^r failing to have this said amt made
up & subsequently dying, your Court then

Thomas & Adams et al

John B. Butlers admirals

Comr Heygens Report
of
collection & distribution

18	D. B. Carter	124
19	S. S. Boykin Tinsley for C B Hayden Ally	200
20	Wm. A. Bath deposited in Farmers & Merchants Bank of S.	388
21	Wm. S. Elliott Appliance 77 PR Lumber for C B Hayden Ally	281
22	A. P. Young Adm.	728
23	Southern Agency for C B Hayden Ally	1352
24	L. L. Brickhouse deposited in Bank	220
25	Stafford Hill for C B Hayden Ally.	2081
26	A. P. Young Adm.	137
27	Superintendent W. A. Stephenson	152
28	K. K. Chapman Tinsley for W. H. Thayer for C B Hayden Ally	528
29	A. M. Eley Adm. E. L. Eley for C B Hayden Ally	124
30	Wm. S. Elliott Appliance Company Bank for C B Hayden Ally	550
31	A. P. Young En. F. W. Canale for C B Hayden Ally	1038
32	W. A. Clarke	2012
33	J. F. Chalmers	1613
34	A. L. Spratt	641
35	A. P. Young Adm.	83
36	R. L. Baugh	418
37	E. W. Jones	448
38	R. M. Mears deposited in Bank	438

58870

			1286.92	5°28'85"
32	D A Clarke ^{Adams} M ^H Stephenson a/c		49 67	20 42
33	James G. Chalmers a/c		39 27	16 15-
34	A. G. Spratley Bal on Bond		15 59	6 41
35	Wm. M. Crocker a/c		2 00	88
36	Robt G. Barrett a/c		10 16	4 18
37	E. M. Todd a/c		10 87	4 48
38	L. R. Meane		10 67	4 38
			\$1428° 15' \$385° 70	

We the undersigned have respectively received from
 C. B. Hayden Commissioner in Thomas & Adams et
 als v John B Butters admr et als, the sums opposite
 our respective names.

1	Thomas Adams per C B Hayden Atty	111 72
2	Thomas Adams per C B Hayden Atty	75 97
3	Thomas Adams per C B Hayden Atty	16 34
4	B. Bickford per C B Hayden Atty	47 48
5	W. T. Fordham & son Willis Wilson per C B Hayden Atty	23 19
6	Wm. B. Wilson per C B Hayden Atty	58 16
7	Geo E Adams per C B Hayden Atty	6 34
8	Edw B Southwell Esq per C B Hayden Atty	44 53
9	E. H. Valentine, bail for W. B. Hayden atty for S. H. Hayden, atty for E. H. Hayden on same	2 25
10	Paid J. N. Atkinson Admr per check herewith filed	3 30
11	Deposited in Bank to the credit of Wm. F. Colonna	16 13
12	" " " " of J. B. Hayden	1 63
13	B. H. Dellinger per C B Hayden Atty	109 55
14	Isaac Holt Esq of Williams Atty for Wm. B. Hayden	9 80
15	Deposited in Bank to Credit of Nelson D. Ward	670
16	L. C. Chalmers	4 39
17	E. W. Butler & Son per Wm. B. Hayden Atty	8 40

B

Statement of Debts due by John B Butler to general creditors with
interest to 19th day of October 1871 of the prorata amts due on same.
under the distribution made pursuant to the decree of April Term 1873.

1	Thomas Adams & Co	apc	271 82	111 72
2	do do assignee of Marshall		184 88	75 97
3	do assignee of H. A. Wells		39 76	16 34
4	Benjamin Biagood	apc	115 53	47 48
5	Willis Wilson Bal on Bond		56 43	23 19
6	Wm & Wilson do		141 51	58 16
7	Jos & Adams due bill		15 43	6 34
8	James B Southall Bond		108 36	44 53
9	E. H. Valentine	apc	5 48	2 25
10	James Scott	apc	8 03	3 30
11	William Pleabonna	apc	37 23	16 12
12	J. L. Darden	apc	2 52	1 03
13	B. H. Vellins	apc	26 65	10 95
14	Wm Folk	apc	23 86	9 80
15	Nelson D Heall	apc	16 30	6 70
16	Le Le Chalmers	apc	10 69	4 39
17	J & A White	apc	20 44	8 40
18	Pastern & Shivers	apc	3 01	1 24
19	J. H. Borpin	apc	4 86	2 00
20	Winifred Bath	apc	9 44	3 88
21	V. H. P. P. Louper	apc	6 85	2 81
22	Wm H. Jordan	apc	17 72	7 28
23	Southern Argus	apc	32 90	13 52
24	L. L. Brickhouse	apc	5 36	2 20
25	Stafford Hill due bill		50 64	20 81
26	Mills Daniel	apc	10 69	4 39
27	Stuphenson & Archer	apc	3 70	1 52
28	Wm H. Thomas	apc	12 74	5 23
29	E. L. Eley	apc	3 03	1 24
30	Louder & Jordan	apc	13 40	5 50
31	George W. Lamall		25 70	10 56
			1286 92	528 85

Oct 23 1871 Received of C. B. Hayden
Fifty Cents for certifying Deed to
General Taylor under Deed in Thomas
Adams & John B. Butlers Adms. & ds.

RK Chapman

Notary Public

In Isl of Wight cir. ch.

Thomas & Adams

v.

$\frac{2}{3}$ Costs since Decr for sols. at

Butter St.

which time costs were furnished

Clerk's fees paid W. P. Hobbs

\$4.92

Exte

A. S. Young letter.

Oct 24th 1871 Received of E. B. Hayden com-
missioners under the Decree of the Cir-
cuit Court of Lake & Wright of Oct 1st term
1871 in suit of Thomas & Adams & als vs
John B. Batters Admirals. "Five
Hundred and Thirty Dollars and
Fourteen cents" due Thomas & Adams
under said Decree

Thomas & Adams
By John S. Adams

Thomas & Adams.

18 }

Geo B Butters Adm'r

Commissioner Hayden's

Report

under

Decree of Oct. Term

1871

Decr. 28. 1871. filed

May 10 - 1873 - Received
of the clerk of the circuit
Court of Polk County
the within named
Certificate of Report
C B Hayden -
com. -

which amount pursuant to said
Decree he deposited to the credit of
this cause in "the Citizens Bank of
the City of Norfolk", as will appear from
certificate of Deposit of the Cashier
of said Bank herewith filed.
The receipts of the parties for said
payments are herewith returned.
All of which is respectfully submitted
(Signed) C. B. Hayden

To the Circuit Court of Shelby
County,

The undersigned Special
Commissioner under the annexed
decease of said Court of October
Term 1871 in the suit of Thomas & Adams vs
John B. Batters Adams &c. & pursuant to the
Court, that pursuant to said decree
he collected the Bond of T. Taylor on the
20th of October 1871, amounting with
interest to that date to \$2084.⁶⁵/₁₀₀, & after
paying thereout to Thomas & Adams in
full of their debt, mentioned in said
decree, the sum of \$1230.¹⁴/₁₀₀ & paying
the costs of the suit \$75.³³/₁₀₀ as per
Statement A.

Am't pd. Thomas & Adams		1230.14
T. drawing Decd to Taylor	5.00	
Notary's fee for certifying do	.50	
C. B. Hayden's Atty's fee (tax included)	25.00	
1/2 Commis. on \$3000	7.50	
1/2 Do. on balance	19.40	
Commissioner's fee	13.00	
Clerk's	4.93	75.33
		1305.47
Balance in hands of Commr.		779.18
		\$2084.65

There remained in the hands of said
Commissioner balance of \$779.18

further a judge order & decree that
on the payment of the said Bond by the
said Tarzwell Taylor the said C. B.
Hayden who is hereby appointed
Special Comm^r for that purpose, shall
execute & deliver unto the said
Tarzwell Taylor a good & sufficient
Deed of Assignment with special
warranty for the one "Quarter
Share of Stock of the Dismal
Swamp Land Company for-
merly belonging to the estate
of John B. Butler dec^d, purchased
by the said Tarzwell Taylor under
the decretal sale herein of June
the 8th 1871.

Alopy
Teste

A. P. Young clerk

Rec^d of C. B. Hayden Commissioner's fee of thirteen
dollars

Geo. Robinson

Thomas & Adams -

Copy of
Decree

Geo. B. Butler's adm^r

Octo. Cir. Ct. 1871.

Hayden on his filing his Receipt
therefor the Bond of J. Taylor & F. S.
Taylor for \$2039.79. payable 6,
months from the 8th day of June
1871. with interest from that date
which Bond is hereby ^{the said C. B. Hayden} authorized &
required to collect ~~and~~ after paying
thereout the unpaid costs in
this suit inclusive of an attor-
ney's fee of \$25.00 to C. B. Hayden
for his services in this cause
pay to James Thomas & John E.
Adams Merchants & partners
under the Partnership name
& style of Thomas & Adams, the
sum of \$1229.58 with inter-
est on \$672.58 part thereof from
October 19th 1871. being the balance
due them on their Bond secured
by the Deed of Trust aforesaid, &
balance thereof deposit in the "Citi-
zens Bank of the City of Norfolk"
to the credit of this Cause sub-
ject to the future order of this
Court herein, taking the Certificate
of Deposit of the Cashier of said Bank
therefor & return the same to Court
with his Report of his proceedings
under this Decree, & the Court doth

- Count of the transactions of Exam-
Le. Eley as adm^r de bonis non of
John B. Butler dec^d. thirdly, an
account of the value of the dower
interest of Mary B. Butler widow
of John B. Butler in the surplus pro-
ceeds of sale of the "Stock of the Dismal
Swamp Land Company". Conveyed
by said John B. Butler & Mary Ann
his wife in these proceedings men-
tioned after satisfying the trusts
of said Deed, which accounts he
shall take settle & report to Court
with any matters specially stated
deemed pertinent by himself or
required by the parties to be so stat-
ed, & the Court doth order that the
said Com^r shall give notice of the
time & place of taking said ac-
count by advertisement once a
week for four successive weeks
in the "Norfolk Virginian" a news-
paper published in the City of Nor-
folk & such notice shall be in
lieu of personal service on the
party, And the Court doth further
adjudge, order & decree that the
Clerk of this Court deliver to C. B.

In Isle of Wight Circuit Court
October 20th 1871.

Thomas, Adams &c.

Pliffs.

vs.

{ In Chy:

Butler's Adm^r, &c,

Defts,

This Cause this day came on to be again heard on the papers formerly read, the Report of Sale of C. B. Hayden under the decree herein of October Term 1869. & the Report of Com^r G. R. Atkinson under said decree, & was argued by Counsel, on consideration whereof the Court confirming both of said Reports, to which no exceptions were filed, except as to the Debts reported as due W^m Mahone adm^r of Robert Butler & to said W^m Mahone individually, & the Court doth further adjudge order & decree that a Com^r of this Court take the following accounts, first to ascertain & report to Court, whether the said debts heretofore reported as due from the estate of said John B. Butler to W^m Mahone as adm^r of Robt. Butler, & to the said W^m Mahone individually are still due & unpaid, Secondly an ac-

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An account of the transactions of Eyrice & Ely
 as ^{de bonis non} administrators of the B. B. Butter dead -
 which account he shall take settle &
 report to court with any matters specially
 stated, ~~with any matters specially~~
~~stated~~, deemed pertinent by himself,
 or required by the parties to be so stated -
 The court doth further adjudge order
 & decree that this suit as to Amanda
 & execution of the H. E. be dismissed -

17

The court doth order that the said Commissioner
 shall give notice of the time & place of taking
 said account, by advertisement ~~once a week~~
 for four successive weeks in the Norfolk
 Virginian a newspaper published in the
 City of Norfolk, & such notice shall be in
 lieu of personal service on the party -
 But the effect of this decree as to said sale
 shall be suspended until the said Trustee
 shall execute in the clerk's office of this court - a
 Bond with sufficient security in a penalty of
 \$1000.00 payable to the Commonwealth of
 Virginia Conditioned for the performance of
 this or any future decree herein

conveyed by said Decree of Court, taking from
the Purchaser Bond with sufficient security
payable to himself as ^{Trustee} ~~Commissioner~~ from
from date with interest from date; and if the
Purchaser should pay Cash, the said
Trustee shall apply the proceeds of sale to the
payment of the Debt secured by said Decree
of Court & the balance if any deposit to the
Credit of this cause in The Norfolk Trust for
the interest taking the certificate of deposit
of the Cashier thereof & return the same
a said Bond with his report to Court of the
proceedings under this decree - & the
Court doth further adjudge order & decree
that a Commissioner of this Court take the
following accounts -

1st

An account of the transactions of said
J & B Whitehead as administrators of Thos B Butler
deceased, taking the o/c filed with the Bill
as prima facie correct, subject to be
uncharged & falsified by either party -

2nd

An account of the Complainants de-
mands against the said Thos B Butler
& those of all other creditors who may
choose to contribute to the costs of this
Suit, taking the o/c of debts filed with the
Bill as prima facie correct, subject to be
uncharged & falsified by either party -

Thomas Adams & Co & al

vs

Thos B Butler Admin
& al -

This cause in which
the Bill is taken for confessed as to the Defendants
Cyrum L Eley, as admin of Joseph B Whitehead & a demur de
logis ^{of John B Butler, & Ann as de demur, Eley of} ~~John B Butler~~
been duly served they still failing to plead
answer a demur as to the absent Defendant
Turner Millard & Sarah B his wife, as to whom
the Plaintiff have proceeded in the mode
required of law as to absent defendants,
came out to be heard the said Bill, the
Answer of the Infant Defendants by S P James
their guardian ad litem & several replications
thereto & bills filed & was argued & counsel
in consideration whereof the court doth
adjudge order & decree That C B Hayden be appointed
Trustee in the place of Mr H W Bay under the
Obed of Trust in these proceedings mentioned
from Thos B Butler for the benefit of Thomas
Adams & Co & that the said C B Hayden proceed to
sell at public auction in the City of Norfolk
at such place as he may select, after having
given & sent 20 dys notice of the time & place
of sale & advertisement in the "Norfolk Virginian"
a Newspaper published in the City of Norfolk
on a credit of six months with interest from date
except so much for cash as will pay the costs of said
sale, with liberty to the purchaser to pay the cash for the
same at his election, the one quarter share of
Stock of the Bristol Swamps Land Company

Thomas Adams
vs.
Geo B Butler's Admors

Rough Decree
of
October Term
1891
To be entered.
Geo. B. Butler.

Entered 35-

Entered by the said Joseph
Butler under the seal of the
Court of the City of New York

1. Taking the Certificate of Deposition of the Crier of said Court
therefor & return the same to Court, with his Report of
his proceedings under this Decree

thereout the unpaid costs in this suit
inclusive of an Attorneys fee of \$25.⁰⁰ to
C. B. Hayden for his services in this
cause pay to James Thomas & John E
Adams Merchants & Partners under the
Partnership name & style of Thomas & Adams,
the sum of \$12,295.⁵⁸, with
interest on \$672.⁵⁸ past that of from
October 19th 1871, being the balance due
them on their Bond secured by
the Deed of Trust aforesaid, & balance thereof
deposit in "the Citizens Bank of
the City of Norfolk," to the
credit of this cause subject to the
future Order of this Court hereinafter.
The Court doth further adjudge
order & decree that for the payment
of the said Bond by the said
Jazemell Taylor the said C. B. Hayden
who is here by appointed Special
Commissioner for that purpose, shall
execute & deliver unto the said
Jazemell Taylor a good & sufficient
Deed of Assignment with special
warranty for the "One Quarter Share
of stock of the Dissual Swamp Land
Company formerly belonging to
the Estate of John B. Butter Deed

surplus proceeds of sale of the "stock of the
Dismal Swamp Land Company" conveyed
by said John B. Butler & Mary Ann his
wife ~~into~~ these proceedings mentioned
after satisfying the trusts of said
Deed, which accounts he shall
take settle & report to Court with any
matters specially stated deemed
pertinent by himself or required
by the parties to be so stated, & the
Court doth order that the said
commissioner shall give notice of
the time & place of taking said account
by an advertisement once a week for
four successive weeks in the Norfolk
Virginian a newspaper published in
the city of Norfolk, such notice
shall be in lieu of personal service on
the party. And the Court doth further
adjudge, order, & decree that the clerk of
this Court deliver to C. B. Hayden on
his filing his receipt therefor the
Bond T. Taylor & J. S. Taylor for \$2039.⁷⁹/₁₀₀
payable to us from the 8th day of
June 1871 with interest from that
date, which Bond the said C. B.
Hayden is hereby authorized &
required to collect. & after paying

Thomas & Adams

v.

Butter's Administrators

This cause this day came on to be again heard on the papers formerly read, the Report of Sale of E. B. Hayden under the Decree herein of October Term 1869, & the Report of Commissioner E. B. Atkinson under said Decree, & was argued by counsel, on consideration whereof the Court confirming both of said Reports, to which no exceptions were filed, except as to the debts reported as due to Wm Mahone, Administrator of Robert Butler & to said Wm Mahone individually, the Court doth further adjudge order, & decree that a Commissioner of this Court take the following accounts first to ascertain & report to Court whether the said debts heretofore reported as due from the Estate of said John B. Butler to William Mahone as Administrator of Robert Butler, & to the said William Mahone individually are still due & unpaid; Secondly, an account of the transactions of Euseb L. Sley as Administrator de bonis non of John B. Butler & thirdly, an account of the value of the Dover interest of Mary B. Butler, Widow of John B. Butler in the

mentioned & the balance of the amount
collected on said certificate pay pro rata
among the several creditors in propor-
tion to the amounts shown to be due
them by the former report of debts
Herein of Commissioner Atkinson
filed Oct 2, 1871, except the debt of
Thomas Adams & Co secured by said deed
of Trust, & the debt of Wm Mahone in
his own right & as adm of Robt Butler
which debt it appears by the said reports
of Commissioner Hayden & Atkinson have
been paid in full, taking the receipt
of said parties therefor return the
same ~~to the court~~ with his report of these
proceedings Under this decree to count - & the court
doth further adjudge & order & decree that
said report of Commissioner Atkinson
be re-committed to complete the etc of
the transactions of said Estate & Eley
as adm & ben of Mrs B Butler decd -

Thomas Adams & Co

vs

Mrs B Butler Adams

Bought Decree

April Term 1873

To be entered

Dec: 13 1875.

Entered

Thomas Adams & Co

7

John S. Butlers admr

Rough Doree
October Term 1874
So he entered

Y. 5. 15.

Entered
(28)

Thomas & Adams et als
vs

John B. Butlers admr et als.

This cause this day came on to be again heard on the papers formerly read on the report of Hon. L. B. Maynard under the decree therein of April term 1873, and was argued by counsel, on consideration whereof the court with advice made order and decree that said report to which no exceptions were filed, be confirmed, and that this cause be removed from the docket, nothing further remaining to be done therein.

²²
Thomas Adams & Co. et als.

1884

John B. Batters Admt et als.

Exhibits
filed with
Complainant's Bill

Complainants demands

Publ. A.

COMMISSIONER'S OFFICE,

Smithfield, _____ 185

To the County Court of Isle of Wight County:

Your Commissioner reports to Court that
the _____ of _____ has exhibited
before him a statement of all moneys received by the said
or with which he had become chargeable or had disbursed, during the periods embraced
in the foregoing account, together with the vouchers in support of the disbursements. That
he finds a balance of _____
to be due by the said _____ to the said
on the _____ day of _____ 185

That the said account is supported by satisfactory vouchers, and that the said
_____ has given such bond as the law requires, the penalty and securities
whereof are sufficient. That the said _____ was embraced
in the list of Fiduciaries, whose accounts were before him for settlement, posted at the
front door of the Court House of Isle of Wight County, on the 1st day of
Court last, and on the date of this report, (ten days having elapsed since the same
was thus posted,) the foregoing account was made up and completed.

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

Commissioner.

Dr. Inc 13. Butler
Mo 221 78.00
Mo. E. Harris

On Demand 1st May I promise to Pay Mr. Adams
Eight dollars money loaned

April 24th 1856.

Mr B Butler

March 10th 1857.

I assign the within to
Samuel H. Marshall without
recourse to me. Elizabeth. Rauls
Witness. Eliska. Rauls

1857 Apr 7th Paid of the
within Bond of Ed. Ely twenty
five dollars & 56 cts in full
of this note

Ed. Ely
To. Rauls
Eliska
\$84.57

Jan^y 1st 1847.

On Demand I promise to pay on account to be paid
to Elisha Rawls the sum and full sum of Eighty-
four Dollars and fifty-seven Cents lawful Money
of Virginia. For the true payment of which I bind
myself my heirs or assigns as witnesses my hand and
seal

Elisha Rawls

Wm B Butler {seal

J. B. Whitehead's

Bond as
a duty of Jno. B. Butler

C

Jno. B. Butler, Secy.
Bond

KNOW ALL MEN BY THESE PRESENTS, That *Joseph B. Whitehead*
and Algernon A. Whitehead,

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *one thousand*
and Dollars — to the

payment whereof well and truly to be made to the said Commonwealth of Virginia, *the* bind
ourselves & each of us, our & each of our heirs, executors and administrators,
jointly & severally firmly by these presents. Sealed with *our* seals, and dated this
7th day of *December* one thousand eight hundred and *fifty-seven*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said
Joseph B. Whitehead who has this day qualified as the adm-
 inistrator of *John B. Butler decd.*

shall faithfully discharge the duties of his said office, then this obligation is to be void, or else to remain
 in full force.

Signed, sealed, acknowledged and }
 delivered in the presence of }

J. B. Whitehead
A. A. Whitehead,

SEAL.
 SEAL.
 SEAL.
 SEAL.
 SEAL.
 SEAL.

In the County Court of Isle of Wight. Decr. 7th
 1857. This Bond was ordered to be recorded.
Isaac N. P. Young, C.

1857 Dec 30 Recd of
W. H. Day Trustee in deed
executed by J. B. Butler & wife.
for the benefit of Thos. Adams & Co
Thirteen hundred & fifty
two dollars twenty five
cents. Being proceeds of
Sale of Horses & lot in
the town of Smithfield
less expenses.

1852 ^{25/100} Thos. Adams & Co
By J. B. Woodley

John B. Butler
to J. Bonds
Thomas Adams & Co
Dated June 3 1856
\$1851.00

Open of \$183.98

\$1850⁰⁰

I bind myself and heirs to pay to THOMAS, ADAMS & CO., the
sum of Eighteen Hundred and fifty Dollars and
Cents, for 'value' received. Witness my hand and seal this 3rd day of
June 1856

John B. Butler



all taxes, Assessments dues and Charges upon upon said property
hereby conveyed so long as he or his heirs shall hold the Land,
Witness the following signatures and seals.

John B. Butler (seal)

Wm. H. Day (seal)

Mary Ann Butler (seal)

Isle of Wight County to wit:

I Benjamin Chapman a justice of the peace of the County aforesaid, in the State of Virginia do certify that
John B. Butler whose name is signed to the writing above bearing date on the 3rd
day of June 1856. Acknowledged the same before me in my County aforesaid,
Given under my hand this 4th day of June 1856

Benjamin Chapman J.P.

State of Virginia County of Isle of Wight to wit:

We Albert G. Shivers & Joseph N. Atkinson justices of the peace for the County of Isle of
Wight in the State of Virginia do certify that Mary A. Butler the wife of John B. Butler
whose names are signed to the writing above bearing date on the 3rd day of June 1856,
personally appeared before us in our County aforesaid and being examined by us privately
dispart from her husband having the writing aforesaid fully explained to her, she the said
Mary Ann Butler acknowledged the said writing to be her act, & declared that she had
willingly executed the same & does not wish to retract it. Given under our hands
this 3rd day of June 1856.

Albert G. Shivers J.P.

Joseph N. Atkinson J.P.

Isle of Wight County to wit:

I. A. G. Shivers a justice of the peace for the County of
Isle of Wight, State of Virginia do certify that Wm. H. Day whose name is signed to the writing
above bearing date on the 3rd day June 1856. has Acknowledged the same before me in
my County aforesaid. Given under my hand this 3rd day of June 1856. A. G. Shivers J.P.

In the Clerk's Office of Isle of Wight County June 3rd 1856. This
deed was received with the Certificates hereto annexed of the Acknowledgement
of the parties thereto & admitted to record.

Frederick C. Salomon J.C.

A copy Teste H. H. Womble J.C.

Recd.

June 13,

This Deed made this 30th day of June in the year 1856 between
John W. Butler and Mary Ann his wife of the One part, & William
H. Day of the Other part all of the town of Smithfield in the County
of Isle of Wight in the State of Virginia, that the said John W. Butler
& Mary Ann his wife, do grant unto the said W.^m H. Day, the
following property to-wit: One lot situated in said town, ~~and lot~~
~~known as the lot~~ And known as the Old Court house
lot and designated in the plat of said town as lot Number 8. and
is the lot which belonged to Robert Butler, also one quarter share
of stock of the Dismal Swamp Land Company; In trust to secure
Thomas Adams & Co. the payment of a certain bond executed
by the said John W. Butler bearing date on the 30th day of
June 1856. And being for the payment of Eighteen hundred and
fifty Dollars whenever demanded. And it is Covenanted
and agreed between the parties aforesaid that in case of a
sale the same shall be made, after advertising the
time place and terms thereof for twenty days in some News
paper published in the City of Norfolk, and at some Conspi-
cious ^(place) in the town of Smithfield and upon the following
terms, to-wit. for cash as to so much as may be necessary
to defray the expenses of executing this trust, the fees for drawing
and recording this Deed if then unpaid, and to discharge the
Amount of money, principal and interest then payable upon
the said bond. And if there be any residue of said purchase
money, the same shall be made payable at such time and
be secured in such ~~money~~ manner as the said John W. Butler
his executors Administrators or Assigns shall prescribe and
direct. or in case of his or their failure to give such direction
at such time and in such manner as the said William H.
Day shall think fit. The said John W. Butler Covenants to pay

John B. Butters.
Settlement of Est.

10

Nov: 7th 1859, the foregoing account having
been filed in the Clerks office of said
Court for one month, and no exception
being filed thereto, was confirmed
by said Court, & ordered to be recorded.

Teste N. P. Young C.C.

A Copy Teste
N. P. Young D.C.

the foregoing account, together with the vouchers in support of the disbursements, That he finds a balance of \$253.97, to due by the said adm^r to the said estate, on the 1st day of Nov^r 1858. This account was retained in the office for several month to await an order confirm-
-ing the account of debts & directing their payment, but it being impracticable to realize the other assets, it is returned to Court. That the said account is supported by satisfactory vouchers, and that the said administrator has given such bond as the law requires, the penalty & securities whereof are sufficient. That the adm^r was embraced in the list of fiduciaries, whose accounts were before him for settlement; posted at the front door of the Court house of said County; on the first day of July Court last 1858. And on the date of this report (ten days having elapsed since the same was thus posted) the foregoing account was made up and completed, Given under my hand as Com^r aforesaid, the day & year first aforesaid,

C. B. Hayden Com^r

In the County Court of Isle of Wight County.

The Estate of Jno. B. Butler deceased.
In ac. with Joseph B. Whitehead his Administrator.

1857

Nov: 2.	To Cash paid administration tax	1 00	
"	" " " J. A. Clark Coffin & burial expens.	43 50	
"	" " " Clark at sale & cries at do.	7 00	
"	" " " A. Atkinson Bricking grave	18 25	
"	" " " Clerks tickets	3 60	
"	" Commissions on \$67.44	18 37	
"	" Retained to pay Com ^r for this ac & exp ^r for ^{adm}	2 25	
"	" D ^r Clerks fees for recdg: D ^r	1 50	
"	" D ^r Comm ^r fees for ac: of Debts.	15 00	
"	" D ^r Clk: for recdg: D ^r	3 00	
Nov: 1 st	" Ballance due estate as per Contra	253 97	\$367 44

1857

67

Nov: 11	By Cash from Surveyor of Norfolk.	20 83	
"	" Amt: of sales of Chattel property.	340 11	
"	" Cash from Jas. Whitehurst	3 33	
"	" D ^r Geo. W. Britt	3 17	\$367 44

Commissioners office Smithfield Augt 15th
1857

To the County Court of Isle of Wight County;
Your Com^r reports to the Court, that on the 5th day
of July last, Joseph B. Whitehead the adm^r of John
B. Butler - exhibited before him a statement
of all the moneys received by the said adm^r or
with which he had become chargeable or had
disbursed, during the periods embraced in

Acct. of Debts
of John B. Butler

E

Commissioners Office Smithfield July 23^d 1859.
To the County Court of Isle of Wight County:
Your commissioners reports to the Court. that on the
5th day of July, 1858, at the request of Joseph B
Whitehead the administrator of John B. Butler,
he appointed the 14th day of August 1858 at his
afore said office, for receiving proof of debts
or demands against the said decedent or his
estate & posted a notice of such time & place
to the creditors of the said estate, & all others
concerned, at the front door of the Courthouse of said
County, on the first day of two successive terms of the
County Court of said County; to wit: at July and
August Terms 1858. That the several creditors of
the said estate whose names are mentioned
in the foregoing account. appeared before the
Court at his said office upon the day specified
in the notice, & the subsequent days, to which the said acct:
was adjourned, & proved to the satisfaction of your Comm:
their several debts or demands against the said decedent
or his estate, as set forth in said account, upon
which interest is calculated to the 5th of September 1859,
by your Comm:, who finds their aggregate amount, inclu-
-sive of interest to be \$2,259.98. The completion of this acct:
has been deferred, to enable the administrator to realize the
other assets of the estate & to distribute the same among
the creditors. but as it is at present impracticable to
do so. The account is returned. Given under my hand
as Commr. of the said Court. The day & year first aforesaid,

C. B. Hayden Comr.

In the County Court of Isle of Wight County, Octo:
3rd 1859, the foregoing account having been
filed in the Clerk's office of said Court for
one month, and no exception being filed
thereto, was confirmed by said Court, and
ordered to be recorded

Teste

N. P. Young Clk.

A Copy Teste

N. P. Young D.C.

Stephenson & Archer A/c	2	106	
Inst: from July 1 st 1838.	21		2 27
C. R. Mears A/c	5	85	
Inst from Jan'y 1 st 1838.	59		6 44
Wm H. Thomas a/c.	6	75	
Inst from Jan'y: 1 st 1837	1	08	7 83
E. L. Eley a/c.	1	62	
Inst: from Apl: 7 th 1837.	23		1 85
Lowper & Jordan a/c	7	33	
Inst from Jan'y: 1 st 1838.	74		8 07
Geo. H. Carroll lost Bond	12	00	
Inst: from Octo 6 th 1832	4	98	16 98
D. A. Clarke Bal: of A/c.	25	50	
Inst: from Jan'y 1 st 1836	5	63	31 13
James F. Chalmers A/c	19	56	
Inst from Jan'y: 1 st 1835-	5	49	25 05
A. G. Spratley a/c: of R. Dignum ^{on bond} bal	7	65	
Inst: from July 1 st 1834.	2	38	10 03
Wm M. Crocker a/c.	1	00	
Inst on from Jan'y 1 st 1835	28		1 28
Wm Mahone Due by decree	309	46	
Inst: from Octo 19 th 1837.	34	92	344 38.
Wm Mahone as adm: of Ro. Butler (by decree)	264	25	
Inst: from Decr 4 th 1838	11	94	276 19
R. F. Barrett a/c	5	06	
Inst: from Jan'y: 1 st 1835	1	42	6 48
E. M. Todd a/c.	5	95	
Inst from Jan'y: 1838	60		6 55
	\$2259,98		

Inst: from Jan ^y 1 st 1857	2	26	16	38
Wm Folk	1	2	25	
Inst: from Jan ^y : 1856	2	70	14	95
Belmont & Hall a/c; of Merit Womble ^{bond} bal. on	7	83		
Inst from Oct ^r 6 th 1853.	2	87	10	70
G. C. Chalmers A/c	5	85		
Inst: from Jan ^y : 1 st 1858,		59	6	44
G. N. W. White A/c	11	24		
Inst: from Jan ^y : 1 st 1858.	1	12	12	36
Thomas Adams & Co. a/c; of J. E. & A. Mills & Co.	21	86		
Inst from Jan ^y : 1 st 1857	3	38	24	44
Pastours & Shivers A/c.	1	65		
Inst from Jan ^y 1858		17	1	82
G. G. Boykin A/c.	2	66		
Inst: from Jan ^y :		29	2	95
Winnifred Babb a/c.	5	00		
Inst: from Jan ^y : 1 st 1857.		80	5	80
J. F. P. Bowker a/c.	3	75		
Inst: from Jan ^y : 1 st 1858		38	4	13
Wm H. Jordan A/c.	9	39		
Inst: from Jan ^y : 1 st 1857	1	50	10	89
Southern Argus	18	00		
Inst: from Jan ^y : 1 st 1858	1	80	19	80
L. S. Brickhouse a/c.	2	88		
Inst: from July 1 st 1857		38	3	26
Stafford Hill Due Bill	24	00		
Inst: from Apr ^l : 20 th 1853.	9	18	33	18
Mills Daniel A/c.	5	49		
Inst from July 1 st 1856	1	05	6	54

An account of debts due by John B. Butler decd.

Willis Wilson Bal: on Bond of	30	46		
Inst: from Augt: 3 ^d 1857.	3	82.	34	28
Wmble & Wilson Bal: on Bond of	76	59.		
Inst: from June 12 th 1857. on 75.39	10	10	86	69
Ins. E. Adams due Bill	8	00		
Inst: from apl: 24 th 1856	1.	62	9	62
S. H. Marshall afc: of Elisha Rawls held as collateral security by Thomas & Adams				
Bal: on Bond — — —	111	11		
Inst: on \$84.57 from apl: 7 th 1857.	12	25	123	36
Thomas Adams & Co. Bal: on Bond of	672	58		
Inst: on from Decr: 30 th 1857.	67	93	740	51
D ^o afc: for.	148	70		
Inst: from Jan: 1 st 1858.	14	97	163	67
J. B. Southall Bond	38	31		
Inst: on from Apl: 27 th 1841.	42	24	80	55
E. H. Valentine afc.	3	00		
Inst: from Jan: 1 st 1858.	30		3	30
James Scott afc.	4	00		
Inst: from Jan: 1 st 1855.	1	12	5	12
Wm. P. Hollonna afc.	21	46		
Inst: from Jan: 1 st 1858	2	17	23	63
Benja Bidgood afc.	63	20		
Inst: from Jan: 1 st 1858.	6	36	69	56
S. G. Larden afc.	1	38		
Inst: from Jan: 1 st 1858.	14		1	52
B. H. Vellines afc.	14	12		

Thomas Adams, Esq. & Co.

vs. {

Jacob Batten's Admorsals.

Commissioners Bond

Know all Men by these presents, that we
C. B. Hayden and
are held & firmly bound unto the Com-
monwealth of Virginia in the sum
of "One thousand Dollars" to the payment
whereof well & truly to be made, we bind
ourselves, our heirs, Executors & Administrators,
jointly & severally firmly by these presents,
as witness our hands & seals this 6th
day of June 1871.

The Condition of the above obligation is such,
that whereas, by a Decree of the Circuit
Court of Essex & Wight County made on the
18th day of October 1869 in a cause depending
in said Court, in which Thomas, Adm'r. &c.
&c. are Plaintiffs, & Joseph B. Whitstead Adm'r.
& also are Defendants, the above bound C. B. Hayden
was appointed a Special Commissioner
to sell ~~the~~ "Stock" of the "Lissmal Swamp
Land Company" in said Decree
mentioned, Now if the above bound
C. B. Hayden shall faithfully discharge his
duties as Commissioner under the said
Decree, or any future Decree herein then
the above obligation be void, otherwise to
remain in full force & virtue,

C. B. Hayden

For Thomas

Scal
Scal